

1-1 By: Coleman (Senate Sponsor - Kolkhorst) H.B. No. 4180
1-2 (In the Senate - Received from the House May 8, 2017;
1-3 May 10, 2017, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2017, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 7,
1-6 Nays 0; May 22, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 4180 By: Bettencourt

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the creation, operations, functions, and regulatory
1-20 authority of certain governmental entities and officials; changes
1-21 in certain judicial procedures; imposing civil penalties.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Effective September 1, 2017, Section 1, Article
1-24 55.02, Code of Criminal Procedure, is amended to read as follows:

1-25 Sec. 1. At the request of the acquitted person [defendant]
1-26 and after notice to the state, or at the request of the attorney for
1-27 the state, the trial court presiding over the case in which the
1-28 person [defendant] was acquitted, if the trial court is a district
1-29 court, or a district court in the county in which the trial court is
1-30 located shall enter an order of expunction for a person entitled to
1-31 expunction under Article 55.01(a)(1)(A) not later than the 30th day
1-32 after the date of the acquittal. On [Upon] acquittal, the trial
1-33 court shall advise the acquitted person [defendant] of the right to
1-34 expunction. The party requesting the order of expunction
1-35 [defendant] shall provide to the district court all of the
1-36 information required in a petition for expunction under Section
1-37 2(b). The attorney for the acquitted person [defendant] in the case
1-38 in which the person [defendant] was acquitted, if the person
1-39 [defendant] was represented by counsel, or the attorney for the
1-40 state, if the person [defendant] was not represented by counsel or
1-41 if the attorney for the state requested the order of expunction,
1-42 shall prepare the order for the court's signature.

1-43 SECTION 2. Effective September 1, 2017, Article 102.006,
1-44 Code of Criminal Procedure, is amended by adding Subsection (c) to
1-45 read as follows:

1-46 (c) A court that grants a petition for expunction of a
1-47 criminal record may order that any fee, or portion of a fee,
1-48 required to be paid under this article or other law in relation to
1-49 the petition be returned to the petitioner.

1-50 SECTION 3. Effective September 1, 2017, Section 53.001,
1-51 Government Code, is amended by adding Subsection (k) to read as
1-52 follows:

1-53 (k) The judges of the 5th, 102nd, and 202nd district courts
1-54 and the judges of the county courts at law of Bowie County shall
1-55 appoint one or more bailiffs to serve the courts in Bowie County.

1-56 SECTION 4. Effective September 1, 2017, Section 53.007(a),
1-57 Government Code, is amended to read as follows:

1-58 (a) This section applies to:

1-59 (1) the 34th, 70th, 71st, 86th, 97th, 130th, 142nd,
1-60 161st, 238th, 318th, 341st, 355th, and 385th district courts;

- 2-1 (2) the County Court of Harrison County;
- 2-2 (3) the criminal district courts of Tarrant County;
- 2-3 (4) the district courts in Taylor County;
- 2-4 (5) the courts described in Section 53.002(c), (d),
- 2-5 (e), or (f);
- 2-6 (6) the county courts at law of Taylor County;
- 2-7 (7) the district courts in Tarrant County that give
- 2-8 preference to criminal cases; ~~and~~
- 2-9 (8) the 115th District Court in Upshur County; and
- 2-10 (9) the 5th, 102nd, and 202nd district courts and the
- 2-11 county courts at law of Bowie County.

2-12 SECTION 5. Effective September 1, 2017, Section 53.0071,

2-13 Government Code, is amended to read as follows:

2-14 Sec. 53.0071. BAILIFF AS PEACE OFFICER. Unless the

2-15 appointing judge provides otherwise in the order of appointment, a

2-16 bailiff appointed under Section 53.001(b), ~~or~~ (g), or (k) or

2-17 53.002(c), (e), or (f) is a "peace officer" for purposes of Article

2-18 2.12, Code of Criminal Procedure.

2-19 SECTION 6. Effective September 1, 2017, Section 54.653,

2-20 Government Code, is amended to read as follows:

2-21 Sec. 54.653. COMPENSATION. (a) A full-time magistrate is

2-22 entitled to the salary determined by the Commissioners Court of

2-23 Tarrant County.

2-24 (b) The salary of a full-time magistrate may not exceed 90

2-25 percent of the sum of:

2-26 (1) ~~[be less than]~~ the salary ~~[authorized to be]~~ paid

2-27 to a district judge by the state under Section 659.012; and

2-28 (2) the maximum amount of county contributions and

2-29 supplements allowed by law to be paid to a district judge under

2-30 Section 659.012 [master for family law cases appointed under

2-31 Subchapter A].

2-32 (c) The salary of a part-time magistrate is equal to the

2-33 per-hour salary of a full-time magistrate. The per-hour salary is

2-34 determined by dividing the annual salary by a 2,080 work-hour year.

2-35 The judges of the courts trying criminal cases in Tarrant County

2-36 shall approve the number of hours for which a part-time magistrate

2-37 is to be paid.

2-38 (d) ~~A [The]~~ magistrate's salary is paid from the county fund

2-39 available for payment of officers' salaries.

2-40 SECTION 7. Effective September 1, 2017, Section 54.656(a),

2-41 Government Code, is amended to read as follows:

2-42 (a) A judge may refer to a magistrate any criminal case or

2-43 matter relating to a criminal case for proceedings involving:

2-44 (1) a negotiated plea of guilty or no contest and

2-45 sentencing before the court;

2-46 (2) a bond forfeiture, remittitur, and related

2-47 proceedings;

2-48 (3) a pretrial motion;

2-49 (4) a ~~[postconviction]~~ writ of habeas corpus;

2-50 (5) an examining trial;

2-51 (6) an occupational driver's license;

2-52 (7) a petition for an ~~[agreed]~~ order of expunction

2-53 under Chapter 55, Code of Criminal Procedure;

2-54 (8) an asset forfeiture hearing as provided by Chapter

2-55 59, Code of Criminal Procedure;

2-56 (9) a petition for an ~~[agreed]~~ order of nondisclosure

2-57 of criminal history record information or an order of nondisclosure

2-58 of criminal history record information that does not require a

2-59 petition provided by Subchapter E-1, Chapter 411;

2-60 (10) a ~~[hearing on a]~~ motion to modify or revoke

2-61 community supervision or to proceed with an adjudication of guilt

2-62 [probation]; ~~and~~

2-63 (11) setting conditions, modifying, revoking, and

2-64 surrendering of bonds, including surety bonds;

2-65 (12) specialty court proceedings;

2-66 (13) a waiver of extradition; and

2-67 (14) any other matter the judge considers necessary

2-68 and proper.

2-69 SECTION 8. Effective September 1, 2017, Section 54.658,

3-1 Government Code, is amended to read as follows:

3-2 Sec. 54.658. POWERS. (a) Except as limited by an order of
3-3 referral, a magistrate to whom a case is referred may:
3-4 (1) conduct hearings;
3-5 (2) hear evidence;
3-6 (3) compel production of relevant evidence;
3-7 (4) rule on admissibility of evidence;
3-8 (5) issue summons for the appearance of witnesses;
3-9 (6) examine witnesses;
3-10 (7) swear witnesses for hearings;
3-11 (8) make findings of fact on evidence;
3-12 (9) formulate conclusions of law;
3-13 (10) rule on a pretrial motion;
3-14 (11) recommend the rulings, orders, or judgment to be
3-15 made in a case;
3-16 (12) regulate proceedings in a hearing;
3-17 (13) accept a plea of guilty from a defendant charged
3-18 with misdemeanor, felony, or both misdemeanor and felony offenses;
3-19 (14) select a jury;
3-20 (15) accept a negotiated plea on a probation
3-21 revocation;
3-22 (16) conduct a contested probation revocation
3-23 hearing;
3-24 (17) sign a dismissal in a misdemeanor case; ~~and~~
3-25 (18) in any case referred under Section 54.656(a)(1),
3-26 accept a negotiated plea of guilty or no contest and:
3-27 (A) enter a finding of guilt and impose or
3-28 suspend the sentence; or
3-29 (B) defer adjudication of guilt; and
3-30 (19) do any act and take any measure necessary and
3-31 proper for the efficient performance of the duties required by the
3-32 order of referral.

