

By: Johnson

S.B. No. 2375

A BILL TO BE ENTITLED

AN ACT

1
2 relating to nonsubstantive additions to, revisions of, and
3 corrections in enacted codes, to the nonsubstantive codification or
4 disposition of various laws omitted from enacted codes, and to
5 conforming codifications enacted by the 88th Legislature to other
6 Acts of that legislature.

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

8 ARTICLE 1. GENERAL PROVISIONS

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

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

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

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

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

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

1 SECTION 1.002. (a) The repeal of a statute by this Act does
2 not affect an amendment, revision, or reenactment of the statute by
3 the 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 (1) "First responder" means a law enforcement, fire
2 protection, or emergency medical services employee, volunteer, or
3 agency, including:

4 (A) a peace officer, as defined by Article 2A.001
5 [2.12], Code of Criminal Procedure;

6 (B) fire protection personnel, as defined by
7 Section 419.021, Government Code;

8 (C) a volunteer firefighter who is:

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

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

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

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

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

25 (a) In this section, "retrofit" means to install new
26 equipment or component parts that were not included in a motor
27 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

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

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

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

9 (D) the board of hospital managers of the Lubbock
10 County Hospital District of Lubbock County, Texas, under Section
11 1053.113, Special District Local Laws Code;

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

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

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

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

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

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

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

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

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

5 (27) an officer appointed by the inspector general of
6 ~~[apprehension specialist or inspector general commissioned by]~~ the
7 Texas Juvenile Justice Department ~~[as an officer]~~ under Section
8 242.102 ~~[or 243.052]~~, Human Resources Code;

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

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

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

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

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

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

27 (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,

1 Code of Criminal Procedure, is repealed.

2 SECTION 5.003. (a) Article [2A.051](#), Code of Criminal
3 Procedure, is amended to conform to Section 2, Chapter 729 (H.B.
4 2660), and Section 1, Chapter 979 (S.B. 2429), Acts of the 88th
5 Legislature, Regular Session, 2023, to read as follows:

6 Art. 2A.051. GENERAL POWERS AND DUTIES OF PEACE OFFICERS.

7 Each peace officer shall:

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

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

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

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

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

21 (6) take possession of a child under Article
22 [63.00905\(g\)](#) [~~63.009(g)~~]; and

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

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

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

3 SECTION 5.004. Article 2.1398, Code of Criminal Procedure,
4 as added by Section 3, Chapter 24 (S.B. 1325), Acts of the 88th
5 Legislature, Regular Session, 2023, is transferred to Subchapter B,
6 Chapter 2A, Code of Criminal Procedure, and redesignated as Article
7 2A.0585, Code of Criminal Procedure.

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

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

- 14 (1) a justice of the supreme court;
- 15 (2) a judge of the court of criminal appeals;
- 16 (3) a justice of the courts of appeals;
- 17 (4) a judge of a district court;
- 18 (5) an associate judge appointed by:
 - 19 (A) a judge of a district court or a statutory
20 county court that gives preference to criminal cases in Jefferson
21 County;
 - 22 (B) a judge of a district court or a statutory
23 county court of Brazos County, Nueces County, or Williamson County;
 - 24 or
 - 25 (C) a judge of a district court under Chapter
26 54A, Government Code;
- 27 (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

1 County;

2 (10) a county judge;

3 (11) a judge of:

4 (A) a statutory county court;

5 (B) a county criminal court; or

6 (C) a statutory probate court;

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

9 (13) a justice of the peace; and

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

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

15 SECTION 5.006. Article 2.101, Code of Criminal Procedure,
16 as added by Section 1, Chapter 421 (H.B. 1712), Acts of the 88th
17 Legislature, Regular Session, 2023, is transferred to Subchapter D,
18 Chapter 2A, Code of Criminal Procedure, and redesignated as Article
19 2A.1521, Code of Criminal Procedure.

20 SECTION 5.007. (a) Article 2A.155(d), Code of Criminal
21 Procedure, is amended to conform to Section 7, Chapter 644 (H.B.
22 4559), Acts of the 88th Legislature, Regular Session, 2023, to read
23 as follows:

24 (d) Before a clerk in a county with a population of less than
25 2.5 [~~two~~] million disposes of an eligible exhibit, the clerk must
26 provide written notice by mail to the attorney representing the
27 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

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

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

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

14 ~~[(3) the information described by Subsections (b)(2),~~
15 ~~(3), (4), and (5), and~~

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

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

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

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

1 administer this article, including rules prescribing:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (3) "Violent offense" means:

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

21 (i) Section 19.02 (murder);

22 (ii) Section 19.03 (capital murder);

23 (iii) Section 20.03 (kidnapping);

24 (iv) Section 20.04 (aggravated
25 kidnapping);

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

27 (vi) Section 22.011 (sexual assault);

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

13 SECTION 5.013. Article 18B.001(1), Code of Criminal
14 Procedure, as amended by Chapters 901 (H.B. 4906) and 950 (S.B.
15 1727), Acts of the 88th Legislature, Regular Session, 2023, is
16 reenacted and amended to read as follows:

- 17 (1) "Authorized peace officer" means:
 - 18 (A) a sheriff or deputy sheriff;
 - 19 (B) a constable or deputy constable;
 - 20 (C) a marshal or police officer of a
 - 21 municipality;
 - 22 (D) a ranger or officer commissioned by the
 - 23 Public Safety Commission or the director of the department;
 - 24 (E) an investigator of a prosecutor's office;
 - 25 (F) a law enforcement agent of the Texas
 - 26 Alcoholic Beverage Commission;
 - 27 (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

1 Procedure, is amended to conform to Section 8, Chapter 644 (H.B.
2 4559), Acts of the 88th Legislature, Regular Session, 2023, to read
3 as follows:

4 (d) In a county with a population of more than 2.5 [~~two~~]
5 million that does not have a county attorney, a justice or judge may
6 not issue a warrant under this article for an offense under Section
7 32.41, Penal Code, unless the district attorney has approved the
8 complaint or affidavit on which the warrant is based.

9 (b) Section 8, Chapter 644 (H.B. 4559), Acts of the 88th
10 Legislature, Regular Session, 2023, which amended Article
11 45.014(d), Code of Criminal Procedure, is repealed.

12 SECTION 5.016. (a) Article 45A.158, Code of Criminal
13 Procedure, is amended to conform to Section 1, Chapter 697 (H.B.
14 1603), Acts of the 88th Legislature, Regular Session, 2023, and
15 Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular
16 Session, 2023, to read as follows:

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

- 20 (1) postpone the trial to a specified date;
- 21 (2) temporarily appoint any competent attorney to
22 perform duties as an attorney representing [~~pro tem as provided by~~
23 ~~this code to represent~~] the state, notwithstanding Article 2A.104;
- 24 or

25 (3) proceed to trial.

26 (b) An attorney appointed under Subsection (a) is qualified
27 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

1 Code, to discharge the fine and costs by:

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

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

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

11 SECTION 5.018. (a) Articles 45A.254(g) and (i), Code of
12 Criminal Procedure, are amended to conform to Section 5, Chapter
13 525 (H.B. 3186), Acts of the 88th Legislature, Regular Session,
14 2023, to read as follows:

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

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

1 (1) was performed pursuant to court order; and

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

5 (b) Section 5, Chapter 525 (H.B. 3186), Acts of the 88th
6 Legislature, Regular Session, 2023, which amended Articles
7 45.049(f) and (i), Code of Criminal Procedure, is repealed.

8 SECTION 5.019. (a) Article 45A.259(i), Code of Criminal
9 Procedure, is amended to conform to Section 1, Chapter 425 (H.B.
10 1819), Acts of the 88th Legislature, Regular Session, 2023, to read
11 as follows:

12 (i) This article does not limit the authority of a court to
13 order a child taken into custody under Article 45A.453 [~~or~~
14 ~~45A.455~~].

15 (b) Section 1, Chapter 425 (H.B. 1819), Acts of the 88th
16 Legislature, Regular Session, 2023, which amended Article
17 45.045(c), Code of Criminal Procedure, is repealed.

18 SECTION 5.020. (a) Articles 45A.303(b) and (c), Code of
19 Criminal Procedure, are amended to conform to Section 4, Chapter
20 1021 (H.B. 5183), Acts of the 88th Legislature, Regular Session,
21 2023, to read as follows:

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

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

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

1 for the offense;

2 (3) submit to professional counseling;

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

5 (5) submit to a psychosocial assessment;

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

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

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

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

21 (A) directly; or

22 (B) through the court as court costs;

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

26 (9) present to the court satisfactory evidence that
27 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

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

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

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

- 10 (A) rehabilitation;
- 11 (B) counseling;
- 12 (C) self-esteem and leadership;
- 13 (D) work and job skills training;
- 14 (E) job interviewing and work preparation;
- 15 (F) self-improvement;
- 16 (G) parenting;
- 17 (H) manners;
- 18 (I) violence avoidance;
- 19 (J) tutoring;
- 20 (K) sensitivity training;
- 21 (L) parental responsibility;
- 22 (M) community service;
- 23 (N) restitution;
- 24 (O) advocacy; or
- 25 (P) mentoring; or

26 (3) requiring that the child's parent perform any act
27 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

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

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

4 (6) "Parent" has the meaning assigned by Article
5 45A.457(a).

