

By: Leach

H.B. No. 1620

A BILL TO BE ENTITLED

AN ACT

relating to nonsubstantive additions to, revisions of, and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 88th Legislature to other Acts of that legislature.

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

ARTICLE 1. GENERAL PROVISIONS

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

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

(2) conforming codifications enacted by the 88th Legislature to other Acts of that legislature that amended the laws codified or added new law to subject matter codified;

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

(4) making necessary corrections to enacted codes; and

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

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 89th Legislature, Regular Session, 2025. 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 89th Legislature, Regular Session, 2025, the statute  
9 controls.

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

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

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

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22 affect in any manner a validation under the repealed law.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24 it would have if the law were not repealed.

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

ARTICLE 2. CHANGES RELATING TO AGRICULTURE CODE

SECTION 2.001. Section 251.002(1), Agriculture Code, as amended by Chapters 135 (H.B. 2308), 319 (H.B. 1750), 586 (H.B. 2947), and 711 (H.B. 2271), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(1) "Agricultural operation" includes the following activities:

- (A) cultivating the soil;
- (B) producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed, or fiber;
- (C) floriculture;
- (D) viticulture;
- (E) horticulture;
- (F) silviculture;
- (G) wildlife management;
- (H) raising or keeping livestock or poultry, including veterinary services;
- (I) planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure; ~~and~~
- (J) the commercial sale of animals, as defined by Section 252.001 of this code; and
- (K) ~~(J)~~ aquaculture.

ARTICLE 3. CHANGES RELATING TO BUSINESS & COMMERCE CODE

SECTION 3.001. Section 109.005(a), Business & Commerce Code, is amended to correct a reference to read as follows:

1 (a) A business entity may not publish any criminal record  
2 information in the business entity's possession with respect to  
3 which the business entity has knowledge or has received notice  
4 that:

5 (1) an order of expunction has been issued under  
6 Subchapter E or F, Chapter 55A [~~Article 55A.201~~], Code of Criminal  
7 Procedure; or

8 (2) an order of nondisclosure of criminal history  
9 record information has been issued under Subchapter E-1, Chapter  
10 411, Government Code.

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

12 SECTION 4.001. Section 14A.001(1), Civil Practice and  
13 Remedies Code, as added by Chapter 203 (S.B. 1180), Acts of the 88th  
14 Legislature, Regular Session, 2023, is repealed as duplicative of  
15 Section 14A.001(1), Civil Practice and Remedies Code, as added by  
16 Chapter 351 (S.B. 1179), Acts of the 88th Legislature, Regular  
17 Session, 2023.

18 SECTION 4.002. Section 14A.054(f), Civil Practice and  
19 Remedies Code, as added by Chapter 203 (S.B. 1180), Acts of the 88th  
20 Legislature, Regular Session, 2023, is repealed as duplicative of  
21 Section 14A.054(f), Civil Practice and Remedies Code, as added by  
22 Chapter 351 (S.B. 1179), Acts of the 88th Legislature, Regular  
23 Session, 2023.

24 SECTION 4.003. Section 78B.001(1), Civil Practice and  
25 Remedies Code, is amended to conform to Chapter 765 (H.B. 4504),  
26 Acts of the 88th Legislature, Regular Session, 2023, to read as  
27 follows:

(1) "First responder" means a law enforcement, fire protection, or emergency medical services employee, volunteer, or agency, including:

(A) a peace officer, as defined by Article [2A.001](#) [[2.12](#)], Code of Criminal Procedure;

(B) fire protection personnel, as defined by Section [419.021](#), Government Code;

(C) a volunteer firefighter who is:

(i) certified by the Texas Commission on Fire Protection or by the State Firefighters' and Fire Marshals' Association of Texas; or

(ii) a member of an organized volunteer firefighting unit that provides firefighting services without compensation and conducts a minimum of two drills each month, each two hours long;

(D) an individual certified as emergency medical services personnel by the Department of State Health Services; and

(E) an agency of this state or a political subdivision of this state authorized by law to employ or supervise personnel described by Paragraphs (A)-(D).

SECTION 4.004. Section [82.009](#)(a), Civil Practice and Remedies Code, is amended to conform to Chapter 709 (H.B. 2190), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) In this section, "retrofit" means to install new equipment or component parts that were not included in a motor vehicle when the vehicle was manufactured or sold. The term does

1 not include:

2 (1) routine maintenance; or

3 (2) repairs to the vehicle:

4 (A) as a result of wear and tear; or

5 (B) required by damage resulting from a collision  
6 ~~[an accident]~~ or other cause.

7 ARTICLE 5. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

8 SECTION 5.001. (a) Article 2A.001, Code of Criminal  
9 Procedure, is amended to conform to Section 2, Chapter 624 (H.B.  
10 4372), Section 1, Chapter 870 (H.B. 3981), Section 1, Chapter 950  
11 (S.B. 1727), and Section 1, Chapter 984 (S.B. 2612), Acts of the  
12 88th Legislature, Regular Session, 2023, to read as follows:

13 Art. 2A.001. PEACE OFFICERS GENERALLY. The following are  
14 peace officers:

15 (1) a sheriff, a sheriff's deputy, or a reserve deputy  
16 sheriff who holds a permanent peace officer license issued under  
17 Chapter 1701, Occupations Code;

18 (2) a constable, a deputy constable, or a reserve  
19 deputy constable who holds a permanent peace officer license issued  
20 under Chapter 1701, Occupations Code;

21 (3) a marshal or police officer of a municipality or a  
22 reserve municipal police officer who holds a permanent peace  
23 officer license issued under Chapter 1701, Occupations Code;

24 (4) a ranger, officer, or member of the reserve  
25 officer corps commissioned by the Public Safety Commission and the  
26 director of the Department of Public Safety;

27 (5) an investigator of a district attorney's, criminal

1 district attorney's, or county attorney's office;

2 (6) a law enforcement agent of the Texas Alcoholic  
3 Beverage Commission;

4 (7) a member of an arson investigating unit  
5 commissioned by a municipality, a county, or the state;

6 (8) an officer commissioned under Section [37.081](#) or  
7 [37.0818](#), Education Code, or Subchapter [E](#), Chapter [51](#), Education  
8 Code;

9 (9) an officer commissioned by the Texas Facilities  
10 Commission;

11 (10) a law enforcement officer commissioned by the  
12 Parks and Wildlife Commission;

13 (11) an officer commissioned under Chapter [23](#),  
14 Transportation Code;

15 (12) a municipal park and recreational patrol officer  
16 or security officer;

17 (13) a security officer or investigator commissioned  
18 as a peace officer by the comptroller;

19 (14) an officer commissioned by a water control and  
20 improvement district under Section [49.216](#), Water Code;

21 (15) an officer commissioned by a board of trustees  
22 under Chapter [54](#), Transportation Code;

23 (16) an investigator commissioned by the Texas Medical  
24 Board;

25 (17) an officer commissioned by:

26 (A) the board of managers of the Dallas County  
27 Hospital District, the Tarrant County Hospital District, the Bexar

County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code;

(B) the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code;

(C) the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code; or

(D) the board of hospital managers of the Lubbock County Hospital District of Lubbock County, Texas, under Section 1053.113, Special District Local Laws Code;

(18) a county park ranger commissioned under Subchapter E, Chapter 351, Local Government Code;

(19) an investigator employed by the Texas Racing Commission;

(20) an officer commissioned under Chapter 554, Occupations Code;

(21) an officer commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or a regional transportation authority under Section 452.110, Transportation Code;

(22) an investigator commissioned by the attorney general under Section 402.009, Government Code;

(23) a security officer or investigator commissioned as a peace officer under Chapter 466, Government Code;

(24) an officer appointed by an appellate court under Subchapter F, Chapter 53, Government Code;



(25) an officer commissioned by the state fire marshal under Chapter 417, Government Code;

(26) an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;

(27) an officer appointed by the inspector general of ~~[apprehension specialist or inspector general commissioned by]~~ the Texas Juvenile Justice Department ~~[as an officer]~~ under Section 242.102 ~~[or 243.052]~~, Human Resources Code;

(28) an officer appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;

(29) an investigator commissioned by the Texas Commission on Law Enforcement under Section 1701.160, Occupations Code;

(30) a fire marshal or any related officer, inspector, or investigator commissioned by a county under Subchapter B, Chapter 352, Local Government Code;

(31) a fire marshal or any officer, inspector, or investigator commissioned by an emergency services district under Chapter 775, Health and Safety Code;

(32) a fire marshal or any officer, inspector, or investigator of a municipality who holds a permanent peace officer license issued under Chapter 1701, Occupations Code;

(33) an officer commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section; and

(34) [(33)] an Alamo complex ranger commissioned by

1 the General Land Office under Section 31.0515, Natural Resources  
2 Code, subject to the limitations imposed by that section  
3 ~~[investigator commissioned by the Texas Juvenile Justice~~  
4 ~~Department as an officer under Section 221.011, Human Resources~~  
5 ~~Code]~~.

6 (b) Section 2, Chapter 624 (H.B. 4372), Section 1, Chapter  
7 870 (H.B. 3981), Section 1, Chapter 950 (S.B. 1727), and Section 1,  
8 Chapter 984 (S.B. 2612), Acts of the 88th Legislature, Regular  
9 Session, 2023, which amended Article 2.12, Code of Criminal  
10 Procedure, are repealed.

11 SECTION 5.002. (a) Article 2A.002, Code of Criminal  
12 Procedure, is amended to conform to Section 1, Chapter 196 (S.B.  
13 602), Acts of the 88th Legislature, Regular Session, 2023, by  
14 adding Subsection (c-1) to read as follows:

15 (c-1) In addition to the power granted under Subsection (c),  
16 a border patrol agent of the United States Customs and Border  
17 Protection who completed the training program described by Section  
18 411.02093, Government Code, has the powers of arrest and search and  
19 seizure as to any felony offense under the laws of this state if the  
20 arrest, search, or seizure:

21 (1) occurs on the premises of a port facility  
22 designated by the commissioner of the United States Customs and  
23 Border Protection as a port of entry or at a border patrol traffic  
24 checkpoint; and

25 (2) is incident to a detainment under federal law.

26 (b) Section 1, Chapter 196 (S.B. 602), Acts of the 88th  
27 Legislature, Regular Session, 2023, which amended Article 2.122,

Code of Criminal Procedure, is repealed.

SECTION 5.003. (a) Article 2A.051, Code of Criminal Procedure, is amended to conform to Section 2, Chapter 729 (H.B. 2660), and Section 1, Chapter 979 (S.B. 2429), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Art. 2A.051. GENERAL POWERS AND DUTIES OF PEACE OFFICERS.  
Each peace officer shall:

(1) preserve the peace within the officer's jurisdiction using all lawful means;

(2) in every case authorized by this code, interfere without a warrant to prevent or suppress crime;

(3) execute all lawful process issued to the officer by a magistrate or court;

(4) give notice to an appropriate magistrate of all offenses committed in the officer's jurisdiction, where the officer has good reason to believe there has been a violation of the penal law;

(5) when authorized by law, arrest an offender without a warrant so the offender may be taken before the proper magistrate or court and be tried;

(6) take possession of a child under Article 63.00905(g) [~~63.009(g)~~]; and

(7) on a request made by the Texas Civil Commitment Office, execute an emergency detention order issued by that office under Section 841.0837, Health and Safety Code.

(b) Section 2, Chapter 729 (H.B. 2660), and Section 1, Chapter 979 (S.B. 2429), Acts of the 88th Legislature, Regular

Session, 2023, which amended Article 2.13(c), Code of Criminal Procedure, are repealed.

SECTION 5.004. Article 2.1398, Code of Criminal Procedure, as added by Section 3, Chapter 24 (S.B. 1325), Acts of the 88th Legislature, Regular Session, 2023, is transferred to Subchapter B, Chapter 2A, Code of Criminal Procedure, and redesignated as Article 2A.0585, Code of Criminal Procedure.

SECTION 5.005. (a) Article 2A.151, Code of Criminal Procedure, is amended to conform to Section 4.001, Chapter 861 (H.B. 3474), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Art. 2A.151. TYPES OF MAGISTRATES. The following officers are magistrates for purposes of this code:

(1) a justice of the supreme court;

(2) a judge of the court of criminal appeals;

(3) a justice of the courts of appeals;

(4) a judge of a district court;

(5) an associate judge appointed by:

(A) a judge of a district court or a statutory county court that gives preference to criminal cases in Jefferson County;

(B) a judge of a district court or a statutory county court of Brazos County, Nueces County, or Williamson County; or

(C) a judge of a district court under Chapter 54A, Government Code;

(6) a criminal magistrate appointed by:

- 1 (A) the Brazoria County Commissioners Court; or
- 2 (B) the Burnet County Commissioners Court;
- 3 (7) a criminal law hearing officer for:
- 4 (A) Harris County appointed under Subchapter L,
- 5 Chapter 54, Government Code; or
- 6 (B) Cameron County appointed under Subchapter
- 7 BB, Chapter 54, Government Code;
- 8 (8) a magistrate appointed:
- 9 (A) by a judge of a district court of Bexar
- 10 County, Dallas County, or Tarrant County that gives preference to
- 11 criminal cases;
- 12 (B) by a judge of a criminal district court of
- 13 Dallas County or Tarrant County;
- 14 (C) by a judge of a district court or statutory
- 15 county court of Denton or Grayson County;
- 16 (D) by a judge of a district court or statutory
- 17 county court that gives preference to criminal cases in Travis
- 18 County;
- 19 (E) [~~(D)~~] by the El Paso Council of Judges;
- 20 (F) [~~(E)~~] by the Fort Bend County Commissioners
- 21 Court;
- 22 (G) [~~(F)~~] by the Collin County Commissioners
- 23 Court; or
- 24 (H) [~~(G)~~] under Subchapter JJ, Chapter 54,
- 25 Government Code;
- 26 (9) a magistrate or associate judge appointed by a
- 27 judge of a district court of Lubbock County, Nolan County, or Webb

County;

(10) a county judge;

(11) a judge of:

(A) a statutory county court;

(B) a county criminal court; or

(C) a statutory probate court;

(12) an associate judge appointed by a judge of a statutory probate court under Chapter 54A, Government Code;

(13) a justice of the peace; and

(14) a mayor or recorder of a municipality or a judge of a municipal court.

(b) Section 4.001, Chapter 861 (H.B. 3474), Acts of the 88th Legislature, Regular Session, 2023, which amended Article 2.09, Code of Criminal Procedure, is repealed.

SECTION 5.006. Article 2.101, Code of Criminal Procedure, as added by Section 1, Chapter 421 (H.B. 1712), Acts of the 88th Legislature, Regular Session, 2023, is transferred to Subchapter D, Chapter 2A, Code of Criminal Procedure, and redesignated as Article 2A.1521, Code of Criminal Procedure.

SECTION 5.007. (a) Article 2A.155(d), Code of Criminal Procedure, is amended to conform to Section 7, Chapter 644 (H.B. 4559), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(d) Before a clerk in a county with a population of less than 2.5 ~~two~~ million disposes of an eligible exhibit, the clerk must provide written notice by mail to the attorney representing the state in the case and the attorney representing the defendant. The

1 notice must:

2 (1) describe the exhibit;

3 (2) include the name and address of the court holding  
4 the exhibit; and

5 (3) state that the exhibit will be disposed of unless a  
6 written request is received by the clerk before the 31st day after  
7 the date of notice.

8 (b) Section 7, Chapter 644 (H.B. 4559), Acts of the 88th  
9 Legislature, Regular Session, 2023, which amended Article 2.21(g),  
10 Code of Criminal Procedure, is repealed.

11 SECTION 5.008. (a) Article 2A.205, Code of Criminal  
12 Procedure, is amended to conform to Section 4.01, Chapter 93 (S.B.  
13 1527), Acts of the 88th Legislature, Regular Session, 2023, to read  
14 as follows:

15 Art. 2A.205. CERTAIN LAW ENFORCEMENT AGENCIES: REPORT  
16 CONCERNING HUMAN TRAFFICKING CASES. (a) This article applies only  
17 to:

18 (1) a municipal police department, sheriff's  
19 department, or constable's office[, ~~county attorney's office,~~  
20 ~~district attorney's office, and criminal district attorney's~~  
21 ~~office, as applicable,~~] in a county with a population of more than  
22 50,000; and

23 (2) the Department of Public Safety.

24 (b) An entity to which this article applies that  
25 investigates the alleged commission of an offense under Chapter  
26 20A, Penal Code, or the alleged commission of an offense under  
27 Chapter 43, Penal Code, that may involve human trafficking, shall

1 submit to the attorney general [~~a report~~] in the manner and form  
2 prescribed by the attorney general a report containing the  
3 following information:

4 (1) the offense being investigated, including the  
5 offense code designated by the Department of Public Safety under  
6 Article 66.052 [~~a brief description of the alleged prohibited~~  
7 ~~conduct~~];

8 (2) regarding each person suspected of committing the  
9 offense [~~and each victim of the offense, as applicable~~]:

10 (A) the person's:  
11 (i) full name [~~age~~];  
12 (ii) gender; [~~and~~]  
13 (iii) race or ethnicity, as defined by  
14 Article 2B.0051;  
15 (iv) country of origin, if the person is not  
16 a United States citizen or legal permanent resident;  
17 (v) date of birth; and  
18 (vi) age at the time of the offense, if  
19 available; and

20 (B) the case number associated with the person  
21 and the offense [~~and with the person suspected of committing the~~  
22 ~~offense~~];

23 (3) the date[~~, time,~~] and location of the alleged  
24 offense, including the city and county;

25 (4) [~~the type of human trafficking involved,~~  
26 ~~including,~~

27 [~~(A) forced labor or services, as defined by~~



1 ~~Section 20A.01, Penal Code,~~

2 ~~[(B) causing the victim by force, fraud, or~~  
3 ~~coercion to engage in prohibited conduct involving one or more~~  
4 ~~sexual activities, including conduct described by Section~~  
5 ~~20A.02(a)(3), Penal Code, or~~

6 ~~[(C) causing a child victim by any means to~~  
7 ~~engage in, or become the victim of, prohibited conduct involving~~  
8 ~~one or more sexual activities, including conduct described by~~  
9 ~~Section 20A.02(a)(7), Penal Code;~~

10 ~~[(5) if available, information regarding any victims'~~  
11 ~~service organization or program to which the victim was referred as~~  
12 ~~part of the investigation; and~~

13 ~~[(6)]~~ the disposition of the investigation, if any,  
14 regardless of the manner of disposition; and

15 (5) regarding the victim of the offense:

16 (A) the victim's:

17 (i) age;

18 (ii) gender;

19 (iii) race or ethnicity, as defined by  
20 Article 2B.0051; and

21 (iv) country of origin, if the victim is not  
22 a United States citizen or legal permanent resident; and

23 (B) if available, information regarding any  
24 victims' service organization or program to which the victim was  
25 referred as part of the investigation.

26 (c) An entity described by Subsection (a) that does not have  
27 any investigations or offenses required to be reported under this

article during a period specified by the attorney general shall  
submit to the attorney general a notice stating there are no cases  
to report, in the manner and form prescribed by the attorney  
general ~~[An attorney representing the state who prosecutes the~~  
~~alleged commission of an offense under Chapter 20A, Penal Code, or~~  
~~the alleged commission of an offense under Chapter 43, Penal Code,~~  
~~that may involve human trafficking, shall submit to the attorney~~  
~~general the following information:~~

~~[(1) the offense being prosecuted, including a brief~~  
~~description of the alleged prohibited conduct,~~

~~[(2) any other charged offense that is part of the same~~  
~~criminal episode out of which the offense described by Subdivision~~  
~~(1) arose,~~

~~[(3) the information described by Subsections (b)(2),~~  
~~(3), (4), and (5), and~~

~~[(4) the disposition of the prosecution, regardless of~~  
~~the manner of disposition].~~

(d) The attorney general may enter into a contract with a  
university or organization to assist with ~~[that provides for the~~  
~~university's assistance in]~~ the collection and analysis of  
information received under this article. The attorney general  
shall ensure that all sensitive information is properly protected.

(e) Information described by Subsections (b)(2)(A)(i) and  
(v) and (b)(2)(B) is not subject to disclosure under Chapter 552,  
Government Code.

(f) In consultation with the entities described by  
Subsection (a), the attorney general shall adopt rules to

administer this article, including rules prescribing:

(1) the form and manner of submission of a report or notice required by Subsection (b) or (c); and

(2) additional information to include in a report or notice required by Subsection (b) or (c).

(b) Section 4.01, Chapter 93 (S.B. 1527), Acts of the 88th Legislature, Regular Session, 2023, which amended Article 2.305, Code of Criminal Procedure, is repealed.

SECTION 5.009. Article 2A.209(a)(1), Code of Criminal Procedure, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(1) "Attorney representing the state" means an attorney authorized by law to represent the state in a criminal case, including a district attorney, criminal district attorney, or county attorney with criminal jurisdiction. The term does not include an attorney representing the state in a justice or municipal court under Chapter 45A [45].

SECTION 5.010. Article 7B.003(b), Code of Criminal Procedure, is amended to conform to Chapter 955 (S.B. 194), Acts of the 86th Legislature, Regular Session, 2019, to read as follows:

(b) If the court finds that there are reasonable grounds to believe that the applicant is the victim of sexual assault or abuse, indecent assault, stalking, or trafficking, the court shall issue a protective order that includes a statement of the required findings.

SECTION 5.011. (a) Article 13A.554, Code of Criminal Procedure, is amended to conform to Chapter 351 (S.B. 1179), Acts of

the 88th Legislature, Regular Session, 2023, to read as follows:

Art. 13A.554. FELONY OFFENSE COMMITTED BY CIVILLY COMMITTED  
[FAILURE TO COMPLY WITH] SEXUALLY VIOLENT PREDATOR [CIVIL  
COMMITMENT REQUIREMENT]. A felony ~~[An]~~ offense committed by a  
person civilly committed under Chapter 841 ~~[Section 841.085]~~,  
Health and Safety Code, may be prosecuted in:

(1) any county in which an element of the offense  
occurs; or

(2) the court that retains jurisdiction over the civil  
commitment proceeding under Section 841.082, Health and Safety  
Code.

(b) Section 7, Chapter 351 (S.B. 1179), Acts of the 88th  
Legislature, Regular Session, 2023, which amended Article 13.315,  
Code of Criminal Procedure, is repealed.

SECTION 5.012. Article 17.50(a)(3), Code of Criminal  
Procedure, is amended to conform to Chapter 221 (H.B. 375), Acts of  
the 87th Legislature, Regular Session, 2021, to read as follows:

(3) "Violent offense" means:

(A) an offense under the following sections of  
the Penal Code:

(i) Section 19.02 (murder);  
(ii) Section 19.03 (capital murder);  
(iii) Section 20.03 (kidnapping);  
(iv) Section 20.04 (aggravated  
kidnapping);

(v) Section 21.11 (indecent with a child);

(vi) Section 22.011 (sexual assault);

- (vii) Section 22.02 (aggravated assault);
- (viii) Section 22.021 (aggravated sexual assault);
- (ix) Section 22.04 (injury to a child, elderly individual, or disabled individual);
- (x) Section 29.03 (aggravated robbery);
- (xi) Section 21.02 (continuous sexual abuse of young child or disabled individual [~~children~~]); or
- (xii) Section 20A.03 (continuous trafficking of persons); or
- (B) any offense involving family violence, as defined by Section 71.004, Family Code.

SECTION 5.013. Article 18B.001(1), Code of Criminal Procedure, as amended by Chapters 901 (H.B. 4906) and 950 (S.B. 1727), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

- (1) "Authorized peace officer" means:
- (A) a sheriff or deputy sheriff;
- (B) a constable or deputy constable;
- (C) a marshal or police officer of a municipality;
- (D) a ranger or officer commissioned by the Public Safety Commission or the director of the department;
- (E) an investigator of a prosecutor's office;
- (F) a law enforcement agent of the Texas Alcoholic Beverage Commission;
- (G) a law enforcement officer commissioned by the

1 Parks and Wildlife Commission;

2 (H) an enforcement officer appointed by the  
3 inspector general of the Texas Department of Criminal Justice under  
4 Section 493.019, Government Code;

5 (I) a law enforcement officer appointed by the  
6 inspector general of the Texas Juvenile Justice Department under  
7 Section 242.102, Human Resources Code;

8 (J) an investigator commissioned by the attorney  
9 general under Section 402.009, Government Code;

10 (K) a member of an arson investigating unit  
11 commissioned by a municipality, a county, or the state; or

12 (L) [~~(K)~~] a peace officer commissioned under  
13 Section 37.081 or 51.203, Education Code.

14 SECTION 5.014. (a) Article 45A.101(f), Code of Criminal  
15 Procedure, is amended to conform to Section 9, Chapter 644 (H.B.  
16 4559), Acts of the 88th Legislature, Regular Session, 2023, to read  
17 as follows:

18 (f) In a county with a population of more than 2.5 [~~two~~]  
19 million that does not have a county attorney, a complaint for an  
20 offense under Section 32.41, Penal Code, must be approved by the  
21 district attorney, regardless of whether a collection proceeding is  
22 initiated by the district attorney under Subsection (e) of that  
23 section.

24 (b) Section 9, Chapter 644 (H.B. 4559), Acts of the 88th  
25 Legislature, Regular Session, 2023, which amended Article  
26 45.019(g), Code of Criminal Procedure, is repealed.

27 SECTION 5.015. (a) Article 45A.104(d), Code of Criminal

Procedure, is amended to conform to Section 8, Chapter 644 (H.B. 4559), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(d) In a county with a population of more than 2.5 ~~[two]~~ million that does not have a county attorney, a justice or judge may not issue a warrant under this article for an offense under Section 32.41, Penal Code, unless the district attorney has approved the complaint or affidavit on which the warrant is based.

(b) Section 8, Chapter 644 (H.B. 4559), Acts of the 88th Legislature, Regular Session, 2023, which amended Article 45.014(d), Code of Criminal Procedure, is repealed.

SECTION 5.016. (a) Article 45A.158, Code of Criminal Procedure, is amended to conform to Section 1, Chapter 697 (H.B. 1603), Acts of the 88th Legislature, Regular Session, 2023, and Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Art. 45A.158. ATTORNEY REPRESENTING STATE NOT PRESENT FOR TRIAL. (a) If an attorney representing the state is not present when the case is called for trial, the justice or judge may:

(1) postpone the trial to a specified date;

(2) temporarily appoint any competent attorney to perform duties as an attorney representing ~~[pro tem as provided by this code to represent]~~ the state, notwithstanding Article 2A.104;

or

(3) proceed to trial.

(b) An attorney appointed under Subsection (a) is qualified to perform the duties of the office of the attorney representing the

1 state and may be paid a reasonable fee for performing those duties.

2 (b) Section 1, Chapter 697 (H.B. 1603), Acts of the 88th  
3 Legislature, Regular Session, 2023, which amended Article 45.031,  
4 Code of Criminal Procedure, is repealed.

5 SECTION 5.017. (a) Article 45A.251, Code of Criminal  
6 Procedure, is amended to conform to Section 4, Chapter 525 (H.B.  
7 3186), Acts of the 88th Legislature, Regular Session, 2023, by  
8 adding Subsection (a-1) to read as follows:

9 (a-1) In a case involving a child who is eligible for  
10 diversion under Article 45A.504 that results in a trial, if the  
11 court determines that the evidence presented in a bench trial would  
12 support a finding of guilt, or if a jury returns a verdict of  
13 guilty, the court shall provide the child and the child's parents  
14 the opportunity to accept placement in diversion, under Article  
15 45A.510, instead of entering an adjudication of guilt. If the child  
16 and the child's parents accept the opportunity for placement in  
17 diversion under Article 45A.510, the court shall place the child in  
18 diversion. If the child and the child's parents decline the  
19 opportunity for placement in diversion under Article 45A.510, the  
20 court shall find the child guilty and proceed to sentencing.

21 (b) Article 45A.253(b), Code of Criminal Procedure, is  
22 amended to conform to Section 4, Chapter 525 (H.B. 3186), Acts of  
23 the 88th Legislature, Regular Session, 2023, to read as follows:

24 (b) If a diversion is not required under Subchapter K or  
25 Article 45A.251(a-1), a [A] judge shall [may] allow a defendant who  
26 is a child, as defined by Article 45A.453(a), to elect at the time  
27 of conviction, as defined by Section 133.101, Local Government



Code, to discharge the fine and costs by:

(1) performing community service or receiving tutoring under Article 45A.460, regardless of whether the applicable offense occurred at a location specified by Subsection (a) of that article; or

(2) paying the fine and costs in a manner described by Article 45A.251(b).

(c) Section 4, Chapter 525 (H.B. 3186), Acts of the 88th Legislature, Regular Session, 2023, which amended Article 45.041, Code of Criminal Procedure, is repealed.

SECTION 5.018. (a) Articles 45A.254(g) and (i), Code of Criminal Procedure, are amended to conform to Section 5, Chapter 525 (H.B. 3186), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(g) A community supervision and corrections department, a local juvenile probation department, or a court-related services office may provide the administrative and other services necessary to supervise a defendant required to perform community service under this article.

(i) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant to perform community service under this article or Subchapter K is not liable for damages arising from an act or failure to act in connection with the community service if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(b) Section 5, Chapter 525 (H.B. 3186), Acts of the 88th Legislature, Regular Session, 2023, which amended Articles 45.049(f) and (i), Code of Criminal Procedure, is repealed.

SECTION 5.019. (a) Article 45A.259(i), Code of Criminal Procedure, is amended to conform to Section 1, Chapter 425 (H.B. 1819), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(i) This article does not limit the authority of a court to order a child taken into custody under Article 45A.453 [~~or 45A.455~~].

(b) Section 1, Chapter 425 (H.B. 1819), Acts of the 88th Legislature, Regular Session, 2023, which amended Article 45.045(c), Code of Criminal Procedure, is repealed.

SECTION 5.020. (a) Articles 45A.303(b) and (c), Code of Criminal Procedure, are amended to conform to Section 4, Chapter 1021 (H.B. 5183), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(b) During the deferral period, the judge may require the defendant to:

(1) secure payment of the fine by posting a bond in the amount of the fine assessed as punishment for the offense;

(2) pay restitution to the victim of the offense in an amount not to exceed the amount of the fine assessed as punishment

for the offense;

(3) submit to professional counseling;

(4) submit to diagnostic testing for alcohol or a controlled substance or drug;

(5) submit to a psychosocial assessment;

(6) successfully complete an alcohol awareness or substance misuse [~~drug abuse~~] treatment or education program, such as:

(A) a substance misuse [~~drug~~] education program that is designed to educate persons on the dangers of substance misuse [~~drug abuse~~] in accordance with Section 521.374(a)(1), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code; or

(B) an alcohol awareness program described by Section 106.115, Alcoholic Beverage Code, that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code;

(7) pay the costs of any diagnostic testing, psychosocial assessment, or treatment or education program participation as reimbursement fees:

(A) directly; or

(B) through the court as court costs;

(8) complete a driving safety course approved under Chapter 1001, Education Code, or another course as directed by the judge;

(9) present to the court satisfactory evidence that the defendant has complied with each requirement imposed by the

1 judge under this subchapter; and

2 (10) comply with any other reasonable condition.

3 (c) A judge who requires a defendant to successfully  
4 complete an alcohol awareness program or substance misuse ~~[drug]~~  
5 education program as described by Subsection (b)(6) shall require  
6 the defendant to pay a reimbursement fee for the cost of the  
7 program, unless the judge determines that the defendant is indigent  
8 and unable to pay the cost.

9 (b) Section 4, Chapter 1021 (H.B. 5183), Acts of the 88th  
10 Legislature, Regular Session, 2023, which amended Articles  
11 [45.051](#)(b) and (g), Code of Criminal Procedure, is repealed.

12 SECTION 5.021. (a) Article [45A.403](#), Code of Criminal  
13 Procedure, is amended to conform to Section 1, Chapter 749 (H.B.  
14 3917), Acts of the 88th Legislature, Regular Session, 2023, to read  
15 as follows:

16 Art. 45A.403. DISMISSAL OF PARENT CONTRIBUTING TO  
17 NONATTENDANCE CHARGE. (a) Subject to Subsection (b) and  
18 notwithstanding ~~[Notwithstanding]~~ any other law, a county,  
19 justice, or municipal court may dismiss a charge against a  
20 defendant alleging the defendant committed an offense under Section  
21 [25.093](#), Education Code, if the court finds that a dismissal would be  
22 in the interest of justice because:

23 (1) there is a low likelihood of recidivism by the  
24 defendant; or

25 (2) sufficient justification exists for the failure of  
26 the defendant's child to attend school.

27 (b) Notwithstanding any other law, a county, justice, or

1 municipal court shall dismiss a charge against a defendant alleging  
2 the defendant committed an offense under Section 25.093, Education  
3 Code, if the parent completes the terms of an agreement entered into  
4 by the parent and the school district at which the parent's child  
5 attends under Section 25.094, Education Code, within the period  
6 required by Subsection (b) of that section. If agreed to by the  
7 school district that is a party to the agreement, the court may  
8 extend the period under Section 25.094(b), Education Code, during  
9 which a parent may fulfill the terms of the agreement.

10 (b) Section 1, Chapter 749 (H.B. 3917), Acts of the 88th  
11 Legislature, Regular Session, 2023, which amended Article 45.0531,  
12 Code of Criminal Procedure, is repealed.

