

1-1 By: Johnson S.B. No. 2375
1-2 (In the Senate - Filed March 12, 2025; March 25, 2025, read
1-3 first time and referred to Committee on Administration;
1-4 April 28, 2025, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 28, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to nonsubstantive additions to, revisions of, and
1-18 corrections in enacted codes, to the nonsubstantive codification or
1-19 disposition of various laws omitted from enacted codes, and to
1-20 conforming codifications enacted by the 88th Legislature to other
1-21 Acts of that legislature.

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

1-23 ARTICLE 1. GENERAL PROVISIONS

1-24 SECTION 1.001. This Act is enacted as part of the state's
1-25 continuing statutory revision program under Chapter 323,
1-26 Government Code. This Act is a revision for purposes of Section 43,
1-27 Article III, Texas Constitution, and has the purposes of:

1-28 (1) codifying without substantive change or providing
1-29 for other appropriate disposition of various statutes that were
1-30 omitted from enacted codes;

1-31 (2) conforming codifications enacted by the 88th
1-32 Legislature to other Acts of that legislature that amended the laws
1-33 codified or added new law to subject matter codified;

1-34 (3) revising without substantive change provisions in
1-35 enacted codes;

1-36 (4) making necessary corrections to enacted codes; and

1-37 (5) renumbering or otherwise redesignating titles,
1-38 chapters, and sections of codes that duplicate title, chapter, or
1-39 section designations.

1-40 SECTION 1.002. (a) The repeal of a statute by this Act does
1-41 not affect an amendment, revision, or reenactment of the statute by
1-42 the 89th Legislature, Regular Session, 2025. The amendment,
1-43 revision, or reenactment is preserved and given effect as part of
1-44 the code provision that revised the statute so amended, revised, or
1-45 reenacted.

1-46 (b) If any provision of this Act conflicts with a statute
1-47 enacted by the 89th Legislature, Regular Session, 2025, the statute
1-48 controls.

1-49 SECTION 1.003. (a) A transition or saving provision of a
1-50 law codified by this Act applies to the codified law to the same
1-51 extent as it applied to the original law.

1-52 (b) The repeal of a transition or saving provision by this
1-53 Act does not affect the application of the provision to the codified
1-54 law.

1-55 (c) In this section, "transition provision" includes any
1-56 temporary provision providing for a special situation in the
1-57 transition period between the existing law and the establishment or
1-58 implementation of the new law.

1-59 SECTION 1.004. (a) The repeal of a law, including a
1-60 validating law, by this Act does not remove, void, or otherwise
1-61 affect in any manner a validation under the repealed law. The

validation is preserved and continues to have the same effect that it would have if the law were not repealed.

(b) Subsection (a) of this section does not diminish the 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:

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

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

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

ARTICLE 4. CHANGES RELATING TO CIVIL PRACTICE AND REMEDIES CODE

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

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

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

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

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

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

(C) a volunteer firefighter who is:
 (i) certified by the Texas Commission on Fire Protection or by the State Firefighters' and Fire Marshals' Association of Texas; or

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

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

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

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

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

(1) routine maintenance; or

(2) repairs to the vehicle:

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

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

ARTICLE 5. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

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

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

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

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

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

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

(5) an investigator of a district attorney's, criminal district attorney's, or county attorney's office;

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

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

(8) an officer commissioned under Section 37.081 or 37.0818, Education Code, or Subchapter E, Chapter 51, Education Code;

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

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

(11) an officer commissioned under Chapter 23, Transportation Code;

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

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

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

(15) an officer commissioned by a board of trustees under Chapter 54, Transportation Code;

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

(17) an officer commissioned by:

(A) the board of managers of the Dallas County

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(34) ~~[(33)]~~ an Alamo complex ranger commissioned by the General Land Office under Section 31.0515, Natural Resources Code, subject to the limitations imposed by that section
~~[investigator commissioned by the Texas Juvenile Justice Department as an officer under Section 221.011, Human Resources Code].~~

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

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

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

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

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

(b) Section 1, Chapter 196 (S.B. 602), Acts of the 88th Legislature, Regular Session, 2023, which amended Article [2.122](#), Code of Criminal Procedure, is repealed.

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

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

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

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

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

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

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

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

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

(b) Section 2, Chapter 729 (H.B. 2660), and Section 1, Chapter 979 (S.B. 2429), Acts of the 88th Legislature, Regular Session, 2023, which amended Article [2.13\(c\)](#), Code of Criminal Procedure, are repealed.

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

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

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

(1) a justice of the supreme court;

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

(3) a justice of the courts of appeals;

(4) a judge of a district court;

(5) an associate judge appointed by:

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

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

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

(6) a criminal magistrate appointed by:

(A) the Brazoria County Commissioners Court; or

(B) the Burnet County Commissioners Court;

6-1 (7) a criminal law hearing officer for:
6-2 (A) Harris County appointed under Subchapter L,
6-3 Chapter 54, Government Code; or
6-4 (B) Cameron County appointed under Subchapter
6-5 BB, Chapter 54, Government Code;
6-6 (8) a magistrate appointed:
6-7 (A) by a judge of a district court of Bexar
6-8 County, Dallas County, or Tarrant County that gives preference to
6-9 criminal cases;
6-10 (B) by a judge of a criminal district court of
6-11 Dallas County or Tarrant County;
6-12 (C) by a judge of a district court or statutory
6-13 county court of Denton or Grayson County;
6-14 (D) by a judge of a district court or statutory
6-15 county court that gives preference to criminal cases in Travis
6-16 County;
6-17 (E) [~~(D)~~] by the El Paso Council of Judges;
6-18 (F) [~~(E)~~] by the Fort Bend County Commissioners
6-19 Court;
6-20 (G) [~~(F)~~] by the Collin County Commissioners
6-21 Court; or
6-22 (H) [~~(G)~~] under Subchapter JJ, Chapter 54,
6-23 Government Code;
6-24 (9) a magistrate or associate judge appointed by a
6-25 judge of a district court of Lubbock County, Nolan County, or Webb
6-26 County;
6-27 (10) a county judge;
6-28 (11) a judge of:
6-29 (A) a statutory county court;
6-30 (B) a county criminal court; or
6-31 (C) a statutory probate court;
6-32 (12) an associate judge appointed by a judge of a
6-33 statutory probate court under Chapter 54A, Government Code;
6-34 (13) a justice of the peace; and
6-35 (14) a mayor or recorder of a municipality or a judge
6-36 of a municipal court.
6-37 (b) Section 4.001, Chapter 861 (H.B. 3474), Acts of the 88th
6-38 Legislature, Regular Session, 2023, which amended Article 2.09,
6-39 Code of Criminal Procedure, is repealed.
6-40 SECTION 5.006. Article 2.101, Code of Criminal Procedure,
6-41 as added by Section 1, Chapter 421 (H.B. 1712), Acts of the 88th
6-42 Legislature, Regular Session, 2023, is transferred to Subchapter D,
6-43 Chapter 2A, Code of Criminal Procedure, and redesignated as Article
6-44 2A.1521, Code of Criminal Procedure.
6-45 SECTION 5.007. (a) Article 2A.155(d), Code of Criminal
6-46 Procedure, is amended to conform to Section 7, Chapter 644 (H.B.
6-47 4559), Acts of the 88th Legislature, Regular Session, 2023, to read
6-48 as follows:
6-49 (d) Before a clerk in a county with a population of less than
6-50 2.5 [~~two~~] million disposes of an eligible exhibit, the clerk must
6-51 provide written notice by mail to the attorney representing the
6-52 state in the case and the attorney representing the defendant. The
6-53 notice must:
6-54 (1) describe the exhibit;
6-55 (2) include the name and address of the court holding
6-56 the exhibit; and
6-57 (3) state that the exhibit will be disposed of unless a
6-58 written request is received by the clerk before the 31st day after
6-59 the date of notice.
6-60 (b) Section 7, Chapter 644 (H.B. 4559), Acts of the 88th
6-61 Legislature, Regular Session, 2023, which amended Article 2.21(g),
6-62 Code of Criminal Procedure, is repealed.
6-63 SECTION 5.008. (a) Article 2A.205, Code of Criminal
6-64 Procedure, is amended to conform to Section 4.01, Chapter 93 (S.B.
6-65 1527), Acts of the 88th Legislature, Regular Session, 2023, to read
6-66 as follows:
6-67 Art. 2A.205. CERTAIN LAW ENFORCEMENT AGENCIES: REPORT
6-68 CONCERNING HUMAN TRAFFICKING CASES. (a) This article applies only
6-69 to:

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

(2) the Department of Public Safety.

(b) An entity to which this article applies that investigates the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, that may involve human trafficking, shall submit to the attorney general ~~[a report]~~ in the manner and form prescribed by the attorney general a report containing the following information:

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

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

(A) the person's:

(i) full name ~~[age];~~

(ii) gender; ~~[and]~~

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

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

(v) date of birth; and

(vi) age at the time of the offense, if available; and

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

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

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

~~[(A) forced labor or services, as defined by Section 20A.01, Penal Code,~~

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

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

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

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

(5) regarding the victim of the offense:

(A) the victim's:

(i) age;

(ii) gender;

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

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

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

(c) An entity described by Subsection (a) that does not have any investigations or offenses required to be reported under this article during a period specified by the attorney general shall submit to the attorney general a notice stating there are no cases to report, in the manner and form prescribed by the attorney general ~~[An attorney representing the state who prosecutes the alleged commission of an offense under Chapter 20A, Penal Code, or~~

~~the alleged commission of an offense under Chapter 43, Penal Code, that may involve human trafficking, shall submit to the attorney general the following information:~~

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

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

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

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

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

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

(f) In consultation with the entities described by Subsection (a), the attorney general shall adopt rules to administer this article, including rules prescribing:

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

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

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

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

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

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

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

SECTION 5.011. (a) Article 13A.554, Code of Criminal Procedure, is amended to conform to Chapter 351 (S.B. 1179), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

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

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

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

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

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

(3) "Violent offense" means:
(A) an offense under the following sections of the Penal Code:

9-1 (i) Section 19.02 (murder);
 9-2 (ii) Section 19.03 (capital murder);
 9-3 (iii) Section 20.03 (kidnapping);
 9-4 (iv) Section 20.04 (aggravated
 9-5 kidnapping);
 9-6 (v) Section 21.11 (indecenty with a child);
 9-7 (vi) Section 22.011 (sexual assault);
 9-8 (vii) Section 22.02 (aggravated assault);
 9-9 (viii) Section 22.021 (aggravated sexual
 9-10 assault);
 9-11 (ix) Section 22.04 (injury to a child,
 9-12 elderly individual, or disabled individual);
 9-13 (x) Section 29.03 (aggravated robbery);
 9-14 (xi) Section 21.02 (continuous sexual abuse
 9-15 of young child or disabled individual [~~children~~]); or
 9-16 (xii) Section 20A.03 (continuous
 9-17 trafficking of persons); or
 9-18 (B) any offense involving family violence, as
 9-19 defined by Section 71.004, Family Code.
 9-20 SECTION 5.013. Article 18B.001(1), Code of Criminal
 9-21 Procedure, as amended by Chapters 901 (H.B. 4906) and 950 (S.B.
 9-22 1727), Acts of the 88th Legislature, Regular Session, 2023, is
 9-23 reenacted and amended to read as follows:
 9-24 (1) "Authorized peace officer" means:
 9-25 (A) a sheriff or deputy sheriff;
 9-26 (B) a constable or deputy constable;
 9-27 (C) a marshal or police officer of a
 9-28 municipality;
 9-29 (D) a ranger or officer commissioned by the
 9-30 Public Safety Commission or the director of the department;
 9-31 (E) an investigator of a prosecutor's office;
 9-32 (F) a law enforcement agent of the Texas
 9-33 Alcoholic Beverage Commission;
 9-34 (G) a law enforcement officer commissioned by the
 9-35 Parks and Wildlife Commission;
 9-36 (H) an enforcement officer appointed by the
 9-37 inspector general of the Texas Department of Criminal Justice under
 9-38 Section 493.019, Government Code;
 9-39 (I) a law enforcement officer appointed by the
 9-40 inspector general of the Texas Juvenile Justice Department under
 9-41 Section 242.102, Human Resources Code;
 9-42 (J) an investigator commissioned by the attorney
 9-43 general under Section 402.009, Government Code;
 9-44 (K) a member of an arson investigating unit
 9-45 commissioned by a municipality, a county, or the state; or
 9-46 (L) [~~(K)~~] a peace officer commissioned under
 9-47 Section 37.081 or 51.203, Education Code.
 9-48 SECTION 5.014. (a) Article 45A.101(f), Code of Criminal
 9-49 Procedure, is amended to conform to Section 9, Chapter 644 (H.B.
 9-50 4559), Acts of the 88th Legislature, Regular Session, 2023, to read
 9-51 as follows:
 9-52 (f) In a county with a population of more than 2.5 [~~two~~]
 9-53 million that does not have a county attorney, a complaint for an
 9-54 offense under Section 32.41, Penal Code, must be approved by the
 9-55 district attorney, regardless of whether a collection proceeding is
 9-56 initiated by the district attorney under Subsection (e) of that
 9-57 section.
 9-58 (b) Section 9, Chapter 644 (H.B. 4559), Acts of the 88th
 9-59 Legislature, Regular Session, 2023, which amended Article
 9-60 45.019(g), Code of Criminal Procedure, is repealed.
 9-61 SECTION 5.015. (a) Article 45A.104(d), Code of Criminal
 9-62 Procedure, is amended to conform to Section 8, Chapter 644 (H.B.
 9-63 4559), Acts of the 88th Legislature, Regular Session, 2023, to read
 9-64 as follows:
 9-65 (d) In a county with a population of more than 2.5 [~~two~~]
 9-66 million that does not have a county attorney, a justice or judge may
 9-67 not issue a warrant under this article for an offense under Section
 9-68 32.41, Penal Code, unless the district attorney has approved the
 9-69 complaint or affidavit on which the warrant is based.

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

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

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

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

(3) proceed to trial.
 (b) An attorney appointed under Subsection (a) is qualified to perform the duties of the office of the attorney representing the state and may be paid a reasonable fee for performing those duties.

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

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

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

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

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

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

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

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

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

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

(i) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a

defendant to perform community service under this article or Subchapter K is not liable for damages arising from an act or failure to act in connection with the community service if the act or failure to act:

(1) was performed pursuant to court order; and
 (2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

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

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

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

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

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

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

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

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

(3) submit to professional counseling;

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

(5) submit to a psychosocial assessment;

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

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

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

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

(A) directly; or

(B) through the court as court costs;

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

(9) present to the court satisfactory evidence that the defendant has complied with each requirement imposed by the judge under this subchapter; and

(10) comply with any other reasonable condition.

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

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

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

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

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

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

(b) Notwithstanding any other law, a county, justice, or municipal court shall dismiss a charge against a defendant alleging the defendant committed an offense under Section 25.093, Education Code, if the parent completes the terms of an agreement entered into by the parent and the school district at which the parent's child attends under Section 25.094, Education Code, within the period required by Subsection (b) of that section. If agreed to by the school district that is a party to the agreement, the court may extend the period under Section 25.094(b), Education Code, during which a parent may fulfill the terms of the agreement.

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

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

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

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

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

(1) employ a juvenile case manager or contract for a juvenile case manager to provide services:

(A) in cases involving:
(i) youth diversion under Subchapter K; or
(ii) children ~~[juvenile offenders]~~ who are before a court consistent with the court's statutory powers; or

(B) to a child ~~[juvenile]~~ who is referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers before a case is filed, with the consent of the child ~~[juvenile]~~ and the child's ~~[juvenile's]~~ parents or guardians;

(2) employ or contract for the services of one or more juvenile case managers who:

(A) shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B) may provide:
(i) prevention services to a child considered at risk of entering the juvenile justice system; and
(ii) youth diversion ~~[intervention]~~ services to a child ~~[juvenile]~~ engaged in misconduct, excluding traffic offenses, if a case has not yet been filed with respect to the misconduct; or

(3) agree in accordance with Chapter 791, Government Code, with any appropriate governmental entity to jointly employ a juvenile case manager, jointly contract for juvenile case manager services, or ~~to~~ jointly contribute to the costs of a juvenile case

manager or juvenile case manager ~~[employed by one governmental entity to provide]~~ services described by Subdivisions (1) and (2).

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

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

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

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

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

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

(3) the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager and juvenile case manager services.

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

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

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

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

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

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

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

(3) training in:

- (A) the role of the juvenile case manager;
- (B) case planning and management;
- (C) applicable procedural and substantive law;
- (D) courtroom proceedings and presentation;
- (E) services for ~~[to]~~ at-risk youth under Subchapter D, Chapter 137 ~~[264]~~, Human Resources ~~[Family]~~ Code;

(F) local programs and services for children ~~[juveniles]~~ and methods by which children ~~[juveniles]~~ may access those programs and services; and

(G) detecting and preventing abuse, exploitation, and neglect of children ~~[juveniles]~~.

(d) Article 45A.451(a-1), Code of Criminal Procedure, is repealed to conform to the reenactment of Article 45.056(c), Code of Criminal Procedure, by Section 7, Chapter 525 (H.B. 3186), Acts

of the 88th Legislature, Regular Session, 2023.

(e) Sections 6, 7, and 8, Chapter 525 (H.B. 3186), Acts of the 88th Legislature, Regular Session, 2023, which amended Article 45.056, Code of Criminal Procedure, are repealed.