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

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

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

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

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

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

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

26 (b) A child is eligible to enter into a diversion agreement
27 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

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

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

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

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

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

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

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

21 (6) finding the diversion unsuccessful and:

22 (A) transferring the child to juvenile court for
23 alleged conduct indicating a need for supervision under Section
24 51.08, Family Code; or

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

27 (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;

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

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

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

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

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

13 (E) encourages schools to provide library
14 catalog transparency;

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

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

19 (i) ideas contained in the material; or

20 (ii) personal background of:

21 (a) the author of the material; or

22 (b) characters in the material.

23 SECTION 6.005. Section 37.115(c), Education Code, as
24 amended by Chapters 896 (H.B. 3) and 948 (S.B. 1720), Acts of the
25 88th Legislature, Regular Session, 2023, is reenacted and amended
26 to read as follows:

27 (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

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

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

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

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

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

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

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

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

19 (6) one member who is either:

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

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

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

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

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

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

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

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

25 (b) The commission is entitled to obtain criminal history
26 record information as provided by Subsection (b-1) that relates to
27 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

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

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

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

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

12 (1) an order of expunction is issued under Chapter 55A
13 [~~55~~], Code of Criminal Procedure, with respect to one of the
14 offenses described by Subsection (a), unless the person has been
15 convicted three or more times of an offense described by that
16 subsection; or

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

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

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

25 (1) the director receives:

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

1 (B) a request from a court under Section
2 411.1471(e); or

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

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

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

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

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

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

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

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

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

25 (A) the protective order issued under Title 4,
26 Family Code, if the person's license is subject to suspension for
27 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

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

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

9 SUBCHAPTER H [~~Y~~]. COMMISSION OMBUDSMAN PROGRAMS

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

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

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

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

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

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

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

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

26 (4) the ombudsman for behavioral health access to care
27 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;

1 (4) area agencies on aging;

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

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

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

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

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

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

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

23 (A) understand the concept of managed care;

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

26 (C) are able to advocate for themselves;

27 (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.

1 3462), Acts of the 88th Legislature, Regular Session, 2023.

2 (c) Section 532.0303, Government Code, as effective April
3 1, 2025, is repealed to conform to the transfer and redesignation of
4 Section 531.0213, Government Code, by Section 10, Chapter 741 (H.B.
5 3462), Acts of the 88th Legislature, Regular Session, 2023.

6 (d) Section 547.0002, Government Code, as effective April
7 1, 2025, is repealed to conform to the transfer and redesignation of
8 Section 531.02251, Government Code, by Section 11, Chapter 741
9 (H.B. 3462), Acts of the 88th Legislature, Regular Session, 2023.

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

14 (b) The executive commissioner shall:

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

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

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

27 (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

1 Code, as effective April 1, 2025, are repealed to conform to the
2 repeal of Section 531.022, Government Code, by Section 6, Chapter
3 1147 (S.B. 956), Acts of the 88th Legislature, Regular Session,
4 2023.

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

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

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

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

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

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

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

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

18 (d) A Medicaid provider shall immediately discharge any
19 individual the provider employs or contracts with as a residential
20 caregiver who is convicted of an offense described by Section
21 250.006, Health and Safety Code.

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

1 Medicaid provider under this subsection, the commission shall
2 consider:

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

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

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

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

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

18 (2) "Reportable conduct" includes:

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

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

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

27 (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;

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

3 (A) program services screening; and

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

6 (5) procedures for:

7 (A) an eligible recipient to:

8 (i) decline program services screening; or

9 (ii) withdraw consent for offered services;

10 and

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

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

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

24 (2) should be referred for program services.

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

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

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

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

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

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

19 SECTION 8.029. (a) Section 540.0056, Government Code, as
20 effective April 1, 2025, is amended to conform to Section 1, Chapter
21 582 (H.B. 2802), Acts of the 88th Legislature, Regular Session,
22 2023, to read as follows:

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

1 Medicaid managed care plan using the contact information provided
2 in the recipient's application for Medicaid benefits under Section
3 32.025(g)(2), Human Resources Code, including updated information
4 provided to the organization in accordance with Section 32.025(h),
5 Human Resources Code.

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

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

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

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

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

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

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

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

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

10 (b) The requirements imposed by Subsections (a)(1)-(3) do
11 not apply, and may not be enforced, on and after August 31, 2033
12 [~~2023~~].

13 (b) Section 1, Chapter 491 (H.B. 1283), Acts of the 88th
14 Legislature, Regular Session, 2023, which amended Section
15 533.005(a-1), Government Code, is repealed.

16 SECTION 8.032. Section 533.0091, Government Code, is
17 transferred to Subchapter 0, Chapter 540, Government Code, as
18 effective April 1, 2025, and redesignated as Section 540.0714,
19 Government Code, to read as follows:

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

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

24 (A) support initiatives to assist managed care
25 plans in promoting timely, evidence-informed health care services
26 to plan enrollees diagnosed with sickle cell disease to ensure the
27 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.

1 (b) An exception provided under this section does not
2 subject the Medicaid managed care plan to liquidated damages for
3 failing to comply with the preferred drug list.

4 SECTION 8.034. (a) Section 540A.0051(c), Government Code,
5 as effective April 1, 2025, is amended to conform to Section 45,
6 Chapter 644 (H.B. 4559), Acts of the 88th Legislature, Regular
7 Session, 2023, to read as follows:

8 (c) The commission may not delay providing medical
9 transportation program services through a managed transportation
10 delivery model in:

11 (1) a county with a population of one million
12 [~~750,000~~] or more:

13 (A) in which all or part of a municipality with a
14 population of one million or more is located; and

15 (B) that is located adjacent to a county with a
16 population of 2.5 [~~two~~] million or more; or

17 (2) a county with a population of at least 60,000
18 [~~55,000~~] but not more than 70,000 [~~65,000~~] that is located adjacent
19 to a county with a population of at least 500,000 but not more than
20 1.5 million.

21 (b) Section 45, Chapter 644 (H.B. 4559), Acts of the 88th
22 Legislature, Regular Session, 2023, which amended Section
23 533.00257(j), Government Code, is repealed.

24 SECTION 8.035. (a) Section 544.0107(c), Government Code, as
25 effective April 1, 2025, is amended to conform to Section 2.096,
26 Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular
27 Session, 2023, to read as follows:

1 (c) A peace officer the office of inspector general employs
2 and commissions:

3 (1) is a peace officer for purposes of Article 2A.001
4 [~~2.12~~], Code of Criminal Procedure; and

5 (2) shall obtain the office of the attorney general's
6 prior approval before carrying out any duties requiring peace
7 officer status.

8 (b) Section 2.096, Chapter 765 (H.B. 4504), Acts of the 88th
9 Legislature, Regular Session, 2023, which amended Section
10 531.1022(c), Government Code, is repealed.

11 SECTION 8.036. Section 531.1025(c), Government Code, as
12 added by Chapter 1035 (S.B. 26), Acts of the 88th Legislature,
13 Regular Session, 2023, is transferred to Subchapter C, Chapter 544,
14 Government Code, as effective April 1, 2025, redesignated as
15 Section 544.01091, Government Code, and amended to read as follows:

16 Sec. 544.01091. PERFORMANCE AND FINANCIAL AUDITS OF LOCAL
17 BEHAVIORAL HEALTH AUTHORITIES AND LOCAL MENTAL HEALTH AUTHORITIES.

18 [~~(c)~~] The [~~commission's~~] office of inspector general shall
19 conduct performance audits and require financial audits to be
20 conducted of each local behavioral health authority designated
21 under Section 533.0356, Health and Safety Code, and local mental
22 health authority, as defined by Section 531.002, Health and Safety
23 Code. The office shall:

24 (1) establish a performance audit schedule that
25 ensures the office audits each authority described by this
26 subsection at least once every five years;

27 (2) establish a financial audit schedule that ensures

1 each authority described by this subsection:

2 (A) undergoes a financial audit conducted by an
3 independent auditor at least once every three years; and

4 (B) submits to the office the results of the
5 financial audit; and

6 (3) require additional audits to be conducted as
7 necessary based on adverse findings in a previous audit or as
8 requested by the commission.

9 SECTION 8.037. (a) Section [545.0052\(a\)](#), Government Code,
10 as effective April 1, 2025, is amended to conform to Section 1,
11 Chapter 1098 (S.B. 1342), Acts of the 88th Legislature, Regular
12 Session, 2023, to read as follows:

13 (a) If cost-effective, the commission may:

14 (1) contract to expand all or part of the billing
15 coordination system established under Section [532.0058](#) to process
16 claims for services provided through other benefits programs the
17 commission or a health and human services agency administers;

18 (2) expand any other billing coordination tools and
19 resources used to process claims for health care services provided
20 through Medicaid to process claims for services provided through
21 other benefits programs the commission or a health and human
22 services agency administers; and

23 (3) expand the scope of individuals about whom
24 information is collected under Section [32.0424\(a\)](#) [~~32.042~~], Human
25 Resources Code, to include recipients of services provided through
26 other benefits programs the commission or a health and human
27 services agency administers.