13 SECTION 5.022. (a) The heading to Subchapter J, Chapter  
14 45A, Code of Criminal Procedure, is amended to conform to Sections  
15 6, 7, and 8, Chapter 525 (H.B. 3186), Acts of the 88th Legislature,  
16 Regular Session, 2023, to read as follows:

17 SUBCHAPTER J. CASES INVOLVING CHILDREN [~~JUVENILES~~]

18 (b) Articles 45A.451(a), (b), (c), (d), (e), (f), (h), and  
19 (i), Code of Criminal Procedure, are amended to conform to Sections  
20 6, 7, and 8, Chapter 525 (H.B. 3186), Acts of the 88th Legislature,  
21 Regular Session, 2023, to read as follows:

22 (a) On approval of the commissioners court, governing body  
23 of a municipality, school district board of trustees, juvenile  
24 board, or other appropriate authority, a county court, justice  
25 court, municipal court, school district, juvenile probation  
26 department, or other appropriate governmental entity may:

27 (1) employ a juvenile case manager or contract for a

1 juvenile case manager to provide services:

2 (A) in cases involving:

3 (i) youth diversion under Subchapter K; or

4 (ii) children [~~juvenile offenders~~] who are

5 before a court consistent with the court's statutory powers; or

6 (B) to a child [~~juvenile~~] who is referred to a

7 court by a school administrator or designee for misconduct that

8 would otherwise be within the court's statutory powers before a

9 case is filed, with the consent of the child [~~juvenile~~] and the

10 child's [~~juvenile's~~] parents or guardians;

11 (2) employ or contract for the services of one or more

12 juvenile case managers who:

13 (A) shall assist the court in administering the

14 court's juvenile docket and in supervising the court's orders in

15 juvenile cases; and

16 (B) may provide:

17 (i) prevention services to a child

18 considered at risk of entering the juvenile justice system; and

19 (ii) youth diversion [~~intervention~~]

20 services to a child [~~juvenile~~] engaged in misconduct, excluding

21 traffic offenses, if a case has not yet been filed with respect to

22 the misconduct; or

23 (3) agree in accordance with Chapter 791, Government

24 Code, with any appropriate governmental entity to jointly employ a

25 juvenile case manager, jointly contract for juvenile case manager

26 services, or [~~to~~] jointly contribute to the costs of a juvenile case

27 manager or juvenile case manager [~~employed by one governmental~~]

1 ~~entity to provide~~ services described by Subdivisions (1) and (2).

2 (b) A local entity may apply or more than one local entity  
3 may jointly apply to the criminal justice division of the  
4 governor's office for reimbursement of all or part of the costs of  
5 employing one or more juvenile case managers or contracting for  
6 juvenile case manager services from funds appropriated to the  
7 governor's office or otherwise available for purposes of youth  
8 diversion ~~[that purpose]~~.

9 (c) To be eligible for reimbursement under Subsection (b),  
10 the entity applying must present to the governor's office a  
11 comprehensive plan to reduce juvenile offenses in the entity's  
12 jurisdiction and a youth diversion plan under Article 45A.506. The  
13 plan must address the role of the juvenile case manager in that  
14 effort.

15 (d) An entity that jointly employs a juvenile case manager,  
16 jointly contracts for juvenile case manager services, or jointly  
17 contributes to the costs of a juvenile case manager or juvenile case  
18 manager services under Subsection (a)(3) employs a juvenile case  
19 manager for purposes of Chapter 102.

20 (e) The court or governing body may pay, from the local  
21 youth ~~[truancy prevention and]~~ diversion fund established under  
22 Section 134.156, Local Government Code:

23 (1) the salary and benefits of a juvenile case  
24 manager; ~~and~~

25 (2) the costs of contracting for juvenile case manager  
26 services; and

27 (3) the costs of training, travel, office supplies,

1 and other necessary expenses relating to the position of the  
2 juvenile case manager and juvenile case manager services.

3 (f) A juvenile case manager [~~employed under Subsection~~  
4 ~~(a-1)~~] shall give priority to cases brought under Section 25.093,  
5 Education Code, Chapter 65, Family Code, and youth diversion under  
6 Subchapter K of this chapter.

7 (h) A [~~The employing~~] court or governmental entity under  
8 this article shall implement the rules adopted under Subsection  
9 (g).

10 (i) The commissioners court or governing body of the  
11 municipality that administers a local youth [~~truancy prevention~~  
12 ~~and~~] diversion fund under Section 134.156, Local Government Code,  
13 shall require periodic review of juvenile case managers to ensure  
14 the implementation of the rules adopted under Subsection (g).

15 (c) Article 45A.451(g), Code of Criminal Procedure, is  
16 amended to conform to Chapter 1033 (S.B. 24), Acts of the 88th  
17 Legislature, Regular Session, 2023, and Sections 6, 7, and 8,  
18 Chapter 525 (H.B. 3186), Acts of the 88th Legislature, Regular  
19 Session, 2023, to read as follows:

20 (g) The governing body of the employing governmental entity  
21 under Subsection (a) shall adopt reasonable rules for juvenile case  
22 managers that provide for:

23 (1) a code of ethics and the enforcement of the code of  
24 ethics;

25 (2) appropriate educational preservice and in-service  
26 training standards for juvenile case managers; and

27 (3) training in:



- 1 (A) the role of the juvenile case manager;
- 2 (B) case planning and management;
- 3 (C) applicable procedural and substantive law;
- 4 (D) courtroom proceedings and presentation;
- 5 (E) services for ~~to~~ at-risk youth under
- 6 Subchapter D, Chapter 137 ~~[264]~~, Human Resources ~~[Family]~~ Code;
- 7 (F) local programs and services for children
- 8 ~~[juveniles]~~ and methods by which children ~~[juveniles]~~ may access
- 9 those programs and services; and
- 10 (G) detecting and preventing abuse,
- 11 exploitation, and neglect of children ~~[juveniles]~~.

12 (d) Article 45A.451(a-1), Code of Criminal Procedure, is

13 repealed to conform to the reenactment of Article 45.056(c), Code

14 of Criminal Procedure, by Section 7, Chapter 525 (H.B. 3186), Acts

15 of the 88th Legislature, Regular Session, 2023.

16 (e) Sections 6, 7, and 8, Chapter 525 (H.B. 3186), Acts of

17 the 88th Legislature, Regular Session, 2023, which amended Article

18 45.056, Code of Criminal Procedure, are repealed.

19 SECTION 5.023. (a) Article 45A.452(a), Code of Criminal

20 Procedure, is amended to conform to Section 3, Chapter 525 (H.B.

21 3186), Acts of the 88th Legislature, Regular Session, 2023, to read

22 as follows:

23 (a) Subject to the requirements of Subchapter K, this ~~[This]~~

24 article applies to a defendant who has not had the disabilities of

25 minority removed and has been:

26 (1) charged with an offense other than an offense

27 under Section 43.261, Penal Code, if the defendant is younger than

1 17 years of age; or

2 (2) charged with an offense under Section 43.261,  
3 Penal Code, if the defendant is younger than 18 years of age.

4 (b) Section 3, Chapter 525 (H.B. 3186), Acts of the 88th  
5 Legislature, Regular Session, 2023, which amended Article  
6 45.0215(a), Code of Criminal Procedure, is repealed.

7 SECTION 5.024. Article 45A.455, Code of Criminal Procedure,  
8 is repealed to conform to the repeal of Article 45.059, Code of  
9 Criminal Procedure, by Section 8, Chapter 425 (H.B. 1819), Acts of  
10 the 88th Legislature, Regular Session, 2023.

11 SECTION 5.025. (a) Article 45A.456(a), Code of Criminal  
12 Procedure, is amended to conform to Section 2, Chapter 425 (H.B.  
13 1819), Acts of the 88th Legislature, Regular Session, 2023, to read  
14 as follows:

15 (a) Except as provided by Articles 45A.453 and [7] 45A.454,  
16 [~~and 45A.455~~], an individual may not be taken into secured custody  
17 for offenses alleged to have occurred before the individual's 17th  
18 birthday.

19 (b) Section 2, Chapter 425 (H.B. 1819), Acts of the 88th  
20 Legislature, Regular Session, 2023, which amended Article  
21 45.060(a), Code of Criminal Procedure, is repealed.

22 SECTION 5.026. (a) Article 45A.457(b), Code of Criminal  
23 Procedure, is amended to conform to Section 7, Chapter 1033 (S.B.  
24 24), Acts of the 88th Legislature, Regular Session, 2023, to read as  
25 follows:

26 (b) On a finding by a justice or municipal court that a child  
27 committed an offense that the court has jurisdiction of under

Article 4.11 or 4.14, the court has jurisdiction to enter an order:

(1) referring the child or the child's parent for services under Section 137.152, Human Resources Code [~~264.302, Family Code~~];

(2) requiring that the child attend a special program that the court determines to be in the best interest of the child and, if the program involves the expenditure of municipal or county funds, that is approved by the governing body of the municipality or county commissioners court, as applicable, including a program for:

- (A) rehabilitation;
- (B) counseling;
- (C) self-esteem and leadership;
- (D) work and job skills training;
- (E) job interviewing and work preparation;
- (F) self-improvement;
- (G) parenting;
- (H) manners;
- (I) violence avoidance;
- (J) tutoring;
- (K) sensitivity training;
- (L) parental responsibility;
- (M) community service;
- (N) restitution;
- (O) advocacy; or
- (P) mentoring; or

(3) requiring that the child's parent perform any act or refrain from performing any act as the court determines will

1 increase the likelihood that the child will comply with the orders  
2 of the court and that is reasonable and necessary for the welfare of  
3 the child, including:

4 (A) attend a parenting class or parental  
5 responsibility program; and

6 (B) attend the child's school classes or  
7 functions.

8 (b) Section 7, Chapter 1033 (S.B. 24), Acts of the 88th  
9 Legislature, Regular Session, 2023, which amended Article  
10 [45.057\(b\)](#), Code of Criminal Procedure, is repealed.

11 SECTION 5.027. (a) Chapter [45A](#), Code of Criminal  
12 Procedure, is amended to conform to Section 2, Chapter 525 (H.B.  
13 3186), Acts of the 88th Legislature, Regular Session, 2023, and  
14 Chapter 1033 (S.B. 24), Acts of the 88th Legislature, Regular  
15 Session, 2023, by adding Subchapter K to read as follows:

16 SUBCHAPTER K. YOUTH DIVERSION

17 Art. 45A.501. DEFINITIONS. In this subchapter:

18 (1) "Charge" means a formal or informal allegation of  
19 an offense, including a citation, written promise to appear,  
20 complaint, or pending complaint.

21 (2) "Child" has the meaning assigned by Article  
22 [45A.453\(a\)](#).

23 (3) "Court" means a justice court, municipal court, or  
24 other court subject to this chapter.

25 (4) "Diversion" means an intervention strategy that  
26 redirects a child from formal criminal prosecution and holds the  
27 child accountable for the child's actions. The term includes

diversion under Article 45A.509 or 45A.510.

(5) "Offense" means a misdemeanor punishable by fine only, other than a traffic offense.

(6) "Parent" has the meaning assigned by Article 45A.457(a).

(7) "Service provider" means a governmental agency, political subdivision, open-enrollment charter school, nonprofit organization, or other entity that provides services to children or families.

(8) "Youth diversion plan" means a plan adopted under Article 45A.506.

Art. 45A.502. APPLICABILITY. This subchapter applies only to a child who is alleged to have engaged in conduct that constitutes a misdemeanor punishable by fine only, other than a traffic offense.

Art. 45A.503. TRANSFER TO JUVENILE COURT NOT AFFECTED. Nothing in this subchapter precludes:

(1) a case involving a child from being referred, adjudicated, or disposed of as conduct indicating a need for supervision under Title 3, Family Code; or

(2) a waiver of criminal jurisdiction and transfer of a child's case as provided by Section 51.08, Family Code.

Art. 45A.504. DIVERSION ELIGIBILITY. (a) Except as otherwise provided by this subchapter, a child shall be diverted from formal criminal prosecution as provided by this subchapter.

(b) A child is eligible to enter into a diversion agreement under this subchapter only once every 365 days.

1        (c) A child is not eligible for diversion if the child has  
2 previously had an unsuccessful diversion under this subchapter.

3        (d) A child is not eligible for diversion if a diversion is  
4 objected to by the attorney representing the state.

5        (e) A court may not divert a child from criminal prosecution  
6 as provided by this subchapter without the written consent of the  
7 child and the child's parent.

8        Art. 45A.505. DIVERSION STRATEGIES. (a) Diversion  
9 strategies include:

10        (1) requiring a child to participate in a program,  
11 including:

12                (A) a court-approved teen court program operated  
13 by a service provider;

14                (B) a school-related program;

15                (C) an educational program, including an alcohol  
16 awareness program, a tobacco awareness program, or a drug education  
17 program;

18                (D) a rehabilitation program; or

19                (E) a self-improvement program, including a  
20 program relating to self-esteem, leadership, self-responsibility,  
21 empathy, parenting, parental responsibility, manners, violence  
22 avoidance, anger management, life skills, wellness, or dispute  
23 resolution;

24        (2) referring a child to a service provider for  
25 services, including:

26                (A) at-risk youth services under Subchapter D,  
27 Chapter 137, Human Resources Code;

1                   (B) juvenile case manager services under Article  
2 45A.451;

3                   (C) work and job skills training, including job  
4 interviewing and work preparation;

5                   (D) academic monitoring or tutoring, including  
6 preparation for a high school equivalency examination administered  
7 under Section 7.111, Education Code;

8                   (E) community-based services;

9                   (F) mental health screening and clinical  
10 assessment;

11                   (G) counseling, including private or in-school  
12 counseling; or

13                   (H) mentoring services;

14               (3) requiring a child to:

15                   (A) participate in mediation or other dispute  
16 resolution processes;

17                   (B) submit to alcohol or drug testing; or

18                   (C) substantially comply with a course of  
19 treatment prescribed by a physician or other licensed medical or  
20 mental health professional; and

21               (4) requiring a child, by court order, to:

22                   (A) pay restitution not to exceed \$100 for an  
23 offense against property under Title 7, Penal Code;

24                   (B) perform not more than 20 hours of community  
25 service; or

26                   (C) perform any other reasonable action  
27 determined by the court.

1        (b) A diversion strategy may be imposed under:

2                (1) an intermediate diversion under Article 45A.509;

3                (2) a diversion by a justice or judge under Article  
4 45A.510; or

5                (3) a system of graduated sanctions for certain school  
6 offenses under Section 37.144, Education Code.

7        (c) A diversion strategy under this subchapter may not  
8 require a child who is a home-schooled student, as defined by  
9 Section 29.916, Education Code, to:

10               (1) attend an elementary or secondary school; or

11               (2) use an educational curriculum other than the  
12 curriculum selected by the parent.

13        Art. 45A.506. YOUTH DIVERSION PLAN. (a) A youth diversion  
14 plan is a written plan that describes the types of strategies that  
15 will be used to implement youth diversion. A youth diversion plan  
16 does not limit the types of diversion strategies that may be imposed  
17 under a diversion agreement under Article 45A.508.

18        (b) Each justice and municipal court shall adopt a youth  
19 diversion plan.

20        (c) A youth diversion plan may be devised for a county or  
21 municipality or an individual court within a county or  
22 municipality.

23        (d) In accordance with Chapter 791, Government Code, a local  
24 government may enter into an agreement with one or more local  
25 governments to create a regional youth diversion plan and  
26 collaborate in the implementation of this subchapter.

27        (e) A youth diversion plan may include an agreement with a



1 service provider to provide services for a diversion strategy.

2 (f) A youth diversion plan may contain guidelines for  
3 disposition or diversion of a child's case by law enforcement. The  
4 guidelines are not mandatory.

5 (g) A current youth diversion plan must be maintained on  
6 file for public inspection in each justice and municipal court,  
7 including courts that collaborate with one or more counties or  
8 municipalities.

9 (h) A court or local government may adopt rules necessary to  
10 coordinate services under a youth diversion plan or to implement  
11 this subchapter.

12 Art. 45A.507. YOUTH DIVERSION COORDINATOR. (a) A court may  
13 designate a youth diversion coordinator to assist the court in:

14 (1) determining whether a child is eligible for  
15 diversion;

16 (2) employing a diversion strategy authorized by this  
17 subchapter;

18 (3) presenting and maintaining diversion agreements;

19 (4) monitoring diversions;

20 (5) maintaining records regarding whether one or more  
21 diversions were successful or unsuccessful; and

22 (6) coordinating referrals to court.

23 (b) The responsibilities of the youth diversion coordinator  
24 may be performed by:

25 (1) a court administrator or court clerk, or a person  
26 who regularly performs the duties of court administrator or court  
27 clerk;

- 1           (2) an individual or entity that provides juvenile  
2 case manager services under Article 45A.451;  
3           (3) a court-related services office;  
4           (4) a community supervision and corrections  
5 department, including a juvenile probation department;  
6           (5) a county or municipal employee, including a peace  
7 officer;  
8           (6) a community volunteer;  
9           (7) an institution of higher education, including a  
10 public, private, or independent institution of higher education; or  
11           (8) a qualified nonprofit organization as determined  
12 by the court.

13       Art. 45A.508. DIVERSION AGREEMENT. (a) A diversion  
14 agreement must identify the parties to the agreement and the  
15 responsibilities of the child and the child's parent to ensure  
16 their meaningful participation in a diversion under Article 45A.509  
17 or 45A.510.

18       (b) Stated objectives in a diversion agreement must be  
19 measurable, realistic, and reasonable and consider the  
20 circumstances of the child, the best interests of the child, and the  
21 long-term safety of the community.

22       (c) A diversion agreement must include:

23           (1) the terms of the agreement, including one or more  
24 diversions required to be completed by the child, written in a clear  
25 and concise manner and identifying any offense or charge being  
26 diverted;

27           (2) possible outcomes or consequences of a successful

1 diversion and an unsuccessful diversion;

2 (3) an explanation that participation in a diversion  
3 is not an admission of guilt and a guilty plea is not required to  
4 participate in a diversion;

5 (4) an explanation of the process that will be used for  
6 reviewing and monitoring compliance with the terms of the  
7 agreement;

8 (5) the period of the diversion;

9 (6) a verification that:

10 (A) the child and the child's parent were  
11 notified of the child's rights, including the right to refuse  
12 diversion; and

13 (B) the child knowingly and voluntarily consents  
14 to participate in the diversion; and

15 (7) written acknowledgment and acceptance of the  
16 agreement by the child and the child's parent.

17 (d) The terms of an agreement may vary depending on the  
18 circumstances of the child, including the child's age and ability,  
19 the charge being diverted, or the diversion strategy used.

20 (e) A charge may not be filed against a child or, if filed,  
21 shall be dismissed by the court if the child:

22 (1) does not contest the charge;

23 (2) is eligible for diversion under Article 45A.504;

24 and

25 (3) accepts the terms of the agreement.

26 (f) Entering into a diversion agreement under this article  
27 extends the court's jurisdiction for the term of the agreement.

1        (g) On entering into a diversion agreement, a copy of the  
2 agreement shall be provided to the child and the child's parent, the  
3 clerk of the court, a youth diversion coordinator, and any person  
4 specified by the youth diversion plan.

5        Art. 45A.509. INTERMEDIATE DIVERSION. (a) If provided by a  
6 youth diversion plan, a youth diversion coordinator or juvenile  
7 case manager shall advise the child and the child's parent before a  
8 case is filed that the case may be diverted under this article for a  
9 reasonable period not to exceed 180 days if:

10            (1) the child is eligible for diversion under Article  
11 45A.504;

12            (2) diversion is in the best interests of the child and  
13 promotes the long-term safety of the community;

14            (3) the child and the child's parent consent to  
15 diversion with the knowledge that diversion is optional; and

16            (4) the child and the child's parent are informed that  
17 they may terminate the diversion at any time and, if terminated, the  
18 case will be referred to court.

19        (b) The terms of a diversion agreement under this article  
20 must be in writing and may include any of the diversion strategies  
21 under Article 45A.505.

22        (c) The case of a child who successfully complies with the  
23 terms of a diversion agreement under this article shall be closed  
24 and reported as successful to the court.

25        (d) A child who does not comply with the terms of a diversion  
26 agreement under this article shall be referred to court under  
27 Article 45A.511.

1       Art. 45A.510. DIVERSION BY JUSTICE OR JUDGE. (a) If a  
2 charge involving a child who is eligible for diversion is filed with  
3 a court, a justice or judge shall divert the case under this article  
4 as follows:

5           (1) if the child does not contest the charge, a justice  
6 or judge shall divert the case under this article without the child  
7 having to enter a plea; or

8           (2) if the child contests the charge, a justice or  
9 judge shall divert the case under this article at the conclusion of  
10 trial on a finding of guilt without entering a judgment of  
11 conviction as provided by Article [45A.251](#).

12       (b) A diversion under this article may not exceed 180 days.

13       (c) The terms of a diversion agreement under this article  
14 must be in writing and may include any of the diversion strategies  
15 described by Article 45A.505.

16       (d) The case of a child who successfully complies with the  
17 terms of a diversion agreement under this article shall be closed  
18 and reported as successful to the court.

19       (e) A child who does not comply with the terms of a diversion  
20 agreement under this article shall be referred to court for a  
21 hearing under Article 45A.511.

22       Art. 45A.511. REFERRAL TO COURT. (a) A court shall conduct  
23 a non-adversarial hearing for a child who does not successfully  
24 complete the terms of a diversion under Article 45A.509 or 45A.510  
25 and is referred to the court.

26       (b) The hearing is an opportunity for a justice or judge to  
27 confer with the child and the child's parent to determine whether a

diversion should be declared unsuccessful by the court. The court may also hear from any person who may be of assistance to the child or the court in determining what is in the best interests of the child and the long-term safety of the community.

(c) After the hearing, a court may enter an order:

(1) amending or setting aside terms in the diversion agreement;

(2) extending the diversion for a period not to exceed one year from the initial start date of the diversion;

(3) issuing a continuance for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with the terms of the diversion;

(4) subject to Subsection (d), requiring the child's parent to perform any act or refrain from performing any act as the court determines will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the child;

(5) finding the diversion successful on the basis of substantial compliance; or

(6) finding the diversion unsuccessful and:

(A) transferring the child to juvenile court for alleged conduct indicating a need for supervision under Section 51.08, Family Code; or

(B) referring the charge to the prosecutor for consideration of re-filing.

(d) An order under Subsection (c)(4) may not have the

1 substantive effect of interfering with a parent's fundamental right  
2 to determine how to raise the parent's child, unless the court finds  
3 that the interference is necessary to prevent significant  
4 impairment of the child's physical, mental, or emotional health.

5 (e) An order under Subsection (c)(4) is enforceable against  
6 the parent by contempt.

7 (f) The statute of limitations in Article 12.02(b) is tolled  
8 during the diversion period for purposes of Subsection (c)(6)(B).

9 Art. 45A.512. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE.

10 (a) The clerk of a justice or municipal court may collect from a  
11 child's parent a \$50 administrative fee to defray the costs of the  
12 diversion of the child's case under this subchapter.

13 (b) The fee under this article may not be collected unless  
14 specified as a term of the diversion agreement accepted by the  
15 child's parent. If the fee is not paid after giving the child's  
16 parent an opportunity to be heard, the court shall order the parent,  
17 if financially able, to pay the fee to the clerk of the court.

18 (c) A court shall waive the fee if the child's parent is  
19 indigent or does not have sufficient resources or income to pay the  
20 fee.

21 (d) A court may adopt rules for the waiver of a fee for  
22 financial hardship under this article.

23 (e) An order under Subsection (b) is enforceable against the  
24 parent by contempt.

25 (f) The clerk of the court shall keep a record of the fees  
26 collected under this article and shall forward the funds to the  
27 county treasurer, municipal treasurer, or person fulfilling the

1 role of a county treasurer or municipal treasurer, as appropriate.

2 (g) The fee collected under this article shall be deposited  
3 in a special account that can be used only to offset the cost of the  
4 operations of youth diversion programs under this subchapter.

5 (h) Except for the fee authorized under Subsection (a), a  
6 fee may not be assessed for a child diverted under this subchapter.

7 (i) The diversion of a child may not be contingent on  
8 payment of a fee under this article.

9 Art. 45A.513. DIVERSION RECORDS. (a) A justice or  
10 municipal court shall maintain statistics for each diversion  
11 strategy authorized by this subchapter.

12 (b) Other than statistical records, all records generated  
13 under this subchapter are confidential under Article [45A.462](#).

14 (c) All records of a diversion pertaining to a child under  
15 this subchapter shall be expunged without the requirement of a  
16 motion or request, on the child's 18th birthday.

17 (b) Section 2, Chapter 525 (H.B. 3186), Acts of the 88th  
18 Legislature, Regular Session, 2023, which added Subchapter [E](#),  
19 Chapter [45](#), Code of Criminal Procedure, is repealed.

20 SECTION 5.028. (a) Chapter [55A](#), Code of Criminal  
21 Procedure, is amended to conform to Section 1, Chapter 543  
22 (H.B. 3956), Acts of the 88th Legislature, Regular Session, 2023,  
23 by adding Subchapter C-1 to read as follows:

24 SUBCHAPTER C-1. RECORDS AND FILES SUBJECT TO EXPUNCTION ORDER

25 Art. 55A.131. CERTAIN DNA RECORDS. For purposes of  
26 Subchapters A, B, and C, records and files relating to an arrest  
27 include:



1           (1) a DNA record created under Subchapter G, Chapter  
2 411, Government Code;

3           (2) any record of the collection of the specimen from  
4 which the DNA record was created; and

5           (3) any record of the transfer of the specimen to the  
6 Department of Public Safety.

7           (b) Section 1, Chapter 543 (H.B. 3956), Acts of the 88th  
8 Legislature, Regular Session, 2023, which added Article 55.01(e),  
9 Code of Criminal Procedure, is repealed.

10          SECTION 5.029. (a) Article 55A.256(a), Code of Criminal  
11 Procedure, is amended to conform to Section 12.006(a), Chapter 861  
12 (H.B. 3474), Acts of the 88th Legislature, Regular Session, 2023,  
13 to read as follows:

14          (a) A person who is entitled to the expunction of  
15 information contained in records and files under Article 55A.006  
16 may file an application for expunction with the attorney  
17 representing the state in the prosecution of felonies in the county  
18 in which:

19           (1) the person resides; or

20           (2) the offense was alleged to have occurred.

21          (b) Section 12.006(a), Chapter 861 (H.B. 3474), Acts of the  
22 88th Legislature, Regular Session, 2023, which amended Section  
23 2a(a), Article 55.02, Code of Criminal Procedure, is repealed.

24          SECTION 5.030. (a) Article 55A.351(a), Code of Criminal  
25 Procedure, is amended to conform to Section 2, Chapter 543  
26 (H.B. 3956), Acts of the 88th Legislature, Regular Session, 2023,  
27 to read as follows:

1           (a) When an expunction order issued under Subchapter E or F  
2 is final, the clerk of the court shall send a certified copy of the  
3 order to the director of the Department of Public Safety for  
4 purposes of Section 411.151, Government Code, to the Crime Records  
5 Service of the department, [~~Department of Public Safety~~] and to  
6 each official or agency or other governmental entity of this state  
7 or of any political subdivision of this state named in the order.

8           (b) Section 2, Chapter 543 (H.B. 3956), Acts of the 88th  
9 Legislature, Regular Session, 2023, which amended Section 3(c),  
10 Article 55.02, Code of Criminal Procedure, is repealed.

11           SECTION 5.031. Article 63.00905(a), Code of Criminal  
12 Procedure, as added by Chapter 979 (S.B. 2429), Acts of the 88th  
13 Legislature, Regular Session, 2023, is repealed as duplicative of  
14 Article 63.00905(a), Code of Criminal Procedure, as added by  
15 Chapter 729 (H.B. 2660), Acts of the 88th Legislature, Regular  
16 Session, 2023.

17           SECTION 5.032. Article 102.0171(c), Code of Criminal  
18 Procedure, is amended to conform to Chapter 765 (H.B. 4504), Acts of  
19 the 88th Legislature, Regular Session, 2023, to read as follows:

20           (c) The clerks of the respective courts shall collect the  
21 fines and pay the fines to the county treasurer, municipal  
22 treasurer, or to any other official who discharges the duties  
23 commonly delegated to the county or municipal treasurer for deposit  
24 in a fund to be known as the county juvenile delinquency prevention  
25 fund or municipal juvenile delinquency prevention fund. A fund  
26 designated by this subsection may be used only to:

27           (1) repair damage caused by the commission of offenses

1 under Section 28.08, Penal Code;

2 (2) provide educational and intervention programs and  
3 materials, including printed educational materials for  
4 distribution to primary and secondary school students, designed to  
5 prevent individuals from committing offenses under Section 28.08,  
6 Penal Code;

7 (3) provide to the public rewards for identifying and  
8 aiding in the apprehension and prosecution of offenders who commit  
9 offenses under Section 28.08, Penal Code;

10 (4) provide funding for teen recognition and teen  
11 recreation programs;

12 (5) provide funding for local teen court programs;

13 (6) provide funding for the local juvenile probation  
14 department;

15 (7) provide educational and intervention programs  
16 designed to prevent juveniles from engaging in delinquent conduct;  
17 and

18 (8) provide funding for youth diversion under  
19 Subchapter K ~~[E]~~, Chapter 45A ~~[45]~~.

20 ARTICLE 6. CHANGES RELATING TO EDUCATION CODE

21 SECTION 6.001. Section 11.182(b), Education Code, is amended  
22 to correct a reference to read as follows:

23 (b) A board of trustees may determine whether to use the  
24 evaluation tool, except as required by Section 39A.002 ~~[39.102(a)]~~.

25 SECTION 6.002. Section 21.0444(a), Education Code, is  
26 amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th  
27 Legislature, Regular Session, 2023, to read as follows:

1 (a) In this section, "first responder" means a person  
2 elected, employed, or appointed as:

3 (1) a peace officer as defined by Article 2A.001  
4 ~~[2.12]~~, Code of Criminal Procedure;

5 (2) fire protection personnel as defined by Section  
6 419.021, Government Code; or

7 (3) emergency medical services personnel as defined by  
8 Section 773.003, Health and Safety Code.

9 SECTION 6.003. Section 25.094(b), Education Code, is  
10 amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th  
11 Legislature, Regular Session, 2023, to read as follows:

12 (b) A parent who fulfills the terms of an agreement  
13 described by Subsection (a) not later than the 30th day after the  
14 date on which the complaint was filed or within the period provided  
15 by the agreement is entitled to dismissal of the complaint in  
16 accordance with Article 45A.403(b) ~~[45.0531(b)]~~, Code of Criminal  
17 Procedure.

18 SECTION 6.004. Section 33.021(d), Education Code, is  
19 amended to correct a reference as follows:

20 (d) The standards adopted under Subsection (c) must:

21 (1) be reviewed and updated at least once every five  
22 years; and

23 (2) include a collection development policy that:

24 (A) prohibits the possession, acquisition, and  
25 purchase of:

26 (i) harmful material, as defined by Section  
27 43.24, Penal Code;

(ii) library material rated sexually explicit material by the selling library material vendor; or

(iii) library material that is pervasively vulgar or educationally unsuitable as referenced in Board of Education v. Pico [~~v. Board of Education~~], 457 U.S. 853 (1982);

(B) recognizes that obscene content is not protected by the First Amendment to the United States Constitution;

(C) is required for all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs;

(D) recognizes that parents are the primary decision makers regarding a student's access to library material;

(E) encourages schools to provide library catalog transparency;

(F) recommends schools communicate effectively with parents regarding collection development; and

(G) prohibits the removal of material based solely on the:

(i) ideas contained in the material; or

(ii) personal background of:

(a) the author of the material; or

(b) characters in the material.

SECTION 6.005. Section 37.115(c), Education Code, as amended by Chapters 896 (H.B. 3) and 948 (S.B. 1720), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(c) The board of trustees of each school district shall

1 establish a threat assessment and safe and supportive school team  
2 to serve at each campus of the district and shall adopt policies and  
3 procedures for the teams. The team is responsible for developing  
4 and implementing the safe and supportive school program under  
5 Subsection (b) at the district campus served by the team. The  
6 policies and procedures adopted under this section must:

7 (1) be consistent with the model policies and  
8 procedures developed by the Texas School Safety Center;

9 (2) require each team to complete training provided by  
10 the Texas School Safety Center or a regional education service  
11 center regarding evidence-based threat assessment programs;

12 (3) require each team established under this section  
13 to report the information required under Subsection (k) regarding  
14 the team's activities to the agency; ~~and~~

15 (4) provide for:

16 (A) a district employee who reports a potential  
17 threat to a team to elect for the employee's identity to be  
18 confidential and not subject to disclosure under Chapter 552,  
19 Government Code, except as necessary for the team, the district, or  
20 law enforcement to investigate the potential threat; and

21 (B) the district to maintain a record of the  
22 identity of a district employee who elects for the employee's  
23 identity to be confidential under Paragraph (A); and

24 (5) ~~(4)~~ require each district campus to establish a  
25 clear procedure for a student to report concerning behavior  
26 exhibited by another student for assessment by the team or other  
27 appropriate school employee.

1           SECTION 6.006. Section 15, Chapter 925 (S.B. 1566), Acts of  
2 the 85th Legislature, Regular Session, 2017, which amended Section  
3 39.102(a), Education Code, is repealed to conform to Section 5.017,  
4 Chapter 915 (H.B. 3607), Acts of the 87th Legislature, Regular  
5 Session, 2021.

6           ARTICLE 7. CHANGES RELATING TO FAMILY CODE

7           SECTION 7.001. Section 54.047(f), Family Code, as amended  
8 by Chapter 1021 (H.B. 5183), Acts of the 88th Legislature, Regular  
9 Session, 2023, is repealed to conform to the repeal of Section  
10 54.047(f), Family Code, by Chapter 768 (H.B. 4595), Acts of the 88th  
11 Legislature, Regular Session, 2023.

12          SECTION 7.002. Section 101.001(a), Family Code, is amended  
13 to correct a reference to read as follows:

14          (a) Definitions in this chapter [~~subchapter~~] apply to this  
15 title.