SECTION 5.023. (a) Article 45A.452(a), Code of Criminal Procedure, is amended to conform to Section 3, Chapter 525 (H.B. 3186), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) Subject to the requirements of Subchapter K, this [This] article applies to a defendant who has not had the disabilities of minority removed and has been:

(1) charged with an offense other than an offense under Section 43.261, Penal Code, if the defendant is younger than 17 years of age; or

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

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

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

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

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

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

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

(b) On a finding by a justice or municipal court that a child committed an offense that the court has jurisdiction of under Article 4.11 or 4.14, the court has jurisdiction to enter an order:

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

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

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

(3) requiring that the child's parent perform any act or refrain from performing any act as the court determines will increase the likelihood that the child will comply with the orders of the court and that is reasonable and necessary for the welfare of

the child, including:

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

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

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

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

SUBCHAPTER K. YOUTH DIVERSION

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

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

(2) "Child" has the meaning assigned by Article 45A.453(a).

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

(4) "Diversion" means an intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child's actions. The term includes diversion under Article 45A.509 or 45A.510.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) a school-related program;

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

(D) a rehabilitation program; or
 (E) a self-improvement program, including a program relating to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution;
 (2) referring a child to a service provider for services, including:
 (A) at-risk youth services under Subchapter D, Chapter 137, Human Resources Code;
 (B) juvenile case manager services under Article 45A.451;
 (C) work and job skills training, including job interviewing and work preparation;
 (D) academic monitoring or tutoring, including preparation for a high school equivalency examination administered under Section 7.111, Education Code;
 (E) community-based services;
 (F) mental health screening and clinical assessment;
 (G) counseling, including private or in-school counseling; or
 (H) mentoring services;
 (3) requiring a child to:
 (A) participate in mediation or other dispute resolution processes;
 (B) submit to alcohol or drug testing; or
 (C) substantially comply with a course of treatment prescribed by a physician or other licensed medical or mental health professional; and
 (4) requiring a child, by court order, to:
 (A) pay restitution not to exceed \$100 for an offense against property under Title 7, Penal Code;
 (B) perform not more than 20 hours of community service; or
 (C) perform any other reasonable action determined by the court.
 (b) A diversion strategy may be imposed under:
 (1) an intermediate diversion under Article 45A.509;
 (2) a diversion by a justice or judge under Article 45A.510; or
 (3) a system of graduated sanctions for certain school offenses under Section 37.144, Education Code.
 (c) A diversion strategy under this subchapter may not require a child who is a home-schooled student, as defined by Section 29.916, Education Code, to:
 (1) attend an elementary or secondary school; or
 (2) use an educational curriculum other than the curriculum selected by the parent.
 Art. 45A.506. YOUTH DIVERSION PLAN. (a) A youth diversion plan is a written plan that describes the types of strategies that will be used to implement youth diversion. A youth diversion plan does not limit the types of diversion strategies that may be imposed under a diversion agreement under Article 45A.508.
 (b) Each justice and municipal court shall adopt a youth diversion plan.
 (c) A youth diversion plan may be devised for a county or municipality or an individual court within a county or municipality.
 (d) In accordance with Chapter 791, Government Code, a local government may enter into an agreement with one or more local governments to create a regional youth diversion plan and collaborate in the implementation of this subchapter.
 (e) A youth diversion plan may include an agreement with a service provider to provide services for a diversion strategy.
 (f) A youth diversion plan may contain guidelines for disposition or diversion of a child's case by law enforcement. The guidelines are not mandatory.
 (g) A current youth diversion plan must be maintained on

file for public inspection in each justice and municipal court, including courts that collaborate with one or more counties or municipalities.

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

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

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

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

(3) presenting and maintaining diversion agreements;

(4) monitoring diversions;

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

(6) coordinating referrals to court.

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

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

(2) an individual or entity that provides juvenile case manager services under Article 45A.451;

(3) a court-related services office;

(4) a community supervision and corrections department, including a juvenile probation department;

(5) a county or municipal employee, including a peace officer;

(6) a community volunteer;

(7) an institution of higher education, including a public, private, or independent institution of higher education; or

(8) a qualified nonprofit organization as determined by the court.

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

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

(c) A diversion agreement must include:

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

(2) possible outcomes or consequences of a successful diversion and an unsuccessful diversion;

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

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

(5) the period of the diversion;

(6) a verification that:

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

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

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

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

(e) A charge may not be filed against a child or, if filed,

shall be dismissed by the court if the child:

(1) does not contest the charge;

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

(3) accepts the terms of the agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The hearing is an opportunity for a justice or judge to confer with the child and the child's parent to determine whether a diversion should be declared unsuccessful by the court. The court may also hear from any person who may be of assistance to the child or the court in determining what is in the best interests of the child and the long-term safety of the community.

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

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

(2) extending the diversion for a period not to exceed

one year from the initial start date of the diversion;

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

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

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

(6) finding the diversion unsuccessful and:

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

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

(d) An order under Subsection (c)(4) may not have the substantive effect of interfering with a parent's fundamental right to determine how to raise the parent's child, unless the court finds that the interference is necessary to prevent significant impairment of the child's physical, mental, or emotional health.

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

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

Art. 45A.512. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE. (a) The clerk of a justice or municipal court may collect from a child's parent a \$50 administrative fee to defray the costs of the diversion of the child's case under this subchapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the person resides; or

(2) the offense was alleged to have occurred.

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

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

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

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

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

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

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

(1) repair damage caused by the commission of offenses under Section 28.08, Penal Code;

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

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

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

(5) provide funding for local teen court programs;
 (6) provide funding for the local juvenile probation department;
 (7) provide educational and intervention programs designed to prevent juveniles from engaging in delinquent conduct; and
 (8) provide funding for youth diversion under Subchapter K ~~[F]~~, Chapter 45A ~~[45]~~.

ARTICLE 6. CHANGES RELATING TO EDUCATION CODE

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

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

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

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

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

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

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

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

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

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

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

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

(2) include a collection development policy that:

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

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

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

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

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

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

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

(E) encourages schools to provide library catalog transparency;

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

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

(i) ideas contained in the material; or

(ii) personal background of:

(a) the author of the material; or

(b) characters in the material.

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

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

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

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

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

(4) provide for:

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

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

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

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

ARTICLE 7. CHANGES RELATING TO FAMILY CODE

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

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

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

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

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

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

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

ARTICLE 8. CHANGES RELATING TO GOVERNMENT CODE

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

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

(1) matters brought by or against the state or a board,

commission, department, office, or other agency in the executive branch of the state government, including a university system or institution of higher education as defined by Section 61.003, Education Code, or by or against an officer or employee of the state or a board, commission, department, office, or other agency in the executive branch of the state government arising out of that officer's or employee's official conduct, other than:

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

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

(C) a proceeding brought against a district attorney, a criminal district attorney, or a county attorney with criminal jurisdiction;

(D) a proceeding relating to a mental health commitment;

(E) a proceeding relating to civil asset forfeiture;

(F) a condemnation proceeding for the acquisition of land or a proceeding related to eminent domain;

(G) a proceeding brought under Chapter 101, Civil Practice and Remedies Code;

(H) a claim of personal injury or wrongful death;

(I) a proceeding brought under Chapter 125, Civil Practice and Remedies Code, to enjoin a common nuisance;

(J) a proceeding brought under Chapter 55A [55], Code of Criminal Procedure;

(K) a proceeding under Chapter 22A, Government Code;

(L) a proceeding brought under Subchapter E-1, Chapter 411, Government Code;

(M) a proceeding brought under Chapter 21, Labor Code;

(N) a removal action under Chapter 87, Local Government Code; or

(O) a proceeding brought under Chapter 841, Health and Safety Code;

(2) matters in which a party to the proceeding files a petition, motion, or other pleading challenging the constitutionality or validity of a state statute or rule and the attorney general is a party to the case; and

(3) any other matter as provided by law.

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

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

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

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

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

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

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

(a) A district court judge with jurisdiction in Denton County, the judge of a criminal statutory county court of Denton

County, or the judge of the juvenile court of Denton County may refer to the criminal law magistrate court the following matters in a criminal case:

- (1) a negotiated plea of guilty or no contest before the court;
- (2) a bond forfeiture, remittitur, and related proceedings;
- (3) a pretrial motion;
- (4) a writ of habeas corpus;
- (5) an examining trial;
- (6) jury selection;
- (7) an occupational driver's license;
- (8) a waiver of extradition or a related matter under Chapter 51, Code of Criminal Procedure;
- (9) the issuance of search warrants, including a search warrant under Article 18.02(a)(10), Code of Criminal Procedure, notwithstanding Article 18.01(c), Code of Criminal Procedure;
- (10) a petition for an order of expunction under Chapter 55A [55], Code of Criminal Procedure;
- (11) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;
- (12) a civil commitment matter under Subtitle C, Title 7, Health and Safety Code;
- (13) setting, adjusting, or revoking bond;
- (14) the conduct of initial juvenile detention hearings or any other matter in a juvenile case if referred by the judge of the juvenile court of the county and approved by the Denton County Juvenile Board; and
- (15) any other matter the judge considers necessary and proper.

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

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

- (1) the number of cases assigned to the court;
- (2) the case clearance rate for the court;
- (3) the number of cases disposed by the court;
- (4) the number of jury panels empaneled for the court;
- (5) the number of orders of continuance for an attorney before the court or by the court;
- (6) the number of pleas accepted by the court;
- (7) the number of cases tried by the judge of the court or before a jury; and
- (8) the number of cases tried before a visiting or associate judge of the court.

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

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

- (1) one member who is a district judge serving as a presiding judge of an administrative judicial region;
- (2) one member who is a judge of a constitutional county court or who is a county commissioner;
- (3) one member who is a practicing criminal defense attorney;
- (4) one member who is a chief public defender in this state;
- (5) one member who is a judge of a constitutional county court or who is a county commissioner of a county with a

population of 250,000 or more;

(6) one member who is either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8.011. Section [411.1106](#)(a), Government Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

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

SECTION 8.012. Section [411.1355](#)(d), Government Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th

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

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

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

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

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

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

(1) the director receives:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The fund consists of:

(1) fees and fines collected under:

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

(B) Section 508.189, Government Code; and

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

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

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

(4) [~~(3)~~] interest and other earnings on money in the

fund.

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

(4) "Violent incident" means an incident involving a peace officer that occurs while the officer is performing official duties and that poses a substantial risk of serious harm to the officer's mental health or well-being, including responding to a homicide, suicide, or fatal motor vehicle collision ~~[accident]~~.

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

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

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

SECTION 8.018. Section [531.0045](#), Government Code, is transferred to Subchapter A, Chapter [523](#), Government Code, as effective April 1, 2025, redesignated as Section [523.00031](#), Government Code, and amended to read as follows:

Sec. [523.00031](#) [[531.0045](#)]. LIMIT ON SUNSET REVIEW. The Sunset Advisory Commission's review of the commission ~~[Health and Human Services Commission]~~ under Chapter 325 (Texas Sunset Act) during the period in which state agencies abolished in 2027 are reviewed may not include a review of the family support services programs transferred to the commission under Chapter [137](#), Human Resources Code, or the Thriving Texas Families Program established under Chapter [54](#), Health and Safety Code. This section expires September 1, 2027.

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

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

Sec. [523.0351](#) [[531.991](#)]. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

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

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

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

(1) providing dispute resolution services for the

health and human services system;

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

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

(B) obtaining information regarding a filed complaint; and

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

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

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

(d) Using the process developed under Subsection (c), the office of the ombudsman shall collect inquiry and complaint data from all offices, agencies, divisions, and other entities within the health and human services system. To assist with the collection of data under this subsection, the office may access any system or process for recording inquiries and complaints used or maintained within the health and human services system.

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

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

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

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

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

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

(1) children and youth in the conservatorship of the department with complaints regarding issues within the authority of the commission or department, as applicable; and

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

(b) An ombudsman shall:

(1) develop and implement statewide procedures to:

(A) receive complaints from:

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

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

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

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

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

(C) provide any necessary assistance to:

(i) children and youth in the conservatorship of the department in making complaints and

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

(ii) any other person in making complaints against a program within the health and human services system or reporting allegations of abuse, neglect, or exploitation under Chapter 48, Human Resources Code;

(D) maintain the confidentiality of:

(i) an ombudsman's communications and records;

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

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

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

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

(A) how an ombudsman may be contacted;

(B) the purpose of an ombudsman; and

(C) the services an ombudsman provides;

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

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

(5) collaborate with the commission or department, as applicable, to identify consequences for any retaliatory action related to a complaint filed with an ombudsman, in accordance with Section 523.0364 [~~531.997~~]; and

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

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

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

~~(e) [(d-1)]~~ An ombudsman may attend any judicial proceeding related to a complaint filed with the ombudsman program.

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

(b) An ombudsman appointed under this section shall:

(1) receive complaints from children and youth in the conservatorship of the department as provided under Section 523.0356(b)(1)(A)(i) [~~531.993(b)(1)(A)(i)~~];

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

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

Sec. 523.0358 [~~531.9932~~]. OMBUDSMAN FOR MANAGED CARE ASSISTANCE. (a) The commission shall establish an ombudsman

program to provide support and information services to an individual ~~[a person]~~ enrolled in or applying for Medicaid coverage who experiences barriers to receiving health care services.

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

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

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

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

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

(4) area agencies on aging;

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

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

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

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

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

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

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

(A) understand the concept of managed care;

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

(C) are able to advocate for themselves;

(5) assist the state Medicaid office and Medicaid managed care organizations and providers in identifying and correcting problems, including site visits to affected regions if necessary;

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

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

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

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

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

(b) The commission may use an alternate title for the ombudsman in consumer-facing materials if the commission determines that an alternate title would be beneficial to consumer

31-1 understanding or access.

31-2 (c) An ombudsman serves as an impartial party to help
31-3 consumers, including consumers who are uninsured or have public or
31-4 private health benefit coverage, and behavioral health care
31-5 providers navigate and resolve issues related to consumer access to
31-6 behavioral health care, including care for mental health conditions
31-7 and substance use disorders.

31-8 (d) An ombudsman shall:

31-9 (1) interact with consumers and behavioral health care
31-10 providers regarding ~~[with]~~ concerns or complaints to help the
31-11 consumers and providers resolve behavioral health care access
31-12 issues;

31-13 (2) identify, track, and help report potential
31-14 violations of state or federal rules, regulations, or statutes
31-15 concerning the availability of, and terms and conditions of,
31-16 benefits for mental health conditions or substance use disorders,
31-17 including potential violations related to quantitative and
31-18 nonquantitative treatment limitations;

31-19 (3) report concerns, complaints, and potential
31-20 violations described by Subdivision (2) to the appropriate
31-21 regulatory or oversight agency;

31-22 (4) receive and report concerns and complaints
31-23 relating to inappropriate care or mental health commitment;

31-24 (5) provide appropriate information to help consumers
31-25 obtain behavioral health care;

31-26 (6) develop appropriate points of contact for
31-27 referrals to other state and federal agencies; and

31-28 (7) provide appropriate information to help consumers
31-29 or providers file appeals or complaints with the appropriate
31-30 entities, including insurers and other state and federal agencies.

31-31 (e) The Texas Department of Insurance shall appoint a
31-32 liaison to an ombudsman to receive reports of concerns, complaints,
31-33 and potential violations described by Subsection (d)(2) from an
31-34 ombudsman, consumers, or behavioral health care providers.

31-35 Sec. 523.0360 [~~531.9934~~]. OMBUDSMAN FOR INDIVIDUALS WITH
31-36 AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY. The executive
31-37 commissioner shall appoint an ombudsman to assist a client, or a
31-38 person acting on behalf of an individual with an intellectual or
31-39 developmental disability or a group of individuals with an
31-40 intellectual or developmental disability, with a complaint or
31-41 grievance regarding the infringement of the rights of an individual
31-42 with an intellectual or developmental disability or the delivery of
31-43 intellectual disability services submitted under Section 592.039,
31-44 Health and Safety Code.

31-45 Sec. 523.0361 [~~531.994~~]. INVESTIGATION OF UNREPORTED
31-46 COMPLAINTS. If, during the investigation of a complaint, an
31-47 ombudsman discovers unreported violations of the commission's or
31-48 department's rules and policies, the ombudsman shall open a new
31-49 investigation for each unreported violation.

31-50 Sec. 523.0362 [~~531.995~~]. ACCESS TO INFORMATION. The
31-51 commission and department shall provide an ombudsman access to the
31-52 records that relate to a complaint the ombudsman is reviewing or
31-53 investigating.

31-54 Sec. 523.0363 [~~531.996~~]. COMMUNICATION AND
31-55 CONFIDENTIALITY. (a) A person may communicate with an ombudsman
31-56 relating to a complaint by telephone, by mail, by electronic mail,
31-57 or by any other means the ombudsman determines to be feasible,
31-58 secure, and accessible.

31-59 (b) A communication with an ombudsman is confidential
31-60 during an investigation or review of a complaint and remains
31-61 confidential after the complaint is resolved.

31-62 (c) The records of an ombudsman are confidential and must be
31-63 maintained in a manner that preserves the confidentiality of the
31-64 records.

31-65 (d) The disclosure of confidential information to an
31-66 ombudsman under this subchapter does not constitute a waiver of
31-67 confidentiality. Any information disclosed to the ombudsman under
31-68 this subchapter remains confidential and privileged following
31-69 disclosure.

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

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

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

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

(1) a description of the ombudsman's work;
(2) any change made by the commission or department in response to a substantiated complaint;

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

(4) a glossary of terms used in the report;
(5) a description of the methods used to promote awareness of the ombudsman under Section 523.0356(b) [~~531.993(b)~~] and the ombudsman's promotion plan for the next year; and

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

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

(b) Section 523.0255, Government Code, as effective April 1, 2025, is repealed to conform to the transfer and redesignation of Section 531.0171, Government Code, by Section 5, Chapter 741 (H.B. 3462), Acts of the 88th Legislature, Regular Session, 2023.