1 (b) Section 1, Chapter 1098 (S.B. 1342), Acts of the 88th
2 Legislature, Regular Session, 2023, which amended Section
3 [531.024131](#)(a), Government Code, is repealed.

4 SECTION 8.038. Section [531.024183](#), Government Code, is
5 transferred to Subchapter B, Chapter [545](#), Government Code, as
6 effective April 1, 2025, redesignated as Section 545.0058,
7 Government Code, and amended to conform to Chapter 769 (H.B. 4611),
8 Acts of the 88th Legislature, Regular Session, 2023, to read as
9 follows:

10 Sec. 545.0058 [~~[531.024183](#)~~]. STANDARDIZED SCREENING
11 QUESTIONS FOR ASSESSING NONMEDICAL HEALTH-RELATED NEEDS OF CERTAIN
12 PREGNANT WOMEN; INFORMED CONSENT. (a) In this section,
13 "alternatives to abortion program" means the program established by
14 the commission to enhance and increase resources that promote
15 childbirth for women facing unplanned pregnancy, or a successor
16 program.

17 (b) The commission shall adopt standardized screening
18 questions designed to screen for, identify, and aggregate data
19 regarding the nonmedical health-related needs of pregnant women
20 eligible for benefits under a public benefits program administered
21 by the commission or another health and human services agency,
22 including:

- 23 (1) Medicaid; and
24 (2) the alternatives to abortion program.

25 (c) Subject to Subsection (d), the standardized screening
26 questions must be used by Medicaid managed care organizations and
27 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

1 738 (H.B. 3265), Acts of the 88th Legislature, Regular Session,
2 2023, to read as follows:

3 Sec. 546.0505. QUARTERLY REPORT. The [~~Not later than the~~
4 ~~30th day after the last day of each state fiscal quarter, the~~]
5 commission shall submit to the governor, the lieutenant governor,
6 the speaker of the house of representatives, the Legislative Budget
7 Board, and each standing legislative committee with primary
8 jurisdiction over Medicaid a semiannual report containing, for the
9 preceding six-month period [~~most recent state fiscal quarter~~], the
10 following information and data related to access to care for
11 recipients receiving benefits under the medically dependent
12 children (MDCP) waiver program:

13 (1) enrollment in the Medicaid buy-in for children
14 program implemented under Section [532.0353](#);

15 (2) requests relating to interest list placements
16 under Section [546.0455](#);

17 (3) use of the Medicaid escalation help line
18 established under Subchapter R, Chapter [540](#), if the help line was
19 operational during the applicable six-month period [~~state fiscal~~
20 ~~quarter~~];

21 (4) use of, requests for, and outcomes of the external
22 medical review procedure established under Section [532.0404](#); and

23 (5) complaints relating to the medically dependent
24 children (MDCP) waiver program, categorized by disposition.

25 (b) Section 1, Chapter 738 (H.B. 3265), Acts of the 88th
26 Legislature, Regular Session, 2023, which amended Section
27 [531.06021](#)(b), Government Code, is repealed.

1 SECTION 8.041. Section [531.09936](#), Government Code, is
2 transferred to Subchapter A, Chapter [547](#), Government Code, as
3 effective April 1, 2025, and redesignated as Section 547.0006,
4 Government Code, to read as follows:

5 Sec. 547.0006 [~~531.09936~~]. ESTABLISHMENT OR EXPANSION OF
6 REGIONAL BEHAVIORAL HEALTH CENTERS OR JAIL DIVERSION CENTERS. (a)
7 In this section:

8 (1) "Governmental entity" means this state, a
9 political subdivision of this state, or an agency of this state or a
10 political subdivision of this state.

11 (2) "Local mental health authority" has the meaning
12 assigned by Section [531.002](#), Health and Safety Code.

13 (3) "Nonprofit organization" means an organization
14 that is exempt from federal income taxation under Section 501(a),
15 Internal Revenue Code of 1986, by being listed as an exempt entity
16 under Section 501(c)(3) of that code.

17 (b) To the extent money is appropriated to the commission
18 for that purpose, the commission, in cooperation with local mental
19 health authorities located primarily in rural areas of this state,
20 shall contract with nonprofit organizations or governmental
21 entities to establish or expand behavioral health centers or jail
22 diversion centers in the authorities' local service areas to:

23 (1) provide additional forensic hospital beds and
24 competency restoration services;

25 (2) provide inpatient and outpatient mental health
26 services to adults and children; and

27 (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

1 transferred to Section 547.03551, Government Code, as added by this
2 Act, redesignated as Sections 547.03551(a) and (b), Government
3 Code, respectively, and amended to conform to Chapter 769 (H.B.
4 4611), Acts of the 88th Legislature, Regular Session, 2023, to read
5 as follows:

6 (a) [~~(d-1)~~] The commission shall establish procedures to
7 assist a community collaborative that includes a county with a
8 population of less than 250,000 with submission of a petition under
9 Section 547.0355 [~~Subsection (d)~~].

10 (b) [~~(d-2)~~] If the commission is appropriated money to
11 implement this subchapter [~~section~~] for a state fiscal year in an
12 amount that exceeds the total amount of grants awarded under this
13 subchapter [~~section~~] in the previous state fiscal year, the
14 commission, in selecting grant recipients for the excess amount,
15 must accept petitions from community collaboratives that were not
16 selected as grant recipients under this subchapter [~~section~~] in the
17 previous state fiscal year or collaboratives that were selected as
18 grant recipients in the previous state fiscal year but require
19 additional funding for the recipient's collaborative for purposes
20 of this subchapter [~~section~~].

21 SECTION 8.044. (a) Chapter 547, Government Code, as
22 effective April 1, 2025, is amended to conform to Chapter 1035 (S.B.
23 26), Acts of the 88th Legislature, Regular Session, 2023, by adding
24 Subchapter J, and a heading is added to that subchapter to read as
25 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

1 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th
2 Legislature, Regular Session, 2023, to read as follows:

3 Sec. 547A.0010 [~~539.010~~]. BIENNIAL REPORT. (a) The
4 commission [~~department~~] shall prepare a report that includes:

5 (1) the method by which the commission [~~department~~]
6 chose entities to award grants to under this chapter;

7 (2) the amount of each grant awarded to an entity under
8 this chapter;

9 (3) the number of individuals served by each community
10 collaborative receiving grant funds under this chapter; and

11 (4) the results of the annual review of outcome
12 measures required by Section 547A.0006 [~~539.006~~].

13 (b) Not later than September 1 of each even-numbered year,
14 the commission [~~department~~] shall submit a report described by
15 Subsection (a) to:

16 (1) the lieutenant governor;

17 (2) the speaker of the house of representatives;

18 (3) the standing committees of the legislature having
19 primary jurisdiction over the department and state finance; and

20 (4) the Legislative Budget Board.

21 SECTION 8.047. (a) Subchapter F, Chapter 548, Government
22 Code, as effective April 1, 2025, is amended to conform to Section
23 2, Chapter 840 (H.B. 2727), Acts of the 88th Legislature, Regular
24 Session, 2023, by amending Sections 548.0251, 548.0252, 548.0253,
25 548.0254, and 548.0256 and adding Section 548.0257 to read as
26 follows:

27 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

1 ~~[in the prior six-month period]~~; and

2 (v) ~~[limited or absent informal support~~
3 ~~systems;~~

4 ~~[(vi) living alone or being home alone for~~
5 ~~extended periods; and~~

6 ~~[(vii)]~~ a documented history of care access
7 challenges;

8 (3) ~~[(2)]~~ ensure that clinical information gathered
9 by the following providers while providing home telemonitoring
10 services is shared with the recipient's physician:

11 (A) a home and community support services agency;

12 (B) a federally qualified health center;

13 (C) a rural health clinic; or

14 (D) a hospital ~~[while providing home~~
15 ~~telemonitoring services is shared with the patient's physician];~~

16 ~~[and]~~

17 (4) ~~[(3)]~~ ensure that the home telemonitoring
18 services provided under this subchapter do ~~[program does]~~ not
19 duplicate disease management program services provided under
20 Section 32.057, Human Resources Code; and

21 (5) require a provider to:

22 (A) establish a plan of care that includes
23 outcome measures for each recipient who receives home
24 telemonitoring services under this subchapter; and

25 (B) share the plan and outcome measures with the
26 recipient's physician.