16          SECTION 7.003. Section 262.101(b), Family Code, as added by  
17 Chapters 672 (H.B. 968) and 675 (H.B. 1087), Acts of the 88th  
18 Legislature, Regular Session, 2023, is reenacted to read as  
19 follows:

20          (b) The affidavit required by Subsection (a) must describe  
21 with specificity in a separate section all reasonable efforts,  
22 consistent with the circumstances and providing for the safety of  
23 the child, that were made to prevent or eliminate the need for the  
24 removal of the child.

25          SECTION 7.004. Section 262.105(c), Family Code, as added by  
26 Chapters 672 (H.B. 968) and 675 (H.B. 1087), Acts of the 88th  
27 Legislature, Regular Session, 2023, is reenacted to read as

1 follows:

2 (c) The affidavit required by Subsection (b) must describe  
3 with specificity in a separate section all reasonable efforts,  
4 consistent with the circumstances and providing for the safety of  
5 the child, that were made to prevent or eliminate the need for the  
6 removal of the child.

7 ARTICLE 8. CHANGES RELATING TO GOVERNMENT CODE

8 SECTION 8.001. Section 22.220(d), Government Code, is  
9 amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th  
10 Legislature, Regular Session, 2023, to read as follows:

11 (d) The Court of Appeals for the Fifteenth Court of Appeals  
12 District has exclusive intermediate appellate jurisdiction over  
13 the following matters arising out of or related to a civil case:

14 (1) matters brought by or against the state or a board,  
15 commission, department, office, or other agency in the executive  
16 branch of the state government, including a university system or  
17 institution of higher education as defined by Section 61.003,  
18 Education Code, or by or against an officer or employee of the state  
19 or a board, commission, department, office, or other agency in the  
20 executive branch of the state government arising out of that  
21 officer's or employee's official conduct, other than:

22 (A) a proceeding brought under the Family Code  
23 and any related motion or proceeding;

24 (B) a proceeding brought under Chapter 7B or  
25 Article 17.292, Code of Criminal Procedure;

26 (C) a proceeding brought against a district  
27 attorney, a criminal district attorney, or a county attorney with



1 criminal jurisdiction;  
2 (D) a proceeding relating to a mental health  
3 commitment;  
4 (E) a proceeding relating to civil asset  
5 forfeiture;  
6 (F) a condemnation proceeding for the  
7 acquisition of land or a proceeding related to eminent domain;  
8 (G) a proceeding brought under Chapter 101, Civil  
9 Practice and Remedies Code;  
10 (H) a claim of personal injury or wrongful death;  
11 (I) a proceeding brought under Chapter 125, Civil  
12 Practice and Remedies Code, to enjoin a common nuisance;  
13 (J) a proceeding brought under Chapter 55A ~~[55]~~,  
14 Code of Criminal Procedure;  
15 (K) a proceeding under Chapter 22A, Government  
16 Code;  
17 (L) a proceeding brought under Subchapter E-1,  
18 Chapter 411, Government Code;  
19 (M) a proceeding brought under Chapter 21, Labor  
20 Code;  
21 (N) a removal action under Chapter 87, Local  
22 Government Code; or  
23 (O) a proceeding brought under Chapter 841,  
24 Health and Safety Code;  
25 (2) matters in which a party to the proceeding files a  
26 petition, motion, or other pleading challenging the  
27 constitutionality or validity of a state statute or rule and the

1 attorney general is a party to the case; and

2 (3) any other matter as provided by law.

3 SECTION 8.002. Section 30.000125(b), Government Code, is  
4 amended to conform to Chapter 1545 (S.B. 1230), Acts of the 76th  
5 Legislature, Regular Session, 1999, and Chapter 765 (H.B. 4504),  
6 Acts of the 88th Legislature, Regular Session, 2023, to read as  
7 follows:

8 (b) The seal's ~~[appearance and]~~ use must substantially  
9 conform to Article 45A.052 ~~[45.02]~~, Code of Criminal Procedure.  
10 The seal~~[, but]~~ must include the phrase "Municipal Court of/in  
11 \_\_\_\_\_, Texas."

12 SECTION 8.003. Section 30.000126, Government Code, is  
13 amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th  
14 Legislature, Regular Session, 2023, to read as follows:

15 Sec. 30.000126. COMPLAINT; PLEADING. Complaints and  
16 pleadings must substantially conform to the relevant provisions of  
17 Chapters 27 and 45A ~~[45]~~, Code of Criminal Procedure.

18 SECTION 8.004. Section 30.007802(b), Government Code, is  
19 amended to conform to Chapter 1545 (S.B. 1230), Acts of the 76th  
20 Legislature, Regular Session, 1999, and Chapter 765 (H.B. 4504),  
21 Acts of the 88th Legislature, Regular Session, 2023, to read as  
22 follows:

23 (b) Complaints must comply with Article 45A.101 ~~[45.17]~~,  
24 Code of Criminal Procedure.

25 SECTION 8.005. Section 54.2811(a), Government Code, is  
26 amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th  
27 Legislature, Regular Session, 2023, to read as follows:

1           (a) A district court judge with jurisdiction in Denton  
2 County, the judge of a criminal statutory county court of Denton  
3 County, or the judge of the juvenile court of Denton County may  
4 refer to the criminal law magistrate court the following matters in  
5 a criminal case:

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

8           (2) a bond forfeiture, remittitur, and related  
9 proceedings;

10           (3) a pretrial motion;

11           (4) a writ of habeas corpus;

12           (5) an examining trial;

13           (6) jury selection;

14           (7) an occupational driver's license;

15           (8) a waiver of extradition or a related matter under  
16 Chapter 51, Code of Criminal Procedure;

17           (9) the issuance of search warrants, including a  
18 search warrant under Article 18.02(a)(10), Code of Criminal  
19 Procedure, notwithstanding Article 18.01(c), Code of Criminal  
20 Procedure;

21           (10) a petition for an order of expunction under  
22 Chapter 55A [55], Code of Criminal Procedure;

23           (11) an asset forfeiture hearing as provided by  
24 Chapter 59, Code of Criminal Procedure;

25           (12) a civil commitment matter under Subtitle C, Title  
26 7, Health and Safety Code;

27           (13) setting, adjusting, or revoking bond;

1           (14) the conduct of initial juvenile detention  
2 hearings or any other matter in a juvenile case if referred by the  
3 judge of the juvenile court of the county and approved by the Denton  
4 County Juvenile Board; and

5           (15) any other matter the judge considers necessary  
6 and proper.

7           SECTION 8.006. Section 71.035(a), Government Code, as  
8 amended by Chapters 486 (H.B. 841) and 677 (H.B. 1182), Acts of the  
9 88th Legislature, Regular Session, 2023, is reenacted to read as  
10 follows:

11           (a) The council shall gather judicial statistics and other  
12 pertinent information, including for each trial court in this state  
13 monthly court activity statistics and case-level information on the  
14 amount and character of the business transacted by the court, from  
15 the several state judges and other court officials of this state.  
16 The monthly information gathered by the council for each trial  
17 court in a county with a population of at least one million must  
18 include, but is not limited to:

- 19           (1) the number of cases assigned to the court;  
20           (2) the case clearance rate for the court;  
21           (3) the number of cases disposed by the court;  
22           (4) the number of jury panels empaneled for the court;  
23           (5) the number of orders of continuance for an  
24 attorney before the court or by the court;  
25           (6) the number of pleas accepted by the court;  
26           (7) the number of cases tried by the judge of the court  
27 or before a jury; and

(8) the number of cases tried before a visiting or associate judge of the court.

SECTION 8.007. Section 79.014(a), Government Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) The governor shall appoint with the advice and consent of the senate seven members of the board as follows:

(1) one member who is a district judge serving as a presiding judge of an administrative judicial region;

(2) one member who is a judge of a constitutional county court or who is a county commissioner;

(3) one member who is a practicing criminal defense attorney;

(4) one member who is a chief public defender in this state;

(5) one member who is a judge of a constitutional county court or who is a county commissioner of a county with a population of 250,000 or more;

(6) one member who is either:

(A) a director of a managed assigned counsel program in this state; or

(B) a person who has a demonstrated expertise in indigent defense issues; and

(7) one member who is a justice of the peace, municipal court judge, or appointed magistrate under Article 2A.151 [2.09], Code of Criminal Procedure, whose regular duties include presiding over hearings under Article 15.17, Code of Criminal Procedure.

SECTION 8.008. Section 402.028(c), Government Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(c) Nothing in this section shall prohibit an assistant attorney general from performing duties as an attorney representing the state under a temporary appointment described by ~~[as attorney pro tem under the provisions of]~~ Article 2A.104, Code of Criminal Procedure.

SECTION 8.009. Section 403.606, Government Code, is amended to conform to Chapter 768 (H.B. 4595), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 403.606. CERTAIN PERSONS INELIGIBLE. A person is not eligible to submit an application to the comptroller or enter into an agreement under this subchapter if the person is a company that is listed as ineligible to receive a state contract or investment under Chapter 808, 809, 2270, 2271, ~~[or]~~ 2274, 2275, or 2276 ~~[as added by Chapters 529 (S.B. 13), 530 (S.B. 19), and 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021]~~.

SECTION 8.010. (a) Section 411.1106(b), Government Code, as amended by Chapters 871 (H.B. 4123) and 1089 (S.B. 1192), Acts of the 88th Legislature, Regular Session, 2023, is reenacted, amended to correct a typographical error, and further amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(b) The commission is entitled to obtain criminal history record information as provided by Subsection (b-1) that relates to a person who is required to be fingerprinted and is:

1           (1) an applicant for an employment or volunteer  
2 position or an applicant for a contract with the commission in which  
3 the person, as an employee, volunteer, or contractor, as [~~an~~]  
4 applicable, would have access to sensitive personal or financial  
5 information, as determined by the executive commissioner, in:

6           (A) the eligibility services division of the  
7 commission as established under Section 523.0151 [~~531.008~~];

8           (B) the commission's office of inspector general  
9 as established by Section 523.0151 [~~531.008~~] and Subchapter C,  
10 Chapter 544 [~~531~~]; or

11           (C) the regulatory services division of the  
12 commission as established under Section 523.0151 [~~531.008~~]; or

13           (2) an employee, volunteer, or contractor of the  
14 commission who has access to sensitive personal or financial  
15 information, as determined by the executive commissioner.

16           (b) Section 411.1106(b-1), Government Code, as added by  
17 Chapter 1089 (S.B. 1192), Acts of the 88th Legislature, Regular  
18 Session, 2023, is repealed as duplicative of Section 411.1106(b-1),  
19 Government Code, as added by Chapter 871 (H.B. 4123), Acts of the  
20 88th Legislature, Regular Session, 2023.

21           (c) Section 411.1106(c-1), Government Code, as added by  
22 Chapter 1089 (S.B. 1192), Acts of the 88th Legislature, Regular  
23 Session, 2023, is repealed as duplicative of Section 411.1106(c),  
24 Government Code, as amended by Chapter 871 (H.B. 4123), Acts of the  
25 88th Legislature, Regular Session, 2023.

26           SECTION 8.011. Section 411.11061(a), Government Code, is  
27 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th

Legislature, Regular Session, 2023, to read as follows:

(a) In this section, "residential caregiver" has the meaning assigned by Section 532.0157 [~~531.02485~~].

SECTION 8.012. Section ~~411.1355~~(d), Government Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(d) The department shall permit a person whose name is included in the database established under this section to petition the department for removal of the person's name from the database, and the department shall remove the person's name from the database in response to the petition if:

(1) an order of expunction is issued under Chapter 55A [~~55~~], Code of Criminal Procedure, with respect to one of the offenses described by Subsection (a), unless the person has been convicted three or more times of an offense described by that subsection; or

(2) during the seven-year period preceding the date of the petition, the person is not convicted of an offense described by Subsection (a).

SECTION 8.013. Section ~~411.151~~(a), Government Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) The director shall expunge a DNA record of an individual from a DNA database if:

(1) the director receives:

(A) an order of expunction under Subchapter E or F, Chapter 55A [~~Article 55.02~~], Code of Criminal Procedure; or



(B) a request from a court under Section 411.1471(e); or

(2) the person provides the director with a certified copy of a court order issued under Subchapter C-1, Chapter 58, Family Code, that seals the juvenile record of the adjudication that resulted in the DNA record.

SECTION 8.014. Section 411.187(c), Government Code, is amended to correct references to read as follows:

(c) The department shall suspend a license under this section:

(1) for 30 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(2), (3), or (4), except as provided by Subdivision (2);

(2) for not less than one year and not more than three years, if the person's license:

(A) is subject to suspension for a reason listed in Subsection (a), other than the reason listed in Subsection (a)(1); and

(B) has been previously suspended for the same reason;

(3) until dismissal of the charges, if the person's license is subject to suspension for the reason listed in Subsection (a)(1); or

(4) for the duration of or the period specified by:

(A) the protective order issued under Title 4, Family Code, if the person's license is subject to suspension for the reason listed in Subsection (a)(3) [~~(a)(5)~~]; or

1 (B) the order for emergency protection issued  
2 under Article 17.292, Code of Criminal Procedure, if the person's  
3 license is subject to suspension for the reason listed in  
4 Subsection (a)(4) [~~(a)(6)~~].

5 SECTION 8.015. Section 420.008(b), Government Code, as  
6 amended by Chapters 190 (H.B. 3345) and 858 (H.B. 3461), Acts of the  
7 88th Legislature, Regular Session, 2023, is reenacted and amended  
8 to read as follows:

9 (b) The fund consists of:

10 (1) fees and fines collected under:

11 (A) Article 42A.653(a), Code of Criminal  
12 Procedure;

13 (B) Section 508.189, Government Code; and

14 (C) Subchapter B, Chapter 102, Business &  
15 Commerce Code, and deposited under Section 102.054 of that code;

16 (2) administrative penalties collected under Section  
17 51.258, Education Code; ~~and~~

18 (3) amounts allocated under Section 183.054, Tax Code;  
19 and

20 (4) [~~(3)~~] interest and other earnings on money in the  
21 fund.

22 SECTION 8.016. Section 425.001(4), Government Code, is  
23 amended to conform to Chapter 709 (H.B. 2190), Acts of the 88th  
24 Legislature, Regular Session, 2023, to read as follows:

25 (4) "Violent incident" means an incident involving a  
26 peace officer that occurs while the officer is performing official  
27 duties and that poses a substantial risk of serious harm to the

1 officer's mental health or well-being, including responding to a  
2 homicide, suicide, or fatal motor vehicle collision [~~accident~~].

3 SECTION 8.017. (a) Section 521.0001(7), Government Code,  
4 as effective April 1, 2025, is amended to conform to Section 1,  
5 Chapter 840 (H.B. 2727), Acts of the 88th Legislature, Regular  
6 Session, 2023, to read as follows:

7 (7) "Home telemonitoring service" means a health  
8 service that requires scheduled remote monitoring of data related  
9 to a patient's health and transmission of the data to a licensed  
10 home and community support services agency, a federally qualified  
11 health center, a rural health clinic, or a hospital, as those terms  
12 are defined by Section 548.0251. The term is synonymous with  
13 "remote patient monitoring."

14 (b) Section 1, Chapter 840 (H.B. 2727), Acts of the 88th  
15 Legislature, Regular Session, 2023, which amended Section  
16 531.001(4-a), Government Code, is repealed.

17 SECTION 8.018. Section 531.0045, Government Code, is  
18 transferred to Subchapter A, Chapter 523, Government Code, as  
19 effective April 1, 2025, redesignated as Section 523.00031,  
20 Government Code, and amended to read as follows:

21 Sec. 523.00031 [~~531.0045~~]. LIMIT ON SUNSET REVIEW. The  
22 Sunset Advisory Commission's review of the commission [~~Health and~~  
23 ~~Human Services Commission~~] under Chapter 325 (Texas Sunset Act)  
24 during the period in which state agencies abolished in 2027 are  
25 reviewed may not include a review of the family support services  
26 programs transferred to the commission under Chapter 137, Human  
27 Resources Code, or the Thriving Texas Families Program established

under Chapter 54, Health and Safety Code. This section expires September 1, 2027.

SECTION 8.019. (a) Subchapter Y, Chapter 531, Government Code, is transferred to Chapter 523, Government Code, as effective April 1, 2025, redesignated as Subchapter H, Chapter 523, Government Code, amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, and further amended to read as follows:

SUBCHAPTER H [Y]. COMMISSION OMBUDSMAN PROGRAMS

Sec. 523.0351 [~~531.991~~]. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of Family and Protective Services.

(2) "Ombudsman" means the individual appointed as the ombudsman for an ombudsman program.

(3) "Ombudsman program" means an ombudsman program administered by the commission under this subchapter.

Sec. 523.0352 [~~531.9912~~]. ESTABLISHMENT OF OMBUDSMAN PROGRAMS. The executive commissioner shall establish the following ombudsman programs:

(1) the health and human services office of the ombudsman in accordance with Section 523.0353 [~~531.9915~~];

(2) the ombudsman for children and youth in foster care in accordance with Section 523.0357 [~~531.9931~~];

(3) the ombudsman for managed care assistance in accordance with Section 523.0358 [~~531.9932~~];

(4) the ombudsman for behavioral health access to care in accordance with Section 523.0359 [~~531.9933~~]; and

1           (5) the ombudsman for individuals with an intellectual  
2 or developmental disability in accordance with Section 523.0360  
3 [~~531.9934~~].

4           Sec. 523.0353 [~~531.9915~~]. OFFICE OF OMBUDSMAN. (a) The  
5 executive commissioner shall establish the commission's office of  
6 the ombudsman with authority and responsibility over the health and  
7 human services system in performing the following functions:

8           (1) providing dispute resolution services for the  
9 health and human services system;

10           (2) performing consumer protection and advocacy  
11 functions related to health and human services, including assisting  
12 a consumer or other interested person with:

13           (A) raising a matter within the health and human  
14 services system that the person feels is being ignored; and

15           (B) obtaining information regarding a filed  
16 complaint; and

17           (3) collecting inquiry and complaint data related to  
18 the health and human services system.

19           (b) The office of the ombudsman does not have the authority  
20 to provide a separate process for resolving complaints or appeals.

21           (c) The executive commissioner shall develop a standard  
22 process for tracking and reporting received inquiries and  
23 complaints within the health and human services system. The  
24 process must provide for the centralized tracking of inquiries and  
25 complaints submitted to field, regional, or other local health and  
26 human services system offices.

27           (d) Using the process developed under Subsection (c), the

1 office of the ombudsman shall collect inquiry and complaint data  
2 from all offices, agencies, divisions, and other entities within  
3 the health and human services system. To assist with the collection  
4 of data under this subsection, the office may access any system or  
5 process for recording inquiries and complaints used or maintained  
6 within the health and human services system.

7 Sec. 523.0354 [~~531.992~~]. APPOINTMENT OF OMBUDSMAN. The  
8 executive commissioner shall appoint an ombudsman for each  
9 ombudsman program to serve at the will of the executive  
10 commissioner.

11 Sec. 523.0355 [~~531.9921~~]. CONFLICT OF INTEREST. An  
12 individual [~~A person~~] may not serve as ombudsman in an ombudsman  
13 program if the individual [~~person~~] or the individual's [~~person's~~]  
14 spouse:

15 (1) is employed by or participates in the management  
16 of a business entity or other organization receiving funds from the  
17 commission;

18 (2) owns or controls, directly or indirectly, any  
19 interest in a business entity or other organization receiving funds  
20 from the commission; or

21 (3) is required to register as a lobbyist under  
22 Chapter 305 because of the individual's [~~person's~~] activities for  
23 compensation on behalf of a profession related to the commission's  
24 operation [~~of the commission~~].

25 Sec. 523.0356 [~~531.993~~]. DUTIES OF OMBUDSMAN. (a) An  
26 ombudsman serves as an impartial party in assisting:

27 (1) children and youth in the conservatorship of the

1 department with complaints regarding issues within the authority of  
2 the commission or department, as applicable; and

3 (2) persons with a complaint against the commission  
4 regarding case-specific activities of the programs within the  
5 health and human services system.

6 (b) An ombudsman shall:

7 (1) develop and implement statewide procedures to:

8 (A) receive complaints from:

9 (i) children and youth in the  
10 conservatorship of the department; and

11 (ii) other persons with a complaint against  
12 a program within the health and human services system;

13 (B) review complaints filed with an ombudsman and  
14 take appropriate action, including:

15 (i) conducting an investigation into  
16 individual complaints that allege violations of commission or  
17 department procedures or policies or other violations; and

18 (ii) referring to the commission or  
19 department for resolution any trends or systemic issues identified  
20 in complaints;

21 (C) provide any necessary assistance to:

22 (i) children and youth in the  
23 conservatorship of the department in making complaints and  
24 reporting allegations of abuse, neglect, or exploitation under  
25 Chapter 48, Human Resources Code; and

26 (ii) any other person in making complaints  
27 against a program within the health and human services system or

1 reporting allegations of abuse, neglect, or exploitation under  
2 Chapter 48, Human Resources Code;

3 (D) maintain the confidentiality of:

4 (i) an ombudsman's communications and  
5 records;

6 (ii) records of another person [~~that have~~  
7 ~~been~~] provided to an ombudsman; and

8 (iii) communications of another person with  
9 an ombudsman; and

10 (E) ensure that any person who files a complaint  
11 with an ombudsman is informed of the results of the ombudsman's  
12 investigation of the complaint, including whether the ombudsman was  
13 able to substantiate the complaint;

14 (2) collaborate with the commission to develop and  
15 implement an annual outreach plan to promote awareness of the  
16 ombudsman programs among the public and stakeholders that includes:

17 (A) how an ombudsman may be contacted;

18 (B) the purpose of an ombudsman; and

19 (C) the services an ombudsman provides;

20 (3) issue and file with the commission or department,  
21 as applicable, a report that contains an ombudsman's final  
22 determination regarding a complaint and any recommended corrective  
23 actions to be taken as a result of the complaint;

24 (4) establish a secure form of communication with any  
25 individual who files a complaint with an ombudsman;

26 (5) collaborate with the commission or department, as  
27 applicable, to identify consequences for any retaliatory action



1 related to a complaint filed with an ombudsman, in accordance with  
2 Section 523.0364 [~~531.997~~]; and

3 (6) monitor and evaluate the corrective actions taken  
4 in response to an ombudsman's [~~a~~] recommendation [~~by an ombudsman~~].

5 (c) An ombudsman's final determination in a report  
6 described by Subsection (b)(3) must include a determination of  
7 whether there was wrongdoing or negligence by the commission or  
8 department or an agent of the commission or department or whether  
9 the complaint was frivolous or without merit. If the ombudsman  
10 determines there was wrongdoing or negligence, the ombudsman shall  
11 recommend corrective actions to be taken by the commission or  
12 department.

13 (d) [~~(c-1)~~] The department and the commission shall provide  
14 written notice to an ombudsman on whether the department or  
15 commission adopted or rejected the ombudsman's recommended  
16 corrective action. If the department or commission rejects a  
17 recommended corrective action, the department or commission shall  
18 include in the notice the reason for the rejection.

19 (e) [~~(d)~~] An ombudsman may attend any judicial proceeding  
20 related to a complaint filed with the ombudsman program.

21 Sec. 523.0357 [~~531.9931~~]. OMBUDSMAN FOR CHILDREN AND YOUTH  
22 IN FOSTER CARE. (a) The commission shall establish an ombudsman  
23 program to provide support and information services to children and  
24 youth in foster care.

25 (b) An ombudsman appointed under this section shall:

26 (1) receive complaints from children and youth in the  
27 conservatorship of the department as provided under Section

1 523.0356(b)(1)(A)(i) [~~531.993(b)(1)(A)(i)~~];

2 (2) inform children and youth in the conservatorship  
3 of the department who file a complaint under this subchapter about  
4 the result of an ombudsman's investigation of the complaint,  
5 including whether the ombudsman was able to substantiate the  
6 child's or youth's complaint; and

7 (3) collaborate with the department to develop an  
8 outreach plan for children and youth in the conservatorship of the  
9 department to promote awareness of the ombudsman program.

10 Sec. 523.0358 [~~531.9932~~]. OMBUDSMAN FOR MANAGED CARE  
11 ASSISTANCE. (a) The commission shall establish an ombudsman  
12 program to provide support and information services to an  
13 individual [~~a person~~] enrolled in or applying for Medicaid coverage  
14 who experiences barriers to receiving health care services.

15 (b) An ombudsman appointed under this section shall give  
16 emphasis to assisting an individual [~~a person~~] with an urgent or  
17 immediate medical or support need.

18 (c) The commission shall provide support and information  
19 services required by this section through a network of entities  
20 coordinated by the commission's ombudsman program and composed of:

21 (1) the commission's ombudsman program or other  
22 division of the commission designated by the executive commissioner  
23 to coordinate the network;

24 (2) the office of the state long-term care ombudsman  
25 required under Subchapter F, Chapter 101A, Human Resources Code;

26 (3) the division within the commission responsible for  
27 oversight of Medicaid managed care contracts;

(4) area agencies on aging;

(5) aging and disability resource centers established under the Aging and Disability Resource Center initiative funded in part by the federal Administration on Aging and the Centers for Medicare and Medicaid Services; and

(6) any other entity the executive commissioner determines appropriate.

(d) As a part of the support and information services required by this section, the ombudsman program shall:

(1) operate a statewide toll-free assistance telephone number that includes relay services for individuals ~~[persons]~~ with speech or hearing disabilities and assistance for individuals ~~[persons]~~ who speak Spanish;

(2) intervene promptly with the state Medicaid office, Medicaid managed care organizations and providers, and any other appropriate entity on behalf of an individual ~~[a person]~~ who has an urgent need for medical services;

(3) assist an individual ~~[a person]~~ who is experiencing barriers in the Medicaid application and enrollment process and refer the individual ~~[person]~~ for further assistance if appropriate;

(4) educate individuals ~~[persons]~~ so that they:

(A) understand the concept of managed care;

(B) understand their rights under Medicaid, including grievance and appeal procedures; and

(C) are able to advocate for themselves;

(5) assist the state Medicaid office and Medicaid

1 managed care organizations and providers in identifying and  
2 correcting problems, including site visits to affected regions if  
3 necessary;

4 (6) meet the needs of all current and future Medicaid  
5 managed care recipients, including children receiving dental  
6 benefits;

7 (7) incorporate support services for children  
8 enrolled in the child health plan program established under Chapter  
9 62, Health and Safety Code; and

10 (8) ensure that staff providing support and  
11 information services receive ~~[receives]~~ sufficient training,  
12 including training in the Medicare program for the purpose of  
13 assisting recipients who are dually eligible for Medicare and  
14 Medicaid, and have ~~[has]~~ sufficient authority to resolve barriers  
15 experienced by recipients to health care and long-term services and  
16 supports.

17 (e) The ombudsman program must be sufficiently independent  
18 from other aspects of Medicaid managed care to represent the best  
19 interests of recipients in problem resolution.

20 Sec. 523.0359 ~~[531.9933]~~. OMBUDSMAN FOR BEHAVIORAL HEALTH  
21 ACCESS TO CARE. (a) The commission shall establish an ombudsman  
22 program to provide support and information services to a consumer  
23 enrolled in or applying for a behavioral health program.

24 (b) The commission may use an alternate title for the  
25 ombudsman in consumer-facing materials if the commission  
26 determines that an alternate title would be beneficial to consumer  
27 understanding or access.

1           (c) An ombudsman serves as an impartial party to help  
2 consumers, including consumers who are uninsured or have public or  
3 private health benefit coverage, and behavioral health care  
4 providers navigate and resolve issues related to consumer access to  
5 behavioral health care, including care for mental health conditions  
6 and substance use disorders.

7           (d) An ombudsman shall:

8               (1) interact with consumers and behavioral health care  
9 providers regarding ~~[with]~~ concerns or complaints to help the  
10 consumers and providers resolve behavioral health care access  
11 issues;

12               (2) identify, track, and help report potential  
13 violations of state or federal rules, regulations, or statutes  
14 concerning the availability of, and terms and conditions of,  
15 benefits for mental health conditions or substance use disorders,  
16 including potential violations related to quantitative and  
17 nonquantitative treatment limitations;

18               (3) report concerns, complaints, and potential  
19 violations described by Subdivision (2) to the appropriate  
20 regulatory or oversight agency;

21               (4) receive and report concerns and complaints  
22 relating to inappropriate care or mental health commitment;

23               (5) provide appropriate information to help consumers  
24 obtain behavioral health care;

25               (6) develop appropriate points of contact for  
26 referrals to other state and federal agencies; and

27               (7) provide appropriate information to help consumers

1 or providers file appeals or complaints with the appropriate  
2 entities, including insurers and other state and federal agencies.

3 (e) The Texas Department of Insurance shall appoint a  
4 liaison to an ombudsman to receive reports of concerns, complaints,  
5 and potential violations described by Subsection (d)(2) from an  
6 ombudsman, consumers, or behavioral health care providers.

7 Sec. 523.0360 [~~531.9934~~]. OMBUDSMAN FOR INDIVIDUALS WITH  
8 AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY. The executive  
9 commissioner shall appoint an ombudsman to assist a client, or a  
10 person acting on behalf of an individual with an intellectual or  
11 developmental disability or a group of individuals with an  
12 intellectual or developmental disability, with a complaint or  
13 grievance regarding the infringement of the rights of an individual  
14 with an intellectual or developmental disability or the delivery of  
15 intellectual disability services submitted under Section 592.039,  
16 Health and Safety Code.

17 Sec. 523.0361 [~~531.994~~]. INVESTIGATION OF UNREPORTED  
18 COMPLAINTS. If, during the investigation of a complaint, an  
19 ombudsman discovers unreported violations of the commission's or  
20 department's rules and policies, the ombudsman shall open a new  
21 investigation for each unreported violation.

22 Sec. 523.0362 [~~531.995~~]. ACCESS TO INFORMATION. The  
23 commission and department shall provide an ombudsman access to the  
24 records that relate to a complaint the ombudsman is reviewing or  
25 investigating.

26 Sec. 523.0363 [~~531.996~~]. COMMUNICATION AND  
27 CONFIDENTIALITY. (a) A person may communicate with an ombudsman

1 relating to a complaint by telephone, by mail, by electronic mail,  
2 or by any other means the ombudsman determines to be feasible,  
3 secure, and accessible.

4 (b) A communication with an ombudsman is confidential  
5 during an investigation or review of a complaint and remains  
6 confidential after the complaint is resolved.

7 (c) The records of an ombudsman are confidential and must be  
8 maintained in a manner that preserves the confidentiality of the  
9 records.

10 (d) The disclosure of confidential information to an  
11 ombudsman under this subchapter does not constitute a waiver of  
12 confidentiality. Any information disclosed to the ombudsman under  
13 this subchapter remains confidential and privileged following  
14 disclosure.

15 (e) An ombudsman is not prohibited from communicating with  
16 the commission or department regarding confidential information  
17 disclosed to the ombudsman.

18 (f) An ombudsman may make reports relating to an  
19 investigation of a complaint public after the complaint is  
20 resolved. A report may not include information that identifies an  
21 individual complainant, client, parent, or employee or any other  
22 person involved in the complaint.

23 Sec. 523.0364 [~~531.997~~]. RETALIATION PROHIBITED. The  
24 commission or department may not retaliate against an employee of  
25 the commission or department, as applicable, or any other person  
26 who in good faith makes a complaint to an ombudsman or against any  
27 person who cooperates with the ombudsman in an investigation.

1           Sec. 523.0365 [~~531.998~~]. REPORT. (a) Each ombudsman shall  
2 prepare an annual report that contains:

3                   (1) a description of the ombudsman's work;

4                   (2) any change made by the commission or department in  
5 response to a substantiated complaint;

6                   (3) a description of any trends in the nature of  
7 complaints received by the ombudsman or any systemic issues  
8 identified by the ombudsman in the investigation of individual  
9 complaints, any recommendations related to addressing those trends  
10 and issues, and an evaluation of the feasibility of the ombudsman's  
11 recommendations;

12                  (4) a glossary of terms used in the report;

13                  (5) a description of the methods used to promote  
14 awareness of the ombudsman under Section 523.0356(b) [~~531.993(b)~~]  
15 and the ombudsman's promotion plan for the next year; and

16                  (6) any public feedback received by the ombudsman  
17 relating to the ombudsman's previous annual reports.

18           (b) Each report must be submitted to the governor, the  
19 lieutenant governor, each standing committee of the legislature  
20 with jurisdiction over matters involving the commission, each  
21 member of the legislature, and the executive commissioner not later  
22 than December 1 of each year. On receipt of the report, the  
23 commission shall make the report publicly available on the  
24 commission's Internet website.

25           (b) Section 523.0255, Government Code, as effective April  
26 1, 2025, is repealed to conform to the transfer and redesignation of  
27 Section 531.0171, Government Code, by Section 5, Chapter 741 (H.B.



3462), Acts of the 88th Legislature, Regular Session, 2023.

(c) Section 532.0303, Government Code, as effective April 1, 2025, is repealed to conform to the transfer and redesignation of Section 531.0213, Government Code, by Section 10, Chapter 741 (H.B. 3462), Acts of the 88th Legislature, Regular Session, 2023.

(d) Section 547.0002, Government Code, as effective April 1, 2025, is repealed to conform to the transfer and redesignation of Section 531.02251, Government Code, by Section 11, Chapter 741 (H.B. 3462), Acts of the 88th Legislature, Regular Session, 2023.