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

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

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

(b) The executive commissioner shall:

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

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

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

(4) review and approve all federal funding plans for health and human services in this state;

(5) estimate available federal money, including

earned federal money, and monitor unspent money;

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

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

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

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

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

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

(1) facilitate and enforce coordinated planning and delivery of health and human services, including:

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

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

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

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

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

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

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

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

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

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

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

SECTION 8.022. Sections 525.0154 and 525.0155, Government Code, as effective April 1, 2025, are repealed to conform to the repeal of Section 531.022, Government Code, by Section 6, Chapter 1147 (S.B. 956), Acts of the 88th Legislature, Regular Session, 2023.

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

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

Sec. 526.0604 ~~[531.0932]~~. INSTRUCTION GUIDE FOR FAMILY MEMBERS AND CAREGIVERS OF VETERANS WHO HAVE MENTAL HEALTH

DISORDERS. (a) The commission and the Texas Veterans Commission jointly shall produce and make publicly available an instruction guide for family members and caregivers of veterans who have mental health disorders.

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

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

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

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

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

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

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

SUBCHAPTER ~~Q~~ [~~M-2~~]. STATEWIDE INTERAGENCY AGING SERVICES
COORDINATING COUNCIL

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

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

(2) "Strategic plan" means the statewide interagency aging services strategic plan required under Section ~~526.0807(1)~~ [~~531.497(1)~~].

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

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

(1) the governor's office;
(2) the commission, including one representative of the commission's aging services coordination office;
(3) the Department of Family and Protective Services;
(4) the Department of State Health Services;
(5) the Department of Agriculture's office of rural health;

(6) the Texas Veterans Commission;
(7) the Texas Workforce Commission;
(8) the office of the attorney general;
(9) the Barshop Institute for Longevity and Aging Studies at The University of Texas Health Science Center at San Antonio;

(10) the Texas Aging and Longevity Consortium at The University of Texas at Austin; and

(11) the Center for Community Health and Aging at Texas A&M University.

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

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

(d) A council member serves at the pleasure of the

35-1 appointing agency or entity.

35-2 Sec. 526.0804 [~~531.494~~]. TERMS; VACANCY. (a) Council
35-3 members serve six-year terms.

35-4 (b) A vacancy on the council shall be filled in the same
35-5 manner as the original appointment. A council member appointed to
35-6 fill a vacancy on the council shall serve the remainder of the
35-7 unexpired term.

35-8 Sec. 526.0805 [~~531.495~~]. PRESIDING OFFICER. The
35-9 representative of the commission's aging services coordination
35-10 office appointed under Section 526.0803(a) [~~531.493(a)~~] shall
35-11 serve as the presiding officer.

35-12 Sec. 526.0806 [~~531.496~~]. MEETINGS. The council shall meet
35-13 at least once quarterly or more frequently at the call of the
35-14 presiding officer.

35-15 Sec. 526.0807 [~~531.497~~]. POWERS AND DUTIES. The council:

35-16 (1) shall, in accordance with Section 526.0808
35-17 [~~531.498~~]:

35-18 (A) develop a recurring five-year statewide
35-19 interagency aging services strategic plan; and

35-20 (B) submit the strategic plan to the executive
35-21 commissioner and the administrative head of each agency subject to
35-22 the strategic plan;

35-23 (2) shall develop and, not later than November 1 of
35-24 each even-numbered year, submit to the legislature a biennial
35-25 coordinated statewide interagency aging services expenditure
35-26 proposal;

35-27 (3) shall annually publish an updated inventory of
35-28 state-funded interagency aging programs and services that includes
35-29 a description of how those programs and services further the
35-30 purpose of the statewide interagency aging services strategic plan;

35-31 (4) may facilitate opportunities to increase
35-32 collaboration for the effective expenditure of available federal
35-33 and state money for interagency aging services in this state; and

35-34 (5) may establish subcommittees as necessary to carry
35-35 out the council's duties under this subchapter.

35-36 Sec. 526.0808 [~~531.498~~]. RECURRING FIVE-YEAR STRATEGIC
35-37 PLAN AND RELATED IMPLEMENTATION PLANS. (a) Not later than March 1
35-38 of the last state fiscal year in each five-year period covered by
35-39 the most recent strategic plan, the council shall:

35-40 (1) develop a new strategic plan for the next five
35-41 state fiscal years that begins with the following fiscal year; and

35-42 (2) submit the new strategic plan to the executive
35-43 commissioner and the administrative head of each agency subject to
35-44 the strategic plan.

35-45 (b) Not later than the 90th day after receiving the
35-46 strategic plan, the executive commissioner and the administrative
35-47 head of each agency that is subject to the plan shall develop and
35-48 submit to the governor, the lieutenant governor, and the
35-49 legislature a plan for implementing the recommendations applicable
35-50 to the agency under the strategic plan. An implementation plan must
35-51 include a justification for any recommendation the commission or
35-52 other agency declines to implement.

35-53 Sec. 526.0809 [~~531.499~~]. APPLICATION OF SUNSET ACT. The
35-54 council is subject to Chapter 325 (Texas Sunset Act). The council
35-55 shall be reviewed during the period in which the commission is
35-56 reviewed under Section 523.0003 [~~531.004~~]. Unless continued in
35-57 existence as provided by Chapter 325, the council is abolished and
35-58 this subchapter expires on the date on which the commission is
35-59 subject to abolishment under that section.

35-60 SECTION 8.026. Section 531.02485, Government Code, is
35-61 transferred to Subchapter D, Chapter 532, Government Code, as
35-62 effective April 1, 2025, redesignated as Section 532.0157,
35-63 Government Code, and amended to conform to Chapter 769 (H.B. 4611),
35-64 Acts of the 88th Legislature, Regular Session, 2023, to read as
35-65 follows:

35-66 Sec. 532.0157 [~~531.02485~~]. REQUIRED REVIEW OF CRIMINAL
35-67 HISTORY RECORD INFORMATION FOR CERTAIN RESIDENTIAL CAREGIVERS. (a)
35-68 In this section, "residential caregiver" means an individual who
35-69 provides, through a group home or other residential facility

licensed by or operated under the authority of the commission, community-based residential care services:

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

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

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

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

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

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

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

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

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

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

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

(2) "Reportable conduct" includes:

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

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

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

(D) emotional, verbal, or psychological abuse that causes harm to an individual using the consumer-directed service option or a resident.

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

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

(b) A Medicaid provider, including a provider providing

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

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

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

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

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

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

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

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

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

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

Sec. 532.0502 [~~531.652~~]. MEDICAID MANAGED CARE ORGANIZATION SERVICE COORDINATION BENEFITS NOT AFFECTED. The provision of program services to a recipient does not preempt or otherwise affect a Medicaid managed care organization's obligation to provide service coordination benefits to the recipient.

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

- (1) an advanced practice nurse who holds a license, other than a provisional or temporary license, under Chapter 301, Occupations Code;
- (2) a registered nurse who holds a license, other than a provisional or temporary license, under Chapter 301, Occupations Code, and:
 - (A) completed a baccalaureate degree program in nursing; or
 - (B) completed an associate degree program in nursing and has:
 - (i) at least two years of cumulative paid full-time work experience; or
 - (ii) at least two years of cumulative, supervised full-time educational internship or practicum

experience obtained in the last 10 years that included assessing the psychosocial and health needs of and making community referrals of:

(a) children who are 21 years of age or younger; or

(b) pregnant women;

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

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

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

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

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

(2) community assistance programs, including programs providing:

(A) nutrition and housing assistance;

(B) counseling and parenting services;

(C) substance use disorder treatment; and

(D) domestic violence assistance and shelter;

(3) domestic violence and coercive control dynamics;

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

(A) program services screening; and

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

(5) procedures for:

(A) an eligible recipient to:

(i) decline program services screening; or

(ii) withdraw consent for offered services;

and

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

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

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

(2) should be referred for program services.

(b) Service coordination benefits described by Subsection (a) must include identifying and coordinating the provision of non-covered services, community supports, and other resources the Medicaid managed care organization determines will improve the recipient's health outcomes.

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

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

screening is conducted under that section that:

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

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

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

Sec. 540.0056. GUIDELINES FOR COMMUNICATIONS WITH RECIPIENTS. (a) The executive commissioner shall adopt and publish guidelines for Medicaid managed care organizations regarding how an organization may communicate by telephone, text message, or e-mail with a recipient enrolled in the organization's Medicaid managed care plan using the contact information provided in the recipient's application for Medicaid benefits under Section 32.025(g)(2), Human Resources Code, including updated information provided to the organization in accordance with Section 32.025(h), Human Resources Code.

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

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

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

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

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

Sec. 540.0104 [~~533.021~~]. TREATMENT AS QUALITY IMPROVEMENT COST OF CERTAIN SERVICES PROVIDED BY COMMUNITY HEALTH WORKERS. (a) In this section, "community health worker" has the meaning assigned by Section 48.001, Health and Safety Code.

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

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

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

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

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

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

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

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

services reflect national clinical practice guidelines and protocols for sickle cell disease treatment and meet medical necessity criteria; and

(B) address sickle cell disease education for Medicaid providers, including emergency department providers, by collaborating with medical specialty organizations in this state, state agencies, and health-related institutions to promote existing or new continuing education courses or facilitate development of any necessary new courses to improve the diagnosis, treatment, and management of sickle cell disease and the personal treatment of patients with sickle cell disease; and

(2) use the commission's existing data to identify opportunities for improving health outcomes of recipients diagnosed with sickle cell disease by:

(A) reducing hospital admissions and readmissions; and

(B) connecting those recipients to a sickle cell disease health home or sickle cell disease expert.

SECTION 8.033. Subchapter C, Chapter 533, Government Code, is transferred to Chapter 540, Government Code, as effective April 1, 2025, and redesignated as Subchapter S, Chapter 540, Government Code, to read as follows:

SUBCHAPTER S [C]. PRESCRIPTION DRUG BENEFITS UNDER CERTAIN OUTPATIENT PHARMACY BENEFIT PLANS

Sec. 540.0901 [~~533.071~~]. PREFERRED DRUG LIST EXCEPTIONS.

(a) The commission shall adopt rules allowing exceptions to the preferred drug list if:

(1) the drug required under the preferred drug list:

(A) is contraindicated;

(B) will likely cause an adverse reaction in or physical or mental harm to the recipient; or

(C) is expected to be ineffective based on the known clinical characteristics of the recipient and the known characteristics of the prescription drug regimen;

(2) the recipient previously discontinued taking the preferred drug at any point in the recipient's clinical history and for any length of time because the drug:

(A) was not effective;

(B) had a diminished effect; or

(C) resulted in an adverse event;

(3) the recipient was prescribed and is taking a nonpreferred drug in the antidepressant or antipsychotic drug class and the recipient:

(A) was prescribed the nonpreferred drug before being discharged from an inpatient facility;

(B) is stable on the nonpreferred drug; and

(C) is at risk of experiencing complications from switching from the nonpreferred drug to another drug; or

(4) the preferred drug is not available for reasons outside of the Medicaid managed care organization's control, including because:

(A) the drug is in short supply according to the Food and Drug Administration Drug Shortages Database; or

(B) the drug's manufacturer has placed the drug on backorder or allocation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) establish a financial audit schedule that ensures each authority described by this subsection:

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

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

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

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

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

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

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

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

(b) Section 1, Chapter 1098 (S.B. 1342), Acts of the 88th Legislature, Regular Session, 2023, which amended Section

42-1 [531.024131](#)(a), Government Code, is repealed.

42-2 SECTION 8.038. Section [531.024183](#), Government Code, is
 42-3 transferred to Subchapter B, Chapter 545, Government Code, as
 42-4 effective April 1, 2025, redesignated as Section 545.0058,
 42-5 Government Code, and amended to conform to Chapter 769 (H.B. 4611),
 42-6 Acts of the 88th Legislature, Regular Session, 2023, to read as
 42-7 follows:

42-8 Sec. 545.0058 [[531.024183](#)]. STANDARDIZED SCREENING
 42-9 QUESTIONS FOR ASSESSING NONMEDICAL HEALTH-RELATED NEEDS OF CERTAIN
 42-10 PREGNANT WOMEN; INFORMED CONSENT. (a) In this section,
 42-11 "alternatives to abortion program" means the program established by
 42-12 the commission to enhance and increase resources that promote
 42-13 childbirth for women facing unplanned pregnancy, or a successor
 42-14 program.

42-15 (b) The commission shall adopt standardized screening
 42-16 questions designed to screen for, identify, and aggregate data
 42-17 regarding the nonmedical health-related needs of pregnant women
 42-18 eligible for benefits under a public benefits program administered
 42-19 by the commission or another health and human services agency,
 42-20 including:

42-21 (1) Medicaid; and

42-22 (2) the alternatives to abortion program.

42-23 (c) Subject to Subsection (d), the standardized screening
 42-24 questions must be used by Medicaid managed care organizations and
 42-25 providers participating in the alternatives to abortion program.

42-26 (d) A managed care organization or provider participating
 42-27 in a public benefits program described by Subsection (b), including
 42-28 the alternatives to abortion program, may not perform a screening
 42-29 of a pregnant woman using the standardized screening questions
 42-30 required by this section unless the organization or provider:

42-31 (1) informs the woman:

42-32 (A) about the type of data that will be collected
 42-33 during the screening and the purposes for which the data will be
 42-34 used; and

42-35 (B) that the collected data will become part of
 42-36 the woman's medical record or service plan; and

42-37 (2) obtains the woman's informed consent to perform
 42-38 the screening.

42-39 (e) A managed care organization or provider participating
 42-40 in a public benefits program described by Subsection (b), including
 42-41 the alternatives to abortion program, must provide to the
 42-42 commission, in the form and manner prescribed by the commission,
 42-43 data the organization or provider collects using the standardized
 42-44 screening questions required by this section.

42-45 (f) Not later than December 1 of each even-numbered year,
 42-46 the commission shall prepare and submit to the legislature a report
 42-47 that, using de-identified information, summarizes the data
 42-48 collected and provided to the commission under Subsection (e)
 42-49 during the previous biennium. In accordance with Section [525.0302](#)
 42-50 [~~531.014~~], the commission may consolidate the report required under
 42-51 this subsection with any other report to the legislature required
 42-52 under this chapter or another law that relates to the same subject
 42-53 matter.

42-54 SECTION 8.039. Section [531.02119](#), Government Code, is
 42-55 transferred to Subchapter E, Chapter 545, Government Code, as
 42-56 effective April 1, 2025, redesignated as Section 545.0205,
 42-57 Government Code, and amended to read as follows:

42-58 Sec. 545.0205 [[531.02119](#)]. DISCRIMINATION BASED ON
 42-59 IMMUNIZATION STATUS PROHIBITED. (a) A provider who participates
 42-60 in Medicaid or the child health plan program, including a provider
 42-61 participating in the provider network of a managed care
 42-62 organization that contracts with the commission to provide services
 42-63 under Medicaid or the child health plan program, may not refuse to
 42-64 provide health care services to a Medicaid recipient or child
 42-65 health plan program enrollee based solely on the recipient's or
 42-66 enrollee's refusal or failure to obtain a vaccine or immunization
 42-67 for a particular infectious or communicable disease.

42-68 (b) [~~(a-1)~~] Notwithstanding Subsection (a), a provider is
 42-69 not in violation of this section if the provider:

(1) adopts a policy requiring some or all of the provider's patients, including patients who are Medicaid recipients or child health plan program enrollees, to be vaccinated or immunized against a particular infection or communicable disease to receive health care services from the provider; and

(2) provides an exemption to the policy described by Subdivision (1) under which the provider accepts from a patient who is a Medicaid recipient or child health plan program enrollee an oral or written request for an exemption from each required vaccination or immunization based on:

(A) a reason of conscience, including a sincerely held religious belief, observance, or practice, that is incompatible with the administration of the vaccination or immunization; or

(B) a recognized medical condition for which the vaccination or immunization is contraindicated.

(c) ~~[(b)]~~ The commission may not provide any reimbursement under Medicaid or the child health plan program, as applicable, to a provider who violates this section unless and until the commission finds that the provider is in compliance with this section.

(d) ~~[(c)]~~ Subsection (c) ~~[(b)]~~ applies only with respect to an individual physician. The commission may not refuse to provide reimbursement to a provider who did not violate this section based on that provider's membership in a provider group or medical organization with an individual physician who violated this section.

(e) ~~[(d)]~~ This section does not apply to a provider who is a specialist in:

(1) oncology; or

(2) organ transplant services.

(f) ~~[(e)]~~ The executive commissioner shall adopt rules necessary to implement this section, including rules establishing the right of a provider who is alleged to have violated this section to seek administrative and judicial review of the alleged violation.

SECTION 8.040. (a) Section 546.0505, Government Code, as effective April 1, 2025, is amended to conform to Section 1, Chapter 738 (H.B. 3265), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

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

(1) enrollment in the Medicaid buy-in for children program implemented under Section 532.0353;

(2) requests relating to interest list placements under Section 546.0455;

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

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

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

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

SECTION 8.041. Section 531.09936, Government Code, is transferred to Subchapter A, Chapter 547, Government Code, as effective April 1, 2025, and redesignated as Section 547.0006, Government Code, to read as follows:

Sec. 547.0006 [531.09936]. ESTABLISHMENT OR EXPANSION OF

REGIONAL BEHAVIORAL HEALTH CENTERS OR JAIL DIVERSION CENTERS. (a)
In this section:

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

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

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

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

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

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

(3) provide services to reduce recidivism and the frequency of arrest, incarceration, and emergency detentions among persons with mental illness in the service areas.

(c) The executive commissioner shall develop criteria for the evaluation of applications or proposals submitted by a nonprofit organization or governmental entity seeking to contract with the commission under this section.