3-33 (b) A magistrate may sign a motion to dismiss submitted by
3-34 an attorney representing the state on cases referred to the
3-35 magistrate, or on dockets called by the magistrate, and may
3-36 consider unadjudicated cases at sentencing under Section 12.45,
3-37 Penal Code.

3-38 (c) A magistrate has all of the powers of a magistrate under
3-39 the laws of this state and may administer an oath for any purpose.

3-40 (d) A magistrate does not have authority under Article
3-41 18.01(c), Code of Criminal Procedure, to issue a subsequent search
3-42 warrant under Article 18.02(a)(10), Code of Criminal Procedure.

3-43 SECTION 9. The heading to Section 313.006, Government Code,
3-44 is amended to read as follows:

3-45 Sec. 313.006. NOTICE FOR LAWS ESTABLISHING OR ADDING
3-46 TERRITORY TO MUNICIPAL MANAGEMENT DISTRICTS.

3-47 SECTION 10. Section 313.006, Government Code, is amended by
3-48 amending Subsections (a), (b), and (d) and adding Subsections (e)
3-49 and (f) to read as follows:

3-50 (a) In addition to the other requirements of this chapter, a
3-51 person, other than a member of the legislature, who intends to apply
3-52 for the passage of a law establishing or adding territory to a
3-53 special district that incorporates a power from Chapter 375, Local
3-54 Government Code, must provide notice as provided by this section.

3-55 (b) The person shall notify by mail each person who owns
3-56 real property ~~in the~~ proposed to be included in a new district or
3-57 to be added to an existing district, according to the most recent
3-58 certified tax appraisal roll for the county in which the real
3-59 property is owned. The notice, properly addressed with postage
3-60 paid, must be deposited with the United States Postal Service not
3-61 later than the 30th day before the date on which the intended law is
3-62 introduced in the legislature.

3-63 (d) The person is not required to mail notice under
3-64 Subsection (b) or (e) to a person who owns real property in the
3-65 proposed district or in the area proposed to be added to a district
3-66 if the property cannot be subject to an assessment by the district.

3-67 (e) After the introduction of a law in the legislature
3-68 establishing or adding territory to a special district that
3-69 incorporates a power from Chapter 375, Local Government Code, the

4-1 person shall mail to each person who owns real property proposed to
 4-2 be included in a new district or to be added to an existing district
 4-3 a notice that the legislation has been introduced, including the
 4-4 applicable bill number. The notice, properly addressed with
 4-5 postage paid, must be deposited with the United States Postal
 4-6 Service not later than the 30th day after the date on which the
 4-7 intended law is introduced in the legislature. If the person has
 4-8 not mailed the notice required under this subsection on the 31st day
 4-9 after the date on which the intended law is introduced in the
 4-10 legislature, the person may cure the deficiency by immediately
 4-11 mailing the notice, but the person shall in no event mail the notice
 4-12 later than the date on which the intended law is reported out of
 4-13 committee in the chamber other than the chamber in which the
 4-14 intended law was introduced. If similar bills are filed in both
 4-15 chambers of the legislature, a person is only required to provide a
 4-16 single notice under this subsection not later than the 30th day
 4-17 after the date the first of the bills is filed.

4-18 (f) A landowner may waive any notice required under this
 4-19 section at any time.

4-20 SECTION 11. Effective September 1, 2017, Subchapter B,
 4-21 Chapter 403, Government Code, is amended by adding Sections
 4-22 403.0241 and 403.0242 to read as follows:

4-23 Sec. 403.0241. SPECIAL PURPOSE DISTRICT PUBLIC INFORMATION
 4-24 DATABASE. (a) In this section:

4-25 (1) "Special purpose district" means a political
 4-26 subdivision of this state with geographic boundaries that define
 4-27 the subdivision's territorial jurisdiction. The term does not
 4-28 include a municipality, county, junior college district,
 4-29 independent school district, or political subdivision with
 4-30 statewide jurisdiction.

4-31 (2) "Tax year" has the meaning assigned by Section
 4-32 1.04, Tax Code.

4-33 (b) The comptroller shall create and make accessible on the
 4-34 Internet a database, to be known as the Special Purpose District
 4-35 Public Information Database, that contains information regarding
 4-36 all special purpose districts of this state that:

4-37 (1) are authorized by the state by a general or special
 4-38 law to impose an ad valorem tax or a sales and use tax, to impose an
 4-39 assessment, or to charge a fee; and

4-40 (2) during the most recent fiscal year:

4-41 (A) had bonds outstanding;

4-42 (B) had gross receipts from operations, loans,
 4-43 taxes, or contributions in excess of \$250,000; or

4-44 (C) had cash and temporary investments in excess
 4-45 of \$250,000.

4-46 (c) For each special purpose district described by
 4-47 Subsection (b), the database must include:

4-48 (1) the name of the special purpose district;

4-49 (2) the name of each board member of the special
 4-50 purpose district;

4-51 (3) contact information for the main office of the
 4-52 special purpose district, including the physical address, the
 4-53 mailing address, and the main telephone number;

4-54 (4) if the special purpose district employs a person
 4-55 as a general manager or executive director, or in another position
 4-56 to perform duties or functions comparable to those of a general
 4-57 manager or executive director, the name of the employee;

4-58 (5) if the special purpose district contracts with a
 4-59 utility operator, contact information for a person representing the
 4-60 utility operator, including a mailing address and a telephone
 4-61 number;

4-62 (6) if the special purpose district contracts with a
 4-63 tax assessor-collector, contact information for a person
 4-64 representing the tax assessor-collector, including a mailing
 4-65 address and telephone number;

4-66 (7) the special purpose district's Internet website
 4-67 address, if any;

4-68 (8) the information the special purpose district is
 4-69 required to report under Section 140.008(b) or (g), Local