SECTION 8.020. (a) Section 525.0052(b), Government Code, as effective April 1, 2025, is amended to conform to Section 2, Chapter 1147 (S.B. 956), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(b) The executive commissioner shall:

(1) establish a federal money management system to coordinate and monitor the use of federal money health and human services agencies receive to ensure that the money is spent in the most efficient manner;

(2) establish priorities for health and human services agencies' use of federal money [~~in coordination with the coordinated strategic plan the executive commissioner develops under Section 525.0154~~];

(3) coordinate and monitor the use of federal money for health and human services to ensure that the money is spent in the most cost-effective manner throughout the health and human services system;

(4) review and approve all federal funding plans for

1 health and human services in this state;

2 (5) estimate available federal money, including  
3 earned federal money, and monitor unspent money;

4 (6) ensure that the state meets federal requirements  
5 relating to receipt of federal money for health and human services,  
6 including requirements relating to state matching money and  
7 maintenance of effort;

8 (7) transfer appropriated amounts as described by  
9 Section 525.0053; and

10 (8) ensure that each governmental entity that  
11 coordinates the delivery of health and human services in regions,  
12 counties, and municipalities of this state [~~the executive~~  
13 ~~commissioner identifies under Section 525.0155~~] has access to  
14 complete and timely information about all sources of federal money  
15 for health and human services programs and that technical  
16 assistance is available to governmental entities seeking grants of  
17 federal money to provide health and human services.

18 (b) Section 2, Chapter 1147 (S.B. 956), Acts of the 88th  
19 Legislature, Regular Session, 2023, which amended Section  
20 531.028(b), Government Code, is repealed.

21 SECTION 8.021. (a) Section 525.0151, Government Code, as  
22 effective April 1, 2025, is amended to conform to Section 1, Chapter  
23 1147 (S.B. 956), Acts of the 88th Legislature, Regular Session,  
24 2023, to read as follows:

25 Sec. 525.0151. PLANNING AND DELIVERY OF HEALTH AND HUMAN  
26 SERVICES GENERALLY. The executive commissioner shall:

27 (1) facilitate and enforce coordinated planning and

1 delivery of health and human services, including:

2 (A) ~~[compliance with the coordinated strategic~~  
3 ~~plan,~~

4 ~~[(B)]~~ colocation of services;

5 (B) ~~[(C)]~~ integrated intake; and

6 (C) ~~[(D)]~~ coordinated referral and case  
7 management;

8 (2) establish and enforce uniform regional boundaries  
9 for all health and human services agencies;

10 (3) carry out statewide health and human services  
11 needs surveys and forecasting;

12 (4) perform independent special-outcome evaluations  
13 of health and human services programs and activities; and

14 (5) on request of a governmental entity that  
15 coordinates the delivery of health and human services in regions,  
16 counties, and municipalities of this state ~~[the executive~~  
17 ~~commissioner identifies under Section 525.0155]~~, assist the entity  
18 in implementing a coordinated plan that:

19 (A) may include colocation of services,  
20 integrated intake, and coordinated referral and case management;  
21 and

22 (B) is tailored to the entity's needs and  
23 priorities.

24 (b) Section 1, Chapter 1147 (S.B. 956), Acts of the 88th  
25 Legislature, Regular Session, 2023, which amended Section  
26 531.024(a), Government Code, is repealed.

27 SECTION 8.022. Sections 525.0154 and 525.0155, Government

Code, as effective April 1, 2025, are repealed to conform to the repeal of Section 531.022, Government Code, by Section 6, Chapter 1147 (S.B. 956), Acts of the 88th Legislature, Regular Session, 2023.

SECTION 8.023. Subchapter L, Chapter 526, Government Code, as effective April 1, 2025, is repealed to conform to Section 6, Chapter 1033 (S.B. 24), Acts of the 88th Legislature, Regular Session, 2023, which transferred and redesignated Subchapter X, Chapter 531, Government Code.

SECTION 8.024. Section 531.0932, Government Code, is transferred to Subchapter M, Chapter 526, Government Code, as effective April 1, 2025, redesignated as Section 526.0604, Government Code, and amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 526.0604 [~~531.0932~~]. INSTRUCTION GUIDE FOR FAMILY MEMBERS AND CAREGIVERS OF VETERANS WHO HAVE MENTAL HEALTH DISORDERS. (a) The commission and the Texas Veterans Commission jointly shall produce and make publicly available an instruction guide for family members and caregivers of veterans who have mental health disorders.

(b) The instruction guide produced under this section must include:

(1) general education about different mental health disorders, including instruction intended to improve understanding about the experience of individuals [~~persons~~] suffering from those mental health disorders;

(2) techniques for handling crisis situations and administering mental health first aid to individuals [~~persons~~] suffering from mental health disorders;

(3) techniques for coping with the stress of living with an individual ~~[a person]~~ with a mental health disorder; and

(4) information about related services available for family members and caregivers of veterans who have mental health disorders that are provided by the commission, the Texas Veterans Commission, other state agencies, community organizations, and mental health services providers.

(c) The commission and the Texas Veterans Commission each shall publish the guide produced under this section on the respective agency's Internet website.

SECTION 8.025. Subchapter M-2, Chapter 531, Government Code, as added by Chapter 484 (H.B. 728), Acts of the 88th Legislature, Regular Session, 2023, is transferred to Chapter 526, Government Code, as effective April 1, 2025, redesignated as Subchapter Q, Chapter 526, Government Code, and amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

## SUBCHAPTER Q [M-2]. STATEWIDE INTERAGENCY AGING SERVICES

## COORDINATING COUNCIL

Sec. 526.0801 [~~531.491~~]. DEFINITIONS. In this subchapter:

(1) "Council" means the statewide interagency aging services coordinating council.

(2) "Strategic plan" means the statewide interagency aging services strategic plan required under Section 526.0807(1)

1 ~~[531.497(1)]~~.

2       Sec. 526.0802 ~~[531.492]~~. PURPOSE.       The council is  
3 established to ensure a strategic statewide approach to interagency  
4 aging services.

5       Sec. 526.0803 ~~[531.493]~~. COMPOSITION OF COUNCIL.       (a)  
6 Subject to Subsection (b), the council is composed of at least one  
7 representative appointed by each of the following agencies and  
8 entities:

- 9               (1) the governor's office;
- 10              (2) the commission, including one representative of  
11 the commission's aging services coordination office;
- 12              (3) the Department of Family and Protective Services;
- 13              (4) the Department of State Health Services;
- 14              (5) the Department of Agriculture's office of rural  
15 health;
- 16              (6) the Texas Veterans Commission;
- 17              (7) the Texas Workforce Commission;
- 18              (8) the office of the attorney general;
- 19              (9) the Barshop Institute for Longevity and Aging  
20 Studies at The University of Texas Health Science Center at San  
21 Antonio;
- 22              (10) the Texas Aging and Longevity Consortium at The  
23 University of Texas at Austin; and
- 24              (11) the Center for Community Health and Aging at  
25 Texas A&M University.

26       (b) The executive commissioner shall determine the number  
27 of representatives that each agency or entity may appoint to serve

1 on the council.

2 (c) The council may authorize another state agency or entity  
3 that provides specific interagency aging services with the use of  
4 appropriated money to appoint a representative to the council.

5 (d) A council member serves at the pleasure of the  
6 appointing agency or entity.

7 Sec. 526.0804 [~~531.494~~]. TERMS; VACANCY. (a) Council  
8 members serve six-year terms.

9 (b) A vacancy on the council shall be filled in the same  
10 manner as the original appointment. A council member appointed to  
11 fill a vacancy on the council shall serve the remainder of the  
12 unexpired term.

13 Sec. 526.0805 [~~531.495~~]. PRESIDING OFFICER. The  
14 representative of the commission's aging services coordination  
15 office appointed under Section 526.0803(a) [~~531.493(a)~~] shall  
16 serve as the presiding officer.

17 Sec. 526.0806 [~~531.496~~]. MEETINGS. The council shall meet  
18 at least once quarterly or more frequently at the call of the  
19 presiding officer.

20 Sec. 526.0807 [~~531.497~~]. POWERS AND DUTIES. The council:

21 (1) shall, in accordance with Section 526.0808  
22 [~~531.498~~]:

23 (A) develop a recurring five-year statewide  
24 interagency aging services strategic plan; and

25 (B) submit the strategic plan to the executive  
26 commissioner and the administrative head of each agency subject to  
27 the strategic plan;

1           (2) shall develop and, not later than November 1 of  
2 each even-numbered year, submit to the legislature a biennial  
3 coordinated statewide interagency aging services expenditure  
4 proposal;

5           (3) shall annually publish an updated inventory of  
6 state-funded interagency aging programs and services that includes  
7 a description of how those programs and services further the  
8 purpose of the statewide interagency aging services strategic plan;

9           (4) may facilitate opportunities to increase  
10 collaboration for the effective expenditure of available federal  
11 and state money for interagency aging services in this state; and

12           (5) may establish subcommittees as necessary to carry  
13 out the council's duties under this subchapter.

14       Sec. 526.0808 [~~531.498~~]. RECURRING FIVE-YEAR STRATEGIC  
15 PLAN AND RELATED IMPLEMENTATION PLANS. (a) Not later than March 1  
16 of the last state fiscal year in each five-year period covered by  
17 the most recent strategic plan, the council shall:

18           (1) develop a new strategic plan for the next five  
19 state fiscal years that begins with the following fiscal year; and

20           (2) submit the new strategic plan to the executive  
21 commissioner and the administrative head of each agency subject to  
22 the strategic plan.

23       (b) Not later than the 90th day after receiving the  
24 strategic plan, the executive commissioner and the administrative  
25 head of each agency that is subject to the plan shall develop and  
26 submit to the governor, the lieutenant governor, and the  
27 legislature a plan for implementing the recommendations applicable



1 to the agency under the strategic plan. An implementation plan must  
2 include a justification for any recommendation the commission or  
3 other agency declines to implement.

4 Sec. 526.0809 [~~531.499~~]. APPLICATION OF SUNSET ACT. The  
5 council is subject to Chapter 325 (Texas Sunset Act). The council  
6 shall be reviewed during the period in which the commission is  
7 reviewed under Section 523.0003 [~~531.004~~]. Unless continued in  
8 existence as provided by Chapter 325, the council is abolished and  
9 this subchapter expires on the date on which the commission is  
10 subject to abolishment under that section.

11 SECTION 8.026. Section 531.02485, Government Code, is  
12 transferred to Subchapter D, Chapter 532, Government Code, as  
13 effective April 1, 2025, redesignated as Section 532.0157,  
14 Government Code, and amended to conform to Chapter 769 (H.B. 4611),  
15 Acts of the 88th Legislature, Regular Session, 2023, to read as  
16 follows:

17 Sec. 532.0157 [~~531.02485~~]. REQUIRED REVIEW OF CRIMINAL  
18 HISTORY RECORD INFORMATION FOR CERTAIN RESIDENTIAL CAREGIVERS. (a)  
19 In this section, "residential caregiver" means an individual who  
20 provides, through a group home or other residential facility  
21 licensed by or operated under the authority of the commission,  
22 community-based residential care services:

23 (1) to not more than four individuals with an  
24 intellectual or developmental disability at any time; and

25 (2) at a residence other than the home of the  
26 individual providing the services.

27 (b) A Medicaid provider, including a provider providing

services under a 1915(c) waiver program, that employs or contracts with a residential caregiver to provide community-based residential care services to ~~[Medicaid]~~ recipients shall review state and federal criminal history record information and obtain electronic updates from the Department of Public Safety of arrests and convictions for each residential caregiver the provider employs or contracts with to provide community-based residential care services to ~~[Medicaid]~~ recipients.

(c) An individual who has been convicted of an offense described by Section 250.006, Health and Safety Code, may not be employed or contracted as a residential caregiver or otherwise provide direct care to a ~~[Medicaid]~~ recipient with an intellectual or developmental disability to the same extent and, if applicable, for the same period of time prescribed by Section 250.006(a) or (b), Health and Safety Code, as an individual similarly convicted under those subsections. An individual who violates this subsection is subject to disciplinary action by the commission.

(d) A Medicaid provider shall immediately discharge any individual the provider employs or contracts with as a residential caregiver who is convicted of an offense described by Section 250.006, Health and Safety Code.

(e) Notwithstanding any other law, the commission shall take disciplinary action against a Medicaid provider that violates this section, including imposing an administrative penalty or vendor hold, terminating a contract or license, or any other disciplinary action the commission determines appropriate. In determining the appropriate disciplinary action to take against a

Medicaid provider under this subsection, the commission shall consider:

- (1) the nature and seriousness of the violation;
- (2) the history of previous violations; and
- (3) any other matter justice may require.

(f) The executive commissioner shall adopt rules necessary to implement this section.

SECTION 8.027. Section 531.02486, Government Code, is transferred to Subchapter D, Chapter 532, Government Code, as effective April 1, 2025, redesignated as Section 532.0158, Government Code, amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, and further amended to read as follows:

Sec. 532.0158 [~~531.02486~~]. SUSPENDING EMPLOYMENT OF CERTAIN RESIDENTIAL CAREGIVERS. (a) In this section:

(1) "Consumer-directed service option" has the meaning assigned by Section 546.0101 [~~531.051~~].

(2) "Reportable conduct" includes:

(A) abuse or neglect that causes or may cause death or harm to an individual using the consumer-directed service option or a resident;

(B) sexual abuse of an individual using the consumer-directed service option or a resident;

(C) financial exploitation of an individual using the consumer-directed service option or a resident in an amount of \$25 or more; and

(D) emotional, verbal, or psychological abuse

1 that causes harm to an individual using the consumer-directed  
2 service option or a resident.

3 (3) "Resident" means an individual residing in a group  
4 home or other residential facility who is receiving services from a  
5 residential caregiver.

6 (4) "Residential caregiver" has the meaning assigned  
7 by Section 532.0157 [~~531.02485~~].

8 (b) A Medicaid provider, including a provider providing  
9 services under a Section 1915(c) waiver program, who employs or  
10 contracts with a residential caregiver to provide community-based  
11 residential care services through a group home or other residential  
12 facility described by Subsection (a)(4), on receiving notice of the  
13 reportable conduct finding, shall immediately suspend the  
14 employment or contract of an individual the provider employs or  
15 contracts with as a residential caregiver who the commission finds  
16 has engaged in reportable conduct while the individual exhausts any  
17 applicable appeals process, including informal and formal appeals,  
18 pending a final decision by an administrative law judge. The  
19 provider may not reinstate the individual's employment or contract  
20 during the course of any appeals process.

21 (c) Notwithstanding any other law, the commission shall  
22 take disciplinary action against a Medicaid provider that violates  
23 Subsection (b), including imposing an administrative penalty or  
24 vendor hold, terminating a contract or license, or any other  
25 disciplinary action the commission determines appropriate. In  
26 determining the appropriate disciplinary action to take against a  
27 Medicaid provider under this subsection, the commission shall

1 consider:

2 (1) the nature and seriousness of the violation;

3 (2) the history of previous violations; and

4 (3) any other matter justice may require.

5 (d) The executive commissioner shall adopt rules necessary  
6 to implement this section.

7 SECTION 8.028. Subchapter Q, Chapter 531, Government Code,  
8 is transferred to Chapter 532, Government Code, as effective April  
9 1, 2025, redesignated as Subchapter K, Chapter 532, Government  
10 Code, and amended to conform to Chapter 769 (H.B. 4611), Acts of the  
11 88th Legislature, Regular Session, 2023, to read as follows:

12 SUBCHAPTER K [~~Q~~]. CASE MANAGEMENT SERVICES FOR CERTAIN PREGNANT  
13 WOMEN

14 Sec. 532.0501 [~~531.651~~]. DEFINITIONS. In this subchapter:

15 (1) "Case management for children and pregnant women  
16 program" means the "children and pregnant women program," as  
17 defined by Section 540.0702 [~~533.002555~~].

18 (2) "Nonmedical health-related needs screening" means  
19 a screening performed using the standardized screening questions  
20 required under Section 545.0058 [~~531.024183~~].

21 (3) "Program services" means case management services  
22 provided under the case management for children and pregnant women  
23 program, including assistance provided to a Medicaid managed care  
24 organization in coordinating the provision of benefits to a  
25 recipient enrolled in the organization's managed care plan in a  
26 manner that is consistent with the recipient's plan of care.

27 Sec. 532.0502 [~~531.652~~]. MEDICAID MANAGED CARE

1 ORGANIZATION SERVICE COORDINATION BENEFITS NOT AFFECTED. The  
2 provision of program services to a recipient does not preempt or  
3 otherwise affect a Medicaid managed care organization's obligation  
4 to provide service coordination benefits to the recipient.

5 Sec. 532.0503 [~~531.653~~]. CASE MANAGEMENT FOR CHILDREN AND  
6 PREGNANT WOMEN PROGRAM: PROVIDER QUALIFICATIONS. Program services  
7 may be provided only by a provider who completes the standardized  
8 case management training required by the commission under Section  
9 532.0504 [~~531.654~~] and who is:

10 (1) an advanced practice nurse who holds a license,  
11 other than a provisional or temporary license, under Chapter 301,  
12 Occupations Code;

13 (2) a registered nurse who holds a license, other than  
14 a provisional or temporary license, under Chapter 301, Occupations  
15 Code, and:

16 (A) completed a baccalaureate degree program in  
17 nursing; or

18 (B) completed an associate degree program in  
19 nursing and has:

20 (i) at least two years of cumulative paid  
21 full-time work experience; or

22 (ii) at least two years of cumulative,  
23 supervised full-time educational internship or practicum  
24 experience obtained in the last 10 years that included assessing  
25 the psychosocial and health needs of and making community referrals  
26 of:

27 (a) children who are 21 years of age

1 or younger; or

2 (b) pregnant women;

3 (3) a social worker who holds a license, other than a  
4 provisional or temporary license, under Chapter 505, Occupations  
5 Code, appropriate for the individual's practice, including the  
6 practice of independent social work;

7 (4) a community health worker as defined by Section  
8 48.001, Health and Safety Code, who is certified by the Department  
9 of State Health Services; or

10 (5) a doula who is certified by a recognized national  
11 certification program, as determined by the commission, unless the  
12 doula qualifies as a certified community health worker under  
13 Subdivision (4).

14 Sec. 532.0504 [~~531.654~~]. CASE MANAGEMENT FOR CHILDREN AND  
15 PREGNANT WOMEN PROGRAM: PROVIDER TRAINING. The commission shall  
16 require that each provider of program services complete training  
17 prescribed by the commission. The training must be trauma-informed  
18 and include instruction on:

19 (1) social services provided by this state and local  
20 governments in this state;

21 (2) community assistance programs, including programs  
22 providing:

23 (A) nutrition and housing assistance;

24 (B) counseling and parenting services;

25 (C) substance use disorder treatment; and

26 (D) domestic violence assistance and shelter;

27 (3) domestic violence and coercive control dynamics;

(4) methods for explaining and eliciting an eligible recipient's informed consent to receive:

(A) program services screening; and

(B) any services that may be offered as a result of the screening; and

(5) procedures for:

(A) an eligible recipient to:

(i) decline program services screening; or

(ii) withdraw consent for offered services;

and

(B) ensuring that the recipient is not subject to any retaliatory action for declining or discontinuing any screenings or services.

Sec. 532.0505 [~~531.655~~]. INITIAL MEDICAL AND NONMEDICAL HEALTH-RELATED SCREENINGS OF CERTAIN RECIPIENTS. (a) A Medicaid managed care organization that provides health care services to a pregnant woman under the STAR Medicaid managed care program shall conduct an initial health needs screening and nonmedical health-related needs screening of each pregnant recipient to determine, regardless of whether the recipient is considered to have a high-risk pregnancy, if the recipient:

(1) is eligible for service coordination benefits to be provided by the managed care organization; or

(2) should be referred for program services.

(b) Service coordination benefits described by Subsection (a) must include identifying and coordinating the provision of non-covered services, community supports, and other resources the



Medicaid managed care organization determines will improve the recipient's health outcomes.

(c) A Medicaid managed care organization must use the results of the screenings conducted under Subsection (a) to determine if a recipient requires a more comprehensive assessment for purposes of determining whether the recipient is eligible for service coordination benefits or program services.

Sec. 532.0506 [~~531.656~~]. SCREENING AND PROGRAM SERVICES OPTIONAL. A Medicaid managed care organization providing screenings under Section 532.0505 [~~531.655~~] must inform each pregnant woman who is referred for program services or for whom screening is conducted under that section that:

(1) the woman has a right to decline the screening or services or choose to discontinue the screening or services at any time; and

(2) declining or discontinuing the screening or services will not result in retaliatory action against the woman in the provision of other services.

SECTION 8.029. (a) Section 540.0056, Government Code, as effective April 1, 2025, is amended to conform to Section 1, Chapter 582 (H.B. 2802), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 540.0056. GUIDELINES FOR COMMUNICATIONS WITH RECIPIENTS. (a) The executive commissioner shall adopt and publish guidelines for Medicaid managed care organizations regarding how an organization may communicate by telephone, text message, or e-mail with a recipient enrolled in the organization's

Medicaid managed care plan using the contact information provided in the recipient's application for Medicaid benefits under Section 32.025(g)(2), Human Resources Code, including updated information provided to the organization in accordance with Section 32.025(h), Human Resources Code.

(b) In adopting the guidelines under Subsection (a) for a recipient enrolled in a Medicaid managed care organization's managed care plan who provides to the organization the recipient's contact information through any method other than the recipient's Medicaid application, the commission:

(1) must allow the organization to communicate with the recipient through any electronic means, including telephone, text message, and e-mail, regarding eligibility, enrollment, and other health care matters; and

(2) may not require the organization to submit the recipient's contact preference information to the commission.

(b) Section 1, Chapter 582 (H.B. 2802), Acts of the 88th Legislature, Regular Session, 2023, which amended Section 533.008, Government Code, is repealed.

SECTION 8.030. Section 533.021, Government Code, is transferred to Subchapter C, Chapter 540, Government Code, as effective April 1, 2025, redesignated as Section 540.0104, Government Code, and amended to read as follows:

Sec. 540.0104 [~~533.021~~]. TREATMENT AS QUALITY IMPROVEMENT COST OF CERTAIN SERVICES PROVIDED BY COMMUNITY HEALTH WORKERS. (a)

In this section, "community health worker" has the meaning assigned by Section 48.001, Health and Safety Code.

(b) The commission shall allow each Medicaid managed care organization providing health care services under the STAR Medicaid managed care program to categorize services provided by a community health worker as a quality improvement cost, as authorized by federal law, instead of as an administrative expense.

SECTION 8.031. (a) Section 540.0273(b), Government Code, as effective April 1, 2025, is amended to conform to Section 1, Chapter 491 (H.B. 1283), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(b) The requirements imposed by Subsections (a)(1)-(3) do not apply, and may not be enforced, on and after August 31, 2033 [~~2023~~].

(b) Section 1, Chapter 491 (H.B. 1283), Acts of the 88th Legislature, Regular Session, 2023, which amended Section 533.005(a-1), Government Code, is repealed.

SECTION 8.032. Section 533.0091, Government Code, is transferred to Subchapter O, Chapter 540, Government Code, as effective April 1, 2025, and redesignated as Section 540.0714, Government Code, to read as follows:

Sec. 540.0714 [~~533.0091~~]. SICKLE CELL DISEASE TREATMENT. To the extent possible, the commission shall:

(1) in collaboration with the sickle cell task force established under Chapter 52, Health and Safety Code:

(A) support initiatives to assist managed care plans in promoting timely, evidence-informed health care services to plan enrollees diagnosed with sickle cell disease to ensure the services reflect national clinical practice guidelines and

1 protocols for sickle cell disease treatment and meet medical  
2 necessity criteria; and

3 (B) address sickle cell disease education for  
4 Medicaid providers, including emergency department providers, by  
5 collaborating with medical specialty organizations in this state,  
6 state agencies, and health-related institutions to promote  
7 existing or new continuing education courses or facilitate  
8 development of any necessary new courses to improve the diagnosis,  
9 treatment, and management of sickle cell disease and the personal  
10 treatment of patients with sickle cell disease; and

11 (2) use the commission's existing data to identify  
12 opportunities for improving health outcomes of recipients  
13 diagnosed with sickle cell disease by:

14 (A) reducing hospital admissions and  
15 readmissions; and

16 (B) connecting those recipients to a sickle cell  
17 disease health home or sickle cell disease expert.

18 SECTION 8.033. Subchapter C, Chapter 533, Government Code,  
19 is transferred to Chapter 540, Government Code, as effective April  
20 1, 2025, and redesignated as Subchapter S, Chapter 540, Government  
21 Code, to read as follows:

22 SUBCHAPTER S [~~C~~]. PRESCRIPTION DRUG BENEFITS UNDER CERTAIN  
23 OUTPATIENT PHARMACY BENEFIT PLANS

24 Sec. 540.0901 [~~533.071~~]. PREFERRED DRUG LIST EXCEPTIONS.

25 (a) The commission shall adopt rules allowing exceptions to the  
26 preferred drug list if:

27 (1) the drug required under the preferred drug list:

1 (A) is contraindicated;

2 (B) will likely cause an adverse reaction in or  
3 physical or mental harm to the recipient; or

4 (C) is expected to be ineffective based on the  
5 known clinical characteristics of the recipient and the known  
6 characteristics of the prescription drug regimen;

7 (2) the recipient previously discontinued taking the  
8 preferred drug at any point in the recipient's clinical history and  
9 for any length of time because the drug:

10 (A) was not effective;

11 (B) had a diminished effect; or

12 (C) resulted in an adverse event;

13 (3) the recipient was prescribed and is taking a  
14 nonpreferred drug in the antidepressant or antipsychotic drug class  
15 and the recipient:

16 (A) was prescribed the nonpreferred drug before  
17 being discharged from an inpatient facility;

18 (B) is stable on the nonpreferred drug; and

19 (C) is at risk of experiencing complications from  
20 switching from the nonpreferred drug to another drug; or

21 (4) the preferred drug is not available for reasons  
22 outside of the Medicaid managed care organization's control,  
23 including because:

24 (A) the drug is in short supply according to the  
25 Food and Drug Administration Drug Shortages Database; or

26 (B) the drug's manufacturer has placed the drug  
27 on backorder or allocation.

(b) An exception provided under this section does not subject the Medicaid managed care plan to liquidated damages for failing to comply with the preferred drug list.

SECTION 8.034. (a) Section 540A.0051(c), Government Code, as effective April 1, 2025, is amended to conform to Section 45, Chapter 644 (H.B. 4559), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(c) The commission may not delay providing medical transportation program services through a managed transportation delivery model in:

(1) a county with a population of one million ~~[750,000]~~ or more:

(A) in which all or part of a municipality with a population of one million or more is located; and

(B) that is located adjacent to a county with a population of 2.5 ~~[two]~~ million or more; or

(2) a county with a population of at least 60,000 ~~[55,000]~~ but not more than 70,000 ~~[65,000]~~ that is located adjacent to a county with a population of at least 500,000 but not more than 1.5 million.

(b) Section 45, Chapter 644 (H.B. 4559), Acts of the 88th Legislature, Regular Session, 2023, which amended Section 533.00257(j), Government Code, is repealed.

SECTION 8.035. (a) Section 544.0107(c), Government Code, as effective April 1, 2025, is amended to conform to Section 2.096, Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(c) A peace officer the office of inspector general employs and commissions:

(1) is a peace officer for purposes of Article [2A.001](#) [[2.12](#)], Code of Criminal Procedure; and

(2) shall obtain the office of the attorney general's prior approval before carrying out any duties requiring peace officer status.

(b) Section 2.096, Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, which amended Section 531.1022(c), Government Code, is repealed.

SECTION 8.036. Section [531.1025](#)(c), Government Code, as added by Chapter 1035 (S.B. 26), Acts of the 88th Legislature, Regular Session, 2023, is transferred to Subchapter C, Chapter [544](#), Government Code, as effective April 1, 2025, redesignated as Section 544.01091, Government Code, and amended to read as follows:

Sec. 544.01091. PERFORMANCE AND FINANCIAL AUDITS OF LOCAL BEHAVIORAL HEALTH AUTHORITIES AND LOCAL MENTAL HEALTH AUTHORITIES.

~~[(c)]~~ The ~~[commission's]~~ office of inspector general shall conduct performance audits and require financial audits to be conducted of each local behavioral health authority designated under Section [533.0356](#), Health and Safety Code, and local mental health authority, as defined by Section [531.002](#), Health and Safety Code. The office shall:

(1) establish a performance audit schedule that ensures the office audits each authority described by this subsection at least once every five years;

(2) establish a financial audit schedule that ensures

each authority described by this subsection:

(A) undergoes a financial audit conducted by an independent auditor at least once every three years; and

(B) submits to the office the results of the financial audit; and

(3) require additional audits to be conducted as necessary based on adverse findings in a previous audit or as requested by the commission.

SECTION 8.037. (a) Section 545.0052(a), Government Code, as effective April 1, 2025, is amended to conform to Section 1, Chapter 1098 (S.B. 1342), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) If cost-effective, the commission may:

(1) contract to expand all or part of the billing coordination system established under Section 532.0058 to process claims for services provided through other benefits programs the commission or a health and human services agency administers;

(2) expand any other billing coordination tools and resources used to process claims for health care services provided through Medicaid to process claims for services provided through other benefits programs the commission or a health and human services agency administers; and

(3) expand the scope of individuals about whom information is collected under Section 32.0424(a) [~~32.042~~], Human Resources Code, to include recipients of services provided through other benefits programs the commission or a health and human services agency administers.



(b) Section 1, Chapter 1098 (S.B. 1342), Acts of the 88th Legislature, Regular Session, 2023, which amended Section 531.024131(a), Government Code, is repealed.

SECTION 8.038. Section 531.024183, Government Code, is transferred to Subchapter B, Chapter 545, Government Code, as effective April 1, 2025, redesignated as Section 545.0058, Government Code, and amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 545.0058 [~~531.024183~~]. STANDARDIZED SCREENING QUESTIONS FOR ASSESSING NONMEDICAL HEALTH-RELATED NEEDS OF CERTAIN PREGNANT WOMEN; INFORMED CONSENT. (a) In this section, "alternatives to abortion program" means the program established by the commission to enhance and increase resources that promote childbirth for women facing unplanned pregnancy, or a successor program.

(b) The commission shall adopt standardized screening questions designed to screen for, identify, and aggregate data regarding the nonmedical health-related needs of pregnant women eligible for benefits under a public benefits program administered by the commission or another health and human services agency, including:

(1) Medicaid; and

(2) the alternatives to abortion program.

(c) Subject to Subsection (d), the standardized screening questions must be used by Medicaid managed care organizations and providers participating in the alternatives to abortion program.

1           (d) A managed care organization or provider participating  
2 in a public benefits program described by Subsection (b), including  
3 the alternatives to abortion program, may not perform a screening  
4 of a pregnant woman using the standardized screening questions  
5 required by this section unless the organization or provider:

6                 (1) informs the woman:

7                     (A) about the type of data that will be collected  
8 during the screening and the purposes for which the data will be  
9 used; and

10                    (B) that the collected data will become part of  
11 the woman's medical record or service plan; and

12                 (2) obtains the woman's informed consent to perform  
13 the screening.

14           (e) A managed care organization or provider participating  
15 in a public benefits program described by Subsection (b), including  
16 the alternatives to abortion program, must provide to the  
17 commission, in the form and manner prescribed by the commission,  
18 data the organization or provider collects using the standardized  
19 screening questions required by this section.

20           (f) Not later than December 1 of each even-numbered year,  
21 the commission shall prepare and submit to the legislature a report  
22 that, using de-identified information, summarizes the data  
23 collected and provided to the commission under Subsection (e)  
24 during the previous biennium. In accordance with Section [525.0302](#)  
25 [~~531.014~~], the commission may consolidate the report required under  
26 this subsection with any other report to the legislature required  
27 under this chapter or another law that relates to the same subject

1 matter.

2 SECTION 8.039. Section 531.02119, Government Code, is  
3 transferred to Subchapter E, Chapter 545, Government Code, as  
4 effective April 1, 2025, redesignated as Section 545.0205,  
5 Government Code, and amended to read as follows:

6 Sec. 545.0205 [~~531.02119~~]. DISCRIMINATION BASED ON  
7 IMMUNIZATION STATUS PROHIBITED. (a) A provider who participates  
8 in Medicaid or the child health plan program, including a provider  
9 participating in the provider network of a managed care  
10 organization that contracts with the commission to provide services  
11 under Medicaid or the child health plan program, may not refuse to  
12 provide health care services to a Medicaid recipient or child  
13 health plan program enrollee based solely on the recipient's or  
14 enrollee's refusal or failure to obtain a vaccine or immunization  
15 for a particular infectious or communicable disease.

16 (b) [~~(a-1)~~] Notwithstanding Subsection (a), a provider is  
17 not in violation of this section if the provider:

18 (1) adopts a policy requiring some or all of the  
19 provider's patients, including patients who are Medicaid  
20 recipients or child health plan program enrollees, to be vaccinated  
21 or immunized against a particular infection or communicable disease  
22 to receive health care services from the provider; and

23 (2) provides an exemption to the policy described by  
24 Subdivision (1) under which the provider accepts from a patient who  
25 is a Medicaid recipient or child health plan program enrollee an  
26 oral or written request for an exemption from each required  
27 vaccination or immunization based on:

1 (A) a reason of conscience, including a sincerely  
2 held religious belief, observance, or practice, that is  
3 incompatible with the administration of the vaccination or  
4 immunization; or

5 (B) a recognized medical condition for which the  
6 vaccination or immunization is contraindicated.

7 (c) [~~(b)~~] The commission may not provide any reimbursement  
8 under Medicaid or the child health plan program, as applicable, to a  
9 provider who violates this section unless and until the commission  
10 finds that the provider is in compliance with this section.

11 (d) [~~(c)~~] Subsection (c) [~~(b)~~] applies only with respect to  
12 an individual physician. The commission may not refuse to provide  
13 reimbursement to a provider who did not violate this section based  
14 on that provider's membership in a provider group or medical  
15 organization with an individual physician who violated this  
16 section.