27 (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~~

1 ~~organization should provide reimbursement for services under this~~
2 ~~section, the organization shall consider whether reimbursement for~~
3 ~~the service is cost-effective and providing the service is~~
4 ~~clinically effective.]~~

5 Sec. 548.0257. REIMBURSEMENT FOR HIGH-RISK PREGNANCY. (a)

6 In addition to determining whether to provide home telemonitoring
7 services to Medicaid recipients with the conditions described by
8 Section 548.0253(a)(2), the commission shall determine whether
9 high-risk pregnancy is a condition for which the provision of home
10 telemonitoring services is cost-effective and clinically
11 effective. If the commission determines that high-risk pregnancy
12 is a condition for which the provision of home telemonitoring
13 services is cost-effective and clinically effective:

14 (1) the commission shall, to the extent permitted by
15 state and federal law, provide recipients experiencing a high-risk
16 pregnancy with clinically appropriate home telemonitoring services
17 equipment for temporary use in the recipient's home; and

18 (2) the executive commissioner by rule shall:

19 (A) establish criteria to identify recipients
20 experiencing a high-risk pregnancy who would benefit from access to
21 home telemonitoring services equipment;

22 (B) ensure that, if cost-effective, feasible,
23 and clinically appropriate, the home telemonitoring services
24 equipment provided includes uterine remote monitoring services
25 equipment and pregnancy-induced hypertension remote monitoring
26 services equipment;

27 (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

1 transferred to Subchapter A, Chapter 549, Government Code, as
2 effective April 1, 2025, and redesignated as Section 549.0006,
3 Government Code, to read as follows:

4 Sec. 549.0006 [~~531.0691~~]. VENDOR DRUG PROGRAM INCLUSION.

5 (a) The commission shall ensure that the vendor drug program
6 includes all drugs and national drug codes made available under the
7 federal Medicaid Drug Rebate Program if a certificate of
8 information form to request the drug's inclusion in the vendor drug
9 program has been submitted to the commission and:

10 (1) approved by the commission; or

11 (2) subject to Subsection (b), is pending review by
12 the commission.

13 (b) On receipt of a certificate of information form to
14 request the addition to the Texas Drug Code Index of a drug that is
15 available under the federal Medicaid Drug Rebate Program, the
16 commission shall, if the commission determines that the drug is
17 appropriate for dispensing through an outpatient pharmacy,
18 provisionally make the drug available under the vendor drug program
19 for a period that expires on the earlier of:

20 (1) the 90th day after the date the form was submitted;

21 or

22 (2) the date the commission makes a determination
23 regarding whether to approve or deny the drug's inclusion on the
24 vendor drug program formulary.

25 (c) The commission shall:

26 (1) denote the provisional availability of a drug
27 under this section; and

1 (2) remove a drug made provisionally available under
2 the vendor drug program:

3 (A) on the expiration of the 90-day period
4 prescribed by Subsection (b)(1); or

5 (B) if applicable, on the date the commission
6 denies the drug's inclusion on the vendor drug program formulary.

7 SECTION 8.049. (a) Section 531.072(b-3), Government Code,
8 is transferred to Section 549.0204, Government Code, as effective
9 April 1, 2025, redesignated as Section 549.0204(c), Government
10 Code, and amended to read as follows:

11 (c) [~~(b-3)~~] Notwithstanding Subsection (a) [~~(b)~~], the
12 preferred drug lists must contain all therapeutic equivalents for a
13 generic drug on the preferred drug list.

14 (b) Section 531.072(g), Government Code, is transferred to
15 Subchapter E, Chapter 549, Government Code, as effective April 1,
16 2025, redesignated as Section 549.0208, Government Code, and
17 amended to read as follows:

18 Sec. 549.0208. EXPEDITED REVIEW PROCESS FOR CERTAIN
19 REQUESTS TO INCLUDE DRUG ON PREFERRED DRUG LIST. [~~(g)~~] The
20 commission shall develop an expedited review process to consider
21 requests from managed care organizations and providers to add drugs
22 to the preferred drug list.

23 (c) Section 531.072(h), Government Code, is transferred to
24 Subchapter E, Chapter 549, Government Code, as effective April 1,
25 2025, redesignated as Section 549.0209, Government Code, and
26 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th
27 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,

1 as effective April 1, 2025, is amended to conform to Section 5,
2 Chapter 739 (H.B. 3286), Acts of the 88th Legislature, Regular
3 Session, 2023, to read as follows:

4 (a) The composition of the board must comply with federal
5 law, including 42 C.F.R. Section 456.716. The executive
6 commissioner shall determine the board's composition, which must
7 include:

8 (1) three [~~two~~] representatives of managed care
9 organizations, all [~~one~~] of whom must be physicians or pharmacists
10 [~~a physician and one of whom must be a pharmacist, as nonvoting~~
11 ~~members~~];

12 (2) at least 17 physicians and pharmacists who:

13 (A) provide services across the entire
14 population of Medicaid recipients and represent different
15 specialties, including at least one of each of the following types
16 of physicians:

- 17 (i) a pediatrician;
18 (ii) a primary care physician;
19 (iii) an obstetrician and gynecologist;
20 (iv) a child and adolescent psychiatrist;

21 and

22 (v) an adult psychiatrist; and

23 (B) have experience in either developing or
24 practicing under a preferred drug list; and

25 (3) a consumer advocate who represents Medicaid
26 recipients.

27 (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~~]

1 ~~pursuant to~~] Article 2A.104, Code of Criminal Procedure.

2 SECTION 8.054. Section 662.005(b), Government Code, as
3 amended by Chapters 109 (S.B. 2214), 765 (H.B. 4504), and 950 (S.B.
4 1727), Acts of the 88th Legislature, Regular Session, 2023, is
5 reenacted and amended to read as follows:

6 (b) Except as provided by Section 662.010, and
7 notwithstanding Section 659.015 or another law, each of the
8 following state employees who is required to work on a national or
9 state holiday that falls on a Saturday or Sunday is entitled to
10 compensatory time off at the rate of one hour for each hour worked
11 on the holiday:

12 (1) an employee of the Department of Family and
13 Protective Services in the statewide intake division who receives
14 reports of abuse or neglect;

15 (2) a peace officer commissioned or appointed, as
16 applicable, by a state officer or state agency listed under Article
17 2A.001, Code of Criminal Procedure;

18 (3) an employee of the Department of Public Safety
19 who:

20 (A) performs communications or dispatch services
21 related to traffic law enforcement; or

22 (B) is a public security officer, as that term is
23 defined by Section 1701.001, Occupations Code; ~~or~~

24 (4) an employee of the Parks and Wildlife Department
25 who performs communications and dispatch services to assist law
26 enforcement officers commissioned by the Parks and Wildlife
27 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]~~ 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~~[or]~~.

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

1 relations order is not resolved, then the public retirement system
2 (or applicable carrier, if under the optional retirement program)
3 shall pay the segregated amounts without interest and shall
4 thereafter pay benefits to the person or persons who would have been
5 entitled to such amounts if there had been no order. This
6 subsection shall not be construed to limit or otherwise affect any
7 liability, responsibility, or duty of a party with respect to any
8 other party to the action out of which the order arose.

9 ARTICLE 9. CHANGES RELATING TO HEALTH AND SAFETY CODE

10 SECTION 9.001. Section 255.005(b), Health and Safety Code,
11 is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th
12 Legislature, Regular Session, 2023, to read as follows:

13 (b) The Health and Human Services Commission shall submit
14 the report required under this section with the report required
15 under Section 543A.0008 [~~536.008~~], Government Code.

16 SECTION 9.002. Section 260.010(a), Health and Safety Code,
17 is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th
18 Legislature, Regular Session, 2023, to read as follows:

19 (a) Not later than September 30 of each year following the
20 establishment of a county or municipal permitting requirement under
21 this chapter, each county or municipality that requires a person to
22 obtain a boarding home facility permit under Section 260.004 shall
23 submit to the commission a report. The report must include:

24 (1) the total number of:

25 (A) boarding home facilities permitted during
26 the preceding state fiscal year;

27 (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

1 Education Agency rule to access the search engine; and

2 (6) nonprofit teacher organizations approved by the
3 commissioner of education for the purpose of participating in the
4 tutoring program established under Section 33.913, Education Code.

5 ARTICLE 10. CHANGES RELATING TO HUMAN RESOURCES CODE

6 SECTION 10.001. Section 32.03115(b), Human Resources Code,
7 as added by Chapter 1105 (H.B. 2174), Acts of the 86th Legislature,
8 Regular Session, 2019, is amended to conform to Chapter 769 (H.B.
9 4611), Acts of the 88th Legislature, Regular Session, 2023, to read
10 as follows:

11 (b) Notwithstanding Subchapters E and F, Chapter 549
12 [~~Sections 531.072 and 531.073~~], Government Code, or any other law
13 and subject to Subsections (c) and (d), the commission shall
14 provide medical assistance reimbursement for medication-assisted
15 opioid or substance use disorder treatment without requiring a
16 recipient of medical assistance or health care provider to obtain
17 prior authorization or precertification for the treatment, except
18 as needed to minimize the opportunity for fraud, waste, or abuse.

19 SECTION 10.002. Section 137.152(e), Human Resources Code,
20 is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th
21 Legislature, Regular Session, 2023, to read as follows:

22 (e) The commission shall provide services for a child and
23 the child's family if a contract to provide services under this
24 section is available in the county and the child is referred to the
25 commission as an at-risk child by:

26 (1) a juvenile court or probation department as part
27 of a progressive sanctions program under Chapter 59, Family Code;

1 (2) a law enforcement officer or agency under Section
2 52.03, Family Code; or

3 (3) a justice or municipal court under Article
4 45A.457, 45A.509 [~~45.309~~], or 45A.510 [~~45.310~~], Code of Criminal
5 Procedure.