5-1 Government Code, including any revenue obligations;
5-2 (9) the total amount of bonds authorized by the voters
5-3 of the special purpose district that are payable wholly or partly
5-4 from ad valorem taxes, excluding refunding bonds if refunding bonds
5-5 were separately authorized and excluding contract revenue bonds;
5-6 (10) the aggregate initial principal amount of all
5-7 bonds issued by the special purpose district that are payable
5-8 wholly or partly from ad valorem taxes, excluding refunding bonds
5-9 and contract revenue bonds;
5-10 (11) the rate of any sales and use tax the special
5-11 purpose district imposes; and
5-12 (12) for a special purpose district that imposes an ad
5-13 valorem tax:
5-14 (A) the ad valorem tax rate for the most recent
5-15 tax year if the district is a district as defined by Section 49.001,
5-16 Water Code; or
5-17 (B) the table of ad valorem tax rates for the most
5-18 recent tax year described by Section 26.16, Tax Code, in the form
5-19 required by that section, if the district is not a district as
5-20 defined by Section 49.001, Water Code.
5-21 (d) The comptroller may consult with the appropriate
5-22 officer of, or other person representing, each special purpose
5-23 district to obtain the information necessary to operate and update
5-24 the database.
5-25 (e) To the extent information required in the database is
5-26 otherwise collected or maintained by a state agency or special
5-27 purpose district, the comptroller may require the state agency or
5-28 special purpose district to provide that information and updates to
5-29 the information as necessary for inclusion in the database.
5-30 (f) The comptroller shall update information in the
5-31 database annually.
5-32 (g) The comptroller may not charge a fee to the public to
5-33 access the database.
5-34 (h) The comptroller may establish procedures and adopt
5-35 rules to implement this section.
5-36 Sec. 403.0242. SPECIAL PURPOSE DISTRICT NONCOMPLIANCE
5-37 LIST. The comptroller shall prepare and maintain a noncompliance
5-38 list of special purpose districts that have not timely complied
5-39 with a requirement to provide information under Section 203.062,
5-40 Local Government Code.
5-41 SECTION 12. Effective September 1, 2017, Subchapter E-1,
5-42 Chapter 411, Government Code, is amended by adding Section 411.0746
5-43 to read as follows:
5-44 Sec. 411.0746. RETURN OF FEES. A court that issues an order
5-45 of nondisclosure of criminal history record information under this
5-46 subchapter may order that any fee, or portion of a fee, required to
5-47 be paid under this subchapter or other law in relation to the order
5-48 be returned to the person who is the subject of that order.
5-49 SECTION 13. Effective September 1, 2017, Section
5-50 659.012(a), Government Code, is amended to read as follows:
5-51 (a) Notwithstanding Section 659.011:
5-52 (1) a judge of a district court is entitled to an
5-53 annual salary from the state of at least \$125,000, except that the
5-54 combined salary of a district judge from state and county sources,
5-55 not including compensation for any extrajudicial services
5-56 performed on behalf of the county, may not exceed the amount that is
5-57 \$5,000 less than the salary provided for a justice of a court of
5-58 appeals other than a chief justice;
5-59 (2) a justice of a court of appeals other than the
5-60 chief justice is entitled to an annual salary from the state that is
5-61 equal to 110 percent of the salary of a district judge, except that
5-62 the combined salary of a justice of the court of appeals other than
5-63 the chief justice from all state and county sources, not including
5-64 compensation for any extrajudicial services performed on behalf of
5-65 the county, may not exceed the amount that is \$5,000 less than the
5-66 salary provided for a justice of the supreme court;
5-67 (3) a justice of the supreme court other than the chief
5-68 justice or a judge of the court of criminal appeals other than the
5-69 presiding judge is entitled to an annual salary from the state that

6-1 is equal to 120 percent of the salary of a district judge; and
6-2 (4) the chief justice or presiding judge of an
6-3 appellate court is entitled to an annual salary from the state that
6-4 is \$2,500 more than the salary provided for the other justices or
6-5 judges of the court, except that the combined salary of the chief
6-6 justice of a court of appeals may not exceed the amount that is
6-7 \$2,500 less than the salary provided for a justice of the supreme
6-8 court.

6-9 SECTION 14. Subchapter A, Chapter 264, Health and Safety
6-10 Code, is amended by adding Section 264.004 to read as follows:

6-11 Sec. 264.004. DISSOLUTION. (a) The commissioners court of
6-12 a county by order may dissolve an authority created by the
6-13 commissioners court if the commissioners court and the authority
6-14 provide for the sale or transfer of the authority's assets and
6-15 liabilities to the county.

6-16 (b) The dissolution of an authority and the sale or transfer
6-17 of the authority's assets and liabilities may not:

6-18 (1) violate a trust indenture or bond resolution
6-19 relating to the outstanding bonds of the authority; or

6-20 (2) diminish or impair the rights of the holders of
6-21 outstanding bonds, warrants, or other obligations of the authority.

6-22 (c) An order dissolving an authority takes effect on the
6-23 31st day after the date the commissioners court adopts the order.

6-24 (d) All records of the authority remaining when the
6-25 authority is dissolved shall be transferred to the county clerk of
6-26 the county in which the authority is located.

6-27 SECTION 15. Subtitle D, Title 4, Health and Safety Code, is
6-28 amended by adding Chapter 291A to read as follows:

6-29 CHAPTER 291A. COUNTY HEALTH CARE PROVIDER PARTICIPATION

6-30 PROGRAM IN CERTAIN COUNTIES

6-31 SUBCHAPTER A. GENERAL PROVISIONS

6-32 Sec. 291A.001. DEFINITIONS. In this chapter:

6-33 (1) "Institutional health care provider" means a
6-34 nonpublic hospital that provides inpatient hospital services.

6-35 (2) "Paying hospital" means an institutional health
6-36 care provider required to make a mandatory payment under this
6-37 chapter.

6-38 (3) "Program" means the county health care provider
6-39 participation program authorized by this chapter.

6-40 Sec. 291A.002. APPLICABILITY. This chapter applies only
6-41 to:

6-42 (1) a county that:
6-43 (A) is not served by a hospital district or a
6-44 public hospital;

6-45 (B) has a population of more than 75,000; and
6-46 (C) borders or includes a portion of the Sam

6-47 Rayburn Reservoir; and
6-48 (2) a county that has a population of more than 200,000
6-49 and less than 220,000.

6-50 Sec. 291A.003. COUNTY HEALTH CARE PROVIDER PARTICIPATION
6-51 PROGRAM; PARTICIPATION IN PROGRAM. (a) A county health care
6-52 provider participation program authorizes a county to collect a
6-53 mandatory payment from each institutional health care provider
6-54 located in the county to be deposited in a local provider
6-55 participation fund established by the county. Money in the fund may
6-56 be used by the county to fund certain intergovernmental transfers
6-57 and indigent care programs as provided by this chapter.

6-58 (b) The commissioners court may adopt an order authorizing a
6-59 county to participate in the program, subject to the limitations
6-60 provided by this chapter.

6-61 SUBCHAPTER B. POWERS AND DUTIES OF COMMISSIONERS COURT

6-62 Sec. 291A.051. LIMITATION ON AUTHORITY TO REQUIRE MANDATORY
6-63 PAYMENT. The commissioners court of a county may require a
6-64 mandatory payment authorized under this chapter by an institutional
6-65 health care provider in the county only in the manner provided by
6-66 this chapter.

6-67 Sec. 291A.052. MAJORITY VOTE REQUIRED. The commissioners
6-68 court of a county may not authorize the county to collect a
6-69 mandatory payment authorized under this chapter without an

7-1 affirmative vote of a majority of the members of the commissioners
7-2 court.

7-3 Sec. 291A.053. RULES AND PROCEDURES. After the
7-4 commissioners court has voted to require a mandatory payment
7-5 authorized under this chapter, the commissioners court may adopt
7-6 rules relating to the administration of the mandatory payment.

7-7 Sec. 291A.054. INSTITUTIONAL HEALTH CARE PROVIDER
7-8 REPORTING; INSPECTION OF RECORDS. (a) The commissioners court of a
7-9 county that collects a mandatory payment authorized under this
7-10 chapter shall require each institutional health care provider to
7-11 submit to the county a copy of any financial and utilization data
7-12 required by and reported to the Department of State Health Services
7-13 under Sections 311.032 and 311.033 and any rules adopted by the
7-14 executive commissioner of the Health and Human Services Commission
7-15 to implement those sections.

7-16 (b) The commissioners court of a county that collects a
7-17 mandatory payment authorized under this chapter may inspect the
7-18 records of an institutional health care provider to the extent
7-19 necessary to ensure compliance with the requirements of Subsection
7-20 (a).