(d) This section may not be construed to affect a grant program established by the commission under this code.

SECTION 8.042. (a) Section 547.0254, Government Code, as effective April 1, 2025, is amended to conform to Section 1, Chapter 944 (S.B. 1677), Acts of the 88th Legislature, Regular Session, 2023, and further amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 547.0254. SELECTION OF RECIPIENTS; APPLICATIONS AND PROPOSALS. (a) The commission shall select grant recipients based on the submission of applications or proposals by nonprofit and governmental entities. The executive commissioner shall develop criteria for evaluating those applications or proposals and the selection of grant recipients. The selection criteria must:

(1) evaluate and score:
(A) fiscal controls for the project;
(B) project effectiveness;
(C) project cost; and
(D) an applicant's previous experience with grants and contracts;

(2) address whether the services proposed in the application or proposal would duplicate services already available in the applicant's service area;

(3) address the possibility of and method for making multiple awards; and

(4) include other factors that the executive commissioner considers relevant.

(b) If the commission is appropriated money to implement this subchapter and Section 547.0201 for a state fiscal year in an amount that exceeds the total amount of grants awarded under this subchapter in the previous state fiscal year, the commission, in selecting grant recipients for the excess amount, must accept applications or proposals from applicants that were not selected as grant recipients under this subchapter in the previous state fiscal year or applicants that were selected as grant recipients but require additional funding for the recipient's community mental health program for purposes of this subchapter.

(b) Section 1, Chapter 944 (S.B. 1677), Acts of the 88th Legislature, Regular Session, 2023, which amended Section 531.0991, Government Code, is repealed.

SECTION 8.043. (a) Subchapter H, Chapter 547, Government

Code, as effective April 1, 2025, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, by adding Section 547.03551, Government Code, and a heading is added to that section to read as follows:

Sec. 547.03551. COMMISSION ASSISTANCE FOR CERTAIN COMMUNITY COLLABORATIVES.

(b) Sections 531.0993(d-1) and (d-2), Government Code, are transferred to Section 547.03551, Government Code, as added by this Act, redesignated as Sections 547.03551(a) and (b), Government Code, respectively, and amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

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

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

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

SUBCHAPTER J. INNOVATION MATCHING GRANT PROGRAM FOR MENTAL HEALTH EARLY INTERVENTION AND TREATMENT

(b) Section 531.09915, Government Code, is transferred to Subchapter J, Chapter 547, Government Code, as added by this Act, redesignated as Sections 547.0501 through 547.0510, and amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 547.0501 ~~[531.09915]~~. DEFINITIONS ~~[INNOVATION MATCHING GRANT PROGRAM FOR MENTAL HEALTH EARLY INTERVENTION AND TREATMENT]~~. ~~[(a)]~~ In this subchapter ~~[section]~~:

(1) "Inpatient mental health facility" has the meaning assigned by Section 571.003, Health and Safety Code.

(2) "Matching grant program" ~~["Program"]~~ means the matching grant program established under this subchapter ~~[section]~~.

(3) "State hospital" has the meaning assigned by Section 552.0011, Health and Safety Code.

Sec. 547.0502. MATCHING GRANT PROGRAM. ~~[(b)]~~ To the extent money is appropriated to the commission for that purpose, the commission shall establish a matching grant program to provide support to eligible entities for community-based initiatives that promote identification of mental health issues and improve access to early intervention and treatment for children and families. The initiatives may:

(1) be evidence-based or otherwise demonstrate positive outcomes, including:

(A) improved relationship skills;
(B) improved self-esteem;
(C) reduced involvement in the juvenile justice system;

(D) participation in the relinquishment avoidance program under Subchapter E, Chapter 262, Family Code; and

(E) avoidance of emergency room use; and

(2) include:

(A) training; and
(B) services and supports for:
(i) community-based initiatives;

(ii) agencies that provide services to children and families;

(iii) individuals who work with children or caregivers of children showing atypical social or emotional development or other challenging behaviors; and

(iv) children in or at risk of placement in foster care or the juvenile justice system.

Sec. 547.0503. CONTRACT WITH COMMISSION REQUIRED.
~~[(e)]~~ The commission may award a grant under the matching grant program only in accordance with a contract between the commission and a grant recipient. The contract must include provisions under which the commission is given sufficient control to ensure the public purpose of providing mental health prevention services to children and families is accomplished and the state receives the return benefit.

Sec. 547.0504. APPLICATION AND ELIGIBILITY REQUIREMENTS. ~~[(d)]~~ The executive commissioner by rule shall establish application and eligibility requirements for an entity to be awarded a grant under the matching grant program.

Sec. 547.0505. ELIGIBLE ENTITIES. ~~[(e)]~~ The following entities are eligible to receive ~~[for]~~ a grant awarded under the matching grant program:

- (1) a hospital licensed under Chapter 241, Health and Safety Code;
- (2) a mental hospital licensed under Chapter 577, Health and Safety Code;
- (3) a hospital district;
- (4) a local mental health authority;
- (5) a child-care facility, as defined by Chapter 42, Human Resources Code;
- (6) a county or municipality; and
- (7) a nonprofit organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt entity under Section 501(c)(3) of that code.

Sec. 547.0506. SELECTION OF RECIPIENTS: PRIORITIZATION OF CERTAIN ENTITIES. ~~[(f)]~~ In awarding grants under the matching grant program, the commission shall prioritize entities that work with children and family members of children with a high risk of experiencing a crisis or developing a mental health condition to reduce:

- (1) the need for future intensive mental health services;
- (2) the number of children at risk of placement in foster care or the juvenile justice system; or
- (3) the demand for placement in state hospitals, inpatient mental health facilities, and residential behavioral health facilities.

Sec. 547.0507. MATCHING CONTRIBUTION REQUIRED. ~~[(g)]~~ The commission shall condition each grant awarded under the matching grant program on the grant recipient providing matching money in an amount that is equal to at least 10 percent of the grant amount.

Sec. 547.0508. USE OF GRANTS AND MATCHING AMOUNTS.
 (a) ~~[(h)]~~ A grant recipient may only use grant money awarded under the matching grant program and matching money provided by the recipient to develop innovative strategies that provide:

- (1) resiliency;
- (2) coping and social skills;
- (3) healthy social and familial relationships; and
- (4) parenting skills and behaviors.

(b) ~~[(i)]~~ A grant recipient may not use grant money awarded under the matching grant program or matching money provided by the recipient to:

- (1) reimburse an expense or pay a cost that another source, including ~~the~~ Medicaid ~~[program]~~, is obligated to reimburse or pay by law or under a contract; or
- (2) supplant or be a substitute for money awarded to the recipient from a non-Medicaid federal funding source, including federal grant funding.

47-1 Sec. 547.0509. EFFECT ON MEDICAID REQUIREMENTS. [(j)] A
 47-2 Medicaid provider's receipt of a grant under the matching grant
 47-3 program does not affect any legal or contractual duty of the
 47-4 provider to comply with ~~[requirements under the]~~ Medicaid
 47-5 requirements [program].

47-6 Sec. 547.0510. ALLOCATING APPROPRIATED MONEY. [(k)] The
 47-7 commission may use a reasonable amount of the money appropriated by
 47-8 the legislature for the purposes of the matching grant program, not
 47-9 to exceed five percent, to pay the administrative costs of
 47-10 implementing and administering the program.

47-11 SECTION 8.045. (a) Sections 547A.0001(a) and (b),
 47-12 Government Code, as effective April 1, 2025, are amended to conform
 47-13 to Section 2, Chapter 859 (H.B. 3466), Acts of the 88th Legislature,
 47-14 Regular Session, 2023, to read as follows:

47-15 (a) To the extent funds are appropriated to the commission
 47-16 for that purpose, the commission shall make grants to entities,
 47-17 including local governmental entities, nonprofit community
 47-18 organizations, and faith-based community organizations, to
 47-19 establish or expand community collaboratives that bring the public
 47-20 and private sectors together to provide services to individuals
 47-21 experiencing homelessness, substance use issues, or mental
 47-22 illness. In awarding grants, the commission shall give special
 47-23 consideration to entities:

47-24 (1) establishing new collaboratives; ~~[(x)]~~
 47-25 (2) establishing or expanding collaboratives that
 47-26 serve two or more counties, each with a population of less than
 47-27 100,000; or

47-28 (3) providing services to an average of at least 50
 47-29 percent of persons experiencing homelessness in a geographic area
 47-30 served by a Continuum of Care Program funded by the United States
 47-31 Department of Housing and Urban Development according to the last
 47-32 three Point-in-Time surveys of homelessness conducted by that
 47-33 department.

47-34 (b) Except as provided by Subsection (c), the commission
 47-35 shall require each entity awarded a grant under this section to:

47-36 (1) leverage additional funding or in-kind
 47-37 contributions from private contributors or local governments,
 47-38 excluding state or federal funds, in an amount that is at least
 47-39 equal to the amount of the grant awarded under this section;

47-40 (2) provide evidence of significant coordination and
 47-41 collaboration between the entity, local mental health authorities,
 47-42 municipalities, local law enforcement agencies, and other
 47-43 community stakeholders in establishing or expanding a community
 47-44 collaborative funded by a grant awarded under this section; and

47-45 (3) provide evidence of a local law enforcement policy
 47-46 to divert appropriate individuals from jails, ~~[(x)]~~ other detention
 47-47 facilities, or mental health facilities operated by or under
 47-48 contract with the commission to an entity affiliated with a
 47-49 community collaborative for the purpose of providing services to
 47-50 those individuals.

47-51 (b) Section 2, Chapter 859 (H.B. 3466), Acts of the 88th
 47-52 Legislature, Regular Session, 2023, which amended Sections
 47-53 539.002(a) and (b), Government Code, is repealed.

47-54 SECTION 8.046. Section 539.010, Government Code, is
 47-55 transferred to Chapter 547A, Government Code, as effective April 1,
 47-56 2025, redesignated as Section 547A.0010, Government Code, and
 47-57 amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th
 47-58 Legislature, Regular Session, 2023, to read as follows:

47-59 Sec. 547A.0010 [539.010]. BIENNIAL REPORT. (a) The
 47-60 commission [department] shall prepare a report that includes:

47-61 (1) the method by which the commission [department]
 47-62 chose entities to award grants to under this chapter;

47-63 (2) the amount of each grant awarded to an entity under
 47-64 this chapter;

47-65 (3) the number of individuals served by each community
 47-66 collaborative receiving grant funds under this chapter; and

47-67 (4) the results of the annual review of outcome
 47-68 measures required by Section 547A.0006 [539.006].

47-69 (b) Not later than September 1 of each even-numbered year,

the commission ~~[department]~~ shall submit a report described by Subsection (a) to:

- (1) the lieutenant governor;
- (2) the speaker of the house of representatives;
- (3) the standing committees of the legislature having primary jurisdiction over the department and state finance; and
- (4) the Legislative Budget Board.

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

Sec. 548.0251. DEFINITIONS. In this subchapter:

(1) "Federally qualified health center" has the meaning assigned by 42 U.S.C. Section 1396d(1)(2)(B).

(2) "Home and community support services agency" means a person licensed under Chapter 142, Health and Safety Code, to provide home health, hospice, or personal assistance services as those terms are defined by Section 142.001, Health and Safety Code.

(3) ~~[(2)]~~ "Hospital" means a hospital licensed under Chapter 241, Health and Safety Code.

(4) "Rural health clinic" has the meaning assigned by 42 U.S.C. Section 1396d(1)(1).

Sec. 548.0252. MEDICAID REIMBURSEMENT [PROGRAM] FOR HOME TELEMONITORING SERVICES AUTHORIZED. ~~The [If the commission determines that establishing a statewide program that permits Medicaid reimbursement for home telemonitoring services would be cost-effective and feasible, the] executive commissioner [by rule] shall adopt rules for the provision and reimbursement of home telemonitoring services under Medicaid [establish the program] as provided by this subchapter.~~

Sec. 548.0253. REIMBURSEMENT [PROGRAM] REQUIREMENTS. (a) For purposes of adopting rules [A program established] under this subchapter, the commission shall [must]:

(1) identify and provide home telemonitoring services to individuals diagnosed with conditions for which the commission determines the provision of home telemonitoring services would be cost-effective and clinically effective;

(2) consider providing home telemonitoring services under Subdivision (1) [provide that home telemonitoring services are available only] to a Medicaid recipient [an individual] who:

(A) is diagnosed with one or more of the following conditions:

- (i) pregnancy;
- (ii) diabetes;
- (iii) heart disease;
- (iv) cancer;
- (v) chronic obstructive pulmonary disease;
- (vi) hypertension;
- (vii) congestive heart failure;
- (viii) mental illness or serious emotional disturbance;

(ix) asthma;

(x) myocardial infarction; ~~[or]~~

(xi) stroke;

(xii) end stage renal disease; or

(xiii) a condition that requires renal dialysis treatment; and

(B) exhibits at least one [two or more] of the following risk factors:

- (i) two or more hospitalizations in the prior 12-month period;
- (ii) frequent or recurrent emergency room admissions;

(iii) a documented history of poor adherence to ordered medication regimens;

(iv) a documented risk [history] of falls [in the prior six-month period]; and

(v) ~~[limited or absent informal support systems;~~
~~[(vi) living alone or being home alone for extended periods; and~~
~~[(vii)]~~ a documented history of care access challenges;

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

(A) a home and community support services agency;
 (B) a federally qualified health center;
 (C) a rural health clinic; or
 (D) a hospital ~~[while providing home telemonitoring services is shared with the patient's physician];~~
~~[and]~~

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

(5) require a provider to:
 (A) establish a plan of care that includes outcome measures for each recipient who receives home telemonitoring services under this subchapter; and
 (B) share the plan and outcome measures with the recipient's physician.

(b) Notwithstanding any other provision of this subchapter ~~[Subsection (a)(1)], the commission shall ensure [a program established under this subchapter must also provide]~~ that home telemonitoring services are available to pediatric individuals who:

(1) are diagnosed with end-stage solid organ disease;
 (2) have received an organ transplant; or
 (3) require mechanical ventilation.

Sec. 548.0254. DISCONTINUATION OF REIMBURSEMENT ~~[PROGRAM]~~ UNDER CERTAIN CIRCUMSTANCES. If, after implementation, the commission determines that a condition for which the commission has authorized the provision and reimbursement of home telemonitoring services under Medicaid ~~[the program established]~~ under this subchapter is not cost-effective and clinically effective, the commission may discontinue the availability of home telemonitoring services for that condition ~~[program]~~ and stop providing Medicaid reimbursement for home telemonitoring services for that condition, notwithstanding Subchapter B or any other law.

Sec. 548.0256. REIMBURSEMENT FOR OTHER CONDITIONS AND RISK FACTORS. ~~[(a)]~~ To comply with state and federal requirements to provide access to medically necessary services under Medicaid, including the Medicaid managed care program, and if the commission determines it is cost-effective and clinically effective, the commission or a Medicaid managed care organization, as applicable, may reimburse providers for home telemonitoring services provided to individuals who have conditions and exhibit risk factors other than those expressly authorized by this subchapter.

~~[(b) In determining whether the Medicaid managed care organization should provide reimbursement for services under this section, the organization shall consider whether reimbursement for the service is cost-effective and providing the service is clinically effective.]~~

Sec. 548.0257. REIMBURSEMENT FOR HIGH-RISK PREGNANCY. (a) In addition to determining whether to provide home telemonitoring services to Medicaid recipients with the conditions described by Section 548.0253(a)(2), the commission shall determine whether high-risk pregnancy is a condition for which the provision of home telemonitoring services is cost-effective and clinically effective. If the commission determines that high-risk pregnancy is a condition for which the provision of home telemonitoring services is cost-effective and clinically effective:

(1) the commission shall, to the extent permitted by state and federal law, provide recipients experiencing a high-risk pregnancy with clinically appropriate home telemonitoring services

equipment for temporary use in the recipient's home; and

(2) the executive commissioner by rule shall:

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

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

(C) subject to Subsection (b), require that a provider obtain:

(i) prior authorization from the commission before providing home telemonitoring services equipment to a recipient during the first month the equipment is provided to the recipient; and

(ii) an extension of the authorization under Subparagraph (i) from the commission before providing the equipment in a subsequent month based on the recipient's ongoing medical need; and

(D) prohibit payment or reimbursement for home telemonitoring services equipment during any period that the equipment was not in use because the recipient was hospitalized or away from the recipient's home regardless of whether the equipment remained in the recipient's home while the recipient was hospitalized or away.

(b) For purposes of Subsection (a), the commission shall require that:

(1) a request for prior authorization under Subsection (a)(2)(C)(i) be based on an in-person assessment of the recipient; and

(2) documentation of the recipient's ongoing medical need for the equipment is provided to the commission before the commission grants an extension under Subsection (a)(2)(C)(ii).

(b) Section 2, Chapter 840 (H.B. 2727), Acts of the 88th Legislature, Regular Session, 2023, which amended Section 531.02164, Government Code, is repealed.

SECTION 8.048. Section 531.0691, Government Code, is transferred to Subchapter A, Chapter 549, Government Code, as effective April 1, 2025, and redesignated as Section 549.0006, Government Code, to read as follows:

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

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

(1) approved by the commission; or

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

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

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

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

(c) The commission shall:

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

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

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

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

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

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

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

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

(c) Section 531.072(h), Government Code, is transferred to Subchapter E, Chapter 549, Government Code, as effective April 1, 2025, redesignated as Section 549.0209, Government Code, and amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 549.0209. TEMPORARY NON-PREFERRED STATUS FOR CERTAIN DRUGS. ~~[(h)]~~ The commission shall grant temporary non-preferred status to new drugs that are available but have not yet been reviewed by the ~~[drug utilization review]~~ board and establish criteria for authorizing drugs with temporary non-preferred status.