6 ARTICLE 11. CHANGES RELATING TO INSURANCE CODE

7 SECTION 11.001. Section 1223.001(c), Insurance Code, is
8 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th
9 Legislature, Regular Session, 2023, to read as follows:

10 (c) This chapter does not apply to the state Medicaid
11 program, including the Medicaid managed care program operated under
12 Chapter 540 or 540A [~~Chapter 533~~], Government Code, or the child
13 health plan program operated under Chapter 62, Health and Safety
14 Code.

15 SECTION 11.002. Section 1365.052, Insurance Code, is
16 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th
17 Legislature, Regular Session, 2023, to read as follows:

18 Sec. 1365.052. EXCEPTION. This subchapter does not apply
19 to:

20 (1) a plan that provides coverage:

21 (A) for wages or payments in lieu of wages for a
22 period during which an employee is absent from work because of
23 sickness or injury; or

24 (B) only for hospital expenses; or

25 (2) the state Medicaid program, including the Medicaid
26 managed care program operated under Chapter 540 or 540A [~~Chapter~~
27 ~~533~~], Government Code.

1 SECTION 11.003. Section [1366.103](#), Insurance Code, is
2 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th
3 Legislature, Regular Session, 2023, to read as follows:

4 Sec. 1366.103. EXCEPTIONS. This subchapter does not apply
5 to:

6 (1) a health benefit plan that provides coverage:

7 (A) for wages or payments in lieu of wages for a
8 period during which an employee is absent from work because of
9 sickness or injury; or

10 (B) only for hospital expenses;

11 (2) Medicaid managed care programs operated under
12 Chapter [540](#) or [540A](#) [~~533~~], Government Code;

13 (3) Medicaid programs operated under Chapter [32](#), Human
14 Resources Code; or

15 (4) the state child health plan operated under Chapter
16 [62](#) or [63](#), Health and Safety Code.

17 SECTION 11.004. Section [1369.093](#), Insurance Code, is
18 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th
19 Legislature, Regular Session, 2023, to read as follows:

20 Sec. 1369.093. EXCEPTIONS TO APPLICABILITY OF SUBCHAPTER.
21 This subchapter does not apply to an issuer or provider of health
22 benefits under or a pharmacy benefit manager administering pharmacy
23 benefits under:

24 (1) the state Medicaid program, including the Medicaid
25 managed care program operated under Chapters [540](#) and [540A](#) [~~Chapter~~
26 ~~533~~], Government Code;

27 (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

1 cooperative under Subchapter B of that chapter;

2 (2) a standard health benefit plan issued under
3 Chapter 1507;

4 (3) a basic coverage plan under Chapter 1551;

5 (4) a basic plan under Chapter 1575;

6 (5) a primary care coverage plan under Chapter 1579;

7 (6) a plan providing basic coverage under Chapter
8 1601;

9 (7) the state Medicaid program, including the Medicaid
10 managed care program operated under Chapters 540 and 540A [~~Chapter~~
11 ~~533~~], Government Code;

12 (8) the child health plan program under Chapter 62,
13 Health and Safety Code; and

14 (9) a self-funded health benefit plan sponsored by a
15 professional employer organization under Chapter 91, Labor Code.

16 SECTION 11.009. Section 1380.002(b), Insurance Code, is
17 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th
18 Legislature, Regular Session, 2023, to read as follows:

19 (b) Notwithstanding any other law, this chapter applies to:

20 (1) a small employer health benefit plan subject to
21 Chapter 1501, including coverage provided through a health group
22 cooperative under Subchapter B of that chapter;

23 (2) a standard health benefit plan issued under
24 Chapter 1507;

25 (3) a basic coverage plan under Chapter 1551;

26 (4) a basic plan under Chapter 1575;

27 (5) a primary care coverage plan under Chapter 1579;

1 (6) a plan providing basic coverage under Chapter
2 1601;

3 (7) health benefits provided by or through a church
4 benefits board under Subchapter I, Chapter 22, Business
5 Organizations Code;

6 (8) the state Medicaid program, including the Medicaid
7 managed care program operated under Chapters 540 and 540A [~~Chapter~~
8 ~~533~~], Government Code;

9 (9) the child health plan program under Chapter 62,
10 Health and Safety Code;

11 (10) a regional or local health care program operated
12 under Section 75.104, Health and Safety Code;

13 (11) a self-funded health benefit plan sponsored by a
14 professional employer organization under Chapter 91, Labor Code;

15 (12) county employee group health benefits provided
16 under Chapter 157, Local Government Code; and

17 (13) health and accident coverage provided by a risk
18 pool created under Chapter 172, Local Government Code.

19 SECTION 11.010. Section 1451.209(e), Insurance Code, is
20 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th
21 Legislature, Regular Session, 2023, to read as follows:

22 (e) This section does not apply:

23 (1) if access to a provider network contract is
24 granted to:

25 (A) a third party operating in accordance with
26 the same brand licensee program as the employee benefit plan
27 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 [81.0291](#)
26 applies.

27 SECTION 13.002. Section [85.0011](#)(a)(3), Local Government

1 Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the
2 88th Legislature, Regular Session, 2023, to read as follows:

3 (3) "Federal special investigator" means a person
4 described by Article 2A.002 [~~2.122~~], Code of Criminal Procedure.

5 SECTION 13.003. (a) Section 118.121, Local Government
6 Code, is amended to correct a typographical error to read as
7 follows:

8 Sec. 118.121. FEE SCHEDULE. A justice of the peace shall
9 collect the following fees for services rendered after judgment
10 (Sec. 118.123):

- 11 (1) Transcript \$10.00
- 12 (2) Abstract of judgment \$5.00
- 13 (3) Execution, order of sale, writ of restitution, or
14 other writ or process . . . \$5.00 per page
- 15 (4) Certified copy of court papers . . . \$2.00 for
16 first page
17 . . . \$0.25 for each additional page
- 18 (5) Issuing other document (no return required) . . .
19 \$1.00 for first page
20 . . . \$0.25 for each additional page

21 (b) Sections 118.123(a), (b), and (d), Local Government
22 Code, are amended to conform to Section 3.08, Chapter 472 (S.B. 41),
23 Acts of the 87th Legislature, Regular Session, 2021, to read as
24 follows:

25 (a) The fees [~~fee~~] for "Services rendered after judgment"
26 under Section 118.121 apply [~~118.121(2) applies~~] to a civil matter
27 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

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

2 (a) In a county or municipality that employs or contracts
3 with a juvenile case manager under Article 45A.451 [~~45.056~~], Code
4 of Criminal Procedure, money allocated under Section 134.103 to the
5 local youth diversion fund maintained in the county or municipal
6 treasury as required by Section 134.151 may be used by a county or
7 municipality to finance the salary, benefits, training, travel
8 expenses, office supplies, and other necessary expenses relating to
9 the position of a juvenile case manager. If there is money in the
10 fund after those costs are paid, subject to the direction of the
11 governing body of the county or municipality and on approval by the
12 employing court, a juvenile case manager may direct the remaining
13 money to be used to implement programs directly related to the
14 duties of the juvenile case manager, including juvenile alcohol and
15 substance abuse programs, educational and leadership programs, and
16 any other projects designed to prevent or reduce the number of
17 juvenile referrals to the court.

18 SECTION 13.005. Section 212.072(b-1), Local Government
19 Code, is amended to correct a reference to read as follows:

20 (b-1) In addition, if the municipality has a population of
21 1.8 million or more, the municipality may participate at a level not
22 to exceed 100 percent of the total contract price for all required
23 drainage improvements related to the development and construction
24 of affordable housing. Under this subsection, affordable housing
25 is defined as housing which is equal to or less than the median
26 sales price, as determined by the Texas Real Estate Research Center
27 at Texas A&M University, of a home in the Metropolitan Statistical

1 Area (MSA) in which the municipality is located.

2 ARTICLE 14. CHANGES RELATING TO NATURAL RESOURCES CODE

3 SECTION 14.001. Section 133.003, Natural Resources Code, is
4 amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th
5 Legislature, Regular Session, 2003, by adding Subdivision (6-a) and
6 amending Subdivision (27) to read as follows:

7 (6-a) "Department" means the Texas Department of
8 Transportation.

9 (27) "Unacceptable unsafe location" means a condition
10 where the edge of a pit is located within 200 feet of a public
11 roadway intersection in a manner which, in the judgment of the
12 department [~~commission~~]:

13 (A) presents a significant risk of harm to public
14 motorists by reason of the proximity of the pit to the roadway
15 intersection; and,

16 (B) has no naturally occurring or artificially
17 constructed barrier or berm between the road and pit that would
18 likely prevent a motor vehicle from accidentally entering the pit
19 as the result of a motor vehicle collision at or near the
20 intersection; or which,

21 (C) in the opinion of the department
22 [~~commission~~], is also at any other location constituting a
23 substantial dangerous risk to the driving public, which condition
24 can be rectified by the placement of berms, barriers, guardrails,
25 or other devices as prescribed by this code.