7-21 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

7-22 Sec. 291A.101. HEARING. (a) Each year, the commissioners
7-23 court of a county that collects a mandatory payment authorized
7-24 under this chapter shall hold a public hearing on the amounts of any
7-25 mandatory payments that the commissioners court intends to require
7-26 during the year.

7-27 (b) Not later than the fifth day before the date of the
7-28 hearing required under Subsection (a), the commissioners court of
7-29 the county shall publish notice of the hearing in a newspaper of
7-30 general circulation in the county.

7-31 (c) A representative of a paying hospital is entitled to
7-32 appear at the time and place designated in the public notice and to
7-33 be heard regarding any matter related to the mandatory payments
7-34 authorized under this chapter.

7-35 Sec. 291A.102. DEPOSITORY. (a) The commissioners court of
7-36 each county that collects a mandatory payment authorized under this
7-37 chapter by resolution shall designate one or more banks located in
7-38 the county as the depository for mandatory payments received by the
7-39 county.

7-40 (b) All income received by a county under this chapter,
7-41 including the revenue from mandatory payments remaining after
7-42 discounts and fees for assessing and collecting the payments are
7-43 deducted, shall be deposited with the county depository in the
7-44 county's local provider participation fund and may be withdrawn
7-45 only as provided by this chapter.

7-46 (c) All funds under this chapter shall be secured in the
7-47 manner provided for securing county funds.

7-48 Sec. 291A.103. LOCAL PROVIDER PARTICIPATION FUND;
7-49 AUTHORIZED USES OF MONEY. (a) Each county that collects a
7-50 mandatory payment authorized under this chapter shall create a
7-51 local provider participation fund.

7-52 (b) The local provider participation fund of a county
7-53 consists of:

7-54 (1) all revenue received by the county attributable to
7-55 mandatory payments authorized under this chapter, including any
7-56 penalties and interest attributable to delinquent payments;

7-57 (2) money received from the Health and Human Services
7-58 Commission as a refund of an intergovernmental transfer from the
7-59 county to the state for the purpose of providing the nonfederal
7-60 share of Medicaid supplemental payment program payments, provided
7-61 that the intergovernmental transfer does not receive a federal
7-62 matching payment; and

7-63 (3) the earnings of the fund.

7-64 (c) Money deposited to the local provider participation
7-65 fund may be used only to:

7-66 (1) fund intergovernmental transfers from the county
7-67 to the state to provide:

7-68 (A) the nonfederal share of a Medicaid
7-69 supplemental payment program authorized under the state Medicaid

8-1 plan, the Texas Healthcare Transformation and Quality Improvement
 8-2 Program waiver issued under Section 1115 of the federal Social
 8-3 Security Act (42 U.S.C. Section 1315), or a successor waiver
 8-4 program authorizing similar Medicaid supplemental payment
 8-5 programs; or

8-6 (B) payments to Medicaid managed care
 8-7 organizations that are dedicated for payment to hospitals;

8-8 (2) subsidize indigent programs;

8-9 (3) pay the administrative expenses of the county
 8-10 solely for activities under this chapter;

8-11 (4) refund a portion of a mandatory payment collected
 8-12 in error from a paying hospital; and

8-13 (5) refund to paying hospitals the proportionate share
 8-14 of money received by the county that is not used to fund the
 8-15 nonfederal share of Medicaid supplemental payment program
 8-16 payments.

8-17 (d) Money in the local provider participation fund may not
 8-18 be commingled with other county funds.

8-19 (e) An intergovernmental transfer of funds described by
 8-20 Subsection (c)(1) and any funds received by the county as a result
 8-21 of an intergovernmental transfer described by that subsection may
 8-22 not be used by the county or any other entity to expand Medicaid
 8-23 eligibility under the Patient Protection and Affordable Care Act
 8-24 (Pub. L. No. 111-148) as amended by the Health Care and Education
 8-25 Reconciliation Act of 2010 (Pub. L. No. 111-152).

8-26 SUBCHAPTER D. MANDATORY PAYMENTS

8-27 Sec. 291A.151. MANDATORY PAYMENTS BASED ON PAYING HOSPITAL
 8-28 NET PATIENT REVENUE. (a) Except as provided by Subsection (e), the
 8-29 commissioners court of a county that collects a mandatory payment
 8-30 authorized under this chapter may require an annual mandatory
 8-31 payment to be assessed on the net patient revenue of each
 8-32 institutional health care provider located in the county. The
 8-33 commissioners court may provide for the mandatory payment to be
 8-34 assessed quarterly. In the first year in which the mandatory
 8-35 payment is required, the mandatory payment is assessed on the net
 8-36 patient revenue of an institutional health care provider as
 8-37 determined by the data reported to the Department of State Health
 8-38 Services under Sections 311.032 and 311.033 in the fiscal year
 8-39 ending in 2015 or, if the institutional health care provider did not
 8-40 report any data under those sections in that fiscal year, as
 8-41 determined by the institutional health care provider's Medicare
 8-42 cost report submitted for the 2015 fiscal year or for the closest
 8-43 subsequent fiscal year for which the provider submitted the
 8-44 Medicare cost report. The county shall update the amount of the
 8-45 mandatory payment on an annual basis.

8-46 (b) The amount of a mandatory payment authorized under this
 8-47 chapter must be uniformly proportionate with the amount of net
 8-48 patient revenue generated by each paying hospital in the county. A
 8-49 mandatory payment authorized under this chapter may not hold
 8-50 harmless any institutional health care provider, as required under
 8-51 42 U.S.C. Section 1396b(w).

8-52 (c) The commissioners court of a county that collects a
 8-53 mandatory payment authorized under this chapter shall set the
 8-54 amount of the mandatory payment. The amount of the mandatory
 8-55 payment required of each paying hospital may not exceed six percent
 8-56 of the paying hospital's net patient revenue.

8-57 (d) Subject to the maximum amount prescribed by Subsection
 8-58 (c), the commissioners court of a county that collects a mandatory
 8-59 payment authorized under this chapter shall set the mandatory
 8-60 payments in amounts that in the aggregate will generate sufficient
 8-61 revenue to cover the administrative expenses of the county for
 8-62 activities under this chapter, to fund an intergovernmental
 8-63 transfer described by Section 291A.103(c)(1), and to pay for
 8-64 indigent programs, except that the amount of revenue from mandatory
 8-65 payments used for administrative expenses of the county for
 8-66 activities under this chapter in a year may not exceed the lesser of
 8-67 four percent of the total revenue generated from the mandatory
 8-68 payment or \$20,000.

8-69 (e) A paying hospital may not add a mandatory payment

9-1 required under this section as a surcharge to a patient.
9-2 Sec. 291A.152. ASSESSMENT AND COLLECTION OF MANDATORY
9-3 PAYMENTS. The county may collect or contract for the assessment and
9-4 collection of mandatory payments authorized under this chapter.

9-5 Sec. 291A.153. INTEREST, PENALTIES, AND DISCOUNTS.
9-6 Interest, penalties, and discounts on mandatory payments required
9-7 under this chapter are governed by the law applicable to county ad
9-8 valorem taxes.

9-9 Sec. 291A.154. PURPOSE; CORRECTION OF INVALID PROVISION OR
9-10 PROCEDURE. (a) The purpose of this chapter is to generate revenue
9-11 by collecting from institutional health care providers a mandatory
9-12 payment to be used to provide the nonfederal share of a Medicaid
9-13 supplemental payment program.