SECTION 8.050. (a) Section 549.0257(a), Government Code, as effective April 1, 2025, is amended to conform to Section 4, Chapter 739 (H.B. 3286), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) The commission shall establish procedures for the prior authorization requirement under the Medicaid vendor drug program to ensure that the requirements of 42 U.S.C. Section 1396r-8(d)(5) are met. The procedures must ensure that:

(1) ~~[a prior authorization requirement is not imposed for a drug before the drug has been considered at a meeting of the Drug Utilization Review Board under Subchapter C,~~

~~[(2)]~~ a response to a request for prior authorization is provided by telephone or other telecommunications device within 24 hours after receipt of the request; and

(2) ~~[(3)]~~ a 72-hour supply of the drug prescribed is provided in an emergency or if the commission does not provide a response within the period required by Subdivision (1) ~~[(2)]~~.

(b) Section 4, Chapter 739 (H.B. 3286), Acts of the 88th Legislature, Regular Session, 2023, which amended Section 531.073(b), Government Code, is repealed.

SECTION 8.051. (a) Section 549.0302(a), Government Code, as effective April 1, 2025, is amended to conform to Section 5, Chapter 739 (H.B. 3286), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

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

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

(2) at least 17 physicians and pharmacists who:
(A) provide services across the entire population of Medicaid recipients and represent different specialties, including at least one of each of the following types of physicians:

- (i) a pediatrician;
- (ii) a primary care physician;
- (iii) an obstetrician and gynecologist;

(iv) a child and adolescent psychiatrist;
and

(v) an adult psychiatrist; and
(B) have experience in either developing or practicing under a preferred drug list; and

(3) a consumer advocate who represents Medicaid recipients.

(b) Section 549.0310(e), Government Code, as effective April 1, 2025, is amended to conform to Section 5, Chapter 739 (H.B. 3286), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(e) Notwithstanding any other law, board [Board] members appointed under Section 549.0302(a)(1) may attend quarterly and other regularly scheduled meetings, but may not:

(1) attend portions of the executive sessions in which confidential drug pricing information is shared; or

(2) access confidential drug pricing information.

(c) Section 5, Chapter 739 (H.B. 3286), Acts of the 88th Legislature, Regular Session, 2023, which amended Sections 531.0736(c) and (d), Government Code, is repealed.

SECTION 8.052. Section 551.083, Government Code, is repealed to conform to the repeal of Section 13.901, Education Code, by Section 8.33, Chapter 347 (S.B. 7), Acts of the 73rd Legislature, Regular Session, 1993.

SECTION 8.053. Section 574.004, Government Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 574.004. ASSISTANCE BY ATTORNEY GENERAL. This chapter does not prevent the attorney general from providing assistance to district attorneys, criminal district attorneys, and county attorneys on request by allowing assistant attorneys general to serve as duly appointed and deputized assistant prosecutors, nor does this chapter prohibit ~~[the appointment of]~~ an assistant attorney general from performing duties as an attorney representing the state under a temporary appointment described by [pro tem pursuant to] Article 2A.104, Code of Criminal Procedure.

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

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

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

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

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

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

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

(4) an employee of the Parks and Wildlife Department who performs communications and dispatch services to assist law enforcement officers commissioned by the Parks and Wildlife Commission in performing law enforcement duties;

(5) an employee of [, or who is employed by] the Texas Juvenile Justice Department who:

(A) performs [to perform] communication service duties for the incident reporting center; and

(B) assists [to assist] law enforcement officers appointed by the office of inspector general of the Texas Juvenile Justice Department in performing investigative duties; ~~[]~~ or

(6) ~~[who is employed as]~~ a security officer providing security and entry searches for secure correctional facilities operated by the Texas Juvenile Justice Department~~[7]~~.

SECTION 8.055. Sections 804.003(j) and (k), Government Code, as amended by Chapters 78 (S.B. 729) and 1092 (S.B. 1245), Acts of the 88th Legislature, Regular Session, 2023, are reenacted and amended to read as follows:

(j) Except as provided by Subsection (k-1) or (k-2), if a domestic relations order is determined to be a qualified domestic relations order, then the public retirement system (or applicable carrier, if under the optional retirement program) shall pay the segregated amounts without interest to the person or persons entitled thereto and shall thereafter pay benefits pursuant to the order.

(k) Except as provided by Subsection (k-1) or (k-2), if a domestic relations order is determined not to be a qualified domestic relations order or if within 18 months of the date a domestic relations order is received by the public retirement system (or applicable carrier, if under the optional retirement program) the issue as to whether such order is a qualified domestic relations order is not resolved, then the public retirement system (or applicable carrier, if under the optional retirement program) shall pay the segregated amounts without interest and shall thereafter pay benefits to the person or persons who would have been entitled to such amounts if there had been no order. This subsection shall not be construed to limit or otherwise affect any liability, responsibility, or duty of a party with respect to any other party to the action out of which the order arose.

ARTICLE 9. CHANGES RELATING TO HEALTH AND SAFETY CODE

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

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

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

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

(1) the total number of:

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

(B) boarding home facility applications denied permitting, including a summary of cause for denial; and

(C) boarding home facility permits active on August 31 of the preceding state fiscal year;

(2) the total number of residents reported housed in each boarding home facility reported;

(3) the total number of inspections conducted at each boarding home facility by the county or municipality that requires the permit;

(4) the total number of permits revoked or suspended as a result of an inspection described by Subdivision (3) and a summary of the outcome for the residents displaced by revocation or suspension of a permit; and

(5) the total number of incidents occurring at each boarding home facility that required the intervention of a peace officer as defined by Article 2A.001 ~~[2.12]~~, Code of Criminal Procedure.

SECTION 9.003. (a) Section 533.032(a), Health and Safety Code, as effective April 1, 2025, is amended to conform to Section 3, Chapter 1147 (S.B. 956), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) The department shall have a long-range plan relating to the provision of services under this title covering at least six

years that includes at least the provisions required by Section ~~[Sections 525.0154, 525.0155, and] 525.0156~~, Government Code, and Chapter 2056, Government Code. The plan must cover the provision of services in and policies for state-operated institutions and ensure that the medical needs of the most medically fragile persons with mental illness the department serves are met.

(b) Section 3, Chapter 1147 (S.B. 956), Acts of the 88th Legislature, Regular Session, 2023, which amended Section 533.032(a), Health and Safety Code, is repealed.

SECTION 9.004. (a) Section 533A.032(a), Health and Safety Code, as effective April 1, 2025, is amended to conform to Section 4, Chapter 1147 (S.B. 956), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) The department shall have a long-range plan relating to the provision of services under this title covering at least six years that includes at least the provisions required by Section ~~[Sections 525.0154, 525.0155, and] 525.0156~~, Government Code, and Chapter 2056, Government Code. The plan must cover the provision of services in and policies for state-operated institutions and ensure that the medical needs of the most medically fragile persons with an intellectual disability the department serves are met.

(b) Section 4, Chapter 1147 (S.B. 956), Acts of the 88th Legislature, Regular Session, 2023, which amended Section 533A.032(a), Health and Safety Code, is repealed.

SECTION 9.005. Section 592.039, Health and Safety Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

Sec. 592.039. GRIEVANCES. A client, or a person acting on behalf of a person with an intellectual disability or a group of persons with an intellectual disability, has the right to submit complaints or grievances regarding the infringement of the rights of a person with an intellectual disability or the delivery of intellectual disability services against a person, group of persons, organization, or business to the Health and Human Services Commission's ombudsman for individuals with an intellectual or developmental disability as provided under Section 523.0360 ~~[531.9934]~~, Government Code.

SECTION 9.006. Section 810.004(b), Health and Safety Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(b) In addition to the eligible individuals described by Subsection (a), each participating state agency shall designate additional users who are eligible to access the search engine and may require those users to determine whether an individual has engaged in reportable conduct. The additional designated users may include controlling persons, hiring managers, or administrators of:

(1) licensed or certified long-term care providers, including:

(A) home and community support services agencies licensed under Chapter 142;

(B) nursing facilities licensed under Chapter 242;

(C) assisted living facilities licensed under Chapter 247;

(D) prescribed pediatric extended care centers licensed under Chapter 248A;

(E) intermediate care facilities for individuals with an intellectual disability licensed under Chapter 252;

(F) state supported living centers, as defined by Section 531.002; and

(G) day activity and health services facilities licensed under Chapter 103, Human Resources Code;

(2) providers under a Section 1915(c) waiver program, as defined by Section 521.0001 ~~[531.001]~~, Government Code;

(3) juvenile probation departments and registered juvenile justice facilities;

(4) independent school districts, districts of innovation, open-enrollment charter schools, other charter

entities, as defined by Section 21.006, Education Code, regional education service centers, education shared services arrangements, or any other educational entity or provider that is authorized to access the registry established under Section 22.092, Education Code;

(5) private schools that:

(A) offer a course of instruction for students in this state in one or more grades from prekindergarten through grade 12; and

(B) are:

(i) accredited by an organization recognized by the Texas Education Agency or the Texas Private School Accreditation Commission;

(ii) listed in the database of the National Center for Education Statistics of the United States Department of Education; or

(iii) otherwise authorized by Texas Education Agency rule to access the search engine; and

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

ARTICLE 10. CHANGES RELATING TO HUMAN RESOURCES CODE

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

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

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

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

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

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

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

ARTICLE 11. CHANGES RELATING TO INSURANCE CODE

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

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

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

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

(1) a plan that provides coverage:

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

(B) only for hospital expenses; or

(2) the state Medicaid program, including the Medicaid

managed care program operated under Chapter 540 or 540A [~~Chapter 533~~], Government Code.

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

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

(1) a health benefit plan that provides coverage:
(A) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury; or

(B) only for hospital expenses;
(2) Medicaid managed care programs operated under Chapter 540 or 540A [~~533~~], Government Code;

(3) Medicaid programs operated under Chapter 32, Human Resources Code; or

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

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

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

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

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

(3) the TRICARE military health system; or

(4) a workers' compensation insurance policy or other form of providing medical benefits under Title 5, Labor Code.

SECTION 11.005. Section 1369.1031(b), Insurance Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

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

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

(2) a basic coverage plan under Chapter 1551;

(3) a basic plan under Chapter 1575;

(4) a primary care coverage plan under Chapter 1579;

(5) a plan providing basic coverage under Chapter 1601;

(6) group health coverage made available by a school district in accordance with Section 22.004, Education Code; and

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

SECTION 11.006. Section 1369.653(a), Insurance Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) This subchapter does not apply to:

(1) a plan that provides coverage:

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

(B) only for hospital expenses;

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

(3) the child health plan program under Chapter 62, Health and Safety Code.

SECTION 11.007. Section 1369.763(a), Insurance Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) This subchapter does not apply to an issuer or provider of health benefits under or a pharmacy benefit manager administering pharmacy benefits under:

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

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

(3) the TRICARE military health system; or

(4) a workers' compensation insurance policy or other form of providing medical benefits under Title 5, Labor Code.

SECTION 11.008. Section 1372.002(b), Insurance Code, is amended to conform to Chapter 769 (H.B. 4611), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

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

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

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

(3) a basic coverage plan under Chapter 1551;

(4) a basic plan under Chapter 1575;

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

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

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

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

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

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

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

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

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

(3) a basic coverage plan under Chapter 1551;

(4) a basic plan under Chapter 1575;

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

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

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

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

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

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

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

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

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

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

(e) This section does not apply:

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

(A) a third party operating in accordance with the same brand licensee program as the employee benefit plan provider, health insurance policy issuer, or other contracting entity selling or leasing the provider network contract, provided

that the third party accessing the provider network contract agrees to comply with all of the original contract's terms, including the contracted fee schedule and obligations concerning patient steerage; or

(B) an entity that is an affiliate of the employee benefit plan provider, health insurance policy issuer, or other contracting entity selling or leasing the provider network contract, provided that:

(i) the provider, issuer, or entity publicly discloses the names of the affiliates on its Internet website; and

(ii) the affiliate accessing the provider network contract agrees to comply with all of the original contract's terms, including the contracted fee schedule and obligations concerning patient steerage;

(2) to the child health plan program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code; or

(3) to a Medicaid managed care program operated under Chapter 540 or 540A [533], Government Code, or a Medicaid program operated under Chapter 32, Human Resources Code.

ARTICLE 12. CHANGES RELATING TO LABOR CODE

SECTION 12.001. Section 408.1615(a)(1), Labor Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(1) "First responder" means an individual who is:

(A) a peace officer under Article 2A.001 [2.12], Code of Criminal Procedure;

(B) certified under Chapter 773, Health and Safety Code, as an emergency care attendant, advanced emergency medical technician, emergency medical technician-paramedic or a licensed paramedic;

(C) a firefighter subject to certification by the Texas Commission on Fire Protection under Chapter 419, Government Code, whose principal duties are aircraft crash and rescue or fire fighting; or

(D) an individual covered under Section 504.012 who is providing volunteer services as:

(i) a volunteer firefighter, regardless of whether the individual is certified under Chapter 419, Government Code; or

(ii) an emergency medical services volunteer, as defined by Section 773.003, Health and Safety Code.

ARTICLE 13. CHANGES RELATING TO LOCAL GOVERNMENT CODE

SECTION 13.001. Section 81.029(a), Local Government Code, as amended by Chapters 640 (H.B. 784) and 644 (H.B. 4559), Acts of the 88th Legislature, Regular Session, 2023, is reenacted to read as follows:

(a) This section applies only to a county judge in a county that has a population of more than 800,000 and is located on the international border, other than a county to which Section 81.0291 applies.

SECTION 13.002. Section 85.0011(a)(3), Local Government Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

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

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

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

- (1) Transcript \$10.00
- (2) Abstract of judgment \$5.00
- (3) Execution, order of sale, writ of restitution, or other writ or process . . . \$5.00 per page
- (4) Certified copy of court papers . . . \$2.00 for first page

59-1 . . . \$0.25 for each additional page
 59-2 (5) Issuing other document (no return required) . . .
 59-3 \$1.00 for first page
 59-4 . . . \$0.25 for each additional page
 59-5 (b) Sections [118.123](#)(a), (b), and (d), Local Government
 59-6 Code, are amended to conform to Section 3.08, Chapter 472 (S.B. 41),
 59-7 Acts of the 87th Legislature, Regular Session, 2021, to read as
 59-8 follows:
 59-9 (a) The fees [~~fee~~] for "Services rendered after judgment"
 59-10 under Section [118.121](#) apply [~~118.121(2) applies~~] to a civil matter
 59-11 in a justice court or small claims court.
 59-12 (b) The fee for a "Transcript" under Section [118.121](#)(1)
 59-13 [~~118.121(2)~~] is for making and certifying a transcript of the
 59-14 entries on a docket and, in the case of an appeal or certiorari, for
 59-15 filing the transcript with the original papers of the case in the
 59-16 proper court.
 59-17 (d) The fee for an "Execution, order of sale, writ of
 59-18 restitution, or other writ or process" under Section [118.121](#)(3)
 59-19 [~~118.121(2)~~] is for issuing and recording the return on any of those
 59-20 documents. The fee applies only to a writ or process for the
 59-21 issuance of which another fee is not provided by this subchapter.
 59-22 (c) Section [118.123](#)(e), Local Government Code, is amended
 59-23 to correct a reference to read as follows:
 59-24 (e) The fee for "Issuing other document (no return
 59-25 required)" under Section [118.121](#)(5) [~~118.121(2)~~] is for issuing a
 59-26 certificate, notice, statement, or any other document, except for a
 59-27 certified copy of court papers, that a justice of the peace is
 59-28 authorized or required to issue on which a return is not to be
 59-29 recorded. The fee must be paid at the time the order is placed.
 59-30 (d) Section [118.1235](#), Local Government Code, is amended to
 59-31 correct a reference to read as follows:
 59-32 Sec. [118.1235](#). FEE FOR CERTIFIED COPY. The fee for
 59-33 "Certified copy of court papers" under Section [118.121](#)(4)
 59-34 [~~118.121(2)~~] is for issuing a certified copy of a paper filed in a
 59-35 justice court or a small claims court. The fee must be paid at the
 59-36 time the order is placed.
 59-37 SECTION 13.004. Section [134.156](#)(a), Local Government Code,
 59-38 is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th
 59-39 Legislature, Regular Session, 2023, to read as follows:
 59-40 (a) In a county or municipality that employs or contracts
 59-41 with a juvenile case manager under Article [45A.451](#) [~~45.056~~], Code
 59-42 of Criminal Procedure, money allocated under Section [134.103](#) to the
 59-43 local youth diversion fund maintained in the county or municipal
 59-44 treasury as required by Section [134.151](#) may be used by a county or
 59-45 municipality to finance the salary, benefits, training, travel
 59-46 expenses, office supplies, and other necessary expenses relating to
 59-47 the position of a juvenile case manager. If there is money in the
 59-48 fund after those costs are paid, subject to the direction of the
 59-49 governing body of the county or municipality and on approval by the
 59-50 employing court, a juvenile case manager may direct the remaining
 59-51 money to be used to implement programs directly related to the
 59-52 duties of the juvenile case manager, including juvenile alcohol and
 59-53 substance abuse programs, educational and leadership programs, and
 59-54 any other projects designed to prevent or reduce the number of
 59-55 juvenile referrals to the court.
 59-56 SECTION 13.005. Section [212.072](#)(b-1), Local Government
 59-57 Code, is amended to correct a reference to read as follows:
 59-58 (b-1) In addition, if the municipality has a population of
 59-59 1.8 million or more, the municipality may participate at a level not
 59-60 to exceed 100 percent of the total contract price for all required
 59-61 drainage improvements related to the development and construction
 59-62 of affordable housing. Under this subsection, affordable housing
 59-63 is defined as housing which is equal to or less than the median
 59-64 sales price, as determined by the Texas Real Estate Research Center
 59-65 at Texas A&M University, of a home in the Metropolitan Statistical
 59-66 Area (MSA) in which the municipality is located.
 59-67 ARTICLE 14. CHANGES RELATING TO NATURAL RESOURCES CODE
 59-68 SECTION 14.001. Section [133.003](#), Natural Resources Code, is
 59-69 amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th

60-1 Legislature, Regular Session, 2003, by adding Subdivision (6-a) and
 60-2 amending Subdivision (27) to read as follows:

60-3 (6-a) "Department" means the Texas Department of
 60-4 Transportation.