26 SECTION 14.002. Subchapter B, Chapter 133, Natural
27 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

1 Subsections (c) and (d) of this section may submit, not later than
2 the 30th day after the day on which the notice is received, a
3 modified application or plan.

4 (f) Not later than the fifth day after the day on which the
5 department [~~commission~~] receives a modified application or plan,
6 the department [~~commission~~] must approve or deny the modified
7 application or plan and notify the applicant in writing of the
8 department's [~~commission's~~] decision.

9 (g) The department [~~commission~~] shall first review
10 applications for sites that have been abandoned and that are within
11 the setback distances.

12 Sec. 133.049. INSPECTION OF BARRIERS. Within 15 days of the
13 time in which construction of barriers required by Section [133.041](#)
14 of this code and described in an approved application is required to
15 be completed, the department [~~commission~~] may inspect those
16 barriers to determine whether they meet the requirements of this
17 subchapter.

18 Sec. 133.050. ISSUANCE OF CERTIFICATE. (a) If, after
19 inspection, the department [~~commission~~] determines that the
20 barriers described in an approved application conform with the plan
21 and comply with this subchapter, and the rules or orders adopted
22 under this subchapter, the department [~~commission~~] must issue a
23 safety certificate to the person responsible for the pit.

24 (b) If, after inspection, the department [~~commission~~]
25 determines that a barrier does not comply with this subchapter or a
26 rule or order adopted under this subchapter, the department
27 [~~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.

1 (d) In the event of noncompliance, the department
2 [~~commission~~] shall follow the procedures as set out in Section
3 133.048 et seq. of this code.

4 SECTION 14.007. Section 133.081, Natural Resources Code, is
5 amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th
6 Legislature, Regular Session, 2003, to read as follows:

7 Sec. 133.081. NOTICE OF VIOLATION; TIME TO CURE. (a) On
8 receipt of a complaint or a violation of this chapter or a rule or
9 order adopted under this chapter or on its own motion, the
10 department [~~commission~~] must give the person responsible for the
11 quarry or pit written notice of each alleged violation, including
12 the applicable statutory reference, and rule or order so violated
13 and its relation thereto, and the date, time, and place for a
14 hearing.

15 (b) If, after notice and a hearing, the department
16 [~~commission~~] determines that a violation has occurred, the
17 department [~~commission~~] must make written findings of the actual or
18 threatened violation and the required corrective work and shall
19 prescribe by order a specific period, commensurate with the work to
20 be done but not to exceed 90 days from the date of the order, during
21 which the corrective work must be done, unless an extension of time
22 for good cause shown by the person responsible is granted by the
23 department [~~commission~~].

24 (c) If the responsible party fails to perform corrective
25 work required by the department [~~commission~~] under Subsection (b)
26 of this section within 120 days after notice is given to the
27 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

1 elements of an offense described by Subdivision (1); or
2 (3) an offense under Section 22.011 or 22.021, Penal
3 Code.

4 SECTION 15.002. Section 1701.2515(b), Occupations Code, is
5 amended to correct an error in enrolling Senate Bill 999, Acts of
6 the 88th Legislature, Regular Session, 2023, to read as follows:

7 (b) An individual or a legal entity may not provide active
8 shooter training to peace officers of [~~students or employees at~~] a
9 public primary or secondary school or an institution of higher
10 education unless:

11 (1) the individual providing the instruction is
12 certified by the commission under this section to provide the
13 training; and

14 (2) if the training is provided by a legal entity, both
15 the legal entity and the individual providing the instruction on
16 behalf of the legal entity are certified by the commission under
17 this section to provide the training.

18 ARTICLE 16. CHANGES RELATING TO PARKS AND WILDLIFE CODE

19 SECTION 16.001. Section 11.032(b), Parks and Wildlife Code,
20 as amended by Chapters 235 (H.B. 2755) and 334 (H.B. 4018), Acts of
21 the 88th Legislature, Regular Session, 2023, is reenacted and
22 amended to read as follows:

23 (b) The department shall deposit to the credit of the game,
24 fish, and water safety account all revenue, less allowable costs,
25 from the following sources:

26 (1) all types of fishing licenses and stamps and
27 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

1 vehicle of another person, without the other person's effective
2 consent, including by:

3 (A) using a tracking application on the person's
4 personal electronic device or using a tracking device; or

5 (B) physically following the other person or
6 causing any person to physically follow the other person; or

7 (10) [~~(9)~~] makes obscene, intimidating, or
8 threatening telephone calls or other electronic communications
9 from a temporary or disposable telephone number provided by an
10 Internet application or other technological means.

11 SECTION 17.004. Section 46.15(a), Penal Code, as amended by
12 Chapters 501 (H.B. 2291), 765 (H.B. 4504), and 1077 (S.B. 599),
13 Acts of the 88th Legislature, Regular Session, 2023, is reenacted
14 and amended to read as follows:

15 (a) Sections 46.02 and 46.03 do not apply to:

16 (1) peace officers or special investigators under
17 Article 2A.002, Code of Criminal Procedure, and neither section
18 prohibits a peace officer or special investigator from carrying a
19 weapon in this state, including in an establishment in this state
20 serving the public, regardless of whether the peace officer or
21 special investigator is engaged in the actual discharge of the
22 officer's or investigator's duties while carrying the weapon;

23 (2) parole officers, and neither section prohibits an
24 officer from carrying a weapon in this state if the officer is:

25 (A) engaged in the actual discharge of the
26 officer's duties while carrying the weapon; and

27 (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;

1 (6) the heading to Subchapter B, Chapter 8370; and

2 (7) Section 8370.101.

3 ARTICLE 19. CHANGES RELATING TO TAX CODE

4 SECTION 19.001. Section 25.025(a), Tax Code, as amended by
5 Chapters 76 (S.B. 617), 152 (S.B. 870), 430 (H.B. 1911), 765 (H.B.
6 4504), and 937 (S.B. 1525), Acts of the 88th Legislature, Regular
7 Session, 2023, is reenacted and amended to read as follows:

8 (a) This section applies only to:

9 (1) a current or former peace officer as defined by
10 Article 2A.001, Code of Criminal Procedure, and the spouse or
11 surviving spouse of the peace officer;

12 (2) the adult child of a current peace officer as
13 defined by Article 2A.001, Code of Criminal Procedure;

14 (3) a current or honorably retired county jailer as
15 defined by Section 1701.001, Occupations Code;

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

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

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

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

27 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](#),

1 Health and Safety Code;

2 (27) a customs and border protection officer or border
3 patrol agent of United States Customs and Border Protection or the
4 spouse, surviving spouse, or adult child of a customs and border
5 protection officer or border patrol agent;

6 (28) [~~(27)~~ a current or former attorney for the
7 ~~Department of Family and Protective Services~~

8 [~~(27)~~] a current or former employee or contract staff
9 member of a university health care provider at a corrections
10 facility operated by the Texas Department of Criminal Justice or
11 the Texas Juvenile Justice Department; and

12 (29) [~~(28)~~] a current or former attorney for the
13 Department of Family and Protective Services.

14 SECTION 19.002. (a) Section 151.359(k), Tax Code, is
15 amended to conform to the expiration of Subchapters B and C, Chapter
16 313, Tax Code, on December 31, 2022, to read as follows:

17 (k) A data center is not eligible to receive an exemption
18 under this section if the data center is subject to an agreement
19 limiting the appraised value of the data center's property under
20 former Subchapter B or C, Chapter 313.

21 (b) Section 151.3595(j), Tax Code, is amended to conform to
22 the expiration of Subchapters B and C, Chapter 313, Tax Code, on
23 December 31, 2022, to read as follows:

24 (j) A data center is not eligible to receive an exemption
25 under this section if the data center is subject to an agreement
26 limiting the appraised value of the data center's property under
27 former Subchapter B or C, Chapter 313.

1 (c) Section 312.403(a), Tax Code, is amended to conform to
2 the expiration of Section 313.024(e), Tax Code, on December 31,
3 2022, to read as follows:

4 (a) In this section, "nuclear electric power generation"
5 means activities described in category 221113 of the 2002 North
6 American Industry Classification System [~~has the meaning assigned~~
7 ~~by Section 313.024(e)~~].

8 (d) Section 313.006(a), Tax Code, is amended to conform to
9 the expiration of Section 313.021, Tax Code, on December 31, 2022,
10 to read as follows:

11 (a) In this section, "impact fee" means a charge or
12 assessment imposed against a qualified property, as defined by
13 former Section 313.021, in order to generate revenue for funding or
14 recouping the costs of capital improvements or facility expansions
15 for water, wastewater, or storm water services or for roads
16 necessitated by or attributable to property that receives a
17 limitation on appraised value under this chapter.

18 (e) Section 313.007, Tax Code, is repealed as executed.