9-14 (b) To the extent any provision or procedure under this
9-15 chapter causes a mandatory payment authorized under this chapter to
9-16 be ineligible for federal matching funds, the county may provide by
9-17 rule for an alternative provision or procedure that conforms to the
9-18 requirements of the federal Centers for Medicare and Medicaid
9-19 Services.

9-20 SECTION 16. Effective September 1, 2017, Section 533.035,
9-21 Health and Safety Code, is amended by adding Subsection (b-1) to
9-22 read as follows:

9-23 (b-1) At least once each year, a local mental health
9-24 authority shall consult with the sheriff, or a representative of
9-25 the sheriff, of each county in the local authority's service area
9-26 regarding the use of funds received under Subsection (b). The local
9-27 authority shall provide to the sheriff or the sheriff's
9-28 representative a detailed statement of the amount and use of the
9-29 funds.

9-30 SECTION 17. Subchapter C, Chapter 775, Health and Safety
9-31 Code, is amended by adding Section 775.0341 to read as follows:

9-32 Sec. 775.0341. APPOINTMENT OF BOARD IN CERTAIN DISTRICTS
9-33 LOCATED IN MORE THAN ONE COUNTY. (a) This section applies only to a
9-34 district that was authorized to have a board of emergency services
9-35 commissioners appointed under former Section 776.0345 and that is
9-36 located:

9-37 (1) partly in a county with a population of less than
9-38 22,000; and

9-39 (2) partly in a county with a population of more than
9-40 54,000.

9-41 (b) A five-member board of emergency services commissioners
9-42 appointed under this section serves as the district's governing
9-43 body. A commissioner serves a two-year term.

9-44 (c) The commissioners court of the smallest county in which
9-45 the district is located shall appoint two commissioners to the
9-46 board. The commissioners court of the largest county in which the
9-47 district is located shall appoint three commissioners to the board.

9-48 (d) To be eligible for appointment as an emergency services
9-49 commissioner under this section, a person must be at least 18 years
9-50 of age and reside in the district. Two commissioners must reside in
9-51 the smallest county in which the district is located, and three
9-52 commissioners must reside in the largest county in which the
9-53 district is located.

9-54 (e) On January 1 of each year, a commissioners court shall
9-55 appoint a successor for each emergency services commissioner
9-56 appointed by that commissioners court whose term has expired.

9-57 (f) The appropriate commissioners court shall fill a
9-58 vacancy on the board for the remainder of the unexpired term.

9-59 SECTION 18. Section 775.035, Health and Safety Code, is
9-60 amended by adding Subsection (j) to read as follows:

9-61 (j) This section does not apply to a district described by
9-62 Section 775.0341.

9-63 SECTION 19. Section 775.036, Health and Safety Code, is
9-64 amended by adding Subsection (a-1) to read as follows:

9-65 (a-1) Notwithstanding Subsection (a)(1), the board for a
9-66 district located wholly in a county with a population of 75,000 or
9-67 less may by resolution determine to hold the board's regular
9-68 meetings less frequently than prescribed by that subsection. The
9-69 resolution must require the board to meet either quarterly or every

10-1 other month. The board shall meet as required by the resolution.

10-2 SECTION 20. Section 81.001(b), Local Government Code, is
10-3 amended to read as follows:

10-4 (b) If present, the county judge is the presiding officer of
10-5 the commissioners court. This subsection does not apply to a
10-6 meeting held under Section 551.127, Government Code, if the county
10-7 judge is not located at the physical space made available to the
10-8 public for the meeting.

10-9 SECTION 21. Effective September 1, 2017, Chapter 140, Local
10-10 Government Code, is amended by adding Section 140.012 to read as
10-11 follows:

10-12 Sec. 140.012. EXPENDITURES FOR LOBBYING ACTIVITIES. (a)
10-13 This section applies only to:

- 10-14 (1) a political subdivision that imposes a tax;
- 10-15 (2) a political subdivision or special district that
10-16 has the authority to issue bonds, including revenue bonds;
- 10-17 (3) a regional mobility authority;
- 10-18 (4) a transit authority;
- 10-19 (5) a regional tollway authority;
- 10-20 (6) a special purpose district;
- 10-21 (7) a public institution of higher education;
- 10-22 (8) a community college district;
- 10-23 (9) a utility owned by the state or a political
10-24 subdivision; or
- 10-25 (10) a river authority.

10-26 (b) A political subdivision or entity described by
10-27 Subsection (a) may enter into a contract to spend money to directly
10-28 or indirectly influence or attempt to influence the outcome of any
10-29 legislation only if the contract, purpose of the contract,
10-30 recipient of the contract, and amount of the contract expenditure
10-31 are authorized by a majority vote of the governing body of the
10-32 political subdivision or entity in an open meeting of the governing
10-33 body. The contract expenditure must be voted on by the governing
10-34 body as a stand-alone item on the agenda at the meeting. The
10-35 governing body may approve multiple contract expenditures for the
10-36 purpose described by this subsection by a single vote of the
10-37 governing body, if the total amount of those expenditures is stated
10-38 as a separate item on the meeting agenda.

10-39 (c) A political subdivision or entity described by
10-40 Subsection (a) shall report to the Texas Ethics Commission and
10-41 publish on the political subdivision's or entity's Internet
10-42 website:

- 10-43 (1) the amount of money authorized under Subsection
10-44 (b) for the purpose of directly or indirectly influencing or
10-45 attempting to influence the outcome of any legislation pending
10-46 before the legislature;
- 10-47 (2) the name of any person required to register under
10-48 Chapter 305, Government Code, retained or employed by the political
10-49 subdivision or entity for the purpose described by Subdivision (1);
10-50 and
- 10-51 (3) an electronic copy of any contract for services
10-52 described by Subdivision (1) entered into by the political
10-53 subdivision or entity with each person listed under Subdivision
10-54 (2).

10-55 (d) In addition to the requirements of Subsection (c), the
10-56 political subdivision or entity described by Subsection (a) shall
10-57 report to the Texas Ethics Commission and publish on the political
10-58 subdivision's or entity's Internet website the amount of public
10-59 money spent for membership fees and dues of any nonprofit state
10-60 association or organization of similarly situated political
10-61 subdivisions or entities that directly or indirectly influences or
10-62 attempts to influence the outcome of any legislation pending before
10-63 the legislature.

10-64 (e) The Texas Ethics Commission shall make available to the
10-65 public an online searchable database on the commission's Internet
10-66 website containing the reports submitted to the commission under
10-67 Subsection (c).

10-68 (f) If any political subdivision or entity described by
10-69 Subsection (a) does not comply with the requirements of this

11-1 section, an interested party is entitled to appropriate injunctive
11-2 relief to prevent any further activity in violation of this
11-3 section. For purposes of this subsection, "interested party" means
11-4 a person who:

11-5 (1) is a taxpayer of a political subdivision or entity
11-6 described by Subsection (a); or

11-7 (2) is served by or receives services from a political
11-8 subdivision or entity described by Subsection (a).

11-9 (g) This section does not apply to expenditures or contracts
11-10 of a political subdivision or entity described by Subsection (a)
11-11 that are related to a person who is a full-time employee of the
11-12 political subdivision or entity, or to the reimbursement of
11-13 expenses for a full-time employee of the political subdivision or
11-14 entity.

11-15 SECTION 22. Effective September 1, 2017, Chapter 203, Local
11-16 Government Code, is amended by adding Subchapter D to read as
11-17 follows:

11-18 SUBCHAPTER D. RECORDS AND INFORMATION PROVIDED TO COMPTROLLER

11-19 Sec. 203.061. APPLICABILITY OF SUBCHAPTER. This subchapter
11-20 applies only to a special purpose district described by Section
11-21 403.0241(b), Government Code.