60-5 (27) "Unacceptable unsafe location" means a condition
 60-6 where the edge of a pit is located within 200 feet of a public
 60-7 roadway intersection in a manner which, in the judgment of the
 60-8 department [commission]:

60-9 (A) presents a significant risk of harm to public
 60-10 motorists by reason of the proximity of the pit to the roadway
 60-11 intersection; and,

60-12 (B) has no naturally occurring or artificially
 60-13 constructed barrier or berm between the road and pit that would
 60-14 likely prevent a motor vehicle from accidentally entering the pit
 60-15 as the result of a motor vehicle collision at or near the
 60-16 intersection; or which,

60-17 (C) in the opinion of the department
 60-18 [commission], is also at any other location constituting a
 60-19 substantial dangerous risk to the driving public, which condition
 60-20 can be rectified by the placement of berms, barriers, guardrails,
 60-21 or other devices as prescribed by this code.

60-22 SECTION 14.002. Subchapter B, Chapter 133, Natural
 60-23 Resources Code, is amended to conform to Chapter 706 (H.B. 2847),
 60-24 Acts of the 78th Legislature, Regular Session, 2003, to read as
 60-25 follows:

60-26 SUBCHAPTER B. AUTHORITY OF DEPARTMENT [COMMISSION]

60-27 Sec. 133.011. GENERAL AUTHORITY OF THE DEPARTMENT
 60-28 [COMMISSION]. To accomplish the limited purposes of this chapter,
 60-29 the department [commission] may:

60-30 (1) with proper notice to all parties affected, adopt
 60-31 rules and regulations consistent with the provisions of this
 60-32 chapter and issue orders necessary to implement and enforce this
 60-33 chapter;

60-34 (2) conduct research necessary for the discharge of
 60-35 its duties under this chapter;

60-36 (3) collect and make available to the public
 60-37 information relating to the inventory and classification of
 60-38 quarries, including maps and other technical data;

60-39 (4) apply for, accept, receive, and administer grants,
 60-40 gifts, loans, or other funds from any source; and

60-41 (5) hold public hearings, take written sworn
 60-42 testimony, hear witnesses upon oath, and consider reports in regard
 60-43 to the classifications of pits within the definitions of hazardous
 60-44 proximity to a public road and unacceptable unsafe location,
 60-45 issuing rules and orders in relation thereto.

60-46 Sec. 133.012. INVENTORY OF ACTIVE, INACTIVE, AND ABANDONED
 60-47 QUARRIES AND PITS. (a) The department [commission] shall
 60-48 inventory, classify, and maintain a log according to the degree of
 60-49 hazard, proximity to public roads, age, and current use of all
 60-50 existing, inactive, or abandoned quarries that have a pit perimeter
 60-51 that is in hazardous proximity to a public road, and those pits that
 60-52 are in an unacceptable unsafe location.

60-53 (b) The department [commission] shall keep a current log of
 60-54 all quarries that are required to be inventoried under Subsection
 60-55 (a) of this section, including such quarries and pits for which
 60-56 initial operations begin after June 30, 1991.

60-57 Sec. 133.013. DETERMINATION OF STATUS. After notice and
 60-58 hearing, the department [commission] may determine whether a quarry
 60-59 or pit has been abandoned, is active, or is inactive.

60-60 SECTION 14.003. Section 133.021(b), Natural Resources
 60-61 Code, is amended to conform to Chapter 706 (H.B. 2847), Acts of the
 60-62 78th Legislature, Regular Session, 2003, to read as follows:

60-63 (b) Where a conflict arises in identifying a person
 60-64 responsible for the pit, the department [commission] may hold a
 60-65 public hearing.

60-66 SECTION 14.004. Section 133.031, Natural Resources Code, is
 60-67 amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th
 60-68 Legislature, Regular Session, 2003, to read as follows:

60-69 Sec. 133.031. REPORT OF ABANDONED OR INACTIVE QUARRY OR

PIT. (a) On or before March 1, 1992, the person responsible for an abandoned quarry or pit shall report to the department ~~[commission]~~.

(b) On or before March 1, 1992, the person responsible for a quarry or pit that became inactive before January 1, 1991, and did not resume operations before June 30, 1991, shall report to the department ~~[commission]~~.

SECTION 14.005. Section 133.032, Natural Resources Code, is amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th Legislature, Regular Session, 2003, to read as follows:

Sec. 133.032. REPORT OF AN ACTIVE QUARRY OR PIT. On or before October 1, 1991, the person responsible for a quarry or pit that is active on June 30, 1991, shall report to the department ~~[commission]~~.

SECTION 14.006. Subchapter D, Chapter 133, Natural Resources Code, is amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th Legislature, Regular Session, 2003, to read as follows:

SUBCHAPTER D. SAFETY AND CERTIFICATION

Sec. 133.041. BARRIERS REQUIRED. (a) A person responsible for an active pit must construct a barrier or other device required by this code between a public road adjoining the site and a pit, provided the pit is in hazardous proximity to the public road.

(b) A person responsible for an abandoned or inactive pit must construct a barrier or other device required by this code between a public road adjoining the site and the pit, provided that the pit is in hazardous proximity to a public road and in an unacceptable unsafe location. The department ~~[commission]~~ may grant a waiver from the barrier requirement if the person responsible for the abandoned or inactive pit submits an application to the department ~~[commission]~~ showing that:

(1) a governmental entity obtained a right-of-way and constructed a public road within 200 feet of the abandoned or inactive pit before August 26, 1991; and

(2) the pit has remained abandoned or inactive since the road was constructed.

(c) The responsible party may choose to slope the sidewalls of a pit in place of constructing a berm or barrier, provided that in the opinion of the responsible party such corrective measure better serves the public safety and provided that the slope shall not exceed 30 degrees from the horizontal.

(d) The barrier or other device must be completed not later than the 90th day after the day on which the person responsible for the quarry or pit receives a notice of approval under Section 133.048(b) of this code. An additional time of not more than 60 days may be granted by the department ~~[commission]~~ for good cause shown. If the responsible person must obtain an easement before constructing the barrier or other device, the department ~~[commission]~~ may grant additional reasonable time to complete the barrier or other device.

Sec. 133.042. CONSTRUCTION STANDARDS. (a) A barrier constructed under Section 133.041 of this code must:

(1) reach a height that the department ~~[commission]~~ determines that under the circumstances will obstruct, restrain, and prevent the normal passage of vehicular traffic;

(2) be of substantial construction suitable for impact under normal driving conditions; and

(3) have openings to the extent necessary for travel on the premises and for public road drainage, although such drainage paths must be covered with protective material, substantial enough to turn away motor vehicular traffic that normally travels the adjacent public road.

(b) The department ~~[commission]~~ may not adopt construction standards for barriers under Subsection (a) that are more stringent than department ~~[the Texas Department of Transportation]~~ standards under other law.

(c) In the event the department ~~[commission]~~ determines that the pit location as detailed in the quarry safety plan or other application will contain substantial soil types of such density and

other factors that will have a high probability of holding or impounding water, when the pit is operating, inactive, or abandoned, wherein the impoundment of water poses a definite and determinable unreasonable risk to human health and safety as set out in this code, the department [~~commission~~] may require the responsible party operating soil, dirt, clay, gravel, sand, caliche and clay pits to slope the sidewalls as an additional requirement to obtain a safety certificate or to alter the berm or barrier.

Sec. 133.043. CONSTRUCTION COSTS. (a) The department [~~commission~~] shall adopt and implement rules, standards, or procedures necessary to obtain funds that are or may become available under the federal act, or any federal or state law, for the cost of constructing barriers required by this code.

(b) The person responsible for the pit shall pay the cost of constructing a barrier to the extent that person is unable to obtain funds available under any state, municipal, or federal source.

Sec. 133.044. PROHIBITION AGAINST OPENING PITS. (a) From and after November 1, 1991, no person responsible may open a new pit on a site for the extraction of aggregates in this state wherein the pit perimeter will be less than 25 feet from the outer right-of-way line of any public road or highway ("the setback distance").

(b) From and after November 1, 1991, no person responsible may open a new pit on a site for the extraction of aggregates in this state wherein the pit perimeter is in hazardous proximity to a public road without first filing a quarry safety plan detailing how the applicant intends to comply with the safety provisions of this code in the opening and closing of the pit.

(c) The quarry safety plan must:

(1) set out the information required in Section 133.046 et seq. of this code; and

(2) be filed by the applicant at least 60 days prior to the opening of the pit; and

(3) contain a statement as to the yearly progress of the encroachment of the pit perimeter within the hazardous proximity to a public road, if any, and the type of berm or barrier or other device required by this code that will be erected; and

(4) be in writing, certified and sworn to the applicant; and

(5) contain any other information relating to safety matters as the department [~~commission~~] by rule or regulation deems essential to the implementation of this code.

Sec. 133.045. SAFETY CERTIFICATE REQUIRED. (a) A safety certificate is required for an active, inactive, or abandoned quarry or pit that is located in hazardous proximity to a public road or is in an unacceptable unsafe location, excluding an inactive or abandoned quarry or pit that receives a written waiver from the department [~~commission~~].

(b) From and after November 1, 1991, unless a person responsible for a quarry or pit has obtained from the department [~~commission~~] a certificate that a quarry or pit complies with this subchapter and rules or orders adopted under this subchapter, and subject to Subsection (c) of this section, the person responsible may not:

(1) open a new pit in hazardous proximity to a public road; and

(2) locate a pit in an area wherein it is in an unacceptable unsafe location; or

(3) reopen, operate, or abandon a quarry or pit that is in hazardous proximity to a public road and in an unacceptable unsafe location; and

(4) provided, however, that the person responsible must have received a notice from the department [~~commission~~] that the quarry or pit requires the operator to obtain a safety certificate, before that person is prohibited from operating or maintaining the quarry or pit without a safety certificate.

(c) Any person responsible who, on November 1, 1991, is utilizing a portion of a site for quarrying operations, including the stockpiling, sale, or processing of aggregates or a combination thereof, or who has a current, valid, or outstanding agreement or

63-1 legal right to develop, utilize, or quarry the property, shall be
 63-2 responsible for obtaining a safety certificate limited to that
 63-3 specific pit area he is using or excavating or intends to use or
 63-4 excavate.

63-5 (d) A person responsible for a quarry or pit may operate the
 63-6 pit during a period that is described by Subsection (a) or (c) of
 63-7 Section 133.052 of this code.

63-8 (e) In the event a quarry or pit previously not within the
 63-9 proscribed distance in the definition of "in hazardous proximity to
 63-10 a public road" and not initially within the purview of
 63-11 "unacceptable unsafe location" later becomes subject to regulation
 63-12 as the result of an expansion or relocation of an existing public
 63-13 road or construction of a new public road, the person or entity
 63-14 responsible for the expansion or relocation of the existing public
 63-15 road or construction of a new public road shall be liable to report
 63-16 the same to the department [~~commission~~] within 90 days of the date
 63-17 the expansion, relocation, or construction is finally
 63-18 accomplished.

63-19 (f) The department [~~commission~~] shall provide such rules
 63-20 and regulations to require the person or entity responsible for the
 63-21 expansion or relocation to erect berms or barriers.

63-22 (g) For the purposes of this subsection, the person or
 63-23 entity responsible for the erection of berms or barriers is that
 63-24 person or entity having the original and initial legal authority
 63-25 and responsibility for the initiation and contracting of the
 63-26 expansion or relocation.

63-27 Sec. 133.046. FORM AND CONTENTS OF APPLICATION. (a) The
 63-28 department [~~commission~~] by rule shall prescribe the form of an
 63-29 application for a safety certificate.

63-30 (b) An application for a safety certificate must contain not
 63-31 more than:

63-32 (1) the name, address, and telephone number of the
 63-33 person responsible for the quarry or pit;

63-34 (2) the name, address, and telephone number of the
 63-35 owner or owners if different from the person responsible for the
 63-36 quarry or pit;

63-37 (3) the type of quarrying activities, if any,
 63-38 occurring on the site;

63-39 (4) a brief description of the site, including the
 63-40 acreage outside and inside the pit;

63-41 (5) the distance of each pit perimeter from the
 63-42 nearest roadway edge of each public road that the site adjoins and
 63-43 the nearest intersection of any public or private road or driveway;

63-44 (6) the depth in feet, below the top of the pit
 63-45 highwall located between the pit and the roadway, of the deepest
 63-46 excavation in the pit;

63-47 (7) a description of and a construction plan for any
 63-48 barrier or other device allowed in this code to be constructed,
 63-49 specifying the material to be used and the expected date of
 63-50 completion; and

63-51 (8) any other information or condition that, in the
 63-52 opinion of the operator or owner, constitutes an unacceptable
 63-53 unsafe location, as defined or required by this Act that is
 63-54 absolutely essential to the purposes of this Act.

63-55 Sec. 133.047. APPLICATION FEE. (a) The department
 63-56 [~~commission~~] may require the payment of an application fee.

63-57 (b) The department [~~commission~~] shall set the fee in an
 63-58 amount reasonably necessary to cover the department's
 63-59 [~~commission's~~] cost of carrying out this chapter, but not more
 63-60 than:

63-61 (1) \$500 for an active aggregate quarry or pit;

63-62 (2) \$500 for an inactive or abandoned aggregate quarry
 63-63 or pit unless the responsible party is a governmental entity in
 63-64 which case the fee shall be no more than \$350.

63-65 Sec. 133.048. REVIEW OF APPLICATION. (a) Not later than
 63-66 the 10th day after the day on which an application for a safety
 63-67 certificate is received, the department [~~commission~~] shall review
 63-68 the application and the plan and determine if each complies with
 63-69 this subchapter, and with rules or orders adopted under this

subchapter, and issue such findings and conclusions as may be necessary.

(b) If the application and plan comply with this subchapter, and rules or orders adopted under this subchapter, the department [~~commission~~] must approve the application and notify the applicant in writing of the department's [~~commission's~~] decision.

(c) If the department [~~commission~~] determines that an application or plan does not comply with this subchapter and rules or orders adopted under this subchapter, the department [~~commission~~] must notify the applicant in writing of the department's [~~commission's~~] decision, specifying any defects.

(d) Any notices required under Subsections (b) and (c) of this section must be mailed to the applicant certified mail, postage prepaid, return receipt requested, not later than the fifth day after the day on which the department [~~commission~~] approves or disapproves the application.

(e) An applicant who receives notice of denial under Subsections (c) and (d) of this section may submit, not later than the 30th day after the day on which the notice is received, a modified application or plan.

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

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

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

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

(b) If, after inspection, the department [~~commission~~] determines that a barrier does not comply with this subchapter or a rule or order adopted under this subchapter, the department [~~commission~~] shall give the applicant written notice of any defects in that barrier and shall allow the applicant a reasonable time, not to exceed 60 days from the day notice is received, to cure the defects.

Sec. 133.051. TRANSFER OF CERTIFICATE AFTER TRANSFER OF TITLE. (a) A person holding a safety certificate has the full right, power, and authority to transfer the certificate upon the sale, lease, or other transfer of title to the site, provided the new owner, operator, lessor or lessee, or party in interest files a written affidavit that:

(1) all barriers between a pit and the nearest roadway edge of any public road comply with this subchapter, and rules and orders adopted by this subchapter; and

(2) there will be no change, on or after the day of the transfer of title or operation, in:

(A) the condition or location of a barrier; and

(B) the distance of a pit perimeter from:

(i) the nearest public road; and

(ii) the nearest intersection of a public road and a private road or driveway.

(b) The transfer affidavit must be filed not later than the 30th day after the day on which the transfer of title to or operation of the quarry or pit occurs.

(c) Except as provided by Section 133.053(a) of this code, the department [~~commission~~] must process and approve a transfer of a safety certificate not later than the 10th day after the day on

65-1 which the department [~~commission~~] receives a completed transfer
65-2 affidavit.

65-3 (d) The department [~~commission~~] may require the payment of a
65-4 reasonable fee for processing the transfer affidavit, not to exceed
65-5 the actual administrative costs of receipt and processing, which
65-6 amount shall not be more than \$250.

65-7 (e) The hypothecating, mortgaging, or other transfer of
65-8 equitable title or a pledge of any assets to creditors of the
65-9 operator or owner shall not require the filing of a transfer
65-10 affidavit.

65-11 Sec. 133.052. RECERTIFICATION AFTER TRANSFER OF TITLE. (a)
65-12 Unless proper transfer affidavit is filed pursuant to this
65-13 subchapter, or an application for an amended certificate as
65-14 required by Subsection (b) of this section is pending, an existing
65-15 safety certificate expires on the 90th day after the day on which a
65-16 sale, lease, or other transfer of title to or operation of the
65-17 quarry or pit for which the certificate was issued occurs.

65-18 (b) To obtain an amended or new safety certificate, a new
65-19 owner, operator, lessor, or lessee must submit an application and
65-20 plan as required by Section 133.046 of this code not later than the
65-21 30th day after the day on which the transfer of title to the quarry
65-22 or pit occurs or a change in the activities of the quarry or pit
65-23 necessitates.