17 (e) [~~(d)~~] This section does not apply to a provider who is a  
18 specialist in:

19 (1) oncology; or

20 (2) organ transplant services.

21 (f) [~~(e)~~] The executive commissioner shall adopt rules  
22 necessary to implement this section, including rules establishing  
23 the right of a provider who is alleged to have violated this section  
24 to seek administrative and judicial review of the alleged  
25 violation.

26 SECTION 8.040. (a) Section 546.0505, Government Code, as  
27 effective April 1, 2025, is amended to conform to Section 1, Chapter

738 (H.B. 3265), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 546.0505. QUARTERLY REPORT. The ~~[Not later than the 30th day after the last day of each state fiscal quarter, the]~~ commission shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and each standing legislative committee with primary jurisdiction over Medicaid a semiannual report containing, for the preceding six-month period ~~[most recent state fiscal quarter]~~, the following information and data related to access to care for recipients receiving benefits under the medically dependent children (MDCP) waiver program:

(1) enrollment in the Medicaid buy-in for children program implemented under Section [532.0353](#);

(2) requests relating to interest list placements under Section [546.0455](#);

(3) use of the Medicaid escalation help line established under Subchapter [R](#), Chapter [540](#), if the help line was operational during the applicable six-month period ~~[state fiscal quarter]~~;

(4) use of, requests for, and outcomes of the external medical review procedure established under Section [532.0404](#); and

(5) complaints relating to the medically dependent children (MDCP) waiver program, categorized by disposition.

(b) Section 1, Chapter 738 (H.B. 3265), Acts of the 88th Legislature, Regular Session, 2023, which amended Section [531.06021](#)(b), Government Code, is repealed.

SECTION 8.041. Section 531.09936, Government Code, is transferred to Subchapter A, Chapter 547, Government Code, as effective April 1, 2025, and redesignated as Section 547.0006, Government Code, to read as follows:

Sec. 547.0006 [~~531.09936~~]. ESTABLISHMENT OR EXPANSION OF REGIONAL BEHAVIORAL HEALTH CENTERS OR JAIL DIVERSION CENTERS. (a) In this section:

(1) "Governmental entity" means this state, a political subdivision of this state, or an agency of this state or a political subdivision of this state.

(2) "Local mental health authority" has the meaning assigned by Section 531.002, Health and Safety Code.

(3) "Nonprofit organization" means an organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt entity under Section 501(c)(3) of that code.

(b) To the extent money is appropriated to the commission for that purpose, the commission, in cooperation with local mental health authorities located primarily in rural areas of this state, shall contract with nonprofit organizations or governmental entities to establish or expand behavioral health centers or jail diversion centers in the authorities' local service areas to:

(1) provide additional forensic hospital beds and competency restoration services;

(2) provide inpatient and outpatient mental health services to adults and children; and

(3) provide services to reduce recidivism and the

1 frequency of arrest, incarceration, and emergency detentions among  
2 persons with mental illness in the service areas.

3 (c) The executive commissioner shall develop criteria for  
4 the evaluation of applications or proposals submitted by a  
5 nonprofit organization or governmental entity seeking to contract  
6 with the commission under this section.

7 (d) This section may not be construed to affect a grant  
8 program established by the commission under this code.

9 SECTION 8.042. (a) Section 547.0254, Government Code, as  
10 effective April 1, 2025, is amended to conform to Section 1, Chapter  
11 944 (S.B. 1677), Acts of the 88th Legislature, Regular Session,  
12 2023, and further amended to conform to Chapter 769 (H.B. 4611),  
13 Acts of the 88th Legislature, Regular Session, 2023, to read as  
14 follows:

15 Sec. 547.0254. SELECTION OF RECIPIENTS; APPLICATIONS AND  
16 PROPOSALS. (a) The commission shall select grant recipients based  
17 on the submission of applications or proposals by nonprofit and  
18 governmental entities. The executive commissioner shall develop  
19 criteria for evaluating those applications or proposals and the  
20 selection of grant recipients. The selection criteria must:

21 (1) evaluate and score:

22 (A) fiscal controls for the project;

23 (B) project effectiveness;

24 (C) project cost; and

25 (D) an applicant's previous experience with  
26 grants and contracts;

27 (2) address whether the services proposed in the

1 application or proposal would duplicate services already available  
2 in the applicant's service area;

3 (3) address the possibility of and method for making  
4 multiple awards; and

5 (4) include other factors that the executive  
6 commissioner considers relevant.

7 (b) If the commission is appropriated money to implement  
8 this subchapter and Section 547.0201 for a state fiscal year in an  
9 amount that exceeds the total amount of grants awarded under this  
10 subchapter in the previous state fiscal year, the commission, in  
11 selecting grant recipients for the excess amount, must accept  
12 applications or proposals from applicants that were not selected as  
13 grant recipients under this subchapter in the previous state fiscal  
14 year or applicants that were selected as grant recipients but  
15 require additional funding for the recipient's community mental  
16 health program for purposes of this subchapter.

17 (b) Section 1, Chapter 944 (S.B. 1677), Acts of the 88th  
18 Legislature, Regular Session, 2023, which amended Section  
19 531.0991, Government Code, is repealed.

20 SECTION 8.043. (a) Subchapter H, Chapter 547, Government  
21 Code, as effective April 1, 2025, is amended to conform to Chapter  
22 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session,  
23 2023, by adding Section 547.03551, Government Code, and a heading  
24 is added to that section to read as follows:

25 Sec. 547.03551. COMMISSION ASSISTANCE FOR CERTAIN  
26 COMMUNITY COLLABORATIVES.

27 (b) Sections 531.0993(d-1) and (d-2), Government Code, are



transferred to Section 547.03551, Government Code, as added by this Act, redesignated as Sections 547.03551(a) and (b), Government Code, respectively, and amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) ~~[(a-1)]~~ The commission shall establish procedures to assist a community collaborative that includes a county with a population of less than 250,000 with submission of a petition under Section 547.0355 ~~[Subsection (d)]~~.

(b) ~~[(a-2)]~~ If the commission is appropriated money to implement this subchapter ~~[section]~~ for a state fiscal year in an amount that exceeds the total amount of grants awarded under this subchapter ~~[section]~~ in the previous state fiscal year, the commission, in selecting grant recipients for the excess amount, must accept petitions from community collaboratives that were not selected as grant recipients under this subchapter ~~[section]~~ in the previous state fiscal year or collaboratives that were selected as grant recipients in the previous state fiscal year but require additional funding for the recipient's collaborative for purposes of this subchapter ~~[section]~~.

SECTION 8.044. (a) Chapter 547, Government Code, as effective April 1, 2025, is amended to conform to Chapter 1035 (S.B. 26), Acts of the 88th Legislature, Regular Session, 2023, by adding Subchapter J, and a heading is added to that subchapter to read as follows:

1 SUBCHAPTER J. INNOVATION MATCHING GRANT PROGRAM FOR MENTAL HEALTH

2 EARLY INTERVENTION AND TREATMENT

3 (b) Section 531.09915, Government Code, is transferred to  
4 Subchapter J, Chapter 547, Government Code, as added by this Act,  
5 redesignated as Sections 547.0501 through 547.0510, and amended to  
6 conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature,  
7 Regular Session, 2023, to read as follows:

8 Sec. 547.0501 [531.09915]. DEFINITIONS [~~INNOVATION~~  
9 ~~MATCHING GRANT PROGRAM FOR MENTAL HEALTH EARLY INTERVENTION AND~~  
10 ~~TREATMENT~~]. [~~(a)~~] In this subchapter [~~section~~]:

11 (1) "Inpatient mental health facility" has the meaning  
12 assigned by Section 571.003, Health and Safety Code.

13 (2) "Matching grant program" [~~"Program"~~] means the  
14 matching grant program established under this subchapter  
15 [~~section~~].

16 (3) "State hospital" has the meaning assigned by  
17 Section 552.0011, Health and Safety Code.

18 Sec. 547.0502. MATCHING GRANT PROGRAM. [~~(b)~~] To the extent  
19 money is appropriated to the commission for that purpose, the  
20 commission shall establish a matching grant program to provide  
21 support to eligible entities for community-based initiatives that  
22 promote identification of mental health issues and improve access  
23 to early intervention and treatment for children and families. The  
24 initiatives may:

25 (1) be evidence-based or otherwise demonstrate  
26 positive outcomes, including:

27 (A) improved relationship skills;

- 1 (B) improved self-esteem;
- 2 (C) reduced involvement in the juvenile justice
- 3 system;
- 4 (D) participation in the relinquishment
- 5 avoidance program under Subchapter E, Chapter 262, Family Code; and
- 6 (E) avoidance of emergency room use; and
- 7 (2) include:
  - 8 (A) training; and
  - 9 (B) services and supports for:
    - 10 (i) community-based initiatives;
    - 11 (ii) agencies that provide services to
    - 12 children and families;
    - 13 (iii) individuals who work with children or
    - 14 caregivers of children showing atypical social or emotional
    - 15 development or other challenging behaviors; and
    - 16 (iv) children in or at risk of placement in
    - 17 foster care or the juvenile justice system.

18 Sec. 547.0503. CONTRACT WITH COMMISSION REQUIRED.

19 [~~(c)~~] The commission may award a grant under the matching grant  
20 program only in accordance with a contract between the commission  
21 and a grant recipient. The contract must include provisions under  
22 which the commission is given sufficient control to ensure the  
23 public purpose of providing mental health prevention services to  
24 children and families is accomplished and the state receives the  
25 return benefit.

26 Sec. 547.0504. APPLICATION AND ELIGIBILITY  
27 REQUIREMENTS. [~~(d)~~] The executive commissioner by rule shall

1 establish application and eligibility requirements for an entity to  
2 be awarded a grant under the matching grant program.

3 Sec. 547.0505. ELIGIBLE ENTITIES. [~~(e)~~] The following  
4 entities are eligible to receive [~~for~~] a grant awarded under the  
5 matching grant program:

6 (1) a hospital licensed under Chapter 241, Health and  
7 Safety Code;

8 (2) a mental hospital licensed under Chapter 577,  
9 Health and Safety Code;

10 (3) a hospital district;

11 (4) a local mental health authority;

12 (5) a child-care facility, as defined by Chapter 42,  
13 Human Resources Code;

14 (6) a county or municipality; and

15 (7) a nonprofit organization that is exempt from  
16 federal income taxation under Section 501(a), Internal Revenue Code  
17 of 1986, by being listed as an exempt entity under Section 501(c)(3)  
18 of that code.

19 Sec. 547.0506. SELECTION OF RECIPIENTS: PRIORITIZATION OF  
20 CERTAIN ENTITIES. [~~(f)~~] In awarding grants under the matching  
21 grant program, the commission shall prioritize entities that work  
22 with children and family members of children with a high risk of  
23 experiencing a crisis or developing a mental health condition to  
24 reduce:

25 (1) the need for future intensive mental health  
26 services;

27 (2) the number of children at risk of placement in

1 foster care or the juvenile justice system; or

2 (3) the demand for placement in state hospitals,  
3 inpatient mental health facilities, and residential behavioral  
4 health facilities.

5 Sec. 547.0507. MATCHING CONTRIBUTION REQUIRED. ~~[(g)]~~ The  
6 commission shall condition each grant awarded under the matching  
7 grant program on the grant recipient providing matching money in an  
8 amount that is equal to at least 10 percent of the grant amount.

9 Sec. 547.0508. USE OF GRANTS AND MATCHING AMOUNTS.

10 (a) ~~[(h)]~~ A grant recipient may only use grant money awarded under  
11 the matching grant program and matching money provided by the  
12 recipient to develop innovative strategies that provide:

13 (1) resiliency;

14 (2) coping and social skills;

15 (3) healthy social and familial relationships; and

16 (4) parenting skills and behaviors.

17 (b) ~~[(i)]~~ A grant recipient may not use grant money awarded  
18 under the matching grant program or matching money provided by the  
19 recipient to:

20 (1) reimburse an expense or pay a cost that another  
21 source, including ~~the~~ Medicaid ~~program~~, is obligated to  
22 reimburse or pay by law or under a contract; or

23 (2) supplant or be a substitute for money awarded to  
24 the recipient from a non-Medicaid federal funding source, including  
25 federal grant funding.

26 Sec. 547.0509. EFFECT ON MEDICAID REQUIREMENTS. ~~[(j)]~~ A  
27 Medicaid provider's receipt of a grant under the matching grant

1 program does not affect any legal or contractual duty of the  
2 provider to comply with ~~[requirements under the]~~ Medicaid  
3 requirements ~~[program]~~.

4 Sec. 547.0510. ALLOCATING APPROPRIATED MONEY. ~~[(k)]~~ The  
5 commission may use a reasonable amount of the money appropriated by  
6 the legislature for the purposes of the matching grant program, not  
7 to exceed five percent, to pay the administrative costs of  
8 implementing and administering the program.

9 SECTION 8.045. (a) Sections 547A.0001(a) and (b),  
10 Government Code, as effective April 1, 2025, are amended to conform  
11 to Section 2, Chapter 859 (H.B. 3466), Acts of the 88th Legislature,  
12 Regular Session, 2023, to read as follows:

13 (a) To the extent funds are appropriated to the commission  
14 for that purpose, the commission shall make grants to entities,  
15 including local governmental entities, nonprofit community  
16 organizations, and faith-based community organizations, to  
17 establish or expand community collaboratives that bring the public  
18 and private sectors together to provide services to individuals  
19 experiencing homelessness, substance use issues, or mental  
20 illness. In awarding grants, the commission shall give special  
21 consideration to entities:

22 (1) establishing new collaboratives; ~~[or]~~

23 (2) establishing or expanding collaboratives that  
24 serve two or more counties, each with a population of less than  
25 100,000; or

26 (3) providing services to an average of at least 50  
27 percent of persons experiencing homelessness in a geographic area

1 served by a Continuum of Care Program funded by the United States  
2 Department of Housing and Urban Development according to the last  
3 three Point-in-Time surveys of homelessness conducted by that  
4 department.

5 (b) Except as provided by Subsection (c), the commission  
6 shall require each entity awarded a grant under this section to:

7 (1) leverage additional funding or in-kind  
8 contributions from private contributors or local governments,  
9 excluding state or federal funds, in an amount that is at least  
10 equal to the amount of the grant awarded under this section;

11 (2) provide evidence of significant coordination and  
12 collaboration between the entity, local mental health authorities,  
13 municipalities, local law enforcement agencies, and other  
14 community stakeholders in establishing or expanding a community  
15 collaborative funded by a grant awarded under this section; and

16 (3) provide evidence of a local law enforcement policy  
17 to divert appropriate individuals from jails, ~~or~~ other detention  
18 facilities, or mental health facilities operated by or under  
19 contract with the commission to an entity affiliated with a  
20 community collaborative for the purpose of providing services to  
21 those individuals.

22 (b) Section 2, Chapter 859 (H.B. 3466), Acts of the 88th  
23 Legislature, Regular Session, 2023, which amended Sections  
24 539.002(a) and (b), Government Code, is repealed.

25 SECTION 8.046. Section 539.010, Government Code, is  
26 transferred to Chapter 547A, Government Code, as effective April 1,  
27 2025, redesignated as Section 547A.0010, Government Code, and

amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 547A.0010 [~~539.010~~]. BIENNIAL REPORT. (a) The commission [~~department~~] shall prepare a report that includes:

(1) the method by which the commission [~~department~~] chose entities to award grants to under this chapter;

(2) the amount of each grant awarded to an entity under this chapter;

(3) the number of individuals served by each community collaborative receiving grant funds under this chapter; and

(4) the results of the annual review of outcome measures required by Section 547A.0006 [~~539.006~~].

(b) Not later than September 1 of each even-numbered year, the commission [~~department~~] shall submit a report described by Subsection (a) to:

(1) the lieutenant governor;

(2) the speaker of the house of representatives;

(3) the standing committees of the legislature having primary jurisdiction over the department and state finance; and

(4) the Legislative Budget Board.

SECTION 8.047. (a) Subchapter F, Chapter 548, Government Code, as effective April 1, 2025, is amended to conform to Section 2, Chapter 840 (H.B. 2727), Acts of the 88th Legislature, Regular Session, 2023, by amending Sections 548.0251, 548.0252, 548.0253, 548.0254, and 548.0256 and adding Section 548.0257 to read as follows:

Sec. 548.0251. DEFINITIONS. In this subchapter:



1           (1) "Federally qualified health center" has the  
2 meaning assigned by 42 U.S.C. Section 1396d(1)(2)(B).

3           (2) "Home and community support services agency" means  
4 a person licensed under Chapter 142, Health and Safety Code, to  
5 provide home health, hospice, or personal assistance services as  
6 those terms are defined by Section 142.001, Health and Safety Code.

7           (3) ~~[(2)]~~ "Hospital" means a hospital licensed under  
8 Chapter 241, Health and Safety Code.

9           (4) "Rural health clinic" has the meaning assigned by  
10 42 U.S.C. Section 1396d(1)(1).

11           Sec. 548.0252. MEDICAID REIMBURSEMENT ~~[PROGRAM]~~ FOR HOME  
12 TELEMONITORING SERVICES AUTHORIZED. The ~~[If the commission~~  
13 ~~determines that establishing a statewide program that permits~~  
14 ~~Medicaid reimbursement for home telemonitoring services would be~~  
15 ~~cost-effective and feasible, the]~~ executive commissioner ~~[by rule]~~  
16 shall adopt rules for the provision and reimbursement of home  
17 telemonitoring services under Medicaid ~~[establish the program]~~ as  
18 provided by this subchapter.

19           Sec. 548.0253. REIMBURSEMENT ~~[PROGRAM]~~ REQUIREMENTS. (a)  
20 For purposes of adopting rules ~~[A program established]~~ under this  
21 subchapter, the commission shall ~~[must]~~:

22           (1) identify and provide home telemonitoring services  
23 to individuals diagnosed with conditions for which the commission  
24 determines the provision of home telemonitoring services would be  
25 cost-effective and clinically effective;

26           (2) consider providing home telemonitoring services  
27 under Subdivision (1) ~~[provide that home telemonitoring services~~

1 ~~are available only~~] to a Medicaid recipient [~~an individual~~] who:

2 (A) is diagnosed with one or more of the  
3 following conditions:

- 4 (i) pregnancy;  
5 (ii) diabetes;  
6 (iii) heart disease;  
7 (iv) cancer;  
8 (v) chronic obstructive pulmonary disease;  
9 (vi) hypertension;  
10 (vii) congestive heart failure;  
11 (viii) mental illness or serious emotional  
12 disturbance;  
13 (ix) asthma;  
14 (x) myocardial infarction; ~~or~~  
15 (xi) stroke;  
16 (xii) end stage renal disease; or  
17 (xiii) a condition that requires renal  
18 dialysis treatment; and

19 (B) exhibits at least one [~~two or more~~] of the  
20 following risk factors:

- 21 (i) two or more hospitalizations in the  
22 prior 12-month period;  
23 (ii) frequent or recurrent emergency room  
24 admissions;  
25 (iii) a documented history of poor  
26 adherence to ordered medication regimens;  
27 (iv) a documented risk [~~history~~] of falls

~~[in the prior six-month period]; and~~

~~(v) [limited or absent informal support systems;~~

~~[(vi) living alone or being home alone for extended periods; and~~

~~[(vii)] a documented history of care access challenges;~~

(3) [(2)] ensure that clinical information gathered by the following providers while providing home telemonitoring services is shared with the recipient's physician:

(A) a home and community support services agency;

(B) a federally qualified health center;

(C) a rural health clinic; or

(D) a hospital ~~[while providing home telemonitoring services is shared with the patient's physician];~~  
~~[and]~~

(4) [(3)] ensure that the home telemonitoring services provided under this subchapter do ~~[program does]~~ not duplicate disease management program services provided under Section 32.057, Human Resources Code; and

(5) require a provider to:

(A) establish a plan of care that includes outcome measures for each recipient who receives home telemonitoring services under this subchapter; and

(B) share the plan and outcome measures with the recipient's physician.

(b) Notwithstanding any other provision of this subchapter

1 ~~[Subsection (a)(1)]~~, the commission shall ensure ~~[a program~~  
 2 ~~established under this subchapter must also provide]~~ that home  
 3 telemonitoring services are available to pediatric individuals  
 4 who:

- 5 (1) are diagnosed with end-stage solid organ disease;
- 6 (2) have received an organ transplant; or
- 7 (3) require mechanical ventilation.

8 Sec. 548.0254. DISCONTINUATION OF REIMBURSEMENT ~~[PROGRAM]~~  
 9 UNDER CERTAIN CIRCUMSTANCES. If, after implementation, the  
 10 commission determines that a condition for which the commission has  
 11 authorized the provision and reimbursement of home telemonitoring  
 12 services under Medicaid ~~[the program established]~~ under this  
 13 subchapter is not cost-effective and clinically effective, the  
 14 commission may discontinue the availability of home telemonitoring  
 15 services for that condition ~~[program]~~ and stop providing Medicaid  
 16 reimbursement for home telemonitoring services for that condition,  
 17 notwithstanding Subchapter B or any other law.

18 Sec. 548.0256. REIMBURSEMENT FOR OTHER CONDITIONS AND RISK  
 19 FACTORS. ~~[(a)]~~ To comply with state and federal requirements to  
 20 provide access to medically necessary services under Medicaid,  
 21 including the Medicaid managed care program, and if the commission  
 22 determines it is cost-effective and clinically effective, the  
 23 commission or a Medicaid managed care organization, as applicable,  
 24 may reimburse providers for home telemonitoring services provided  
 25 to individuals who have conditions and exhibit risk factors other  
 26 than those expressly authorized by this subchapter.

27 ~~[(b) In determining whether the Medicaid managed care~~

~~organization should provide reimbursement for services under this section, the organization shall consider whether reimbursement for the service is cost-effective and providing the service is clinically effective.]~~

Sec. 548.0257. REIMBURSEMENT FOR HIGH-RISK PREGNANCY. (a) In addition to determining whether to provide home telemonitoring services to Medicaid recipients with the conditions described by Section 548.0253(a)(2), the commission shall determine whether high-risk pregnancy is a condition for which the provision of home telemonitoring services is cost-effective and clinically effective. If the commission determines that high-risk pregnancy is a condition for which the provision of home telemonitoring services is cost-effective and clinically effective:

(1) the commission shall, to the extent permitted by state and federal law, provide recipients experiencing a high-risk pregnancy with clinically appropriate home telemonitoring services equipment for temporary use in the recipient's home; and

(2) the executive commissioner by rule shall:

(A) establish criteria to identify recipients experiencing a high-risk pregnancy who would benefit from access to home telemonitoring services equipment;

(B) ensure that, if cost-effective, feasible, and clinically appropriate, the home telemonitoring services equipment provided includes uterine remote monitoring services equipment and pregnancy-induced hypertension remote monitoring services equipment;

(C) subject to Subsection (b), require that a

1 provider obtain:

2 (i) prior authorization from the commission  
3 before providing home telemonitoring services equipment to a  
4 recipient during the first month the equipment is provided to the  
5 recipient; and

6 (ii) an extension of the authorization  
7 under Subparagraph (i) from the commission before providing the  
8 equipment in a subsequent month based on the recipient's ongoing  
9 medical need; and

10 (D) prohibit payment or reimbursement for home  
11 telemonitoring services equipment during any period that the  
12 equipment was not in use because the recipient was hospitalized or  
13 away from the recipient's home regardless of whether the equipment  
14 remained in the recipient's home while the recipient was  
15 hospitalized or away.

16 (b) For purposes of Subsection (a), the commission shall  
17 require that:

18 (1) a request for prior authorization under Subsection  
19 (a)(2)(C)(i) be based on an in-person assessment of the recipient;  
20 and

21 (2) documentation of the recipient's ongoing medical  
22 need for the equipment is provided to the commission before the  
23 commission grants an extension under Subsection (a)(2)(C)(ii).

24 (b) Section 2, Chapter 840 (H.B. 2727), Acts of the 88th  
25 Legislature, Regular Session, 2023, which amended Section  
26 [531.02164](#), Government Code, is repealed.

27 SECTION 8.048. Section [531.0691](#), Government Code, is

transferred to Subchapter A, Chapter 549, Government Code, as effective April 1, 2025, and redesignated as Section 549.0006, Government Code, to read as follows:

Sec. 549.0006 [~~531.0691~~]. VENDOR DRUG PROGRAM INCLUSION.

(a) The commission shall ensure that the vendor drug program includes all drugs and national drug codes made available under the federal Medicaid Drug Rebate Program if a certificate of information form to request the drug's inclusion in the vendor drug program has been submitted to the commission and:

(1) approved by the commission; or

(2) subject to Subsection (b), is pending review by the commission.

(b) On receipt of a certificate of information form to request the addition to the Texas Drug Code Index of a drug that is available under the federal Medicaid Drug Rebate Program, the commission shall, if the commission determines that the drug is appropriate for dispensing through an outpatient pharmacy, provisionally make the drug available under the vendor drug program for a period that expires on the earlier of:

(1) the 90th day after the date the form was submitted;

or

(2) the date the commission makes a determination regarding whether to approve or deny the drug's inclusion on the vendor drug program formulary.

(c) The commission shall:

(1) denote the provisional availability of a drug under this section; and

(2) remove a drug made provisionally available under the vendor drug program:

(A) on the expiration of the 90-day period prescribed by Subsection (b)(1); or

(B) if applicable, on the date the commission denies the drug's inclusion on the vendor drug program formulary.

SECTION 8.049. (a) Section 531.072(b-3), Government Code, is transferred to Section 549.0204, Government Code, as effective April 1, 2025, redesignated as Section 549.0204(c), Government Code, and amended to read as follows:

(c) [~~(b-3)~~] Notwithstanding Subsection (a) [~~(b)~~], the preferred drug lists must contain all therapeutic equivalents for a generic drug on the preferred drug list.

(b) Section 531.072(g), Government Code, is transferred to Subchapter E, Chapter 549, Government Code, as effective April 1, 2025, redesignated as Section 549.0208, Government Code, and amended to read as follows:

Sec. 549.0208. EXPEDITED REVIEW PROCESS FOR CERTAIN REQUESTS TO INCLUDE DRUG ON PREFERRED DRUG LIST. [~~(g)~~] The commission shall develop an expedited review process to consider requests from managed care organizations and providers to add drugs to the preferred drug list.

(c) Section 531.072(h), Government Code, is transferred to Subchapter E, Chapter 549, Government Code, as effective April 1, 2025, redesignated as Section 549.0209, Government Code, and amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:



1        Sec. 549.0209. TEMPORARY NON-PREFERRED STATUS FOR CERTAIN  
2 DRUGS. ~~[(h)]~~ The commission shall grant temporary non-preferred  
3 status to new drugs that are available but have not yet been  
4 reviewed by the ~~[drug utilization review]~~ board and establish  
5 criteria for authorizing drugs with temporary non-preferred  
6 status.

7        SECTION 8.050. (a) Section 549.0257(a), Government Code,  
8 as effective April 1, 2025, is amended to conform to Section 4,  
9 Chapter 739 (H.B. 3286), Acts of the 88th Legislature, Regular  
10 Session, 2023, to read as follows:

11        (a) The commission shall establish procedures for the prior  
12 authorization requirement under the Medicaid vendor drug program to  
13 ensure that the requirements of 42 U.S.C. Section 1396r-8(d)(5) are  
14 met. The procedures must ensure that:

15                (1) ~~[a prior authorization requirement is not imposed~~  
16 ~~for a drug before the drug has been considered at a meeting of the~~  
17 ~~Drug Utilization Review Board under Subchapter G,~~

18                ~~[(2)]~~ a response to a request for prior authorization  
19 is provided by telephone or other telecommunications device within  
20 24 hours after receipt of the request; and

21                (2) ~~[(3)]~~ a 72-hour supply of the drug prescribed is  
22 provided in an emergency or if the commission does not provide a  
23 response within the period required by Subdivision (1) ~~[(2)]~~.

24        (b) Section 4, Chapter 739 (H.B. 3286), Acts of the 88th  
25 Legislature, Regular Session, 2023, which amended Section  
26 531.073(b), Government Code, is repealed.

27        SECTION 8.051. (a) Section 549.0302(a), Government Code,

as effective April 1, 2025, is amended to conform to Section 5, Chapter 739 (H.B. 3286), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) The composition of the board must comply with federal law, including 42 C.F.R. Section 456.716. The executive commissioner shall determine the board's composition, which must include:

(1) three ~~[two]~~ representatives of managed care organizations, all ~~[one]~~ of whom must be physicians or pharmacists ~~[a physician and one of whom must be a pharmacist, as nonvoting members]~~;

(2) at least 17 physicians and pharmacists who:

(A) provide services across the entire population of Medicaid recipients and represent different specialties, including at least one of each of the following types of physicians:

- (i) a pediatrician;
- (ii) a primary care physician;
- (iii) an obstetrician and gynecologist;
- (iv) a child and adolescent psychiatrist;

and

- (v) an adult psychiatrist; and

(B) have experience in either developing or practicing under a preferred drug list; and

(3) a consumer advocate who represents Medicaid recipients.

(b) Section [549.0310](#)(e), Government Code, as effective

1 April 1, 2025, is amended to conform to Section 5, Chapter 739 (H.B.  
2 3286), Acts of the 88th Legislature, Regular Session, 2023, to read  
3 as follows:

4 (e) Notwithstanding any other law, board ~~[Board]~~ members  
5 appointed under Section 549.0302(a)(1) may attend quarterly and  
6 other regularly scheduled meetings, but may not:

7 (1) attend portions of the executive sessions in which  
8 confidential drug pricing information is shared; or

9 (2) access confidential drug pricing information.

10 (c) Section 5, Chapter 739 (H.B. 3286), Acts of the 88th  
11 Legislature, Regular Session, 2023, which amended Sections  
12 531.0736(c) and (d), Government Code, is repealed.

13 SECTION 8.052. Section 551.083, Government Code, is  
14 repealed to conform to the repeal of Section 13.901, Education  
15 Code, by Section 8.33, Chapter 347 (S.B. 7), Acts of the 73rd  
16 Legislature, Regular Session, 1993.

17 SECTION 8.053. Section 574.004, Government Code, is amended  
18 to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature,  
19 Regular Session, 2023, to read as follows:

20 Sec. 574.004. ASSISTANCE BY ATTORNEY GENERAL. This chapter  
21 does not prevent the attorney general from providing assistance to  
22 district attorneys, criminal district attorneys, and county  
23 attorneys on request by allowing assistant attorneys general to  
24 serve as duly appointed and deputized assistant prosecutors, nor  
25 does this chapter prohibit ~~[the appointment of]~~ an assistant  
26 attorney general from performing duties as an attorney representing  
27 the state under a temporary appointment described by ~~[pro tem~~

~~pursuant to~~] Article 2A.104, Code of Criminal Procedure.

SECTION 8.054. Section 662.005(b), Government Code, as amended by Chapters 109 (S.B. 2214), 765 (H.B. 4504), and 950 (S.B. 1727), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(b) Except as provided by Section 662.010, and notwithstanding Section 659.015 or another law, each of the following state employees who is required to work on a national or state holiday that falls on a Saturday or Sunday is entitled to compensatory time off at the rate of one hour for each hour worked on the holiday:

(1) an employee of the Department of Family and Protective Services in the statewide intake division who receives reports of abuse or neglect;

(2) a peace officer commissioned or appointed, as applicable, by a state officer or state agency listed under Article 2A.001, Code of Criminal Procedure;

(3) an employee of the Department of Public Safety who:

(A) performs communications or dispatch services related to traffic law enforcement; or

(B) is a public security officer, as that term is defined by Section 1701.001, Occupations Code; ~~or~~

(4) an employee of the Parks and Wildlife Department who performs communications and dispatch services to assist law enforcement officers commissioned by the Parks and Wildlife Commission in performing law enforcement duties;

1           (5) an employee of~~[, or who is employed by]~~ the Texas  
2 Juvenile Justice Department who:

3           (A) performs ~~[to perform]~~ communication service  
4 duties for the incident reporting center; and

5           (B) assists ~~[to assist]~~ law enforcement officers  
6 appointed by the office of inspector general of the Texas Juvenile  
7 Justice Department in performing investigative duties; or ~~[7]~~ or

8           (6) ~~[who is employed as]~~ a security officer providing  
9 security and entry searches for secure correctional facilities  
10 operated by the Texas Juvenile Justice Department~~[7]~~.

11       SECTION 8.055. Sections **804.003**(j) and (k), Government  
12 Code, as amended by Chapters 78 (S.B. 729) and 1092 (S.B. 1245),  
13 Acts of the 88th Legislature, Regular Session, 2023, are reenacted  
14 and amended to read as follows:

15       (j) Except as provided by Subsection (k-1) or (k-2), if a  
16 domestic relations order is determined to be a qualified domestic  
17 relations order, then the public retirement system (or applicable  
18 carrier, if under the optional retirement program) shall pay the  
19 segregated amounts without interest to the person or persons  
20 entitled thereto and shall thereafter pay benefits pursuant to the  
21 order.

22       (k) Except as provided by Subsection (k-1) or (k-2), if a  
23 domestic relations order is determined not to be a qualified  
24 domestic relations order or if within 18 months of the date a  
25 domestic relations order is received by the public retirement  
26 system (or applicable carrier, if under the optional retirement  
27 program) the issue as to whether such order is a qualified domestic

relations order is not resolved, then the public retirement system (or applicable carrier, if under the optional retirement program) shall pay the segregated amounts without interest and shall thereafter pay benefits to the person or persons who would have been entitled to such amounts if there had been no order. This subsection shall not be construed to limit or otherwise affect any liability, responsibility, or duty of a party with respect to any other party to the action out of which the order arose.