11-22 Sec. 203.062. PROVISION OF CERTAIN RECORDS AND OTHER
11-23 INFORMATION TO COMPTROLLER. (a) A special purpose district shall
11-24 transmit records and other information to the comptroller annually
11-25 for purposes of providing the comptroller with information to
11-26 operate and update the Special Purpose District Public Information
11-27 Database under Section 403.0241, Government Code.

11-28 (b) The special purpose district may comply with Subsection
11-29 (a) by affirming that records and other information previously
11-30 transmitted are current.

11-31 (c) The special purpose district shall transmit the records
11-32 and other information in a form and in the manner prescribed by the
11-33 comptroller.

11-34 Sec. 203.063. PENALTIES FOR NONCOMPLIANCE. (a) If a
11-35 special purpose district does not timely comply with Section
11-36 203.062, the comptroller shall provide written notice to the
11-37 special purpose district:

11-38 (1) informing the special purpose district of the
11-39 violation of that section; and

11-40 (2) notifying the special purpose district that the
11-41 special purpose district will be subject to a penalty of \$1,000 if
11-42 the special purpose district does not report the required
11-43 information on or before the 30th day after the date the notice is
11-44 provided.

11-45 (b) Not later than the 30th day after the date the
11-46 comptroller provides notice to a special purpose district under
11-47 Subsection (a), the special purpose district must report the
11-48 required information.

11-49 (c) If a special purpose district does not report the
11-50 required information as prescribed by Subsection (b):

11-51 (1) the special purpose district is liable to the
11-52 state for a civil penalty of \$1,000; and

11-53 (2) the comptroller shall provide written notice to
11-54 the special purpose district:

11-55 (A) informing the special purpose district of the
11-56 liability for the penalty; and

11-57 (B) notifying the special purpose district that
11-58 if the special purpose district does not report the required
11-59 information on or before the 30th day after the date the notice is
11-60 provided:

11-61 (i) the special purpose district will be
11-62 subject to an additional penalty of \$1,000; and

11-63 (ii) the noncompliance will be reflected in
11-64 the list maintained by the comptroller under Section 403.0242,
11-65 Government Code.

11-66 (d) Not later than the 30th day after the date the
11-67 comptroller provides notice to a special purpose district under
11-68 Subsection (c), the special purpose district must report the
11-69 required information.

12-1 (e) If a special purpose district does not report the
12-2 required information as prescribed by Subsection (d):

12-3 (1) the special purpose district is liable to the
12-4 state for a civil penalty of \$1,000; and

12-5 (2) the comptroller shall:
12-6 (A) reflect the noncompliance in the list
12-7 maintained under Section 403.0242, Government Code, until the
12-8 special purpose district reports all information required under
12-9 Section 203.062; and

12-10 (B) provide written notice to the special purpose
12-11 district that the noncompliance will be reflected in the list until
12-12 the special purpose district reports the required information.

12-13 (f) The attorney general may sue to collect a civil penalty
12-14 imposed by this section.

12-15 SECTION 23. Effective September 1, 2017, Section
12-16 250.006(a), Local Government Code, is amended to read as follows:

12-17 (a) Except as provided by Subsection (h), a county by order
12-18 or a municipality by ordinance may require the owner of property
12-19 within the jurisdiction of the county or municipality to remove
12-20 graffiti from the owner's property on receipt of notice from the
12-21 county or municipality. This section applies only to commercial
12-22 property. Nothing in this section may be construed as applying to
12-23 residential property.

12-24 SECTION 24. Subchapter Z, Chapter 271, Local Government
12-25 Code, is amended by adding Section 271.909 to read as follows:

12-26 Sec. 271.909. PURCHASES: DEVICES THAT UTILIZE ELECTRONIC
12-27 CAPTURE. As it relates to purchases by political subdivisions and
12-28 notwithstanding any other state law, devices that utilize
12-29 electronic capture to produce a physical record are considered
12-30 interchangeable with devices that utilize electronic capture to
12-31 produce an electronic record.

12-32 SECTION 25. Chapter 330, Local Government Code, is amended
12-33 by adding Section 330.002 to read as follows:

12-34 Sec. 330.002. LIMITATION ON AUTHORITY OF CERTAIN COUNTIES
12-35 TO IMPROVE OR REDEVELOP CERTAIN SPORTS FACILITIES. (a) In this
12-36 section:

12-37 (1) "County revenue" includes revenue from property
12-38 taxes, hotel occupancy taxes, fees, and fines.

12-39 (2) "Obsolete sports facility" means a multipurpose
12-40 arena, coliseum, or stadium designed to be used in part as a venue
12-41 for professional sports events and that opened to the public before
12-42 1966.

12-43 (b) This section applies only to a county with a population
12-44 of 3.3 million or more.

12-45 (c) A county may not fund, in whole or in part, the
12-46 improvement or redevelopment of an obsolete sports facility with
12-47 county revenue or debt if the improvement or redevelopment will
12-48 cost \$10 million or more, unless the funding is approved by the
12-49 voters of the county at an election held for that purpose.

12-50 SECTION 26. Section 375.022(b), Local Government Code, is
12-51 amended to read as follows:

12-52 (b) The petition must be signed by [+
12-53 [~~1~~] the owners of a majority of the assessed value of
12-54 the real property in the proposed district, according to the most
12-55 recent certified county property tax rolls[, or

12-56 [~~2~~ 50 persons who own real property in the proposed
12-57 district if, according to the most recent certified county property
12-58 tax rolls, more than 50 persons own real property in the proposed
12-59 district].

12-60 SECTION 27. Effective September 1, 2017, Section 391.0095,
12-61 Local Government Code, is amended by amending Subsections (a), (d),
12-62 and (e) and adding Subsections (c-1), (d-1), and (f) to read as
12-63 follows:

12-64 (a) The audit and reporting requirements under Section
12-65 391.009(a) shall include a requirement that a commission annually
12-66 report to the state auditor:

12-67 (1) the amount and source of funds received by the
12-68 commission during the commission's preceding fiscal year;

12-69 (2) the amount and source of funds expended by the

13-1 commission during the commission's preceding fiscal year,
13-2 including, for each commission program for which an expenditure is
13-3 made:

13-4 (A) a description of the program;

13-5 (B) the name of the program and the name of each
13-6 eligible recipient, governmental unit, or other person who received
13-7 funds approved by the governing body of the commission under the
13-8 program; and

13-9 (C) the amount spent for each eligible
13-10 governmental unit;

13-11 (3) an explanation of any method used by the
13-12 commission to compute an expense of the commission, including
13-13 computation of any indirect cost of the commission;

13-14 (4) a report of the commission's productivity and
13-15 performance during the commission's preceding fiscal year [~~annual~~
13-16 reporting period];

13-17 (5) a projection of the commission's productivity and
13-18 performance during the commission's next fiscal year [~~annual~~
13-19 reporting period];

13-20 (6) the results of an audit of the commission's affairs
13-21 prepared by an independent certified public accountant; and

13-22 (7) a report of any assets disposed of by the
13-23 commission during the commission's preceding fiscal year.

13-24 (c-1) The report submitted under this section shall note any
13-25 governmental units that are ineligible to receive money under a
13-26 commission program.

13-27 (d) If a commission fails to submit a report or audit as
13-28 required under this section or is determined by the state auditor to
13-29 have failed to comply with a rule, requirement, or guideline
13-30 adopted under Section 391.009, the state auditor shall report the
13-31 failure to the governor's office. The governor may, until the
13-32 failure is corrected:

13-33 (1) appoint a receiver to operate or oversee the
13-34 commission; or

13-35 (2) withhold any appropriated funds of the commission.