65-24 (c) If an application for a new certificate has been
65-25 submitted as required by Subsection (b) of this section, the
65-26 existing safety certificate continues in effect until the
65-27 department's [~~commission's~~] decision either approving or
65-28 disapproving the new or amended certificate is issued and becomes
65-29 final.

65-30 Sec. 133.053. DENIAL OR REVOCATION OF CERTIFICATE. (a) At
65-31 its option, the department [~~commission~~] may not issue or approve
65-32 the transfer of a certificate to a person who has violated this
65-33 chapter or a rule or order adopted under this chapter.

65-34 (b) The department [~~commission~~] may revoke or disapprove
65-35 the transfer of a safety certificate issued under this subchapter
65-36 only if, after notice and hearing, the department [~~commission~~]
65-37 determines that the holder of the certificate has violated this
65-38 chapter or a rule or order adopted under this chapter.

65-39 Sec. 133.054. CESSATION OF ACTIVE PIT OPERATIONS. (a) The
65-40 responsible party who plans or intends to cease active operations
65-41 in a quarry or pit subject to the provisions of this code shall, 60
65-42 days prior to cessation of operations, notify the department
65-43 [~~commission~~] of its intent and submit any additional plans the
65-44 operator determines necessary to protect the public good and
65-45 welfare after the cessation of operations. The department
65-46 [~~commission~~] may charge a fee for the actual costs of processing the
65-47 notice, which fee shall not exceed \$500.

65-48 (b) The department [~~commission~~] shall have inspected the
65-49 quarry and pit within 10 days after receipt of the notice in order
65-50 to ensure compliance with the provisions of this chapter and any
65-51 additional plans by the operator as may be submitted pursuant to
65-52 Subsection (a) of this section.

65-53 (c) Upon inspection, the department [~~commission~~] shall have
65-54 10 days to notify the operator of compliance, or lack thereof, and
65-55 in the event of compliance shall issue a safety certificate
65-56 pursuant to Section 133.050 of this code.

65-57 (d) In the event of noncompliance, the department
65-58 [~~commission~~] shall follow the procedures as set out in Section
65-59 133.048 et seq. of this code.

65-60 SECTION 14.007. Section 133.081, Natural Resources Code, is
65-61 amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th
65-62 Legislature, Regular Session, 2003, to read as follows:

65-63 Sec. 133.081. NOTICE OF VIOLATION; TIME TO CURE. (a) On
65-64 receipt of a complaint or a violation of this chapter or a rule or
65-65 order adopted under this chapter or on its own motion, the
65-66 department [~~commission~~] must give the person responsible for the
65-67 quarry or pit written notice of each alleged violation, including
65-68 the applicable statutory reference, and rule or order so violated
65-69 and its relation thereto, and the date, time, and place for a

66-1 hearing.

66-2 (b) If, after notice and a hearing, the department
66-3 ~~[commission]~~ determines that a violation has occurred, the
66-4 department ~~[commission]~~ must make written findings of the actual or
66-5 threatened violation and the required corrective work and shall
66-6 prescribe by order a specific period, commensurate with the work to
66-7 be done but not to exceed 90 days from the date of the order, during
66-8 which the corrective work must be done, unless an extension of time
66-9 for good cause shown by the person responsible is granted by the
66-10 department ~~[commission]~~.

66-11 (c) If the responsible party fails to perform corrective
66-12 work required by the department ~~[commission]~~ under Subsection (b)
66-13 of this section within 120 days after notice is given to the
66-14 responsible party, the department ~~[commission]~~ may contract for the
66-15 corrective work to be done at reasonable, customary, and ordinary
66-16 costs applicable in the industry. Such costs shall be submitted
66-17 within 30 days of the date the work is finished, and the responsible
66-18 party shall have 60 days to pay the costs or appeal the decision. In
66-19 the event the responsible party fails to pay the costs as presented
66-20 or fails timely to contest or appeal the costs as presented by the
66-21 department ~~[commission]~~, the department ~~[commission]~~ shall have
66-22 the right to impose such fine or injunction as is warranted,
66-23 consistent with the provisions of Section 133.082 et seq.

66-24 SECTION 14.008. Section 133.083(a), Natural Resources
66-25 Code, is amended to conform to Chapter 706 (H.B. 2847), Acts of the
66-26 78th Legislature, Regular Session, 2003, to read as follows:

66-27 (a) The department ~~[commission]~~ may enforce this chapter or
66-28 a rule or order adopted under this chapter by injunction or other
66-29 appropriate remedy.

66-30 SECTION 14.009. Section 133.084, Natural Resources Code, is
66-31 amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th
66-32 Legislature, Regular Session, 2003, to read as follows:

66-33 Sec. 133.084. RECOVERY OF COSTS. A person responsible for a
66-34 quarry or pit is liable to the state for customary, ordinary, and
66-35 reasonable costs incurred by the department ~~[commission]~~ in
66-36 undertaking corrective or enforcement action under this chapter and
66-37 for court costs and attorney's fees.

66-38 SECTION 14.010. Section 133.085(a), Natural Resources
66-39 Code, is amended to conform to Chapter 706 (H.B. 2847), Acts of the
66-40 78th Legislature, Regular Session, 2003, to read as follows:

66-41 (a) At the request of the department ~~[commission]~~, the
66-42 attorney general shall bring suit for injunctive or other relief,
66-43 to recover a civil penalty or costs as provided by Section 133.082
66-44 or 133.084 of this code, or for both injunctive or other relief and
66-45 to recover a civil penalty or costs.

66-46 SECTION 14.011. Section 133.093, Natural Resources Code, is
66-47 amended to conform to Chapter 706 (H.B. 2847), Acts of the 78th
66-48 Legislature, Regular Session, 2003, to read as follows:

66-49 Sec. 133.093. CONFLICT WITH DEPARTMENT ~~[COMMISSION]~~ RULE.
66-50 A county may not adopt regulations for aggregate quarries and pits
66-51 which are regulated by the department ~~[commission]~~.

66-52 SECTION 14.012. Section 133.003(5), Natural Resources
66-53 Code, is repealed.

66-54 ARTICLE 15. CHANGES RELATING TO OCCUPATIONS CODE

66-55 SECTION 15.001. Section 455.152, Occupations Code, as
66-56 amended by Chapters 13 (S.B. 483) and 440 (H.B. 2016), Acts of the
66-57 88th Legislature, Regular Session, 2023, is reenacted and amended
66-58 to read as follows:

66-59 Sec. 455.152. INELIGIBILITY FOR LICENSE. A person is not
66-60 eligible for a license as a massage establishment, massage school,
66-61 massage therapist, or massage therapy instructor if the person is
66-62 an individual and has been convicted of, entered a plea of nolo
66-63 contendere or guilty to, or received deferred adjudication for:

66-64 (1) an offense under Chapter 20A, Penal Code ~~[Section~~
66-65 ~~22.011 or 22.021 Penal Code]~~, or Section 43.021, 43.03, 43.031,
66-66 43.04, 43.041, or 43.05, Penal Code; ~~[or]~~

66-67 (2) an offense under federal law or the laws of another
66-68 state containing elements that are substantially similar to the
66-69 elements of an offense described by Subdivision (1); or

(3) an offense under Section 22.011 or 22.021, Penal Code.

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

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

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

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

ARTICLE 16. CHANGES RELATING TO PARKS AND WILDLIFE CODE

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

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

(1) all types of fishing licenses and stamps and shrimping licenses;

(2) all types of hunting licenses and stamps;

(3) trapping licenses and other licenses relating to the taking, propagation, and sale of fur-bearing animals or their pelts;

(4) sale of marl, sand, gravel, shell, and mudshell;

(5) oyster bed rentals and permits;

(6) federal funds received for fish and wildlife research, management, development and conservation, resource protection, and law enforcement, unless the funds are received for the specific purposes of Subchapter F, Chapter 77;

(7) sale of property, less advertising costs, purchased from this account or a special fund or account that is now part of this account;

(8) fines and penalties collected for violations of a law pertaining to the protection and conservation of wild birds, wild fowl, wild animals, fish, shrimp, oysters, game birds and animals, fur-bearing animals, alligators, and any other wildlife resources of this state;

(9) sale of rough fish by the department;

(10) fees for importation permits;

(11) fees from supplying fish for or placing fish in water located on private property;

(12) sale of seized pelts;

(13) sale or lease of grazing rights to and the products from game preserves, sanctuaries, and management areas;

(14) contracts for the removal of fur-bearing animals and reptiles from wildlife management areas;

(15) vessel registration fees;

(16) vessel manufacturer or dealer licensing fees;

(17) fines or penalties imposed by a court for violation of water safety laws contained in Chapter 31 of this code;

(18) alligator hunter's or alligator buyer's licenses;

(19) sale of alligators or any part of an alligator by the department;

(20) fees and revenue collected under Section 11.027(b) or (c) of this code that are associated with the conservation of fish and wildlife;

(21) fees related to cultivated oyster mariculture;

(22) vessel and outboard motor titling fees;

(23) participation fees collected under Section 43.976;

(24) money received by the department from:

(A) boater education program courses and

examinations administered under Section 31.108; and

(B) boater education deferrals issued under the program established under Section 31.110(c); ~~and~~

(25) ~~(24)~~ money received by the department from carbon sequestration or similar ecosystem services projects described by Section 11.302(b)(1); and

(26) ~~(25)~~ any other source provided by law.

ARTICLE 17. CHANGES RELATING TO PENAL CODE

SECTION 17.001. Section 21.08(b), Penal Code, as amended by Chapters 351 (S.B. 1179) and 822 (H.B. 1730), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(b) An offense under this section is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted one time of an offense under this section; ~~and~~

(2) a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted two or more times of an offense under this section; and

(3) a felony of the third degree if the actor is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code.

SECTION 17.002. Section 28.09(a)(3), Penal Code, is amended to conform to Chapter 765 (H.B. 4504), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(3) "Drone" has the meaning assigned by Article 2B.0253 [2.33], Code of Criminal Procedure~~, as added by Chapter 1011 (H.B. 1758), Acts of the 87th Legislature, Regular Session, 2021].~~

SECTION 17.003. Section 42.07(a), Penal Code, as amended by Chapters 839 (H.B. 2715) and 1118 (H.B. 1427), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

(1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;

(2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;

(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

(5) makes a telephone call and intentionally fails to hang up or disengage the connection;

(6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section;

(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

(8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern; ~~or~~

(9) tracks or monitors the personal property or motor vehicle of another person, without the other person's effective consent, including by:

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

(B) physically following the other person or causing any person to physically follow the other person; or
 (10) ~~[(9)]~~ makes obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an Internet application or other technological means.

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

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

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

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

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

(B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3) community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and neither section prohibits an officer from carrying a weapon in this state if the officer is:

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

(B) authorized to carry a weapon under Section 76.0051, Government Code;

(4) an active or retired judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(5) an honorably retired peace officer or other qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C, who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is an honorably retired peace officer or other qualified retired law enforcement officer;

(6) the attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(7) an assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(8) a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:

(A) licensed to carry a handgun under Subchapter H, Chapter 411, Government Code; and

(B) engaged in escorting the judicial officer;

(9) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code;

(10) a person who is volunteer emergency services personnel if the person is:

(A) carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code; and

(B) engaged in providing emergency services;
~~[or]~~

(11) a person who:

(A) retired after serving as a judge or justice described by Section 411.201(a)(1), Government Code; and

(B) is licensed to carry a handgun under

Subchapter H, Chapter 411, Government Code; or

(12) ~~[(11)]~~ a district or county clerk who is carrying a handgun the clerk is licensed to carry under Subchapter H, Chapter 411, Government Code.

ARTICLE 18. CHANGES RELATING TO SPECIAL DISTRICT LOCAL LAWS CODE

SECTION 18.001. Section 7939.051, Special District Local Laws Code, is transferred to Subchapter B, Chapter 8002, Special District Local Laws Code, and redesignated as Section 8002.057, Special District Local Laws Code, to read as follows:

Sec. 8002.057 ~~[7939.051]~~. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain as provided by this section only if the district submits a letter to the comptroller not later than December 31, 2015, in accordance with the requirements of Section 2206.101(b), Government Code, other than the requirement that the letter be submitted by the date specified by that section.

(b) Notwithstanding the expiration of the district's authority to exercise the power of eminent domain under Section 2206.101(c), Government Code, the district may exercise the power of eminent domain as provided by law applicable to the district on or after the 90th day after the date the district submits a letter in accordance with Subsection (a).

SECTION 18.002. Section 8370.102, Special District Local Laws Code, is transferred to Subchapter B, Chapter 8261, Special District Local Laws Code, and redesignated as Section 8261.053, Special District Local Laws Code, to read as follows:

Sec. 8261.053 ~~[8370.102]~~. NO ALLOCATION AGREEMENT. Section 54.016(f), Water Code, does not apply to the district.

SECTION 18.003. The following provisions of the Special District Local Laws Code are repealed:

- (1) the heading to Chapter 7939;
- (2) Subchapter A, Chapter 7939;
- (3) the heading to Subchapter B, Chapter 7939;
- (4) the heading to Chapter 8370;
- (5) Subchapter A, Chapter 8370;
- (6) the heading to Subchapter B, Chapter 8370; and
- (7) Section 8370.101.

ARTICLE 19. CHANGES RELATING TO TAX CODE

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

(a) This section applies only to:

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

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

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

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

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

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

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

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

(7) an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of

persons by providing:

(A) a copy of a protective order issued under Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

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

(8) a participant in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure, who provides proof of certification under Article 58.059, Code of Criminal Procedure;

(9) a federal judge, a federal bankruptcy judge, a marshal of the United States Marshals Service, a state judge, or a family member of a federal judge, a federal bankruptcy judge, a marshal of the United States Marshals Service, or a state judge;

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

(11) a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

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

(13) a criminal investigator of the United States as described by Article 2A.002(a), Code of Criminal Procedure;

(14) a current or honorably retired police officer or inspector of the United States Federal Protective Service;

(15) a current or former United States attorney, assistant United States attorney, federal public defender, deputy federal public defender, or assistant federal public defender and the spouse and child of the attorney or public defender;

(16) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement or are performed under Chapter 231, Family Code;

(17) a medical examiner or person who performs forensic analysis or testing who is employed by this state or one or more political subdivisions of this state;

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

(19) a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department;

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

(21) a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code;

(22) a current or former employee of the Texas Civil Commitment Office or the predecessor in function of the office or a division of the office;

(23) a current or former employee of a federal judge or state judge;

(24) a current or former child protective services caseworker, adult protective services caseworker, or investigator for the Department of Family and Protective Services or a current or former employee of a department contractor performing child protective services caseworker, adult protective services

caseworker, or investigator functions for the contractor on behalf of the department;

(25) an elected public officer;

(26) a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) ~~[(2)]~~ a municipality described by Section 351.001(7)(B);

(4) ~~or~~
~~[(3)]~~ a municipality described by Section
 351.152(61); or
 (5) ~~[(2)]~~ a municipality with a population of at least
 two million.

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

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

(1) ~~[(j)]~~ For a municipality described by Subsection (b)(3) or (4) ~~[(b)(2) or (3)]~~, the term "qualified project" also means a venue described by Section 334.001(4)(A), Local Government Code, and any related infrastructure.

ARTICLE 20. CHANGES RELATING TO TRANSPORTATION CODE

SECTION 20.001. Section 201.806(a), Transportation Code, is amended to conform to Chapter 709 (H.B. 2190), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(a) The department shall:

(1) tabulate and analyze the vehicle collision reports it receives; and

(2) annually or more frequently publish on the department's Internet website statistical information derived from the collision reports as to the number, cause, and location of highway collisions, including information regarding the number of:

(A) collisions involving injury to, death of, or property damage to a bicyclist or pedestrian;

(B) fatalities caused by a bridge collapse, as defined by Section 550.081; and

(C) collisions ~~[accidents]~~ involving a trailer, including the number of fatalities in those collisions ~~[accidents]~~.

SECTION 20.002. The heading to Subchapter 2, Chapter 257, Transportation Code, is repealed to conform to the expiration of Section 257.901, Transportation Code, on March 10, 2019.

SECTION 20.003. Section 550.064(b), Transportation Code, is amended to conform to Chapter 709 (H.B. 2190), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(b) A collision report form prepared by the department must:

(1) require sufficiently detailed information to disclose the cause and conditions of and the persons and vehicles involved in a collision if the form is for the report to be made by a person investigating the collision;

(2) include a way to designate and identify a peace officer, firefighter, or emergency medical services employee who is involved in a collision while driving a law enforcement vehicle, fire department vehicle, or emergency medical services vehicle while performing the person's duties;

(3) require a statement by a person described by Subdivision (2) as to the nature of the collision;

(4) include a way to designate whether an individual involved in a collision wants to be contacted by a person seeking to obtain employment as a professional described by Section 38.01(12), Penal Code; and

(5) include a way to indicate whether a trailer was involved in the collision ~~[accident]~~ and, if so, whether the collision ~~[accident]~~ resulted in any fatalities.

SECTION 20.004. Section 550.065(c), Transportation Code, is amended to conform to Chapter 709 (H.B. 2190), Acts of the 88th Legislature, Regular Session, 2023, to read as follows:

(c) On written request and payment of any required fee, the department or the governmental entity shall release the information to:

(1) an entity described by Subsection (b);

(2) the law enforcement agency that employs the peace officer who investigated the collision and sent the information to the department, including an agent of the law enforcement agency

authorized by contract to obtain the information;

(3) the court in which a case involving a person involved in the collision is pending if the report is subpoenaed; or

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

(A) any person involved in the collision;

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

(C) a driver involved in the collision;

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

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

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

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

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

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

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

(K) a newspaper that is:

(i) a free newspaper of general circulation or qualified under Section 2051.044, Government Code, to publish legal notices;

(ii) published at least once a week; and

(iii) available and of interest to the general public in connection with the dissemination of news;

(L) any person who may sue because of death resulting from the collision; or

(M) an employee or authorized representative of a vehicle storage facility, as defined by Section 2303.002, Occupations Code, that stored a vehicle involved in the collision ~~accident~~.