ARTICLE 9. CHANGES RELATING TO HEALTH AND SAFETY CODE

SECTION 9.001. Section 255.005(b), Health and Safety Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(b) The Health and Human Services Commission shall submit the report required under this section with the report required under Section 543A.0008 [~~536.008~~], Government Code.

SECTION 9.002. Section 260.010(a), Health and Safety Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) Not later than September 30 of each year following the establishment of a county or municipal permitting requirement under this chapter, each county or municipality that requires a person to obtain a boarding home facility permit under Section 260.004 shall submit to the commission a report. The report must include:

(1) the total number of:

(A) boarding home facilities permitted during the preceding state fiscal year;

(B) boarding home facility applications denied

1 permitting, including a summary of cause for denial; and

2 (C) boarding home facility permits active on  
3 August 31 of the preceding state fiscal year;

4 (2) the total number of residents reported housed in  
5 each boarding home facility reported;

6 (3) the total number of inspections conducted at each  
7 boarding home facility by the county or municipality that requires  
8 the permit;

9 (4) the total number of permits revoked or suspended  
10 as a result of an inspection described by Subdivision (3) and a  
11 summary of the outcome for the residents displaced by revocation or  
12 suspension of a permit; and

13 (5) the total number of incidents occurring at each  
14 boarding home facility that required the intervention of a peace  
15 officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal  
16 Procedure.

17 SECTION 9.003. (a) Section 533.032(a), Health and Safety  
18 Code, as effective April 1, 2025, is amended to conform to Section  
19 3, Chapter 1147 (S.B. 956), Acts of the 88th Legislature, Regular  
20 Session, 2023, to read as follows:

21 (a) The department shall have a long-range plan relating to  
22 the provision of services under this title covering at least six  
23 years that includes at least the provisions required by Section  
24 [~~Sections 525.0154, 525.0155, and~~ 525.0156, Government Code, and  
25 Chapter 2056, Government Code. The plan must cover the provision  
26 of services in and policies for state-operated institutions and  
27 ensure that the medical needs of the most medically fragile persons

1 with mental illness the department serves are met.

2 (b) Section 3, Chapter 1147 (S.B. 956), Acts of the 88th  
3 Legislature, Regular Session, 2023, which amended Section  
4 533.032(a), Health and Safety Code, is repealed.

5 SECTION 9.004. (a) Section 533A.032(a), Health and Safety  
6 Code, as effective April 1, 2025, is amended to conform to Section  
7 4, Chapter 1147 (S.B. 956), Acts of the 88th Legislature, Regular  
8 Session, 2023, to read as follows:

9 (a) The department shall have a long-range plan relating to  
10 the provision of services under this title covering at least six  
11 years that includes at least the provisions required by Section  
12 [~~Sections 525.0154, 525.0155, and~~ 525.0156, Government Code, and  
13 Chapter 2056, Government Code. The plan must cover the provision of  
14 services in and policies for state-operated institutions and ensure  
15 that the medical needs of the most medically fragile persons with an  
16 intellectual disability the department serves are met.

17 (b) Section 4, Chapter 1147 (S.B. 956), Acts of the 88th  
18 Legislature, Regular Session, 2023, which amended Section  
19 533A.032(a), Health and Safety Code, is repealed.

20 SECTION 9.005. Section 592.039, Health and Safety Code, is  
21 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th  
22 Legislature, Regular Session, 2023, to read as follows:

23 Sec. 592.039. GRIEVANCES. A client, or a person acting on  
24 behalf of a person with an intellectual disability or a group of  
25 persons with an intellectual disability, has the right to submit  
26 complaints or grievances regarding the infringement of the rights  
27 of a person with an intellectual disability or the delivery of



1 intellectual disability services against a person, group of  
2 persons, organization, or business to the Health and Human Services  
3 Commission's ombudsman for individuals with an intellectual or  
4 developmental disability as provided under Section 523.0360  
5 [~~531.9934~~], Government Code.

6 SECTION 9.006. Section 810.004(b), Health and Safety Code,  
7 is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th  
8 Legislature, Regular Session, 2023, to read as follows:

9 (b) In addition to the eligible individuals described by  
10 Subsection (a), each participating state agency shall designate  
11 additional users who are eligible to access the search engine and  
12 may require those users to determine whether an individual has  
13 engaged in reportable conduct. The additional designated users may  
14 include controlling persons, hiring managers, or administrators  
15 of:

16 (1) licensed or certified long-term care providers,  
17 including:

18 (A) home and community support services agencies  
19 licensed under Chapter 142;

20 (B) nursing facilities licensed under Chapter  
21 242;

22 (C) assisted living facilities licensed under  
23 Chapter 247;

24 (D) prescribed pediatric extended care centers  
25 licensed under Chapter 248A;

26 (E) intermediate care facilities for individuals  
27 with an intellectual disability licensed under Chapter 252;

1 (F) state supported living centers, as defined by  
2 Section 531.002; and

3 (G) day activity and health services facilities  
4 licensed under Chapter 103, Human Resources Code;

5 (2) providers under a Section 1915(c) waiver program,  
6 as defined by Section 521.0001 [~~531.001~~], Government Code;

7 (3) juvenile probation departments and registered  
8 juvenile justice facilities;

9 (4) independent school districts, districts of  
10 innovation, open-enrollment charter schools, other charter  
11 entities, as defined by Section 21.006, Education Code, regional  
12 education service centers, education shared services arrangements,  
13 or any other educational entity or provider that is authorized to  
14 access the registry established under Section 22.092, Education  
15 Code;

16 (5) private schools that:

17 (A) offer a course of instruction for students in  
18 this state in one or more grades from prekindergarten through grade  
19 12; and

20 (B) are:

21 (i) accredited by an organization  
22 recognized by the Texas Education Agency or the Texas Private  
23 School Accreditation Commission;

24 (ii) listed in the database of the National  
25 Center for Education Statistics of the United States Department of  
26 Education; or

27 (iii) otherwise authorized by Texas

Education Agency rule to access the search engine; and

(6) nonprofit teacher organizations approved by the commissioner of education for the purpose of participating in the tutoring program established under Section 33.913, Education Code.

ARTICLE 10. CHANGES RELATING TO HUMAN RESOURCES CODE

SECTION 10.001. Section 32.03115(b), Human Resources Code, as added by Chapter 1105 (H.B. 2174), Acts of the 86th Legislature, Regular Session, 2019, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(b) Notwithstanding Subchapters E and F, Chapter 549 [~~Sections 531.072 and 531.073~~], Government Code, or any other law and subject to Subsections (c) and (d), the commission shall provide medical assistance reimbursement for medication-assisted opioid or substance use disorder treatment without requiring a recipient of medical assistance or health care provider to obtain prior authorization or precertification for the treatment, except as needed to minimize the opportunity for fraud, waste, or abuse.

SECTION 10.002. Section 137.152(e), Human Resources Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(e) The commission shall provide services for a child and the child's family if a contract to provide services under this section is available in the county and the child is referred to the commission as an at-risk child by:

(1) a juvenile court or probation department as part of a progressive sanctions program under Chapter 59, Family Code;

(2) a law enforcement officer or agency under Section 52.03, Family Code; or

(3) a justice or municipal court under Article 45A.457, 45A.509 [~~45.309~~], or 45A.510 [~~45.310~~], Code of Criminal Procedure.

ARTICLE 11. CHANGES RELATING TO INSURANCE CODE

SECTION 11.001. Section 1223.001(c), Insurance Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(c) This chapter does not apply to the state Medicaid program, including the Medicaid managed care program operated under Chapter 540 or 540A [~~Chapter 533~~], Government Code, or the child health plan program operated under Chapter 62, Health and Safety Code.

SECTION 11.002. Section 1365.052, Insurance Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 1365.052. EXCEPTION. This subchapter does not apply to:

(1) a plan that provides coverage:

(A) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury; or

(B) only for hospital expenses; or

(2) the state Medicaid program, including the Medicaid managed care program operated under Chapter 540 or 540A [~~Chapter 533~~], Government Code.

SECTION 11.003. Section 1366.103, Insurance Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 1366.103. EXCEPTIONS. This subchapter does not apply to:

(1) a health benefit plan that provides coverage:

(A) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury; or

(B) only for hospital expenses;

(2) Medicaid managed care programs operated under Chapter 540 or 540A ~~[533]~~, Government Code;

(3) Medicaid programs operated under Chapter 32, Human Resources Code; or

(4) the state child health plan operated under Chapter 62 or 63, Health and Safety Code.

SECTION 11.004. Section 1369.093, Insurance Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 1369.093. EXCEPTIONS TO APPLICABILITY OF SUBCHAPTER. This subchapter does not apply to an issuer or provider of health benefits under or a pharmacy benefit manager administering pharmacy benefits under:

(1) the state Medicaid program, including the Medicaid managed care program operated under Chapters 540 and 540A ~~[Chapter 533]~~, Government Code;

(2) the child health plan program under Chapter 62,

1 Health and Safety Code;

2 (3) the TRICARE military health system; or

3 (4) a workers' compensation insurance policy or other  
4 form of providing medical benefits under Title 5, Labor Code.

5 SECTION 11.005. Section 1369.1031(b), Insurance Code, is  
6 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th  
7 Legislature, Regular Session, 2023, to read as follows:

8 (b) Notwithstanding any other law, this section applies to:

9 (1) a standard health benefit plan issued under  
10 Chapter 1507;

11 (2) a basic coverage plan under Chapter 1551;

12 (3) a basic plan under Chapter 1575;

13 (4) a primary care coverage plan under Chapter 1579;

14 (5) a plan providing basic coverage under Chapter  
15 1601;

16 (6) group health coverage made available by a school  
17 district in accordance with Section 22.004, Education Code; and

18 (7) the state Medicaid program, including the Medicaid  
19 managed care program operated under Chapters 540 and 540A [~~Chapter~~  
20 ~~533~~], Government Code.

21 SECTION 11.006. Section 1369.653(a), Insurance Code, is  
22 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th  
23 Legislature, Regular Session, 2023, to read as follows:

24 (a) This subchapter does not apply to:

25 (1) a plan that provides coverage:

26 (A) for wages or payments in lieu of wages for a  
27 period during which an employee is absent from work because of

1 sickness or injury; or

2 (B) only for hospital expenses;

3 (2) the state Medicaid program, including the Medicaid  
4 managed care program operated under Chapters 540 and 540A [~~Chapter~~  
5 ~~533~~], Government Code; or

6 (3) the child health plan program under Chapter 62,  
7 Health and Safety Code.

8 SECTION 11.007. Section 1369.763(a), Insurance Code, is  
9 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th  
10 Legislature, Regular Session, 2023, to read as follows:

11 (a) This subchapter does not apply to an issuer or provider  
12 of health benefits under or a pharmacy benefit manager  
13 administering pharmacy benefits under:

14 (1) the state Medicaid program, including the Medicaid  
15 managed care program under Chapters 540 and 540A [~~Chapter 533~~],  
16 Government Code;

17 (2) the child health plan program under Chapter 62,  
18 Health and Safety Code;

19 (3) the TRICARE military health system; or

20 (4) a workers' compensation insurance policy or other  
21 form of providing medical benefits under Title 5, Labor Code.

22 SECTION 11.008. Section 1372.002(b), Insurance Code, is  
23 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th  
24 Legislature, Regular Session, 2023, to read as follows:

25 (b) Notwithstanding any other law, this chapter applies to:

26 (1) a small employer health benefit plan subject to  
27 Chapter 1501, including coverage provided through a health group

cooperative under Subchapter B of that chapter;

(2) a standard health benefit plan issued under Chapter 1507;

(3) a basic coverage plan under Chapter 1551;

(4) a basic plan under Chapter 1575;

(5) a primary care coverage plan under Chapter 1579;

(6) a plan providing basic coverage under Chapter 1601;

(7) the state Medicaid program, including the Medicaid managed care program operated under Chapters 540 and 540A [~~Chapter 533~~], Government Code;

(8) the child health plan program under Chapter 62, Health and Safety Code; and

(9) a self-funded health benefit plan sponsored by a professional employer organization under Chapter 91, Labor Code.

SECTION 11.009. Section 1380.002(b), Insurance Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(b) Notwithstanding any other law, this chapter applies to:

(1) a small employer health benefit plan subject to Chapter 1501, including coverage provided through a health group cooperative under Subchapter B of that chapter;

(2) a standard health benefit plan issued under Chapter 1507;

(3) a basic coverage plan under Chapter 1551;

(4) a basic plan under Chapter 1575;

(5) a primary care coverage plan under Chapter 1579;



(6) a plan providing basic coverage under Chapter 1601;

(7) health benefits provided by or through a church benefits board under Subchapter I, Chapter 22, Business Organizations Code;

(8) the state Medicaid program, including the Medicaid managed care program operated under Chapters 540 and 540A [~~Chapter 533~~], Government Code;

(9) the child health plan program under Chapter 62, Health and Safety Code;

(10) a regional or local health care program operated under Section 75.104, Health and Safety Code;

(11) a self-funded health benefit plan sponsored by a professional employer organization under Chapter 91, Labor Code;

(12) county employee group health benefits provided under Chapter 157, Local Government Code; and

(13) health and accident coverage provided by a risk pool created under Chapter 172, Local Government Code.

SECTION 11.010. Section 1451.209(e), Insurance Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(e) This section does not apply:

(1) if access to a provider network contract is granted to:

(A) a third party operating in accordance with the same brand licensee program as the employee benefit plan provider, health insurance policy issuer, or other contracting

1 entity selling or leasing the provider network contract, provided  
2 that the third party accessing the provider network contract agrees  
3 to comply with all of the original contract's terms, including the  
4 contracted fee schedule and obligations concerning patient  
5 steerage; or

6 (B) an entity that is an affiliate of the  
7 employee benefit plan provider, health insurance policy issuer, or  
8 other contracting entity selling or leasing the provider network  
9 contract, provided that:

10 (i) the provider, issuer, or entity  
11 publicly discloses the names of the affiliates on its Internet  
12 website; and

13 (ii) the affiliate accessing the provider  
14 network contract agrees to comply with all of the original  
15 contract's terms, including the contracted fee schedule and  
16 obligations concerning patient steerage;

17 (2) to the child health plan program under Chapter 62,  
18 Health and Safety Code, or the health benefits plan for children  
19 under Chapter 63, Health and Safety Code; or

20 (3) to a Medicaid managed care program operated under  
21 Chapter 540 or 540A ~~[533]~~, Government Code, or a Medicaid program  
22 operated under Chapter 32, Human Resources Code.

23 ARTICLE 12. CHANGES RELATING TO LABOR CODE

24 SECTION 12.001. Section 408.1615(a)(1), Labor Code, is  
25 amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th  
26 Legislature, Regular Session, 2023, to read as follows:

27 (1) "First responder" means an individual who is:

1 (A) a peace officer under Article [2A.001](#) [~~2.12~~],  
2 Code of Criminal Procedure;

3 (B) certified under Chapter [773](#), Health and  
4 Safety Code, as an emergency care attendant, advanced emergency  
5 medical technician, emergency medical technician-paramedic or a  
6 licensed paramedic;

7 (C) a firefighter subject to certification by the  
8 Texas Commission on Fire Protection under Chapter [419](#), Government  
9 Code, whose principal duties are aircraft crash and rescue or fire  
10 fighting; or

11 (D) an individual covered under Section [504.012](#)  
12 who is providing volunteer services as:

13 (i) a volunteer firefighter, regardless of  
14 whether the individual is certified under Chapter [419](#), Government  
15 Code; or

16 (ii) an emergency medical services  
17 volunteer, as defined by Section [773.003](#), Health and Safety Code.

18 ARTICLE 13. CHANGES RELATING TO LOCAL GOVERNMENT CODE

19 SECTION 13.001. Section [81.029](#)(a), Local Government Code,  
20 as amended by Chapters 640 (H.B. 784) and 644 (H.B. 4559), Acts of  
21 the 88th Legislature, Regular Session, 2023, is reenacted to read  
22 as follows:

23 (a) This section applies only to a county judge in a county  
24 that has a population of more than 800,000 and is located on the  
25 international border, other than a county to which Section [81.029](#)  
26 applies.

27 SECTION 13.002. Section [85.0011](#)(a)(3), Local Government

Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(3) "Federal special investigator" means a person described by Article 2A.002 [~~2.122~~], Code of Criminal Procedure.

SECTION 13.003. (a) Section 118.121, Local Government Code, is amended to correct a typographical error to read as follows:

Sec. 118.121. FEE SCHEDULE. A justice of the peace shall collect the following fees for services rendered after judgment (Sec. 118.123):

(1) Transcript . . . . . \$10.00

(2) Abstract of judgment . . . . . \$5.00

(3) Execution, order of sale, writ of restitution, or other writ or process . . . \$5.00 per page

(4) Certified copy of court papers . . . \$2.00 for first page

. . . \$0.25 for each additional page

(5) Issuing other document (no return required) . . . \$1.00 for first page

. . . \$0.25 for each additional page

(b) Sections 118.123(a), (b), and (d), Local Government Code, are amended to conform to Section 3.08, Chapter 472 (S.B. 41), Acts of the 87th Legislature, Regular Session, 2021, to read as follows:

(a) The fees [~~fee~~] for "Services rendered after judgment" under Section 118.121 apply [~~118.121(2) applies~~] to a civil matter in a justice court or small claims court.

1 (b) The fee for a "Transcript" under Section 118.121(1)  
2 [~~118.121(2)~~] is for making and certifying a transcript of the  
3 entries on a docket and, in the case of an appeal or certiorari, for  
4 filing the transcript with the original papers of the case in the  
5 proper court.

6 (d) The fee for an "Execution, order of sale, writ of  
7 restitution, or other writ or process" under Section 118.121(3)  
8 [~~118.121(2)~~] is for issuing and recording the return on any of those  
9 documents. The fee applies only to a writ or process for the  
10 issuance of which another fee is not provided by this subchapter.

11 (c) Section 118.123(e), Local Government Code, is amended  
12 to correct a reference to read as follows:

13 (e) The fee for "Issuing other document (no return  
14 required)" under Section 118.121(5) [~~118.121(2)~~] is for issuing a  
15 certificate, notice, statement, or any other document, except for a  
16 certified copy of court papers, that a justice of the peace is  
17 authorized or required to issue on which a return is not to be  
18 recorded. The fee must be paid at the time the order is placed.

19 (d) Section 118.1235, Local Government Code, is amended to  
20 correct a reference to read as follows:

21 Sec. 118.1235. FEE FOR CERTIFIED COPY. The fee for  
22 "Certified copy of court papers" under Section 118.121(4)  
23 [~~118.121(2)~~] is for issuing a certified copy of a paper filed in a  
24 justice court or a small claims court. The fee must be paid at the  
25 time the order is placed.

26 SECTION 13.004. Section 134.156(a), Local Government Code,  
27 is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th

Legislature, Regular Session, 2023, to read as follows:

(a) In a county or municipality that employs or contracts with a juvenile case manager under Article 45A.451 [~~45.056~~], Code of Criminal Procedure, money allocated under Section 134.103 to the local youth diversion fund maintained in the county or municipal treasury as required by Section 134.151 may be used by a county or municipality to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager. If there is money in the fund after those costs are paid, subject to the direction of the governing body of the county or municipality and on approval by the employing court, a juvenile case manager may direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court.

SECTION 13.005. Section 212.072(b-1), Local Government Code, is amended to correct a reference to read as follows:

(b-1) In addition, if the municipality has a population of 1.8 million or more, the municipality may participate at a level not to exceed 100 percent of the total contract price for all required drainage improvements related to the development and construction of affordable housing. Under this subsection, affordable housing is defined as housing which is equal to or less than the median sales price, as determined by the Texas Real Estate Research Center at Texas A&M University, of a home in the Metropolitan Statistical

Area (MSA) in which the municipality is located.

ARTICLE 14. CHANGES RELATING TO NATURAL RESOURCES CODE

SECTION 14.001. Section 133.003, Natural Resources Code, is amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th Legislature, Regular Session, 2003, by adding Subdivision (6-a) and amending Subdivision (27) to read as follows:

(6-a) "Department" means the Texas Department of Transportation.

(27) "Unacceptable unsafe location" means a condition where the edge of a pit is located within 200 feet of a public roadway intersection in a manner which, in the judgment of the department ~~[commission]~~:

(A) presents a significant risk of harm to public motorists by reason of the proximity of the pit to the roadway intersection; and,

(B) has no naturally occurring or artificially constructed barrier or berm between the road and pit that would likely prevent a motor vehicle from accidentally entering the pit as the result of a motor vehicle collision at or near the intersection; or which,

(C) in the opinion of the department ~~[commission]~~, is also at any other location constituting a substantial dangerous risk to the driving public, which condition can be rectified by the placement of berms, barriers, guardrails, or other devices as prescribed by this code.

SECTION 14.002. Subchapter B, Chapter 133, Natural Resources Code, is amended to conform to Chapter 706 (H.B. 2847),

1 Acts of the 78th Legislature, Regular Session, 2003, to read as  
2 follows:

3 SUBCHAPTER B. AUTHORITY OF DEPARTMENT [~~COMMISSION~~]

4 Sec. 133.011. GENERAL AUTHORITY OF THE DEPARTMENT  
5 [~~COMMISSION~~]. To accomplish the limited purposes of this chapter,  
6 the department [~~commission~~] may:

7 (1) with proper notice to all parties affected, adopt  
8 rules and regulations consistent with the provisions of this  
9 chapter and issue orders necessary to implement and enforce this  
10 chapter;

11 (2) conduct research necessary for the discharge of  
12 its duties under this chapter;

13 (3) collect and make available to the public  
14 information relating to the inventory and classification of  
15 quarries, including maps and other technical data;

16 (4) apply for, accept, receive, and administer grants,  
17 gifts, loans, or other funds from any source; and

18 (5) hold public hearings, take written sworn  
19 testimony, hear witnesses upon oath, and consider reports in regard  
20 to the classifications of pits within the definitions of hazardous  
21 proximity to a public road and unacceptable unsafe location,  
22 issuing rules and orders in relation thereto.

23 Sec. 133.012. INVENTORY OF ACTIVE, INACTIVE, AND ABANDONED  
24 QUARRIES AND PITS. (a) The department [~~commission~~] shall  
25 inventory, classify, and maintain a log according to the degree of  
26 hazard, proximity to public roads, age, and current use of all  
27 existing, inactive, or abandoned quarries that have a pit perimeter



1 that is in hazardous proximity to a public road, and those pits that  
2 are in an unacceptable unsafe location.

3 (b) The department [~~commission~~] shall keep a current log of  
4 all quarries that are required to be inventoried under Subsection  
5 (a) of this section, including such quarries and pits for which  
6 initial operations begin after June 30, 1991.

7 Sec. 133.013. DETERMINATION OF STATUS. After notice and  
8 hearing, the department [~~commission~~] may determine whether a quarry  
9 or pit has been abandoned, is active, or is inactive.

10 SECTION 14.003. Section 133.021(b), Natural Resources  
11 Code, is amended to conform to Chapter 706 (H.B. 2847), Acts of the  
12 78th Legislature, Regular Session, 2003, to read as follows:

13 (b) Where a conflict arises in identifying a person  
14 responsible for the pit, the department [~~commission~~] may hold a  
15 public hearing.

16 SECTION 14.004. Section 133.031, Natural Resources Code, is  
17 amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th  
18 Legislature, Regular Session, 2003, to read as follows:

19 Sec. 133.031. REPORT OF ABANDONED OR INACTIVE QUARRY OR  
20 PIT. (a) On or before March 1, 1992, the person responsible for an  
21 abandoned quarry or pit shall report to the department  
22 [~~commission~~].

23 (b) On or before March 1, 1992, the person responsible for a  
24 quarry or pit that became inactive before January 1, 1991, and did  
25 not resume operations before June 30, 1991, shall report to the  
26 department [~~commission~~].

27 SECTION 14.005. Section 133.032, Natural Resources Code, is

1 amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th  
2 Legislature, Regular Session, 2003, to read as follows:

3       Sec. 133.032. REPORT OF AN ACTIVE QUARRY OR PIT. On or  
4 before October 1, 1991, the person responsible for a quarry or pit  
5 that is active on June 30, 1991, shall report to the department  
6 [~~commission~~].

7       SECTION 14.006. Subchapter D, Chapter 133, Natural  
8 Resources Code, is amended to conform to Chapter 706 (H.B. 2847),  
9 Acts of the 78th Legislature, Regular Session, 2003, to read as  
10 follows:

11               SUBCHAPTER D. SAFETY AND CERTIFICATION

12       Sec. 133.041. BARRIERS REQUIRED. (a) A person responsible  
13 for an active pit must construct a barrier or other device required  
14 by this code between a public road adjoining the site and a pit,  
15 provided the pit is in hazardous proximity to the public road.

16       (b) A person responsible for an abandoned or inactive pit  
17 must construct a barrier or other device required by this code  
18 between a public road adjoining the site and the pit, provided that  
19 the pit is in hazardous proximity to a public road and in an  
20 unacceptable unsafe location. The department [~~commission~~] may  
21 grant a waiver from the barrier requirement if the person  
22 responsible for the abandoned or inactive pit submits an  
23 application to the department [~~commission~~] showing that:

24               (1) a governmental entity obtained a right-of-way and  
25 constructed a public road within 200 feet of the abandoned or  
26 inactive pit before August 26, 1991; and

27               (2) the pit has remained abandoned or inactive since

1 the road was constructed.

2 (c) The responsible party may choose to slope the sidewalls  
3 of a pit in place of constructing a berm or barrier, provided that  
4 in the opinion of the responsible party such corrective measure  
5 better serves the public safety and provided that the slope shall  
6 not exceed 30 degrees from the horizontal.

7 (d) The barrier or other device must be completed not later  
8 than the 90th day after the day on which the person responsible for  
9 the quarry or pit receives a notice of approval under Section  
10 133.048(b) of this code. An additional time of not more than 60  
11 days may be granted by the department [~~commission~~] for good cause  
12 shown. If the responsible person must obtain an easement before  
13 constructing the barrier or other device, the department  
14 [~~commission~~] may grant additional reasonable time to complete the  
15 barrier or other device.

16 Sec. 133.042. CONSTRUCTION STANDARDS. (a) A barrier  
17 constructed under Section 133.041 of this code must:

18 (1) reach a height that the department [~~commission~~]  
19 determines that under the circumstances will obstruct, restrain,  
20 and prevent the normal passage of vehicular traffic;

21 (2) be of substantial construction suitable for impact  
22 under normal driving conditions; and

23 (3) have openings to the extent necessary for travel  
24 on the premises and for public road drainage, although such  
25 drainage paths must be covered with protective material,  
26 substantial enough to turn away motor vehicular traffic that  
27 normally travels the adjacent public road.

1           (b) The department [~~commission~~] may not adopt construction  
2 standards for barriers under Subsection (a) that are more stringent  
3 than department [~~the Texas Department of Transportation~~] standards  
4 under other law.

5           (c) In the event the department [~~commission~~] determines  
6 that the pit location as detailed in the quarry safety plan or other  
7 application will contain substantial soil types of such density and  
8 other factors that will have a high probability of holding or  
9 impounding water, when the pit is operating, inactive, or  
10 abandoned, wherein the impoundment of water poses a definite and  
11 determinable unreasonable risk to human health and safety as set  
12 out in this code, the department [~~commission~~] may require the  
13 responsible party operating soil, dirt, clay, gravel, sand, caliche  
14 and clay pits to slope the sidewalls as an additional requirement to  
15 obtain a safety certificate or to alter the berm or barrier.

16           Sec. 133.043. CONSTRUCTION COSTS. (a) The department  
17 [~~commission~~] shall adopt and implement rules, standards, or  
18 procedures necessary to obtain funds that are or may become  
19 available under the federal act, or any federal or state law, for  
20 the cost of constructing barriers required by this code.

21           (b) The person responsible for the pit shall pay the cost of  
22 constructing a barrier to the extent that person is unable to obtain  
23 funds available under any state, municipal, or federal source.

24           Sec. 133.044. PROHIBITION AGAINST OPENING PITS. (a) From  
25 and after November 1, 1991, no person responsible may open a new pit  
26 on a site for the extraction of aggregates in this state wherein the  
27 pit perimeter will be less than 25 feet from the outer right-of-way

1 line of any public road or highway ("the setback distance").

2 (b) From and after November 1, 1991, no person responsible  
3 may open a new pit on a site for the extraction of aggregates in this  
4 state wherein the pit perimeter is in hazardous proximity to a  
5 public road without first filing a quarry safety plan detailing how  
6 the applicant intends to comply with the safety provisions of this  
7 code in the opening and closing of the pit.

8 (c) The quarry safety plan must:

9 (1) set out the information required in Section  
10 133.046 et seq. of this code; and

11 (2) be filed by the applicant at least 60 days prior to  
12 the opening of the pit; and

13 (3) contain a statement as to the yearly progress of  
14 the encroachment of the pit perimeter within the hazardous  
15 proximity to a public road, if any, and the type of berm or barrier  
16 or other device required by this code that will be erected; and

17 (4) be in writing, certified and sworn to the  
18 applicant; and

19 (5) contain any other information relating to safety  
20 matters as the department [~~commission~~] by rule or regulation deems  
21 essential to the implementation of this code.

22 Sec. 133.045. SAFETY CERTIFICATE REQUIRED. (a) A safety  
23 certificate is required for an active, inactive, or abandoned  
24 quarry or pit that is located in hazardous proximity to a public  
25 road or is in an unacceptable unsafe location, excluding an  
26 inactive or abandoned quarry or pit that receives a written waiver  
27 from the department [~~commission~~].

1           (b) From and after November 1, 1991, unless a person  
2 responsible for a quarry or pit has obtained from the department  
3 [~~commission~~] a certificate that a quarry or pit complies with this  
4 subchapter and rules or orders adopted under this subchapter, and  
5 subject to Subsection (c) of this section, the person responsible  
6 may not:

7                   (1) open a new pit in hazardous proximity to a public  
8 road; and

9                   (2) locate a pit in an area wherein it is in an  
10 unacceptable unsafe location; or

11                   (3) reopen, operate, or abandon a quarry or pit that is  
12 in hazardous proximity to a public road and in an unacceptable  
13 unsafe location; and

14                   (4) provided, however, that the person responsible  
15 must have received a notice from the department [~~commission~~] that  
16 the quarry or pit requires the operator to obtain a safety  
17 certificate, before that person is prohibited from operating or  
18 maintaining the quarry or pit without a safety certificate.

19           (c) Any person responsible who, on November 1, 1991, is  
20 utilizing a portion of a site for quarrying operations, including  
21 the stockpiling, sale, or processing of aggregates or a combination  
22 thereof, or who has a current, valid, or outstanding agreement or  
23 legal right to develop, utilize, or quarry the property, shall be  
24 responsible for obtaining a safety certificate limited to that  
25 specific pit area he is using or excavating or intends to use or  
26 excavate.

27           (d) A person responsible for a quarry or pit may operate the

1 pit during a period that is described by Subsection (a) or (c) of  
2 Section 133.052 of this code.

3 (e) In the event a quarry or pit previously not within the  
4 proscribed distance in the definition of "in hazardous proximity to  
5 a public road" and not initially within the purview of  
6 "unacceptable unsafe location" later becomes subject to regulation  
7 as the result of an expansion or relocation of an existing public  
8 road or construction of a new public road, the person or entity  
9 responsible for the expansion or relocation of the existing public  
10 road or construction of a new public road shall be liable to report  
11 the same to the department [~~commission~~] within 90 days of the date  
12 the expansion, relocation, or construction is finally  
13 accomplished.

14 (f) The department [~~commission~~] shall provide such rules  
15 and regulations to require the person or entity responsible for the  
16 expansion or relocation to erect berms or barriers.

17 (g) For the purposes of this subsection, the person or  
18 entity responsible for the erection of berms or barriers is that  
19 person or entity having the original and initial legal authority  
20 and responsibility for the initiation and contracting of the  
21 expansion or relocation.

22 Sec. 133.046. FORM AND CONTENTS OF APPLICATION. (a) The  
23 department [~~commission~~] by rule shall prescribe the form of an  
24 application for a safety certificate.

25 (b) An application for a safety certificate must contain not  
26 more than:

27 (1) the name, address, and telephone number of the

1 person responsible for the quarry or pit;

2 (2) the name, address, and telephone number of the  
3 owner or owners if different from the person responsible for the  
4 quarry or pit;

5 (3) the type of quarrying activities, if any,  
6 occurring on the site;

7 (4) a brief description of the site, including the  
8 acreage outside and inside the pit;

9 (5) the distance of each pit perimeter from the  
10 nearest roadway edge of each public road that the site adjoins and  
11 the nearest intersection of any public or private road or driveway;

12 (6) the depth in feet, below the top of the pit  
13 highwall located between the pit and the roadway, of the deepest  
14 excavation in the pit;

15 (7) a description of and a construction plan for any  
16 barrier or other device allowed in this code to be constructed,  
17 specifying the material to be used and the expected date of  
18 completion; and

19 (8) any other information or condition that, in the  
20 opinion of the operator or owner, constitutes an unacceptable  
21 unsafe location, as defined or required by this Act that is  
22 absolutely essential to the purposes of this Act.

23 Sec. 133.047. APPLICATION FEE. (a) The department  
24 [~~commission~~] may require the payment of an application fee.

25 (b) The department [~~commission~~] shall set the fee in an  
26 amount reasonably necessary to cover the department's  
27 [~~commission's~~] cost of carrying out this chapter, but not more



1 than:

2 (1) \$500 for an active aggregate quarry or pit;

3 (2) \$500 for an inactive or abandoned aggregate quarry  
4 or pit unless the responsible party is a governmental entity in  
5 which case the fee shall be no more than \$350.

6 Sec. 133.048. REVIEW OF APPLICATION. (a) Not later than  
7 the 10th day after the day on which an application for a safety  
8 certificate is received, the department [~~commission~~] shall review  
9 the application and the plan and determine if each complies with  
10 this subchapter, and with rules or orders adopted under this  
11 subchapter, and issue such findings and conclusions as may be  
12 necessary.