13-36 (d-1) If the governor appoints a receiver under Subsection
13-37 (d)(1), the receiver or the commission may not spend any of the
13-38 commission's funds until the failure is corrected.

13-39 (e) A commission shall send to the governor, the state
13-40 auditor, the comptroller, the members of the legislature that
13-41 represent a district located wholly or partly in the region of the
13-42 commission, each participating governmental unit in the region, and
13-43 the Legislative Budget Board a copy of each report and audit
13-44 required under this section or under Section 391.009. The state
13-45 auditor may review each audit and report, subject to a risk
13-46 assessment performed by the state auditor and to the legislative
13-47 audit committee's approval of including the review in the audit
13-48 plan under Section 321.013, Government Code. If the state auditor
13-49 reviews the audit or report, the state auditor must be given access
13-50 to working papers and other supporting documentation that the state
13-51 auditor determines is necessary to perform the review. If the state
13-52 auditor finds significant issues involving the administration or
13-53 operation of a commission or its programs, the state auditor shall
13-54 report its findings and related recommendations to the legislative
13-55 audit committee, the governor, and the commission. The governor
13-56 and the legislative audit committee may direct the commission to
13-57 prepare a corrective action plan or other response to the state
13-58 auditor's findings or recommendations. The legislative audit
13-59 committee may direct the state auditor to perform any additional
13-60 audit or investigative work that the committee determines is
13-61 necessary.

13-62 (f) A commission's Internet website home page must contain a
13-63 prominently placed direct link to the most recent report and audit
13-64 required under this section.

13-65 SECTION 28. Effective September 1, 2017, Section 1.07(d),
13-66 Tax Code, is amended to read as follows:

13-67 (d) A notice required by Section 11.43(q), 11.45(d),
13-68 23.44(d), 23.46(c) or (f), 23.54(e), 23.541(c), 23.55(e),
13-69 23.551(a), 23.57(d), 23.76(e), 23.79(d), [~~or~~] 23.85(d), or

14-1 33.06(h) must be sent by certified mail.

14-2 SECTION 29. Effective September 1, 2017, Section 33.06, Tax
14-3 Code, is amended by adding Subsection (h) to read as follows:

14-4 (h) The chief appraiser may not make a determination that an
14-5 individual who is 65 years of age or older is no longer entitled to
14-6 receive a deferral or abatement under this section because the
14-7 property for which the deferral or abatement was obtained is no
14-8 longer the individual's principal residence without first
14-9 providing written notice to the individual stating that the chief
14-10 appraiser believes the property may no longer be the individual's
14-11 principal residence. The notice must include a form on which the
14-12 individual may indicate that the property remains the individual's
14-13 principal residence and a self-addressed postage prepaid envelope
14-14 with instructions for returning the form to the chief appraiser.
14-15 The chief appraiser shall consider the individual's response on the
14-16 form in determining whether the property remains the individual's
14-17 principal residence. If the chief appraiser does not receive a
14-18 response on or before the 60th day after the date the notice is
14-19 mailed, the chief appraiser may make a determination that the
14-20 property is no longer the individual's principal residence on or
14-21 after the 30th day after the expiration of the 60-day period, but
14-22 only after making a reasonable effort to locate the individual and
14-23 determine whether the property remains the individual's principal
14-24 residence. For purposes of this subsection, sending an additional
14-25 notice that includes, in bold font equal to or greater in size than
14-26 the surrounding text, the date on which the chief appraiser is
14-27 authorized to make the determination to the individual receiving
14-28 the deferral or abatement immediately after the expiration of the
14-29 60-day period by first class mail in an envelope on which is
14-30 written, in all capital letters, "RETURN SERVICE REQUESTED," or
14-31 another appropriate statement directing the United States Postal
14-32 Service to return the notice if it is not deliverable as addressed,
14-33 or providing the additional notice in another manner that the chief
14-34 appraiser determines is appropriate, constitutes a reasonable
14-35 effort on the part of the chief appraiser. The chief appraiser may
14-36 include a notice required under this subsection in a notice
14-37 required under Section 11.43(q), if applicable.

14-38 SECTION 30. Effective September 1, 2017, Section
14-39 313.032(c), Tax Code, is amended to read as follows:

14-40 (c) The portion of the report described by Subsection (a)(2)
14-41 must be based on data certified to the comptroller by each recipient
14-42 or former recipient of a limitation on appraised value under this
14-43 chapter. The recipient or former recipient shall contract with an
14-44 independent certified public accountant to verify the data
14-45 certified to the comptroller. The data may be verified using
14-46 information from any reliable source, including the Texas Workforce
14-47 Commission and the chief appraiser of the applicable appraisal
14-48 district.

14-49 SECTION 31. Effective September 1, 2017, Section
14-50 397.0125(a), Transportation Code, is amended to read as follows:

14-51 (a) In addition to the penalty provided by Section 397.012,
14-52 a person who operates an automotive wrecking and salvage yard in
14-53 violation of this chapter is liable for a civil penalty of not less
14-54 than \$500 or more than \$5,000 [~~\$1,000~~] for each violation. A
14-55 separate penalty may be imposed for each day a continuing violation
14-56 occurs.

14-57 SECTION 32. Section 49.302(b), Water Code, is amended to
14-58 read as follows:

14-59 (b) A petition requesting the annexation of a defined area
14-60 signed by a majority in value of the owners of land in the defined
14-61 area, as shown by the tax rolls of the central appraisal district of
14-62 the county or counties in which such area is located, [~~or signed by~~
14-63 ~~50 landowners if the number of landowners is more than 50,~~] shall
14-64 describe the land by metes and bounds or by lot and block number if
14-65 there is a recorded plat of the area and shall be filed with the
14-66 secretary of the board.

14-67 SECTION 33. Section 54.014, Water Code, is amended to read
14-68 as follows:

14-69 Sec. 54.014. PETITION. When it is proposed to create a

15-1 district, a petition requesting creation shall be filed with the
 15-2 commission. The petition shall be signed by a majority in value of
 15-3 the holders of title of the land within the proposed district, as
 15-4 indicated by the tax rolls of the central appraisal district. [~~If~~
 15-5 ~~there are more than 50 persons holding title to the land in the~~
 15-6 ~~proposed district, as indicated by the tax rolls of the central~~
 15-7 ~~appraisal district, the petition is sufficient if it is signed by 50~~
 15-8 ~~holders of title to the land.]~~

15-9 SECTION 34. Section 54.016(a), Water Code, is amended to
 15-10 read as follows:

15-11 (a) No land within the corporate limits of a city or within
 15-12 the extraterritorial jurisdiction of a city, shall be included in a
 15-13 district unless the city grants its written consent, by resolution
 15-14 or ordinance, to the inclusion of the land within the district in
 15-15 accordance with Section 42.042, Local Government Code, and this
 15-16 section. The request to a city for its written consent to the
 15-17 creation of a district, shall be signed by a majority in value of
 15-18 the holders of title of the land within the proposed district as
 15-19 indicated by the county tax rolls [~~or, if there are more than 50~~
 15-20 ~~persons holding title to the land in the proposed district as~~
 15-21 ~~indicated by the county tax rolls, the request to the city will be~~
 15-22 ~~sufficient if it is signed by 50 holders of title to the land in the~~
 15-23 ~~district]. A petition for the written consent of a city to the
 15-24 inclusion of land within a district shall describe the boundaries
 15-25 of the land to be included in the district by metes and bounds or by
 15-26 lot and block number, if there is a recorded map or plat and survey
 15-27 of the area, and state the general nature of the work proposed to be
 15-28 done, the necessity for the work, and the cost of the project as
 15-29 then estimated by those filing the petition. If, at the time a
 15-30 petition is filed with a city for creation of a district, the
 15-31 district proposes to connect to a city's water or sewer system or
 15-32 proposes to contract with a regional water and wastewater provider
 15-33 which has been designated as such by the commission as of the date
 15-34 such petition is filed, to which the city has made a capital
 15-35 contribution for the water and wastewater facilities serving the
 15-36 area, the proposed district shall be designated as a "city service
 15-37 district." If such proposed district does not meet the criteria for
 15-38 a city service district at the time the petition seeking creation is
 15-39 filed, such district shall be designated as a "noncity service
 15-40 district." The city's consent shall not place any restrictions or
 15-41 conditions on the creation of a noncity service district as defined
 15-42 by Chapter 54 of the Texas Water Code other than those expressly
 15-43 provided in Subsection (e) of this section and shall specifically
 15-44 not limit the amounts of the district's bonds. A city may not
 15-45 require annexation as a consent to creation of any district. A city
 15-46 shall not refuse to approve a district bond issue for any reason
 15-47 except that the district is not in compliance with valid consent
 15-48 requirements applicable to the district. If a city grants its
 15-49 written consent without the concurrence of the applicant to the
 15-50 creation of a noncity service district containing conditions or
 15-51 restrictions that the petitioning land owner or owners reasonably
 15-52 believe exceed the city's powers, such land owner or owners may
 15-53 petition the commission to create the district and to modify the
 15-54 conditions and restrictions of the city's consent. The commission
 15-55 may declare any provision of the consent to be null and void.~~

15-56 SECTION 35. (a) All governmental acts and proceedings of an
 15-57 emergency services district to which former Section 776.0345,
 15-58 Health and Safety Code, applied before that section was repealed
 15-59 and that relate to the selection of emergency services
 15-60 commissioners of the district and that were taken between January
 15-61 1, 2012, and the effective date of this Act are validated, ratified,
 15-62 and confirmed in all respects as if they had been taken as
 15-63 authorized by law.

15-64 (b) This section does not apply to any matter that on the
 15-65 effective date of this Act:

15-66 (1) is involved in litigation if the litigation
 15-67 ultimately results in the matter being held invalid by a final court
 15-68 judgment; or

15-69 (2) has been held invalid by a final court judgment.

16-1 SECTION 36. Section 1, Article 55.02, Code of Criminal
16-2 Procedure, as amended by this Act, applies only to the expunction of
16-3 arrest records and files related to a criminal offense for which the
16-4 trial of the offense begins on or after September 1, 2017. The
16-5 expunction of arrest records and files related to a criminal
16-6 offense for which the trial of the offense begins before September
16-7 1, 2017, is governed by the law in effect on the date the trial
16-8 begins, and the former law is continued in effect for that purpose.

16-9 SECTION 37. Article 102.006, Code of Criminal Procedure, as
16-10 amended by this Act, applies only to a petition for expunction filed
16-11 on or after September 1, 2017. A petition for expunction filed
16-12 before September 1, 2017, is governed by the law in effect on the
16-13 date the petition was filed, and the former law is continued in
16-14 effect for that purpose.

16-15 SECTION 38. Sections 54.656 and 54.658, Government Code, as
16-16 amended by this Act, apply to a matter or case referred to a
16-17 magistrate on or after September 1, 2017. A matter or case referred
16-18 to a magistrate before September 1, 2017, is governed by the law in
16-19 effect immediately before that date, and that law is continued in
16-20 effect for that purpose.

16-21 SECTION 39. Section 411.0746, Government Code, as added by
16-22 this Act, applies only to an order of nondisclosure of criminal
16-23 history record information issued on or after September 1, 2017.
16-24 The issuance of an order of nondisclosure of criminal history
16-25 record information before September 1, 2017, is governed by the law
16-26 in effect on the date the order was issued, and the former law is
16-27 continued in effect for that purpose.

16-28 SECTION 40. If before implementing any provision of Chapter
16-29 291A, Health and Safety Code, as added by this Act, a state agency
16-30 determines that a waiver or authorization from a federal agency is
16-31 necessary for implementation of that provision, the agency affected
16-32 by the provision shall request the waiver or authorization and may
16-33 delay implementing that provision until the waiver or authorization
16-34 is granted.

16-35 SECTION 41. (a) The comptroller shall create and post on
16-36 the Internet the Special Purpose District Public Information
16-37 Database required by Section 403.0241, Government Code, as added by
16-38 this Act, not later than September 1, 2018.

16-39 (b) Not later than January 1, 2018, the comptroller shall
16-40 send written notice to each special purpose district described by
16-41 Section 403.0241(b), Government Code, as added by this Act, that
16-42 describes the changes in law made by this Act. Each special purpose
16-43 district that receives notice shall submit to the comptroller any
16-44 information required under Section 403.0241, Government Code, as
16-45 added by this Act, or Section 203.062, Local Government Code, as
16-46 added by this Act, not later than the 90th day after the date the
16-47 district receives the notice.

16-48 (c) Notwithstanding another provision of this Act,
16-49 including Subsections (a) and (b) of this section, the comptroller
16-50 is required to implement Sections 403.0241 and 403.0242, Government
16-51 Code, and Subchapter D, Chapter 203, Local Government Code, as
16-52 added by this Act, only if the legislature appropriates money
16-53 specifically for that purpose. If the legislature does not
16-54 appropriate money specifically for that purpose, the comptroller
16-55 may, but is not required to, implement Sections 403.0241 and
16-56 403.0242, Government Code, and Subchapter D, Chapter 203, Local
16-57 Government Code, as added by this Act, using other appropriations
16-58 available for that purpose.

16-59 SECTION 42. Sections 1.07 and 33.06, Tax Code, as amended by
16-60 this Act, apply only to a determination by a chief appraiser that an
16-61 individual who is 65 years of age or older is no longer entitled to
16-62 receive a deferral or abatement of collection of ad valorem taxes
16-63 under Section 33.06, Tax Code, because the property for which the
16-64 deferral or abatement was obtained is no longer the individual's
16-65 principal residence that is made on or after September 1, 2017. A
16-66 determination by a chief appraiser that an individual who is 65
16-67 years of age or older is no longer entitled to receive a deferral or
16-68 abatement of collection of ad valorem taxes under Section 33.06,
16-69 Tax Code, because the property for which the deferral or abatement

17-1 was obtained is no longer the individual's principal residence that
17-2 is made before September 1, 2017, is governed by the law in effect
17-3 at the time the determination was made, and that law is continued in
17-4 effect for that purpose.

17-5 SECTION 43. Section 397.0125, Transportation Code, as
17-6 amended by this Act, applies only to a violation of Chapter 397,
17-7 Transportation Code, that occurs on or after September 1, 2017. A
17-8 violation of that chapter that occurred before September 1, 2017,
17-9 is governed by the law in effect when the violation occurred, and
17-10 the former law is continued in effect for that purpose.

17-11 SECTION 44. Except as otherwise provided by this Act, this
17-12 Act takes effect immediately if it receives a vote of two-thirds of
17-13 all the members elected to each house, as provided by Section 39,
17-14 Article III, Texas Constitution. If this Act does not receive the
17-15 vote necessary for immediate effect, this Act takes effect
17-16 September 1, 2017.

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