19 (f) The heading to Subchapter E, Chapter 313, Tax Code, is
20 amended to conform to the expiration of Subchapters B and C, Chapter
21 313, Tax Code, on December 31, 2022, to read as follows:

22 SUBCHAPTER E. AVAILABILITY OF LIMITATION ON APPRAISED VALUE OR TAX
23 CREDIT AFTER PROGRAM EXPIRES OR IS REPEALED

24 SECTION 19.003. Section 351.1015(b), Tax Code, as amended
25 by Chapters 644 (H.B. 4559), 779 (H.B. 5012), 927 (S.B. 2220), and
26 1110 (S.B. 1057), Acts of the 88th Legislature, Regular Session,
27 2023, is reenacted and amended to read as follows:

1 (b) This section applies only to a qualified project located
2 in:

3 (1) a municipality with a population of at least
4 700,000 but less than 950,000 according to the most recent federal
5 decennial census; ~~or~~

6 (2) a municipality that contains more than 70 percent
7 of the population of a county with a population of 1.5 million or
8 more;

9 (3) ~~(2)~~ a municipality described by Section
10 351.001(7)(B);

11 (4) ~~or~~
12 ~~(3)~~ a municipality described by Section
13 351.152(61); or

14 (5) ~~(2)~~ a municipality with a population of at least
15 two million.

16 SECTION 19.004. (a) Subsection (j), Section 351.1015, Tax
17 Code, as added by Chapter 1110 (S.B. 1057), Acts of the 88th
18 Legislature, Regular Session, 2023, is redesignated as Subsection
19 (j-1), Section 351.1015, Tax Code.

20 (b) Subsection (j), Section 351.1015, Tax Code, as added by
21 Chapter 779 (H.B. 5012), Acts of the 88th Legislature, Regular
22 Session, 2023, is redesignated as Subsection (l), Section 351.1015,
23 Tax Code, and amended to read as follows:

24 (1) ~~(j)~~ For a municipality described by Subsection (b)(3)
25 or (4) ~~(b)(2) or (3)~~, the term "qualified project" also means a
26 venue described by Section 334.001(4)(A), Local Government Code,
27 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

1 involved in the collision is pending if the report is subpoenaed; or

2 (4) any person directly concerned in the collision or
3 having a proper interest therein, including:

4 (A) any person involved in the collision;

5 (B) the authorized representative of any person
6 involved in the collision;

7 (C) a driver involved in the collision;

8 (D) an employer, parent, or legal guardian of a
9 driver involved in the collision;

10 (E) the owner of a vehicle or property damaged in
11 the collision;

12 (F) a person who has established financial
13 responsibility for a vehicle involved in the collision in a manner
14 described by Section 601.051, including a policyholder of a motor
15 vehicle liability insurance policy covering the vehicle;

16 (G) an insurance company that issued an insurance
17 policy covering a vehicle involved in the collision;

18 (H) an insurance company that issued a policy
19 covering any person involved in the collision;

20 (I) a person under contract to provide claims or
21 underwriting information to a person described by Paragraph (F),
22 (G), or (H);

23 (J) a radio or television station that holds a
24 license issued by the Federal Communications Commission;

25 (K) a newspaper that is:

26 (i) a free newspaper of general circulation
27 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

1 oil and gas production during the preceding state fiscal year; or

2 (B) a county that is adjacent to two or more
3 counties described by Paragraph (A); ~~[or]~~

4 (16) a municipality with a population of more than
5 2,000 that is located in a county:

6 (A) with a population of less than 200,000; and

7 (B) that borders:

8 (i) another state; and

9 (ii) the Gulf Intracoastal Waterway; or

10 (17) ~~[(16)]~~ a municipality that is located:

11 (A) within 20 miles of an international airport;

12 and

13 (B) in a county that:

14 (i) contains an active quarry;

15 (ii) has a population of more than 150,000
16 but less than 170,000; and

17 (iii) is adjacent to a county with a
18 population of more than two million.

19 SECTION 20.006. Section [662.0062](#)(a-1), Transportation
20 Code, is amended to conform to Chapter 709 (H.B. 2190), Acts of the
21 88th Legislature, Regular Session, 2023, to read as follows:

22 (a-1) The department may not issue an instructor license or
23 instructor training provider license to an individual who has been
24 convicted of:

25 (1) during the preceding three years:

26 (A) three or more moving violations described by
27 Section [542.304](#) or a comparable offense committed in another state,

1 including violations that resulted in a collision [~~an accident~~]; or

2 (B) two or more moving violations described by
3 Section 542.304 or a comparable offense committed in another state
4 that resulted in a collision [~~an accident~~]; or

5 (2) during the preceding seven years, an offense under
6 Chapter 49, Penal Code, other than an offense under Section 49.02,
7 Penal Code, or Section 49.031, Penal Code, or a comparable offense
8 committed in another state.

9 ARTICLE 21. CHANGES RELATING TO UTILITIES CODE

10 SECTION 21.001. Sections 39.360(a), (b), (c), (d), and (e),
11 Utilities Code, as added by Chapter 464 (S.B. 2013), Acts of the
12 88th Legislature, Regular Session, 2023, are amended to correct
13 references to read as follows:

14 (a) In this section, "company" and "critical
15 infrastructure" have the meanings assigned by Section 117.001
16 [~~113.001~~], Business & Commerce Code [~~, as added by Chapter 975~~
17 [~~(S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021~~].

18 (b) An independent organization certified under Section
19 39.151 may not register a business entity or maintain the
20 registration of a business entity to operate in the power region for
21 which the independent organization is certified unless the business
22 entity attests that the entity complies with Chapter 117 [~~113~~],
23 Business & Commerce Code [~~, as added by Chapter 975 (S.B. 2116),~~
24 [~~Acts of the 87th Legislature, Regular Session, 2021~~].

25 (c) An independent organization certified under Section
26 39.151 shall require as a condition of operating in the power region
27 for which the independent organization is certified that a business

1 entity report to the independent organization the purchase of any
2 critical electric grid equipment or service from a company
3 described by Section 117.002(a)(2) [~~113.002(a)(2)~~], Business &
4 Commerce Code [~~, as added by Chapter 975 (S.B. 2116), Acts of the~~
5 ~~87th Legislature, Regular Session, 2021~~].

6 (d) For each purchase reported by a business entity under
7 Subsection (c), the business entity shall submit an attestation to
8 the independent organization that the purchase will not result in
9 access to or control of its critical electric grid equipment by a
10 company described by Section 117.002(a)(2) [~~113.002(a)(2)~~],
11 Business & Commerce Code [~~, as added by Chapter 975 (S.B. 2116),~~
12 ~~Acts of the 87th Legislature, Regular Session, 2021~~], excluding
13 access specifically allowed by the business entity for product
14 warranty and support purposes.

15 (e) Notwithstanding any other law, an independent
16 organization certified under Section 39.151 may immediately
17 suspend or terminate a company's registration or access to any of
18 the independent organization's systems if the independent
19 organization has a reasonable suspicion that the company meets any
20 of the criteria described by Section 2275.0102(a)(2)
21 [~~2274.0102(a)(2)~~], Government Code [~~, as added by Chapter 975~~
22 ~~(S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021~~].

23 ARTICLE 22. REDESIGNATIONS

24 SECTION 22.001. The following provisions of enacted codes
25 are redesignated to eliminate duplicate citations:

26 (1) Section 28.20, Alcoholic Beverage Code, as added
27 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

1 Chapter 1067 (S.B. 493), Acts of the 88th Legislature, Regular
2 Session, 2023, is redesignated as Section 434.0295, Government
3 Code.

4 (14) Section 552.108(d), Government Code, as added by
5 Chapter 986 (H.B. 30), Acts of the 88th Legislature, Regular
6 Session, 2023, is redesignated as Section 552.108(c-1), Government
7 Code.

8 (15) Section 662.081, Government Code, as added by
9 Chapter 12 (S.B. 464), Acts of the 88th Legislature, Regular
10 Session, 2023, is redesignated as Section 662.086, Government Code.

11 (16) Section 662.085, Government Code, as added by
12 Chapter 505 (H.B. 2499), Acts of the 88th Legislature, Regular
13 Session, 2023, is redesignated as Section 662.087, Government Code.

14 (17) Section 2252.909, Government Code, as added by
15 Chapter 389 (H.B. 679), Acts of the 88th Legislature, Regular
16 Session, 2023, is redesignated as Section 2252.910, Government
17 Code.

18 (18) Chapter 54, Health and Safety Code, as added by
19 Chapter 88 (S.B. 1249), Acts of the 88th Legislature, Regular
20 Session, 2023, is redesignated as Chapter 55, Health and Safety
21 Code, and Sections 54.001 and 54.002, Health and Safety Code, as
22 added by that Act, are redesignated as Sections 55.001 and 55.002,
23 Health and Safety Code, respectively.

24 (19) Chapter 81B, Health and Safety Code, as added by
25 Chapter 336 (S.B. 29), Acts of the 88th Legislature, Regular
26 Session, 2023, is redesignated as Chapter 81C, Health and Safety
27 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

1 Legislature, Regular Session, 2015, is redesignated as Section
2 1001.0845, Health and Safety Code.

3 (25) Section 32.024(pp), Human Resources Code, as
4 added by Chapter 335 (S.B. 14), Acts of the 88th Legislature,
5 Regular Session, 2023, is redesignated as Section 32.024(rr), Human
6 Resources Code.