13 (b) If the application and plan comply with this subchapter,  
14 and rules or orders adopted under this subchapter, the department  
15 [~~commission~~] must approve the application and notify the applicant  
16 in writing of the department's [~~commission's~~] decision.

17 (c) If the department [~~commission~~] determines that an  
18 application or plan does not comply with this subchapter and rules  
19 or orders adopted under this subchapter, the department  
20 [~~commission~~] must notify the applicant in writing of the  
21 department's [~~commission's~~] decision, specifying any defects.

22 (d) Any notices required under Subsections (b) and (c) of  
23 this section must be mailed to the applicant certified mail,  
24 postage prepaid, return receipt requested, not later than the fifth  
25 day after the day on which the department [~~commission~~] approves or  
26 disapproves the application.

27 (e) An applicant who receives notice of denial under

Subsections (c) and (d) of this section may submit, not later than the 30th day after the day on which the notice is received, a modified application or plan.

(f) Not later than the fifth day after the day on which the department ~~[commission]~~ receives a modified application or plan, the department ~~[commission]~~ must approve or deny the modified application or plan and notify the applicant in writing of the department's ~~[commission's]~~ decision.

(g) The department ~~[commission]~~ shall first review applications for sites that have been abandoned and that are within the setback distances.

Sec. 133.049. INSPECTION OF BARRIERS. Within 15 days of the time in which construction of barriers required by Section [133.041](#) of this code and described in an approved application is required to be completed, the department ~~[commission]~~ may inspect those barriers to determine whether they meet the requirements of this subchapter.

Sec. 133.050. ISSUANCE OF CERTIFICATE. (a) If, after inspection, the department ~~[commission]~~ determines that the barriers described in an approved application conform with the plan and comply with this subchapter, and the rules or orders adopted under this subchapter, the department ~~[commission]~~ must issue a safety certificate to the person responsible for the pit.

(b) If, after inspection, the department ~~[commission]~~ determines that a barrier does not comply with this subchapter or a rule or order adopted under this subchapter, the department ~~[commission]~~ shall give the applicant written notice of any defects

1 in that barrier and shall allow the applicant a reasonable time, not  
2 to exceed 60 days from the day notice is received, to cure the  
3 defects.

4       Sec. 133.051. TRANSFER OF CERTIFICATE AFTER TRANSFER OF  
5 TITLE. (a) A person holding a safety certificate has the full  
6 right, power, and authority to transfer the certificate upon the  
7 sale, lease, or other transfer of title to the site, provided the  
8 new owner, operator, lessor or lessee, or party in interest files a  
9 written affidavit that:

10               (1) all barriers between a pit and the nearest roadway  
11 edge of any public road comply with this subchapter, and rules and  
12 orders adopted by this subchapter; and

13               (2) there will be no change, on or after the day of the  
14 transfer of title or operation, in:

15                       (A) the condition or location of a barrier; and

16                       (B) the distance of a pit perimeter from:

17                               (i) the nearest public road; and

18                               (ii) the nearest intersection of a public  
19 road and a private road or driveway.

20       (b) The transfer affidavit must be filed not later than the  
21 30th day after the day on which the transfer of title to or  
22 operation of the quarry or pit occurs.

23       (c) Except as provided by Section 133.053(a) of this code,  
24 the department [~~commission~~] must process and approve a transfer of  
25 a safety certificate not later than the 10th day after the day on  
26 which the department [~~commission~~] receives a completed transfer  
27 affidavit.

1           (d) The department [~~commission~~] may require the payment of a  
2 reasonable fee for processing the transfer affidavit, not to exceed  
3 the actual administrative costs of receipt and processing, which  
4 amount shall not be more than \$250.

5           (e) The hypothecating, mortgaging, or other transfer of  
6 equitable title or a pledge of any assets to creditors of the  
7 operator or owner shall not require the filing of a transfer  
8 affidavit.

9           Sec. 133.052. RECERTIFICATION AFTER TRANSFER OF TITLE. (a)  
10 Unless proper transfer affidavit is filed pursuant to this  
11 subchapter, or an application for an amended certificate as  
12 required by Subsection (b) of this section is pending, an existing  
13 safety certificate expires on the 90th day after the day on which a  
14 sale, lease, or other transfer of title to or operation of the  
15 quarry or pit for which the certificate was issued occurs.

16           (b) To obtain an amended or new safety certificate, a new  
17 owner, operator, lessor, or lessee must submit an application and  
18 plan as required by Section 133.046 of this code not later than the  
19 30th day after the day on which the transfer of title to the quarry  
20 or pit occurs or a change in the activities of the quarry or pit  
21 necessitates.

22           (c) If an application for a new certificate has been  
23 submitted as required by Subsection (b) of this section, the  
24 existing safety certificate continues in effect until the  
25 department's [~~commission's~~] decision either approving or  
26 disapproving the new or amended certificate is issued and becomes  
27 final.

1           Sec. 133.053. DENIAL OR REVOCATION OF CERTIFICATE. (a) At  
2 its option, the department [~~commission~~] may not issue or approve  
3 the transfer of a certificate to a person who has violated this  
4 chapter or a rule or order adopted under this chapter.

5           (b) The department [~~commission~~] may revoke or disapprove  
6 the transfer of a safety certificate issued under this subchapter  
7 only if, after notice and hearing, the department [~~commission~~]  
8 determines that the holder of the certificate has violated this  
9 chapter or a rule or order adopted under this chapter.

10          Sec. 133.054. CESSATION OF ACTIVE PIT OPERATIONS. (a) The  
11 responsible party who plans or intends to cease active operations  
12 in a quarry or pit subject to the provisions of this code shall, 60  
13 days prior to cessation of operations, notify the department  
14 [~~commission~~] of its intent and submit any additional plans the  
15 operator determines necessary to protect the public good and  
16 welfare after the cessation of operations. The department  
17 [~~commission~~] may charge a fee for the actual costs of processing the  
18 notice, which fee shall not exceed \$500.

19          (b) The department [~~commission~~] shall have inspected the  
20 quarry and pit within 10 days after receipt of the notice in order  
21 to ensure compliance with the provisions of this chapter and any  
22 additional plans by the operator as may be submitted pursuant to  
23 Subsection (a) of this section.

24          (c) Upon inspection, the department [~~commission~~] shall have  
25 10 days to notify the operator of compliance, or lack thereof, and  
26 in the event of compliance shall issue a safety certificate  
27 pursuant to Section [133.050](#) of this code.

(d) In the event of noncompliance, the department ~~[commission]~~ shall follow the procedures as set out in Section 133.048 et seq. of this code.

SECTION 14.007. Section 133.081, Natural Resources Code, is amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th Legislature, Regular Session, 2003, to read as follows:

Sec. 133.081. NOTICE OF VIOLATION; TIME TO CURE. (a) On receipt of a complaint or a violation of this chapter or a rule or order adopted under this chapter or on its own motion, the department ~~[commission]~~ must give the person responsible for the quarry or pit written notice of each alleged violation, including the applicable statutory reference, and rule or order so violated and its relation thereto, and the date, time, and place for a hearing.

(b) If, after notice and a hearing, the department ~~[commission]~~ determines that a violation has occurred, the department ~~[commission]~~ must make written findings of the actual or threatened violation and the required corrective work and shall prescribe by order a specific period, commensurate with the work to be done but not to exceed 90 days from the date of the order, during which the corrective work must be done, unless an extension of time for good cause shown by the person responsible is granted by the department ~~[commission]~~.

(c) If the responsible party fails to perform corrective work required by the department ~~[commission]~~ under Subsection (b) of this section within 120 days after notice is given to the responsible party, the department ~~[commission]~~ may contract for the

1 corrective work to be done at reasonable, customary, and ordinary  
2 costs applicable in the industry. Such costs shall be submitted  
3 within 30 days of the date the work is finished, and the responsible  
4 party shall have 60 days to pay the costs or appeal the decision. In  
5 the event the responsible party fails to pay the costs as presented  
6 or fails timely to contest or appeal the costs as presented by the  
7 department [~~commission~~], the department [~~commission~~] shall have  
8 the right to impose such fine or injunction as is warranted,  
9 consistent with the provisions of Section 133.082 et seq.

10 SECTION 14.008. Section 133.083(a), Natural Resources  
11 Code, is amended to conform to Chapter 706 (H.B. 2847), Acts of the  
12 78th Legislature, Regular Session, 2003, to read as follows:

13 (a) The department [~~commission~~] may enforce this chapter or  
14 a rule or order adopted under this chapter by injunction or other  
15 appropriate remedy.

16 SECTION 14.009. Section 133.084, Natural Resources Code, is  
17 amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th  
18 Legislature, Regular Session, 2003, to read as follows:

19 Sec. 133.084. RECOVERY OF COSTS. A person responsible for a  
20 quarry or pit is liable to the state for customary, ordinary, and  
21 reasonable costs incurred by the department [~~commission~~] in  
22 undertaking corrective or enforcement action under this chapter and  
23 for court costs and attorney's fees.

24 SECTION 14.010. Section 133.085(a), Natural Resources  
25 Code, is amended to conform to Chapter 706 (H.B. 2847), Acts of the  
26 78th Legislature, Regular Session, 2003, to read as follows:

27 (a) At the request of the department [~~commission~~], the

1 attorney general shall bring suit for injunctive or other relief,  
2 to recover a civil penalty or costs as provided by Section 133.082  
3 or 133.084 of this code, or for both injunctive or other relief and  
4 to recover a civil penalty or costs.

5 SECTION 14.011. Section 133.093, Natural Resources Code, is  
6 amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th  
7 Legislature, Regular Session, 2003, to read as follows:

8 Sec. 133.093. CONFLICT WITH DEPARTMENT [~~COMMISSION~~] RULE.  
9 A county may not adopt regulations for aggregate quarries and pits  
10 which are regulated by the department [~~commission~~].

11 SECTION 14.012. Section 133.003(5), Natural Resources  
12 Code, is repealed.

13 ARTICLE 15. CHANGES RELATING TO OCCUPATIONS CODE

14 SECTION 15.001. Section 455.152, Occupations Code, as  
15 amended by Chapters 13 (S.B. 483) and 440 (H.B. 2016), Acts of the  
16 88th Legislature, Regular Session, 2023, is reenacted and amended  
17 to read as follows:

18 Sec. 455.152. INELIGIBILITY FOR LICENSE. A person is not  
19 eligible for a license as a massage establishment, massage school,  
20 massage therapist, or massage therapy instructor if the person is  
21 an individual and has been convicted of, entered a plea of nolo  
22 contendere or guilty to, or received deferred adjudication for:

23 (1) an offense under Chapter 20A, Penal Code [~~Section~~  
24 ~~22.011 or 22.021 Penal Code~~], or Section 43.021, 43.03, 43.031,  
25 43.04, 43.041, or 43.05, Penal Code; [~~or~~]

26 (2) an offense under federal law or the laws of another  
27 state containing elements that are substantially similar to the



elements of an offense described by Subdivision (1); or  
(3) an offense under Section 22.011 or 22.021, Penal  
Code.

SECTION 15.002. Section 1701.2515(b), Occupations Code, is amended to correct an error in enrolling Senate Bill 999, Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(b) An individual or a legal entity may not provide active shooter training to peace officers of [~~students or employees at~~] a public primary or secondary school or an institution of higher education unless:

(1) the individual providing the instruction is certified by the commission under this section to provide the training; and

(2) if the training is provided by a legal entity, both the legal entity and the individual providing the instruction on behalf of the legal entity are certified by the commission under this section to provide the training.

ARTICLE 16. CHANGES RELATING TO PARKS AND WILDLIFE CODE

SECTION 16.001. Section 11.032(b), Parks and Wildlife Code, as amended by Chapters 235 (H.B. 2755) and 334 (H.B. 4018), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(b) The department shall deposit to the credit of the game, fish, and water safety account all revenue, less allowable costs, from the following sources:

(1) all types of fishing licenses and stamps and shrimping licenses;

- 1           (2)   all types of hunting licenses and stamps;
- 2           (3)   trapping licenses and other licenses relating to
- 3 the taking, propagation, and sale of fur-bearing animals or their
- 4 pelts;
- 5           (4)   sale of marl, sand, gravel, shell, and mudshell;
- 6           (5)   oyster bed rentals and permits;
- 7           (6)   federal funds received for fish and wildlife
- 8 research, management, development and conservation, resource
- 9 protection, and law enforcement, unless the funds are received for
- 10 the specific purposes of Subchapter [F](#), Chapter [77](#);
- 11           (7)   sale of property, less advertising costs,
- 12 purchased from this account or a special fund or account that is now
- 13 part of this account;
- 14           (8)   fines and penalties collected for violations of a
- 15 law pertaining to the protection and conservation of wild birds,
- 16 wild fowl, wild animals, fish, shrimp, oysters, game birds and
- 17 animals, fur-bearing animals, alligators, and any other wildlife
- 18 resources of this state;
- 19           (9)   sale of rough fish by the department;
- 20           (10)   fees for importation permits;
- 21           (11)   fees from supplying fish for or placing fish in
- 22 water located on private property;
- 23           (12)   sale of seized pelts;
- 24           (13)   sale or lease of grazing rights to and the
- 25 products from game preserves, sanctuaries, and management areas;
- 26           (14)   contracts for the removal of fur-bearing animals
- 27 and reptiles from wildlife management areas;

- 1 (15) vessel registration fees;
- 2 (16) vessel manufacturer or dealer licensing fees;
- 3 (17) fines or penalties imposed by a court for
- 4 violation of water safety laws contained in Chapter 31 of this code;
- 5 (18) alligator hunter's or alligator buyer's licenses;
- 6 (19) sale of alligators or any part of an alligator by
- 7 the department;
- 8 (20) fees and revenue collected under Section
- 9 11.027(b) or (c) of this code that are associated with the
- 10 conservation of fish and wildlife;
- 11 (21) fees related to cultivated oyster mariculture;
- 12 (22) vessel and outboard motor titling fees;
- 13 (23) participation fees collected under Section
- 14 [43.976](#);
- 15 (24) money received by the department from:
  - 16 (A) boater education program courses and
  - 17 examinations administered under Section [31.108](#); and
  - 18 (B) boater education deferrals issued under the
  - 19 program established under Section 31.110(c); ~~and~~
- 20 (25) ~~[(24)]~~ money received by the department from
- 21 carbon sequestration or similar ecosystem services projects
- 22 described by Section 11.302(b)(1); and
- 23 (26) ~~[(25)]~~ any other source provided by law.

24 ARTICLE 17. CHANGES RELATING TO PENAL CODE

25 SECTION 17.001. Section [21.08](#)(b), Penal Code, as amended by  
26 Chapters 351 (S.B. 1179) and 822 (H.B. 1730), Acts of the 88th  
27 Legislature, Regular Session, 2023, is reenacted and amended to

1 read as follows:

2 (b) An offense under this section is a Class B misdemeanor,  
3 except that the offense is:

4 (1) a Class A misdemeanor if it is shown on the trial  
5 of the offense that the defendant has been previously convicted one  
6 time of an offense under this section; ~~and~~

7 (2) a state jail felony if it is shown on the trial of  
8 the offense that the defendant has been previously convicted two or  
9 more times of an offense under this section; and

10 (3) a felony of the third degree if the actor is  
11 civilly committed as a sexually violent predator under Chapter 841,  
12 Health and Safety Code.

13 SECTION 17.002. Section 28.09(a)(3), Penal Code, is amended  
14 to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature,  
15 Regular Session, 2023, to read as follows:

16 (3) "Drone" has the meaning assigned by Article  
17 2B.0253 ~~[2.33]~~, Code of Criminal Procedure~~[, as added by Chapter~~  
18 ~~1011 (H.B. 1758), Acts of the 87th Legislature, Regular Session,~~  
19 ~~2021]~~.

20 SECTION 17.003. Section 42.07(a), Penal Code, as amended by  
21 Chapters 839 (H.B. 2715) and 1118 (H.B. 1427), Acts of the 88th  
22 Legislature, Regular Session, 2023, is reenacted and amended to  
23 read as follows:

24 (a) A person commits an offense if, with intent to harass,  
25 annoy, alarm, abuse, torment, or embarrass another, the person:

26 (1) initiates communication and in the course of the  
27 communication makes a comment, request, suggestion, or proposal

1 that is obscene;

2 (2) threatens, in a manner reasonably likely to alarm  
3 the person receiving the threat, to inflict bodily injury on the  
4 person or to commit a felony against the person, a member of the  
5 person's family or household, or the person's property;

6 (3) conveys, in a manner reasonably likely to alarm  
7 the person receiving the report, a false report, which is known by  
8 the conveyor to be false, that another person has suffered death or  
9 serious bodily injury;

10 (4) causes the telephone of another to ring repeatedly  
11 or makes repeated telephone communications anonymously or in a  
12 manner reasonably likely to harass, annoy, alarm, abuse, torment,  
13 embarrass, or offend another;

14 (5) makes a telephone call and intentionally fails to  
15 hang up or disengage the connection;

16 (6) knowingly permits a telephone under the person's  
17 control to be used by another to commit an offense under this  
18 section;

19 (7) sends repeated electronic communications in a  
20 manner reasonably likely to harass, annoy, alarm, abuse, torment,  
21 embarrass, or offend another;

22 (8) publishes on an Internet website, including a  
23 social media platform, repeated electronic communications in a  
24 manner reasonably likely to cause emotional distress, abuse, or  
25 torment to another person, unless the communications are made in  
26 connection with a matter of public concern; [~~or~~]

27 (9) tracks or monitors the personal property or motor

vehicle of another person, without the other person's effective consent, including by:

(A) using a tracking application on the person's personal electronic device or using a tracking device; or

(B) physically following the other person or causing any person to physically follow the other person; or

(10) ~~(9)~~ makes obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an Internet application or other technological means.

SECTION 17.004. Section 46.15(a), Penal Code, as amended by Chapters 501 (H.B. 2291), 765 (H.B. 4504), and 1077 (S.B. 599), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(a) Sections 46.02 and 46.03 do not apply to:

(1) peace officers or special investigators under Article 2A.002, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2) parole officers, and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) in compliance with policies and procedures

1 adopted by the Texas Department of Criminal Justice regarding the  
2 possession of a weapon by an officer while on duty;

3 (3) community supervision and corrections department  
4 officers appointed or employed under Section 76.004, Government  
5 Code, and neither section prohibits an officer from carrying a  
6 weapon in this state if the officer is:

7 (A) engaged in the actual discharge of the  
8 officer's duties while carrying the weapon; and

9 (B) authorized to carry a weapon under Section  
10 76.0051, Government Code;

11 (4) an active or retired judicial officer as defined  
12 by Section 411.201, Government Code, who is licensed to carry a  
13 handgun under Subchapter H, Chapter 411, Government Code;

14 (5) an honorably retired peace officer or other  
15 qualified retired law enforcement officer, as defined by 18 U.S.C.  
16 Section 926C, who holds a certificate of proficiency issued under  
17 Section 1701.357, Occupations Code, and is carrying a photo  
18 identification that is issued by a federal, state, or local law  
19 enforcement agency, as applicable, and that verifies that the  
20 officer is an honorably retired peace officer or other qualified  
21 retired law enforcement officer;

22 (6) the attorney general or a United States attorney,  
23 district attorney, criminal district attorney, county attorney, or  
24 municipal attorney who is licensed to carry a handgun under  
25 Subchapter H, Chapter 411, Government Code;

26 (7) an assistant United States attorney, assistant  
27 attorney general, assistant district attorney, assistant criminal

1 district attorney, or assistant county attorney who is licensed to  
2 carry a handgun under Subchapter H, Chapter 411, Government Code;

3 (8) a bailiff designated by an active judicial officer  
4 as defined by Section 411.201, Government Code, who is:

5 (A) licensed to carry a handgun under Subchapter  
6 H, Chapter 411, Government Code; and

7 (B) engaged in escorting the judicial officer;

8 (9) a juvenile probation officer who is authorized to  
9 carry a firearm under Section 142.006, Human Resources Code;

10 (10) a person who is volunteer emergency services  
11 personnel if the person is:

12 (A) carrying a handgun under the authority of  
13 Subchapter H, Chapter 411, Government Code; and

14 (B) engaged in providing emergency services;  
15 ~~[or]~~

16 (11) a person who:

17 (A) retired after serving as a judge or justice  
18 described by Section 411.201(a)(1), Government Code; and

19 (B) is licensed to carry a handgun under  
20 Subchapter H, Chapter 411, Government Code; or

21 (12) ~~[(11)]~~ a district or county clerk who is carrying  
22 a handgun the clerk is licensed to carry under Subchapter H, Chapter  
23 411, Government Code.

24 ARTICLE 18. CHANGES RELATING TO SPECIAL DISTRICT LOCAL LAWS CODE

25 SECTION 18.001. Section 7939.051, Special District Local  
26 Laws Code, is transferred to Subchapter B, Chapter 8002, Special  
27 District Local Laws Code, and redesignated as Section 8002.057,



1 Special District Local Laws Code, to read as follows:

2       Sec. 8002.057 [~~7939.051~~]. EMINENT DOMAIN.       (a)       The  
3 district may exercise the power of eminent domain as provided by  
4 this section only if the district submits a letter to the  
5 comptroller not later than December 31, 2015, in accordance with  
6 the requirements of Section 2206.101(b), Government Code, other  
7 than the requirement that the letter be submitted by the date  
8 specified by that section.

9       (b) Notwithstanding the expiration of the district's  
10 authority to exercise the power of eminent domain under Section  
11 2206.101(c), Government Code, the district may exercise the power  
12 of eminent domain as provided by law applicable to the district on  
13 or after the 90th day after the date the district submits a letter  
14 in accordance with Subsection (a).

15       SECTION 18.002. Section 8370.102, Special District Local  
16 Laws Code, is transferred to Subchapter B, Chapter 8261, Special  
17 District Local Laws Code, and redesignated as Section 8261.053,  
18 Special District Local Laws Code, to read as follows:

19       Sec. 8261.053 [~~8370.102~~]. NO ALLOCATION AGREEMENT.  
20 Section 54.016(f), Water Code, does not apply to the district.

21       SECTION 18.003. The following provisions of the Special  
22 District Local Laws Code are repealed:

- 23               (1) the heading to Chapter 7939;
- 24               (2) Subchapter A, Chapter 7939;
- 25               (3) the heading to Subchapter B, Chapter 7939;
- 26               (4) the heading to Chapter 8370;
- 27               (5) Subchapter A, Chapter 8370;

(6) the heading to Subchapter B, Chapter 8370; and

(7) Section 8370.101.

ARTICLE 19. CHANGES RELATING TO TAX CODE

SECTION 19.001. Section 25.025(a), Tax Code, as amended by Chapters 76 (S.B. 617), 152 (S.B. 870), 430 (H.B. 1911), 765 (H.B. 4504), and 937 (S.B. 1525), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(a) This section applies only to:

(1) a current or former peace officer as defined by Article 2A.001, Code of Criminal Procedure, and the spouse or surviving spouse of the peace officer;

(2) the adult child of a current peace officer as defined by Article 2A.001, Code of Criminal Procedure;

(3) a current or honorably retired county jailer as defined by Section 1701.001, Occupations Code;

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

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

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

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

or

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

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

9 (A) a copy of a protective order issued under  
10 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a  
11 magistrate's order for emergency protection issued under Article  
12 17.292, Code of Criminal Procedure; or

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

17 (8) a participant in the address confidentiality  
18 program administered by the attorney general under Subchapter B,  
19 Chapter 58, Code of Criminal Procedure, who provides proof of  
20 certification under Article 58.059, Code of Criminal Procedure;

21 (9) a federal judge, a federal bankruptcy judge, a  
22 marshal of the United States Marshals Service, a state judge, or a  
23 family member of a federal judge, a federal bankruptcy judge, a  
24 marshal of the United States Marshals Service, or a state judge;

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

1 matters;

2 (11) a current or former employee of a district  
3 attorney, criminal district attorney, or county or municipal  
4 attorney whose jurisdiction includes any criminal law or child  
5 protective services matters;

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

10 (13) a criminal investigator of the United States as  
11 described by Article 2A.002(a), Code of Criminal Procedure;

12 (14) a current or honorably retired police officer or  
13 inspector of the United States Federal Protective Service;

14 (15) a current or former United States attorney,  
15 assistant United States attorney, federal public defender, deputy  
16 federal public defender, or assistant federal public defender and  
17 the spouse and child of the attorney or public defender;

18 (16) a current or former employee of the office of the  
19 attorney general who is or was assigned to a division of that office  
20 the duties of which involve law enforcement or are performed under  
21 Chapter 231, Family Code;

22 (17) a medical examiner or person who performs  
23 forensic analysis or testing who is employed by this state or one or  
24 more political subdivisions of this state;

25 (18) a current or former member of the United States  
26 armed forces who has served in an area that the president of the  
27 United States by executive order designates for purposes of 26

1 U.S.C. Section 112 as an area in which armed forces of the United  
2 States are or have engaged in combat;

3 (19) a current or former employee of the Texas  
4 Juvenile Justice Department or of the predecessors in function of  
5 the department;

6 (20) a current or former juvenile probation or  
7 supervision officer certified by the Texas Juvenile Justice  
8 Department, or the predecessors in function of the department,  
9 under Title 12, Human Resources Code;

10 (21) a current or former employee of a juvenile  
11 justice program or facility, as those terms are defined by Section  
12 [261.405](#), Family Code;

13 (22) a current or former employee of the Texas Civil  
14 Commitment Office or the predecessor in function of the office or a  
15 division of the office;

16 (23) a current or former employee of a federal judge or  
17 state judge;

18 (24) a current or former child protective services  
19 caseworker, adult protective services caseworker, or investigator  
20 for the Department of Family and Protective Services or a current or  
21 former employee of a department contractor performing child  
22 protective services caseworker, adult protective services  
23 caseworker, or investigator functions for the contractor on behalf  
24 of the department;

25 (25) an elected public officer;

26 (26) a firefighter or volunteer firefighter or  
27 emergency medical services personnel as defined by Section [773.003](#),

Health and Safety Code;

(27) a customs and border protection officer or border patrol agent of United States Customs and Border Protection or the spouse, surviving spouse, or adult child of a customs and border protection officer or border patrol agent;

~~(28) [(27) a current or former attorney for the Department of Family and Protective Services~~

~~[(27)]~~ a current or former employee or contract staff member of a university health care provider at a corrections facility operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department; and

~~(29) [(28)]~~ a current or former attorney for the Department of Family and Protective Services.

SECTION 19.002. (a) Section 151.359(k), Tax Code, is amended to conform to the expiration of Subchapters B and C, Chapter 313, Tax Code, on December 31, 2022, to read as follows:

(k) A data center is not eligible to receive an exemption under this section if the data center is subject to an agreement limiting the appraised value of the data center's property under former Subchapter B or C, Chapter 313.

(b) Section 151.3595(j), Tax Code, is amended to conform to the expiration of Subchapters B and C, Chapter 313, Tax Code, on December 31, 2022, to read as follows:

(j) A data center is not eligible to receive an exemption under this section if the data center is subject to an agreement limiting the appraised value of the data center's property under former Subchapter B or C, Chapter 313.

(c) Section 312.403(a), Tax Code, is amended to conform to the expiration of Section 313.024(e), Tax Code, on December 31, 2022, to read as follows:

(a) In this section, "nuclear electric power generation" means activities described in category 221113 of the 2002 North American Industry Classification System ~~[has the meaning assigned by Section 313.024(e)]~~.

(d) Section 313.006(a), Tax Code, is amended to conform to the expiration of Section 313.021, Tax Code, on December 31, 2022, to read as follows:

(a) In this section, "impact fee" means a charge or assessment imposed against a qualified property, as defined by former Section 313.021, in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions for water, wastewater, or storm water services or for roads necessitated by or attributable to property that receives a limitation on appraised value under this chapter.

(e) Section 313.007, Tax Code, is repealed as executed.

(f) The heading to Subchapter E, Chapter 313, Tax Code, is amended to conform to the expiration of Subchapters B and C, Chapter 313, Tax Code, on December 31, 2022, to read as follows:

SUBCHAPTER E. AVAILABILITY OF LIMITATION ON APPRAISED VALUE OR TAX CREDIT AFTER PROGRAM EXPIRES OR IS REPEALED

SECTION 19.003. Section 351.1015(b), Tax Code, as amended by Chapters 644 (H.B. 4559), 779 (H.B. 5012), 927 (S.B. 2220), and 1110 (S.B. 1057), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(b) This section applies only to a qualified project located in:

(1) a municipality with a population of at least 700,000 but less than 950,000 according to the most recent federal decennial census; ~~or~~

(2) a municipality that contains more than 70 percent of the population of a county with a population of 1.5 million or more;

(3) ~~(2)~~ a municipality described by Section 351.001(7)(B);

(4) ~~or~~ ~~(3)~~ a municipality described by Section 351.152(61); or

(5) ~~(2)~~ a municipality with a population of at least two million.

SECTION 19.004. (a) Subsection (j), Section 351.1015, Tax Code, as added by Chapter 1110 (S.B. 1057), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Subsection (j-1), Section 351.1015, Tax Code.

(b) Subsection (j), Section 351.1015, Tax Code, as added by Chapter 779 (H.B. 5012), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Subsection (l), Section 351.1015, Tax Code, and amended to read as follows:

(1) ~~(j)~~ For a municipality described by Subsection (b)(3) or (4) ~~(b)(2) or (3)~~, the term "qualified project" also means a venue described by Section 334.001(4)(A), Local Government Code, and any related infrastructure.



ARTICLE 20. CHANGES RELATING TO TRANSPORTATION CODE

SECTION 20.001. Section 201.806(a), Transportation Code, is amended to conform to Chapter 709 (H.B. 2190), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) The department shall:

(1) tabulate and analyze the vehicle collision reports it receives; and

(2) annually or more frequently publish on the department's Internet website statistical information derived from the collision reports as to the number, cause, and location of highway collisions, including information regarding the number of:

(A) collisions involving injury to, death of, or property damage to a bicyclist or pedestrian;

(B) fatalities caused by a bridge collapse, as defined by Section 550.081; and

(C) collisions [~~accidents~~] involving a trailer, including the number of fatalities in those collisions [~~accidents~~].

SECTION 20.002. The heading to Subchapter 2, Chapter 257, Transportation Code, is repealed to conform to the expiration of Section 257.901, Transportation Code, on March 10, 2019.

SECTION 20.003. Section 550.064(b), Transportation Code, is amended to conform to Chapter 709 (H.B. 2190), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(b) A collision report form prepared by the department must:

(1) require sufficiently detailed information to disclose the cause and conditions of and the persons and vehicles involved in a collision if the form is for the report to be made by a

1 person investigating the collision;

2 (2) include a way to designate and identify a peace  
3 officer, firefighter, or emergency medical services employee who is  
4 involved in a collision while driving a law enforcement vehicle,  
5 fire department vehicle, or emergency medical services vehicle  
6 while performing the person's duties;

7 (3) require a statement by a person described by  
8 Subdivision (2) as to the nature of the collision;

9 (4) include a way to designate whether an individual  
10 involved in a collision wants to be contacted by a person seeking to  
11 obtain employment as a professional described by Section 38.01(12),  
12 Penal Code; and

13 (5) include a way to indicate whether a trailer was  
14 involved in the collision [~~accident~~] and, if so, whether the  
15 collision [~~accident~~] resulted in any fatalities.

16 SECTION 20.004. Section 550.065(c), Transportation Code,  
17 is amended to conform to Chapter 709 (H.B. 2190), Acts of the 88th  
18 Legislature, Regular Session, 2023, to read as follows:

19 (c) On written request and payment of any required fee, the  
20 department or the governmental entity shall release the information  
21 to:

22 (1) an entity described by Subsection (b);

23 (2) the law enforcement agency that employs the peace  
24 officer who investigated the collision and sent the information to  
25 the department, including an agent of the law enforcement agency  
26 authorized by contract to obtain the information;

27 (3) the court in which a case involving a person

involved in the collision is pending if the report is subpoenaed; or

(4) any person directly concerned in the collision or having a proper interest therein, including:

(A) any person involved in the collision;

(B) the authorized representative of any person involved in the collision;

(C) a driver involved in the collision;

(D) an employer, parent, or legal guardian of a driver involved in the collision;

(E) the owner of a vehicle or property damaged in the collision;

(F) a person who has established financial responsibility for a vehicle involved in the collision in a manner described by Section 601.051, including a policyholder of a motor vehicle liability insurance policy covering the vehicle;

(G) an insurance company that issued an insurance policy covering a vehicle involved in the collision;

(H) an insurance company that issued a policy covering any person involved in the collision;

(I) a person under contract to provide claims or underwriting information to a person described by Paragraph (F), (G), or (H);

(J) a radio or television station that holds a license issued by the Federal Communications Commission;

(K) a newspaper that is:

(i) a free newspaper of general circulation or qualified under Section 2051.044, Government Code, to publish

1 legal notices;

2 (ii) published at least once a week; and

3 (iii) available and of interest to the  
4 general public in connection with the dissemination of news;

5 (L) any person who may sue because of death  
6 resulting from the collision; or

7 (M) an employee or authorized representative of a  
8 vehicle storage facility, as defined by Section 2303.002,  
9 Occupations Code, that stored a vehicle involved in the collision  
10 [~~accident~~].

11 SECTION 20.005. Section 644.101(b), Transportation Code,  
12 as amended by Chapters 584 (H.B. 2901), 644 (H.B. 4559), and 1072  
13 (S.B. 540), Acts of the 88th Legislature, Regular Session, 2023, is  
14 reenacted and amended to read as follows:

15 (b) A police officer of any of the following municipalities  
16 is eligible to apply for certification under this section:

17 (1) a municipality with a population of 50,000 or  
18 more;

19 (2) a municipality with a population of 25,000 or more  
20 any part of which is located in a county with a population of  
21 500,000 or more;

22 (3) a municipality with a population of less than  
23 25,000:

24 (A) any part of which is located in a county with  
25 a population of 3.3 million; and

26 (B) that contains or is adjacent to an  
27 international port;

1           (4) a municipality with a population of at least  
2 34,000 that is located in a county that borders two or more states;

3           (5) a municipality any part of which is located in a  
4 county bordering the United Mexican States;

5           (6) a municipality with a population of less than  
6 5,000 that is located:

7                 (A) adjacent to a bay connected to the Gulf of  
8 Mexico; and

9                 (B) in a county adjacent to a county with a  
10 population greater than 3.3 million;

11           (7) a municipality that is located:

12                 (A) within 25 miles of an international port; and

13                 (B) in a county that does not contain a highway  
14 that is part of the national system of interstate and defense  
15 highways and is adjacent to a county with a population greater than  
16 3.3 million;

17           (8) a municipality with a population of less than  
18 8,500 that:

19                 (A) is the county seat; and

20                 (B) contains a highway that is part of the  
21 national system of interstate and defense highways;

22           (9) a municipality located in a county with a  
23 population between 60,000 and 69,000 adjacent to a bay connected to  
24 the Gulf of Mexico;

25           (10) a municipality with a population of more than  
26 40,000 and less than 50,000 that is located in a county with a  
27 population of more than 285,000 and less than 300,000 that borders

1 the Gulf of Mexico;

2 (11) a municipality with a population between 32,000  
3 and 50,000 that is located entirely in a county that:

4 (A) has a population of less than 250,000;

5 (B) is adjacent to two counties that each have a  
6 population of more than 1.2 million; and

7 (C) contains two highways that are part of the  
8 national system of interstate and defense highways;

9 (12) a municipality with a population of more than  
10 4,500 and less than 10,000 that:

11 (A) contains a highway that is part of the  
12 national system of interstate and defense highways; and

13 (B) is located in a county with a population  
14 between 175,000 and 190,000;

15 (13) a municipality with a population of less than  
16 75,000 that is located in three counties, at least one of which has  
17 a population greater than 3.3 million;

18 (14) a municipality with a population between 13,900  
19 and 17,000 that:

20 (A) contains three or more numbered United States  
21 highways; and

22 (B) is located in a county that is adjacent to a  
23 county with a population of more than 200,000;

24 (15) a municipality with a population of less than  
25 50,000 that is located in:

26 (A) a county that generated \$20 million or more  
27 in tax revenue collected under Chapters 201 and 202, Tax Code, from

oil and gas production during the preceding state fiscal year; or

(B) a county that is adjacent to two or more counties described by Paragraph (A); ~~[or]~~

(16) a municipality with a population of more than 2,000 that is located in a county:

(A) with a population of less than 200,000; and

(B) that borders:

(i) another state; and

(ii) the Gulf Intracoastal Waterway; or

(17) ~~(16)~~ a municipality that is located:

(A) within 20 miles of an international airport;

and

(B) in a county that:

(i) contains an active quarry;

(ii) has a population of more than 150,000 but less than 170,000; and

(iii) is adjacent to a county with a population of more than two million.

SECTION 20.006. Section 662.0062(a-1), Transportation Code, is amended to conform to Chapter 709 (H.B. 2190), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a-1) The department may not issue an instructor license or instructor training provider license to an individual who has been convicted of:

(1) during the preceding three years:

(A) three or more moving violations described by Section 542.304 or a comparable offense committed in another state,

including violations that resulted in a collision [~~an accident~~]; or

(B) two or more moving violations described by Section 542.304 or a comparable offense committed in another state that resulted in a collision [~~an accident~~]; or

(2) during the preceding seven years, an offense under Chapter 49, Penal Code, other than an offense under Section 49.02, Penal Code, or Section 49.031, Penal Code, or a comparable offense committed in another state.

ARTICLE 21. CHANGES RELATING TO UTILITIES CODE

SECTION 21.001. Sections 39.360(a), (b), (c), (d), and (e), Utilities Code, as added by Chapter 464 (S.B. 2013), Acts of the 88th Legislature, Regular Session, 2023, are amended to correct references to read as follows:

(a) In this section, "company" and "critical infrastructure" have the meanings assigned by Section 117.001 [~~113.001~~], Business & Commerce Code[, ~~as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021~~].

(b) An independent organization certified under Section 39.151 may not register a business entity or maintain the registration of a business entity to operate in the power region for which the independent organization is certified unless the business entity attests that the entity complies with Chapter 117 [~~113~~], Business & Commerce Code[, ~~as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021~~].

(c) An independent organization certified under Section 39.151 shall require as a condition of operating in the power region for which the independent organization is certified that a business



entity report to the independent organization the purchase of any critical electric grid equipment or service from a company described by Section [117.002\(a\)\(2\)](#) [~~113.002(a)(2)~~], Business & Commerce Code[, ~~as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021~~].

(d) For each purchase reported by a business entity under Subsection (c), the business entity shall submit an attestation to the independent organization that the purchase will not result in access to or control of its critical electric grid equipment by a company described by Section [117.002\(a\)\(2\)](#) [~~113.002(a)(2)~~], Business & Commerce Code[, ~~as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021~~], excluding access specifically allowed by the business entity for product warranty and support purposes.

(e) Notwithstanding any other law, an independent organization certified under Section [39.151](#) may immediately suspend or terminate a company's registration or access to any of the independent organization's systems if the independent organization has a reasonable suspicion that the company meets any of the criteria described by Section [2275.0102\(a\)\(2\)](#) [~~2274.0102(a)(2)~~], Government Code[, ~~as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021~~].

## ARTICLE 22. REDESIGNATIONS

SECTION 22.001. The following provisions of enacted codes are redesignated to eliminate duplicate citations:

(1) Section [28.20](#), Alcoholic Beverage Code, as added by Chapter 1087 (S.B. 998), Acts of the 88th Legislature, Regular

1 Session, 2023, is redesignated as Section 28.21, Alcoholic Beverage  
2 Code.

3 (2) Chapter 328, Business & Commerce Code, as added by  
4 Chapter 169 (S.B. 58), Acts of the 88th Legislature, Regular  
5 Session, 2023, is redesignated as Chapter 329, Business & Commerce  
6 Code, and Sections 328.001, 328.002, and 328.003, Business &  
7 Commerce Code, as added by that Act, are redesignated as Sections  
8 329.001, 329.002, and 329.003, Business & Commerce Code,  
9 respectively.

10 (3) Chapter 509, Business & Commerce Code, as added by  
11 Chapter 963 (S.B. 2105), Acts of the 88th Legislature, Regular  
12 Session, 2023, is redesignated as Chapter 510, Business & Commerce  
13 Code, and Sections 509.001, 509.002, 509.003, 509.004, 509.005,  
14 509.006, 509.007, 509.008, 509.009, and 509.010, Business &  
15 Commerce Code, as added by that Act, are redesignated as Sections  
16 510.001, 510.002, 510.003, 510.004, 510.005, 510.006, 510.007,  
17 510.008, 510.009, and 510.010, Business & Commerce Code,  
18 respectively.

19 (4) Section 25.0344, Education Code, as added by  
20 Chapter 583 (H.B. 2892), Acts of the 88th Legislature, Regular  
21 Session, 2023, is redesignated as Section 25.0345, Education Code.

22 (5) Section 37.117, Education Code, as added by  
23 Chapter 1 (S.B. 838), Acts of the 88th Legislature, Regular  
24 Session, 2023, is redesignated as Section 37.118, Education Code.

25 (6) Section 48.308, Education Code, as added by  
26 Chapter 378 (H.B. 8), Acts of the 88th Legislature, Regular  
27 Session, 2023, is redesignated as Section 48.309, Education Code.

1           (7) Section 61.059(s), Education Code, as added by  
2 Chapter 754 (H.B. 4005), Acts of the 88th Legislature, Regular  
3 Session, 2023, is redesignated as Section 61.059(t), Education  
4 Code.

5           (8) Section 41.0052(a-1), Election Code, as added by  
6 Chapter 1160 (S.B. 1131), Acts of the 88th Legislature, Regular  
7 Session, 2023, is redesignated as Section 41.0052(a-2), Election  
8 Code.

9           (9) Section 261.307(c), Family Code, as added by  
10 Chapter 381 (H.B. 63), Acts of the 88th Legislature, Regular  
11 Session, 2023, is redesignated as Section 261.307(b-1), Family  
12 Code.

13           (10) Section 72.039, Government Code, as added by  
14 Chapter 861 (H.B. 3474), Acts of the 88th Legislature, Regular  
15 Session, 2023, is redesignated as Section 72.0395, Government Code.

16           (11) Subchapter T, Chapter 403, Government Code, as  
17 added by Chapter 379 (H.B. 9), Acts of the 88th Legislature, Regular  
18 Session, 2023, is redesignated as Subchapter U, Chapter 403,  
19 Government Code, and Sections 403.601, 403.602, 403.603, 403.604,  
20 and 403.605, Government Code, as added by that Act, are  
21 redesignated as Sections 403.651, 403.652, 403.653, 403.654, and  
22 403.655, Government Code, respectively.

23           (12) Section 411.02093, Government Code, as added by  
24 Chapter 208 (S.B. 1484), Acts of the 88th Legislature, Regular  
25 Session, 2023, is redesignated as Section 411.02094, Government  
26 Code.

27           (13) Section 434.029, Government Code, as added by

Chapter 1067 (S.B. 493), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 434.0295, Government Code.

(14) Section 552.108(d), Government Code, as added by Chapter 986 (H.B. 30), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 552.108(c-1), Government Code.

(15) Section 662.081, Government Code, as added by Chapter 12 (S.B. 464), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 662.086, Government Code.

(16) Section 662.085, Government Code, as added by Chapter 505 (H.B. 2499), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 662.087, Government Code.

(17) Section 2252.909, Government Code, as added by Chapter 389 (H.B. 679), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 2252.910, Government Code.

(18) Chapter 54, Health and Safety Code, as added by Chapter 88 (S.B. 1249), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Chapter 55, Health and Safety Code, and Sections 54.001 and 54.002, Health and Safety Code, as added by that Act, are redesignated as Sections 55.001 and 55.002, Health and Safety Code, respectively.

(19) Chapter 81B, Health and Safety Code, as added by Chapter 336 (S.B. 29), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Chapter 81C, Health and Safety Code, and Sections 81B.001, 81B.002, 81B.003, and 81B.004, Health

1 and Safety Code, as added by that Act, are redesignated as Sections  
2 81C.001, 81C.002, 81C.003, and 81C.004, Health and Safety Code,  
3 respectively.

4 (20) Subchapter X, Chapter 161, Health and Safety  
5 Code, as added by Chapter 335 (S.B. 14), Acts of the 88th  
6 Legislature, Regular Session, 2023, is redesignated as Subchapter  
7 Y, Chapter 161, Health and Safety Code.

8 (21) Section 437.027, Health and Safety Code, as added  
9 by Chapter 245 (S.B. 577), Acts of the 88th Legislature, Regular  
10 Session, 2023, is redesignated as Section 437.028, Health and  
11 Safety Code.

12 (22) Chapter 444, Health and Safety Code, as added by  
13 Chapter 2 (S.B. 497), Acts of the 88th Legislature, Regular  
14 Session, 2023, is redesignated as Chapter 445, Health and Safety  
15 Code, and Sections 444.001, 444.002, 444.003, 444.004, 444.005,  
16 444.006, and 444.007, Health and Safety Code, as added by that Act,  
17 are redesignated as Sections 445.001, 445.002, 445.003, 445.004,  
18 445.005, 445.006, and 445.007, Health and Safety Code,  
19 respectively.

20 (23) Chapter 769, Health and Safety Code, as added by  
21 Chapter 141 (S.B. 188), Acts of the 88th Legislature, Regular  
22 Session, 2023, is redesignated as Chapter 767, Health and Safety  
23 Code, and Sections 769.001, 769.002, and 769.003, Health and Safety  
24 Code, as added by that Act, are redesignated as Sections 767.001,  
25 767.002, and 767.003, Health and Safety Code, respectively.

26 (24) Section 1001.084, Health and Safety Code, as  
27 redesignated by Chapter 1236 (S.B. 1296), Acts of the 84th

Legislature, Regular Session, 2015, is redesignated as Section 1001.0845, Health and Safety Code.

(25) Section 32.024(pp), Human Resources Code, as added by Chapter 335 (S.B. 14), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 32.024(rr), Human Resources Code.

(26) Chapter 247, Local Government Code, as added by Chapter 19 (S.B. 1017), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Chapter 248, Local Government Code, and Sections 247.001, 247.002, and 247.003, Local Government Code, as added by that Act, are redesignated as Sections 248.001, 248.002, and 248.003, Local Government Code, respectively.

(27) Section 370.007, Local Government Code, as added by Chapter 425 (H.B. 1819), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 370.008, Local Government Code.

(28) Section 370.007, Local Government Code, as added by Chapter 1049 (S.B. 252), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 370.009, Local Government Code.

(29) Section 61.066(e), Natural Resources Code, as added by Chapter 466 (H.B. 630), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 61.066(d), Natural Resources Code.

(30) Section 1701.253(q), Occupations Code, as added by Chapter 102 (S.B. 1852), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 1701.253(r), Occupations

1 Code.

2 (31) Section 1701.253(q), Occupations Code, as added  
3 by Chapters 729 (H.B. 2660) and 979 (S.B. 2429), Acts of the 88th  
4 Legislature, Regular Session, 2023, is redesignated as Section  
5 1701.253(s), Occupations Code.

6 (32) Section 1701.253(q), Occupations Code, as added  
7 by Chapter 1070 (S.B. 533), Acts of the 88th Legislature, Regular  
8 Session, 2023, is redesignated as Section 1701.253(t), Occupations  
9 Code.

10 (33) Section 1958.001(1-a), Occupations Code, as  
11 added by Chapter 838 (S.B. 202), Acts of the 84th Legislature,  
12 Regular Session, 2015, is redesignated as Section 1958.001(1-b),  
13 Occupations Code.

14 (34) Chapter 2311, Occupations Code, as added by  
15 Chapter 211 (S.B. 1732), Acts of the 88th Legislature, Regular  
16 Session, 2023, is redesignated as Chapter 2311A, Occupations Code,  
17 and Section 2311.001, Occupations Code, as added by that Act, is  
18 redesignated as Section 2311A.001, Occupations Code.

19 (35) Chapter 8153, Special District Local Laws Code,  
20 as added by Chapter 113 (S.B. 2147), Acts of the 87th Legislature,  
21 Regular Session, 2021, is redesignated as Chapter 8153A, Special  
22 District Local Laws Code, and Sections 8153.0101, 8153.0102,  
23 8153.0103, 8153.0104, 8153.0105, 8153.0106, 8153.0201, 8153.0202,  
24 8153.0301, 8153.0302, 8153.0303, 8153.0304, 8153.0305, 8153.0306,  
25 8153.0401, 8153.0402, 8153.0403, 8153.0501, 8153.0502, and  
26 8153.0503, Special District Local Laws Code, as added by that Act,  
27 are redesignated as Sections 8153A.0101, 8153A.0102, 8153A.0103,

1 8153A.0104, 8153A.0105, 8153A.0106, 8153A.0201, 8153A.0202,  
2 8153A.0301, 8153A.0302, 8153A.0303, 8153A.0304, 8153A.0305,  
3 8153A.0306, 8153A.0401, 8153A.0402, 8153A.0403, 8153A.0501,  
4 8153A.0502, and 8153A.0503, Special District Local Laws Code,  
5 respectively.

6 (36) Section 11.36, Tax Code, as added by Chapter 281  
7 (S.B. 1145), Acts of the 88th Legislature, Regular Session, 2023,  
8 is redesignated as Section 11.37, Tax Code.

9 (37) Section 351.161, Tax Code, as added by Chapter  
10 1030 (S.B. 627), Acts of the 88th Legislature, Regular Session,  
11 2023, is redesignated as Section 351.1621, Tax Code.

12 (38) Section 352.002(v), Tax Code, as added by Chapter  
13 780 (H.B. 5105), Acts of the 88th Legislature, Regular Session,  
14 2023, is redesignated as Section 352.002(aa), Tax Code.

15 (39) Section 352.002(ee), Tax Code, as added by  
16 Chapter 993 (H.B. 5178), Acts of the 88th Legislature, Regular  
17 Session, 2023, is redesignated as Section 352.002(ff), Tax Code.

18 (40) Section 352.003(bb), Tax Code, as added by  
19 Chapter 641 (H.B. 1034), Acts of the 88th Legislature, Regular  
20 Session, 2023, is redesignated as Section 352.003(cc), Tax Code.

21 (41) Section 352.003(bb), Tax Code, as added by  
22 Chapter 775 (H.B. 3453), Acts of the 88th Legislature, Regular  
23 Session, 2023, is redesignated as Section 352.003(dd), Tax Code.

24 (42) Section 352.003(bb), Tax Code, as added by  
25 Chapter 780 (H.B. 5105), Acts of the 88th Legislature, Regular  
26 Session, 2023, is redesignated as Section 352.003(ee), Tax Code.

27 (43) Section 352.115, Tax Code, as added by Chapter



780 (H.B. 5105), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 352.116, Tax Code.

(44) Section 225.216, Transportation Code, as added by Chapter 507 (H.B. 2590), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.226, Transportation Code.

(45) Section 225.216, Transportation Code, as added by Chapter 687 (H.B. 1368), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.227, Transportation Code.

(46) Section 225.216, Transportation Code, as added by Chapter 72 (S.B. 508), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.228, Transportation Code.

(47) Section 225.216, Transportation Code, as added by Chapter 809 (H.B. 923), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.229, Transportation Code.

(48) Section 225.216, Transportation Code, as added by Chapters 1060 (S.B. 414) and 1116 (H.B. 1305), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.230, Transportation Code.

(49) Section 225.217, Transportation Code, as added by Chapter 71 (S.B. 507), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.231, Transportation Code.

(50) Section 225.217, Transportation Code, as added by

Chapter 431 (H.B. 1913), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.232, Transportation Code.

(51) Section 225.217, Transportation Code, as added by Chapter 444 (H.B. 2083), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.233, Transportation Code.

(52) Section 225.217, Transportation Code, as added by Chapter 487 (H.B. 975), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.234, Transportation Code.

(53) Section 225.217, Transportation Code, as added by Chapter 513 (H.B. 2835), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.235, Transportation Code.

(54) Section 225.217, Transportation Code, as added by Chapter 523 (H.B. 3099), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.236, Transportation Code.

(55) Section 225.217, Transportation Code, as added by Chapter 590 (H.B. 3045), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.237, Transportation Code.

(56) Section 225.217, Transportation Code, as added by Chapter 702 (H.B. 1968), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.238, Transportation Code.

1           (57) Section 225.217, Transportation Code, as added by  
2 Chapter 48 (H.B. 3108), Acts of the 88th Legislature, Regular  
3 Session, 2023, is redesignated as Section 225.239, Transportation  
4 Code.

5           (58) Section 225.217, Transportation Code, as added by  
6 Chapter 968 (S.B. 2150), Acts of the 88th Legislature, Regular  
7 Session, 2023, is redesignated as Section 225.240, Transportation  
8 Code.

9           (59) Section 225.218, Transportation Code, as added by  
10 Chapter 82 (S.B. 957), Acts of the 88th Legislature, Regular  
11 Session, 2023, is redesignated as Section 225.241, Transportation  
12 Code.

13           (60) Section 504.331, Transportation Code, as added by  
14 Chapter 1050 (S.B. 280), Acts of the 88th Legislature, Regular  
15 Session, 2023, is redesignated as Section 504.336, Transportation  
16 Code.

17           (61) Section 504.331, Transportation Code, as added by  
18 Chapter 506 (H.B. 2503), Acts of the 88th Legislature, Regular  
19 Session, 2023, is redesignated as Section 504.337, Transportation  
20 Code.

21           (62) Section 504.332, Transportation Code, as added by  
22 Chapter 506 (H.B. 2503), Acts of the 88th Legislature, Regular  
23 Session, 2023, is redesignated as Section 504.338, Transportation  
24 Code.

25           (63) Section 504.517, Transportation Code, as added by  
26 Chapter 516 (H.B. 2876), Acts of the 88th Legislature, Regular  
27 Session, 2023, is redesignated as Section 504.519, Transportation

1 Code.

2 (64) Section 504.679, Transportation Code, as added by  
3 Chapter 714 (H.B. 2323), Acts of the 88th Legislature, Regular  
4 Session, 2023, is redesignated as Section 504.681, Transportation  
5 Code.

6 (65) Section 504.680, Transportation Code, as added by  
7 Chapter 478 (H.B. 628), Acts of the 88th Legislature, Regular  
8 Session, 2023, is redesignated as Section 504.682, Transportation  
9 Code.

10 (66) Section 521.1251, Transportation Code, as added  
11 by Chapter 524 (H.B. 3132), Acts of the 88th Legislature, Regular  
12 Session, 2023, is redesignated as Section 521.1252, Transportation  
13 Code.

14 (67) Section 38.078, Utilities Code, as added by  
15 Chapter 836 (H.B. 2555), Acts of the 88th Legislature, Regular  
16 Session, 2023, is redesignated as Section 38.079, Utilities Code.

17 (68) Section 39.151(g-7), Utilities Code, as added by  
18 Chapter 464 (S.B. 2013), Acts of the 88th Legislature, Regular  
19 Session, 2023, is redesignated as Section 39.151(g-8), Utilities  
20 Code.

21 (69) Section 39.166, Utilities Code, as added by  
22 Chapter 410 (H.B. 1500), Acts of the 88th Legislature, Regular  
23 Session, 2023, is redesignated as Section 39.1675, Utilities Code.

24 (70) Section 39.167, Utilities Code, as added by  
25 Chapter 410 (H.B. 1500), Acts of the 88th Legislature, Regular  
26 Session, 2023, is redesignated as Section 39.1678, Utilities Code.

27 (71) Section 39.360, Utilities Code, as added by

Chapter 463 (S.B. 1929), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 39.361, Utilities Code.

(72) Section 13.152, Water Code, as added by Chapter 163 (S.B. 1778), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 13.153, Water Code.

(73) Section 16.026, Water Code, as added by Chapter 187 (H.B. 2759), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 16.028, Water Code.

SECTION 22.002. The following changes are made to conform the provisions amended to the redesignating changes made by Section 22.001 of this Act and to correct cross-references:

(1) Sections 510.006(a) and (b), Business & Commerce Code, as redesignated from Sections 509.006(a) and (b), Business & Commerce Code, by Section 22.001 of this Act, are amended to read as follows:

(a) The secretary of state shall establish and maintain, on its Internet website, a searchable, central registry of data brokers registered under Section 510.005 [~~509.005~~].

(b) The registry must include:

(1) a search feature that allows a person searching the registry to identify a specific data broker; and

(2) for each data broker, the information filed under Section 510.005(b) [~~509.005(b)~~].

(2) Sections 510.008(a) and (b), Business & Commerce Code, as redesignated from Sections 509.008(a) and (b), Business & Commerce Code, by Section 22.001 of this Act, are amended to read as follows:

(a) A data broker that violates Section 510.004 [~~509.004~~] or 510.005 [~~509.005~~] is liable to this state for a civil penalty as prescribed by this section.

(b) A civil penalty imposed against a data broker under this section:

(1) subject to Subdivision (2), may not be in an amount less than the total of:

(A) \$100 for each day the entity is in violation of Section 510.004 [~~509.004~~] or 510.005 [~~509.005~~]; and

(B) the amount of unpaid registration fees for each year the entity failed to register in violation of Section 510.005 [~~509.005~~]; and

(2) may not exceed \$10,000 assessed against the same data broker in a 12-month period.

(3) Section 510.009, Business & Commerce Code, as redesignated from Section ~~509.009~~, Business & Commerce Code, by Section 22.001 of this Act, is amended to read as follows:

Sec. 510.009 [~~509.009~~]. DECEPTIVE TRADE PRACTICE. A violation of Section 510.007 [~~509.007~~] by a data broker constitutes a deceptive trade practice in addition to the practices described by Subchapter ~~E~~, Chapter ~~17~~, and is actionable under that subchapter.

(4) Section ~~28.0095~~(h), Education Code, is amended to read as follows:

(h) The coordinating board shall distribute money transferred to the coordinating board under Section 48.309 [~~48.308~~] to the participating institutions of higher education in proportion

1 to the number of dual credit courses in which eligible students are  
2 enrolled at the institution.

3 (5) Section 445.005(c), Health and Safety Code, as  
4 redesignated from Section ~~444.005~~(c), Health and Safety Code, by  
5 Section 22.001 of this Act, is amended to read as follows:

6 (c) A kratom retailer is not liable for a civil penalty  
7 under this section for a violation of Section 445.002 [~~444.002~~] or  
8 445.003 [~~444.003~~] if the kratom retailer proves by a preponderance  
9 of the evidence that the violation was unintentional and due to the  
10 kratom retailer's good faith reliance on the representation of  
11 another kratom processor.

12 (6) Section ~~1701.359~~, Occupations Code, is amended to  
13 read as follows:

14 Sec. 1701.359. BORDER OPERATIONS TRAINING PROGRAM. The  
15 commission may:

16 (1) recognize, or with the consent of the Department  
17 of Public Safety administer or assist in administering, the border  
18 operations training program established under Section 411.02094  
19 [~~411.02093~~], Government Code, as a continuing education program for  
20 officers; and

21 (2) credit an officer who successfully completes the  
22 program described by Subdivision (1) with the appropriate number of  
23 continuing education hours.

24 (7) Section 8153A.0104, Special District Local Laws  
25 Code, as redesignated from Section ~~8153.0104~~, Special District  
26 Local Laws Code, by Section 22.001 of this Act, is amended to read  
27 as follows:

1           Sec. 8153A.0104 [~~8153.0104~~]. CONSENT OF MUNICIPALITY  
2 REQUIRED. The temporary directors may not hold an election under  
3 Section 8153A.0103 [~~8153.0103~~] until each municipality in whose  
4 corporate limits or extraterritorial jurisdiction the district is  
5 located has consented by ordinance or resolution to the creation of  
6 the district and to the inclusion of land in the district.

7           (8) Section 8153A.0201(b), Special District Local  
8 Laws Code, as redesignated from Section ~~8153.0201~~(b), Special  
9 District Local Laws Code, by Section 22.001 of this Act, is amended  
10 to read as follows:

11           (b) Except as provided by Section 8153A.0202 [~~8153.0202~~],  
12 directors serve staggered four-year terms.

13           (9) Sections 8153A.0202(b) and (c), Special District  
14 Local Laws Code, as redesignated from Sections ~~8153.0202~~(b) and  
15 (c), Special District Local Laws Code, by Section 22.001 of this  
16 Act, are amended to read as follows:

17           (b) Temporary directors serve until the earlier of:

18               (1) the date permanent directors are elected under  
19 Section 8153A.0103 [~~8153.0103~~]; or

20               (2) the fourth anniversary of the effective date of  
21 the Act enacting this chapter.

22           (c) If permanent directors have not been elected under  
23 Section 8153A.0103 [~~8153.0103~~] and the terms of the temporary  
24 directors have expired, successor temporary directors shall be  
25 appointed or reappointed as provided by Subsection (d) to serve  
26 terms that expire on the earlier of:

27               (1) the date permanent directors are elected under



1 Section 8153A.0103 [~~8153.0103~~]; or

2 (2) the fourth anniversary of the date of the  
3 appointment or reappointment.

4 (10) Sections 8153A.0306(e), (h), and (k), Special  
5 District Local Laws Code, as redesignated from Sections  
6 ~~8153.0306~~(e), (h), and (k), Special District Local Laws Code, by  
7 Section 22.001 of this Act, are amended to read as follows:

8 (e) The board may adopt an order dividing the district  
9 before or after the date the board holds an election under Section  
10 8153A.0103 [~~8153.0103~~] to confirm the district's creation.

11 (h) Any new district created by the division of the district  
12 shall hold a confirmation and directors' election as required by  
13 Section 8153A.0103 [~~8153.0103~~].

14 (k) Municipal consent to the creation of the district and to  
15 the inclusion of land in the district granted under Section  
16 8153A.0104 [~~8153.0104~~] acts as municipal consent to the creation of  
17 any new district created by the division of the district and to the  
18 inclusion of land in the new district.

19 (11) Section 8153A.0401(a), Special District Local  
20 Laws Code, as redesignated from Section ~~8153.0401~~(a), Special  
21 District Local Laws Code, by Section 22.001 of this Act, is amended  
22 to read as follows:

23 (a) The district may issue, without an election, bonds and  
24 other obligations secured by:

25 (1) revenue other than ad valorem taxes; or

26 (2) contract payments described by Section 8153A.0403  
27 [~~8153.0403~~].

(12) Section 8153A.0402(a), Special District Local Laws Code, as redesignated from Section 8153.0402(a), Special District Local Laws Code, by Section 22.001 of this Act, is amended to read as follows:

(a) If authorized at an election held under Section 8153A.0401 [~~8153.0401~~], the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(13) Section 11.43(c), Tax Code, is amended to read as follows:

(c) An exemption provided by Section 11.13, 11.131, 11.132, 11.133, 11.134, 11.17, 11.18, 11.182, 11.1827, 11.183, 11.19, 11.20, 11.21, 11.22, 11.23(a), (h), (j), (j-1), or (m), 11.231, 11.254, 11.27, 11.271, 11.29, 11.30, 11.31, 11.315, 11.35, [~~or~~] 11.36, or 11.37, once allowed, need not be claimed in subsequent years, and except as otherwise provided by Subsection (e), the exemption applies to the property until it changes ownership or the person's qualification for the exemption changes. However, except as provided by Subsection (r), the chief appraiser may require a person allowed one of the exemptions in a prior year to file a new application to confirm the person's current qualification for the exemption by delivering a written notice that a new application is required, accompanied by an appropriate application form, to the person previously allowed the exemption. If the person previously allowed the exemption is 65 years of age or older, the chief appraiser may not cancel the exemption due to the person's failure to file the new application unless the chief appraiser complies

1 with the requirements of Subsection (q), if applicable.

2 (14) Section 352.003(ee), Tax Code, as redesignated  
3 from Section 352.003(bb), Tax Code, by Section 22.001 of this Act,  
4 is amended to read as follows:

5 (ee) [~~(bb)~~] The tax rate in a county authorized to impose  
6 the tax under Section 352.002(aa) [~~352.002(v)~~] may not exceed two  
7 percent of the price paid for a room in a hotel.

8 (15) Section 352.116, Tax Code, as redesignated from  
9 Section 352.115, Tax Code, by Section 22.001 of this Act, is  
10 amended to read as follows:

11 Sec. 352.116 [~~352.115~~]. USE OF REVENUE: CERTAIN COUNTIES  
12 ADJACENT TO POPULOUS COUNTIES. In addition to the purposes  
13 authorized by this chapter, the revenue from a tax imposed under  
14 this chapter by a county authorized to impose the tax under Section  
15 352.002(aa) [~~352.002(v)~~] may be used for the purposes described by  
16 Section 352.112.

17 (16) Section 504.202(e-1), Transportation Code, as  
18 amended by Chapters 385 (H.B. 282), 506 (H.B. 2503), 768  
19 (H.B. 4595), and 1050 (S.B. 280), Acts of the 88th Legislature,  
20 Regular Session, 2023, is reenacted and amended to read as follows:

21 (e-1) Other than license plates issued under Subsection  
22 (h), license plates issued under this section may include, on  
23 request:

- 24 (1) the emblem of the veteran's branch of service; or  
25 (2) one emblem from another license plate to which the  
26 person is entitled under Section 504.307, 504.308, 504.309,  
27 504.310(b), 504.311, 504.312, 504.313, 504.3135, 504.314, 504.315,

1 504.316, 504.3161, 504.318, 504.319, 504.320, 504.323, 504.325,  
2 504.327, 504.328, 504.330, [504.331](#), [504.332](#), 504.333, 504.334,  
3 [~~or~~] [504.335](#), [504.336](#), [504.337](#), or [504.338](#).

4 (17) Sections [521.060](#)(a) and (c), Transportation  
5 Code, are amended to read as follows:

6 (a) The department shall maintain in its files a record of  
7 the name, address, and telephone number of each individual  
8 identified by the holder of a driver's license or personal  
9 identification certificate as an individual the holder authorizes  
10 to be contacted in the event that the holder is injured or dies in or  
11 as a result of a vehicular collision or another emergency  
12 situation. In addition, the department shall maintain in its files  
13 a record of any medical information described by Section [521.125](#)(a)  
14 that is provided to the department under Subsection (c) or any  
15 health condition information that is voluntarily provided to the  
16 department under Sections [521.1251](#), [521.1252](#), and [521.142](#)(h).

17 (c) An application for an original, renewal, or duplicate  
18 driver's license or personal identification certificate must:

19 (1) be designed to allow, but not require, the  
20 applicant to provide:

21 (A) the name, address, and telephone number of  
22 not more than two individuals to be contacted if the applicant is  
23 injured or dies in a circumstance described by Subsection (a); and

24 (B) in addition to health condition information  
25 voluntarily provided under Sections [521.1251](#), [521.1252](#), and  
26 [521.142](#)(h), medical information described by Section [521.125](#)(a);

27 and

1           (2)   include a statement that:

2                   (A)   describes the confidential nature of the  
3 information; and

4                   (B)   states that by providing the department with  
5 the information, the applicant consents to the limited disclosure  
6 and use of the information.

7                   ARTICLE 23. EFFECTIVE DATE

8           SECTION 23.001. This Act takes effect September 1, 2025.