7 (26) Chapter 247, Local Government Code, as added by
8 Chapter 19 (S.B. 1017), Acts of the 88th Legislature, Regular
9 Session, 2023, is redesignated as Chapter 248, Local Government
10 Code, and Sections 247.001, 247.002, and 247.003, Local Government
11 Code, as added by that Act, are redesignated as Sections 248.001,
12 248.002, and 248.003, Local Government Code, respectively.

13 (27) Section 370.007, Local Government Code, as added
14 by Chapter 425 (H.B. 1819), Acts of the 88th Legislature, Regular
15 Session, 2023, is redesignated as Section 370.008, Local Government
16 Code.

17 (28) Section 370.007, Local Government Code, as added
18 by Chapter 1049 (S.B. 252), Acts of the 88th Legislature, Regular
19 Session, 2023, is redesignated as Section 370.009, Local Government
20 Code.

21 (29) Section 61.066(e), Natural Resources Code, as
22 added by Chapter 466 (H.B. 630), Acts of the 88th Legislature,
23 Regular Session, 2023, is redesignated as Section 61.066(d),
24 Natural Resources Code.

25 (30) Section 1701.253(q), Occupations Code, as added
26 by Chapter 102 (S.B. 1852), Acts of the 88th Legislature, Regular
27 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

1 780 (H.B. 5105), Acts of the 88th Legislature, Regular Session,
2 2023, is redesignated as Section 352.116, Tax Code.

3 (44) Section 225.216, Transportation Code, as added by
4 Chapter 507 (H.B. 2590), Acts of the 88th Legislature, Regular
5 Session, 2023, is redesignated as Section 225.226, Transportation
6 Code.

7 (45) Section 225.216, Transportation Code, as added by
8 Chapter 687 (H.B. 1368), Acts of the 88th Legislature, Regular
9 Session, 2023, is redesignated as Section 225.227, Transportation
10 Code.

11 (46) Section 225.216, Transportation Code, as added by
12 Chapter 72 (S.B. 508), Acts of the 88th Legislature, Regular
13 Session, 2023, is redesignated as Section 225.228, Transportation
14 Code.

15 (47) Section 225.216, Transportation Code, as added by
16 Chapter 809 (H.B. 923), Acts of the 88th Legislature, Regular
17 Session, 2023, is redesignated as Section 225.229, Transportation
18 Code.

19 (48) Section 225.216, Transportation Code, as added by
20 Chapters 1060 (S.B. 414) and 1116 (H.B. 1305), Acts of the 88th
21 Legislature, Regular Session, 2023, is redesignated as Section
22 225.230, Transportation Code.

23 (49) Section 225.217, Transportation Code, as added by
24 Chapter 71 (S.B. 507), Acts of the 88th Legislature, Regular
25 Session, 2023, is redesignated as Section 225.231, Transportation
26 Code.

27 (50) Section 225.217, Transportation Code, as added by

1 Chapter 431 (H.B. 1913), Acts of the 88th Legislature, Regular
2 Session, 2023, is redesignated as Section 225.232, Transportation
3 Code.

4 (51) Section 225.217, Transportation Code, as added by
5 Chapter 444 (H.B. 2083), Acts of the 88th Legislature, Regular
6 Session, 2023, is redesignated as Section 225.233, Transportation
7 Code.

8 (52) Section 225.217, Transportation Code, as added by
9 Chapter 487 (H.B. 975), Acts of the 88th Legislature, Regular
10 Session, 2023, is redesignated as Section 225.234, Transportation
11 Code.

12 (53) Section 225.217, Transportation Code, as added by
13 Chapter 513 (H.B. 2835), Acts of the 88th Legislature, Regular
14 Session, 2023, is redesignated as Section 225.235, Transportation
15 Code.

16 (54) Section 225.217, Transportation Code, as added by
17 Chapter 523 (H.B. 3099), Acts of the 88th Legislature, Regular
18 Session, 2023, is redesignated as Section 225.236, Transportation
19 Code.

20 (55) Section 225.217, Transportation Code, as added by
21 Chapter 590 (H.B. 3045), Acts of the 88th Legislature, Regular
22 Session, 2023, is redesignated as Section 225.237, Transportation
23 Code.

24 (56) Section 225.217, Transportation Code, as added by
25 Chapter 702 (H.B. 1968), Acts of the 88th Legislature, Regular
26 Session, 2023, is redesignated as Section 225.238, Transportation
27 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

1 Chapter 463 (S.B. 1929), Acts of the 88th Legislature, Regular
2 Session, 2023, is redesignated as Section 39.361, Utilities Code.

3 (72) Section 13.152, Water Code, as added by Chapter
4 163 (S.B. 1778), Acts of the 88th Legislature, Regular Session,
5 2023, is redesignated as Section 13.153, Water Code.

6 (73) Section 16.026, Water Code, as added by Chapter
7 187 (H.B. 2759), Acts of the 88th Legislature, Regular Session,
8 2023, is redesignated as Section 16.028, Water Code.

9 SECTION 22.002. The following changes are made to conform
10 the provisions amended to the redesignating changes made by
11 Section 22.001 of this Act and to correct cross-references:

12 (1) Sections 510.006(a) and (b), Business & Commerce
13 Code, as redesignated from Sections 509.006(a) and (b), Business &
14 Commerce Code, by Section 22.001 of this Act, are amended to read as
15 follows:

16 (a) The secretary of state shall establish and maintain, on
17 its Internet website, a searchable, central registry of data
18 brokers registered under Section 510.005 [~~509.005~~].

19 (b) The registry must include:

20 (1) a search feature that allows a person searching
21 the registry to identify a specific data broker; and

22 (2) for each data broker, the information filed under
23 Section 510.005(b) [~~509.005(b)~~].

24 (2) Sections 510.008(a) and (b), Business & Commerce
25 Code, as redesignated from Sections 509.008(a) and (b), Business &
26 Commerce Code, by Section 22.001 of this Act, are amended to read as
27 follows:

1 (a) A data broker that violates Section 510.004 [~~509.004~~] or
2 510.005 [~~509.005~~] is liable to this state for a civil penalty as
3 prescribed by this section.

4 (b) A civil penalty imposed against a data broker under this
5 section:

6 (1) subject to Subdivision (2), may not be in an amount
7 less than the total of:

8 (A) \$100 for each day the entity is in violation
9 of Section 510.004 [~~509.004~~] or 510.005 [~~509.005~~]; and

10 (B) the amount of unpaid registration fees for
11 each year the entity failed to register in violation of Section
12 510.005 [~~509.005~~]; and

13 (2) may not exceed \$10,000 assessed against the same
14 data broker in a 12-month period.

15 (3) Section 510.009, Business & Commerce Code, as
16 redesignated from Section ~~509.009~~, Business & Commerce Code, by
17 Section 22.001 of this Act, is amended to read as follows:

18 Sec. 510.009 [~~509.009~~]. DECEPTIVE TRADE PRACTICE. A
19 violation of Section 510.007 [~~509.007~~] by a data broker constitutes
20 a deceptive trade practice in addition to the practices described
21 by Subchapter E, Chapter 17, and is actionable under that
22 subchapter.

23 (4) Section ~~28.0095~~(h), Education Code, is amended to
24 read as follows:

25 (h) The coordinating board shall distribute money
26 transferred to the coordinating board under Section 48.309 [~~48.308~~]
27 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~~].

1 (12) Section 8153A.0402(a), Special District Local
2 Laws Code, as redesignated from Section 8153.0402(a), Special
3 District Local Laws Code, by Section 22.001 of this Act, is amended
4 to read as follows:

5 (a) If authorized at an election held under Section
6 8153A.0401 [~~8153.0401~~], the district may impose an operation and
7 maintenance tax on taxable property in the district in accordance
8 with Section 49.107, Water Code.

9 (13) Section 11.43(c), Tax Code, is amended to read as
10 follows:

11 (c) An exemption provided by Section 11.13, 11.131, 11.132,
12 11.133, 11.134, 11.17, 11.18, 11.182, 11.1827, 11.183, 11.19,
13 11.20, 11.21, 11.22, 11.23(a), (h), (j), (j-1), or (m), 11.231,
14 11.254, 11.27, 11.271, 11.29, 11.30, 11.31, 11.315, 11.35, [~~or~~]
15 11.36, or 11.37, once allowed, need not be claimed in subsequent
16 years, and except as otherwise provided by Subsection (e), the
17 exemption applies to the property until it changes ownership or the
18 person's qualification for the exemption changes. However, except
19 as provided by Subsection (r), the chief appraiser may require a
20 person allowed one of the exemptions in a prior year to file a new
21 application to confirm the person's current qualification for the
22 exemption by delivering a written notice that a new application is
23 required, accompanied by an appropriate application form, to the
24 person previously allowed the exemption. If the person previously
25 allowed the exemption is 65 years of age or older, the chief
26 appraiser may not cancel the exemption due to the person's failure
27 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.