SECTION 20.005. Section 644.101(b), Transportation Code, as amended by Chapters 584 (H.B. 2901), 644 (H.B. 4559), and 1072 (S.B. 540), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(b) A police officer of any of the following municipalities is eligible to apply for certification under this section:

(1) a municipality with a population of 50,000 or more;

(2) a municipality with a population of 25,000 or more any part of which is located in a county with a population of 500,000 or more;

(3) a municipality with a population of less than 25,000:

(A) any part of which is located in a county with a population of 3.3 million; and

(B) that contains or is adjacent to an international port;

(4) a municipality with a population of at least 34,000 that is located in a county that borders two or more states;

(5) a municipality any part of which is located in a county bordering the United Mexican States;

(6) a municipality with a population of less than 5,000 that is located:

(A) adjacent to a bay connected to the Gulf of Mexico; and

(B) in a county adjacent to a county with a population greater than 3.3 million;

(7) a municipality that is located:

(A) within 25 miles of an international port; and

(B) in a county that does not contain a highway

that is part of the national system of interstate and defense highways and is adjacent to a county with a population greater than 3.3 million;

(8) a municipality with a population of less than 8,500 that:

(A) is the county seat; and
(B) contains a highway that is part of the national system of interstate and defense highways;

(9) a municipality located in a county with a population between 60,000 and 69,000 adjacent to a bay connected to the Gulf of Mexico;

(10) a municipality with a population of more than 40,000 and less than 50,000 that is located in a county with a population of more than 285,000 and less than 300,000 that borders the Gulf of Mexico;

(11) a municipality with a population between 32,000 and 50,000 that is located entirely in a county that:

(A) has a population of less than 250,000;
(B) is adjacent to two counties that each have a population of more than 1.2 million; and

(C) contains two highways that are part of the national system of interstate and defense highways;

(12) a municipality with a population of more than 4,500 and less than 10,000 that:

(A) contains a highway that is part of the national system of interstate and defense highways; and

(B) is located in a county with a population between 175,000 and 190,000;

(13) a municipality with a population of less than 75,000 that is located in three counties, at least one of which has a population greater than 3.3 million;

(14) a municipality with a population between 13,900 and 17,000 that:

(A) contains three or more numbered United States highways; and

(B) is located in a county that is adjacent to a county with a population of more than 200,000;

(15) a municipality with a population of less than 50,000 that is located in:

(A) a county that generated \$20 million or more in tax revenue collected under Chapters 201 and 202, Tax Code, from oil and gas production during the preceding state fiscal year; or

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

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

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

(B) that borders:
(i) another state; and
(ii) the Gulf Intracoastal Waterway; or

(17) ~~(16)~~ a municipality that is located:

(A) within 20 miles of an international airport;

and

(B) in a county that:
(i) contains an active quarry;
(ii) has a population of more than 150,000 but less than 170,000; and

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

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

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

(1) during the preceding three years:
(A) three or more moving violations described by Section 542.304 or a comparable offense committed in another state, including violations that resulted in a collision ~~[an accident]~~; or

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

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

ARTICLE 21. CHANGES RELATING TO UTILITIES CODE

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

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

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

(c) An independent organization certified under Section 39.151 shall require as a condition of operating in the power region for which the independent organization is certified that a business entity report to the independent organization the purchase of any critical electric grid equipment or service from a company described by Section 117.002(a)(2) ~~[113.002(a)(2)]~~, Business & Commerce Code~~[, as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021]~~.

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

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

ARTICLE 22. REDESIGNATIONS

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

(1) Section 28.20, Alcoholic Beverage Code, as added by Chapter 1087 (S.B. 998), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 28.21, Alcoholic Beverage Code.

(2) Chapter 328, Business & Commerce Code, as added by Chapter 169 (S.B. 58), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Chapter 329, Business & Commerce Code, and Sections 328.001, 328.002, and 328.003, Business & Commerce Code, as added by that Act, are redesignated as Sections 329.001, 329.002, and 329.003, Business & Commerce Code, respectively.

(3) Chapter 509, Business & Commerce Code, as added by Chapter 963 (S.B. 2105), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Chapter 510, Business & Commerce Code, and Sections 509.001, 509.002, 509.003, 509.004, 509.005, 509.006, 509.007, 509.008, 509.009, and 509.010, Business & Commerce Code, as added by that Act, are redesignated as Sections 510.001, 510.002, 510.003, 510.004, 510.005, 510.006, 510.007,

510.008, 510.009, and 510.010, Business & Commerce Code, respectively.

(4) Section 25.0344, Education Code, as added by Chapter 583 (H.B. 2892), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 25.0345, Education Code.

(5) Section 37.117, Education Code, as added by Chapter 1 (S.B. 838), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 37.118, Education Code.

(6) Section 48.308, Education Code, as added by Chapter 378 (H.B. 8), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 48.309, Education Code.

(7) Section 61.059(s), Education Code, as added by Chapter 754 (H.B. 4005), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 61.059(t), Education Code.

(8) Section 41.0052(a-1), Election Code, as added by Chapter 1160 (S.B. 1131), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 41.0052(a-2), Election Code.

(9) Section 261.307(c), Family Code, as added by Chapter 381 (H.B. 63), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 261.307(b-1), Family Code.

(10) Section 72.039, Government Code, as added by Chapter 861 (H.B. 3474), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 72.0395, Government Code.

(11) Subchapter T, Chapter 403, Government Code, as added by Chapter 379 (H.B. 9), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Subchapter U, Chapter 403, Government Code, and Sections 403.601, 403.602, 403.603, 403.604, and 403.605, Government Code, as added by that Act, are redesignated as Sections 403.651, 403.652, 403.653, 403.654, and 403.655, Government Code, respectively.

(12) Section 411.02093, Government Code, as added by Chapter 208 (S.B. 1484), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 411.02094, Government Code.

(13) Section 434.029, Government Code, as added by Chapter 1067 (S.B. 493), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 434.0295, Government Code.

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

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

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

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

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

(19) Chapter 81B, Health and Safety Code, as added by Chapter 336 (S.B. 29), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Chapter 81C, Health and Safety Code, and Sections 81B.001, 81B.002, 81B.003, and 81B.004, Health and Safety Code, as added by that Act, are redesignated as Sections 81C.001, 81C.002, 81C.003, and 81C.004, Health and Safety Code, respectively.

(20) Subchapter X, Chapter 161, Health and Safety

78-1 Code, as added by Chapter 335 (S.B. 14), Acts of the 88th
 78-2 Legislature, Regular Session, 2023, is redesignated as Subchapter
 78-3 Y, Chapter 161, Health and Safety Code.

78-4 (21) Section 437.027, Health and Safety Code, as added
 78-5 by Chapter 245 (S.B. 577), Acts of the 88th Legislature, Regular
 78-6 Session, 2023, is redesignated as Section 437.028, Health and
 78-7 Safety Code.

78-8 (22) Chapter 444, Health and Safety Code, as added by
 78-9 Chapter 2 (S.B. 497), Acts of the 88th Legislature, Regular
 78-10 Session, 2023, is redesignated as Chapter 445, Health and Safety
 78-11 Code, and Sections 444.001, 444.002, 444.003, 444.004, 444.005,
 78-12 444.006, and 444.007, Health and Safety Code, as added by that Act,
 78-13 are redesignated as Sections 445.001, 445.002, 445.003, 445.004,
 78-14 445.005, 445.006, and 445.007, Health and Safety Code,
 78-15 respectively.

78-16 (23) Chapter 769, Health and Safety Code, as added by
 78-17 Chapter 141 (S.B. 188), Acts of the 88th Legislature, Regular
 78-18 Session, 2023, is redesignated as Chapter 767, Health and Safety
 78-19 Code, and Sections 769.001, 769.002, and 769.003, Health and Safety
 78-20 Code, as added by that Act, are redesignated as Sections 767.001,
 78-21 767.002, and 767.003, Health and Safety Code, respectively.

78-22 (24) Section 1001.084, Health and Safety Code, as
 78-23 redesignated by Chapter 1236 (S.B. 1296), Acts of the 84th
 78-24 Legislature, Regular Session, 2015, is redesignated as Section
 78-25 1001.0845, Health and Safety Code.

78-26 (25) Section 32.024(pp), Human Resources Code, as
 78-27 added by Chapter 335 (S.B. 14), Acts of the 88th Legislature,
 78-28 Regular Session, 2023, is redesignated as Section 32.024(rr), Human
 78-29 Resources Code.

78-30 (26) Chapter 247, Local Government Code, as added by
 78-31 Chapter 19 (S.B. 1017), Acts of the 88th Legislature, Regular
 78-32 Session, 2023, is redesignated as Chapter 248, Local Government
 78-33 Code, and Sections 247.001, 247.002, and 247.003, Local Government
 78-34 Code, as added by that Act, are redesignated as Sections 248.001,
 78-35 248.002, and 248.003, Local Government Code, respectively.

78-36 (27) Section 370.007, Local Government Code, as added
 78-37 by Chapter 425 (H.B. 1819), Acts of the 88th Legislature, Regular
 78-38 Session, 2023, is redesignated as Section 370.008, Local Government
 78-39 Code.

78-40 (28) Section 370.007, Local Government Code, as added
 78-41 by Chapter 1049 (S.B. 252), Acts of the 88th Legislature, Regular
 78-42 Session, 2023, is redesignated as Section 370.009, Local Government
 78-43 Code.

78-44 (29) Section 61.066(e), Natural Resources Code, as
 78-45 added by Chapter 466 (H.B. 630), Acts of the 88th Legislature,
 78-46 Regular Session, 2023, is redesignated as Section 61.066(d),
 78-47 Natural Resources Code.

78-48 (30) Section 1701.253(q), Occupations Code, as added
 78-49 by Chapter 102 (S.B. 1852), Acts of the 88th Legislature, Regular
 78-50 Session, 2023, is redesignated as Section 1701.253(r), Occupations
 78-51 Code.

78-52 (31) Section 1701.253(q), Occupations Code, as added
 78-53 by Chapters 729 (H.B. 2660) and 979 (S.B. 2429), Acts of the 88th
 78-54 Legislature, Regular Session, 2023, is redesignated as Section
 78-55 1701.253(s), Occupations Code.

78-56 (32) Section 1701.253(q), Occupations Code, as added
 78-57 by Chapter 1070 (S.B. 533), Acts of the 88th Legislature, Regular
 78-58 Session, 2023, is redesignated as Section 1701.253(t), Occupations
 78-59 Code.

78-60 (33) Section 1958.001(1-a), Occupations Code, as
 78-61 added by Chapter 838 (S.B. 202), Acts of the 84th Legislature,
 78-62 Regular Session, 2015, is redesignated as Section 1958.001(1-b),
 78-63 Occupations Code.

78-64 (34) Chapter 2311, Occupations Code, as added by
 78-65 Chapter 211 (S.B. 1732), Acts of the 88th Legislature, Regular
 78-66 Session, 2023, is redesignated as Chapter 2311A, Occupations Code,
 78-67 and Section 2311.001, Occupations Code, as added by that Act, is
 78-68 redesignated as Section 2311A.001, Occupations Code.

78-69 (35) Chapter 8153, Special District Local Laws Code,

as added by Chapter 113 (S.B. 2147), Acts of the 87th Legislature, Regular Session, 2021, is redesignated as Chapter 8153A, Special District Local Laws Code, and Sections 8153.0101, 8153.0102, 8153.0103, 8153.0104, 8153.0105, 8153.0106, 8153.0201, 8153.0202, 8153.0301, 8153.0302, 8153.0303, 8153.0304, 8153.0305, 8153.0306, 8153.0401, 8153.0402, 8153.0403, 8153.0501, 8153.0502, and 8153.0503, Special District Local Laws Code, as added by that Act, are redesignated as Sections 8153A.0101, 8153A.0102, 8153A.0103, 8153A.0104, 8153A.0105, 8153A.0106, 8153A.0201, 8153A.0202, 8153A.0301, 8153A.0302, 8153A.0303, 8153A.0304, 8153A.0305, 8153A.0306, 8153A.0401, 8153A.0402, 8153A.0403, 8153A.0501, 8153A.0502, and 8153A.0503, Special District Local Laws Code, respectively.

(36) Section 11.36, Tax Code, as added by Chapter 281 (S.B. 1145), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 11.37, Tax Code.

(37) Section 351.161, Tax Code, as added by Chapter 1030 (S.B. 627), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 351.1621, Tax Code.

(38) Section 352.002(v), Tax Code, as added by Chapter 780 (H.B. 5105), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 352.002(aa), Tax Code.

(39) Section 352.002(ee), Tax Code, as added by Chapter 993 (H.B. 5178), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 352.002(ff), Tax Code.

(40) Section 352.003(bb), Tax Code, as added by Chapter 641 (H.B. 1034), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 352.003(cc), Tax Code.

(41) Section 352.003(bb), Tax Code, as added by Chapter 775 (H.B. 3453), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 352.003(dd), Tax Code.

(42) Section 352.003(bb), Tax Code, as added by Chapter 780 (H.B. 5105), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 352.003(ee), Tax Code.

(43) Section 352.115, Tax Code, as added by Chapter 780 (H.B. 5105), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 352.116, Tax Code.

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

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

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

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

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

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

(50) Section 225.217, Transportation Code, as added by Chapter 431 (H.B. 1913), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 225.232, Transportation Code.

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

80-1 (52) Section 225.217, Transportation Code, as added by
80-2 Chapter 487 (H.B. 975), Acts of the 88th Legislature, Regular
80-3 Session, 2023, is redesignated as Section 225.234, Transportation
80-4 Code.

80-5 (53) Section 225.217, Transportation Code, as added by
80-6 Chapter 513 (H.B. 2835), Acts of the 88th Legislature, Regular
80-7 Session, 2023, is redesignated as Section 225.235, Transportation
80-8 Code.

80-9 (54) Section 225.217, Transportation Code, as added by
80-10 Chapter 523 (H.B. 3099), Acts of the 88th Legislature, Regular
80-11 Session, 2023, is redesignated as Section 225.236, Transportation
80-12 Code.

80-13 (55) Section 225.217, Transportation Code, as added by
80-14 Chapter 590 (H.B. 3045), Acts of the 88th Legislature, Regular
80-15 Session, 2023, is redesignated as Section 225.237, Transportation
80-16 Code.

80-17 (56) Section 225.217, Transportation Code, as added by
80-18 Chapter 702 (H.B. 1968), Acts of the 88th Legislature, Regular
80-19 Session, 2023, is redesignated as Section 225.238, Transportation
80-20 Code.

80-21 (57) Section 225.217, Transportation Code, as added by
80-22 Chapter 48 (H.B. 3108), Acts of the 88th Legislature, Regular
80-23 Session, 2023, is redesignated as Section 225.239, Transportation
80-24 Code.

80-25 (58) Section 225.217, Transportation Code, as added by
80-26 Chapter 968 (S.B. 2150), Acts of the 88th Legislature, Regular
80-27 Session, 2023, is redesignated as Section 225.240, Transportation
80-28 Code.

80-29 (59) Section 225.218, Transportation Code, as added by
80-30 Chapter 82 (S.B. 957), Acts of the 88th Legislature, Regular
80-31 Session, 2023, is redesignated as Section 225.241, Transportation
80-32 Code.

80-33 (60) Section 504.331, Transportation Code, as added by
80-34 Chapter 1050 (S.B. 280), Acts of the 88th Legislature, Regular
80-35 Session, 2023, is redesignated as Section 504.336, Transportation
80-36 Code.

80-37 (61) Section 504.331, Transportation Code, as added by
80-38 Chapter 506 (H.B. 2503), Acts of the 88th Legislature, Regular
80-39 Session, 2023, is redesignated as Section 504.337, Transportation
80-40 Code.

80-41 (62) Section 504.332, Transportation Code, as added by
80-42 Chapter 506 (H.B. 2503), Acts of the 88th Legislature, Regular
80-43 Session, 2023, is redesignated as Section 504.338, Transportation
80-44 Code.

80-45 (63) Section 504.517, Transportation Code, as added by
80-46 Chapter 516 (H.B. 2876), Acts of the 88th Legislature, Regular
80-47 Session, 2023, is redesignated as Section 504.519, Transportation
80-48 Code.

80-49 (64) Section 504.679, Transportation Code, as added by
80-50 Chapter 714 (H.B. 2323), Acts of the 88th Legislature, Regular
80-51 Session, 2023, is redesignated as Section 504.681, Transportation
80-52 Code.

80-53 (65) Section 504.680, Transportation Code, as added by
80-54 Chapter 478 (H.B. 628), Acts of the 88th Legislature, Regular
80-55 Session, 2023, is redesignated as Section 504.682, Transportation
80-56 Code.

80-57 (66) Section 521.1251, Transportation Code, as added
80-58 by Chapter 524 (H.B. 3132), Acts of the 88th Legislature, Regular
80-59 Session, 2023, is redesignated as Section 521.1252, Transportation
80-60 Code.

80-61 (67) Section 38.078, Utilities Code, as added by
80-62 Chapter 836 (H.B. 2555), Acts of the 88th Legislature, Regular
80-63 Session, 2023, is redesignated as Section 38.079, Utilities Code.

80-64 (68) Section 39.151(g-7), Utilities Code, as added by
80-65 Chapter 464 (S.B. 2013), Acts of the 88th Legislature, Regular
80-66 Session, 2023, is redesignated as Section 39.151(g-8), Utilities
80-67 Code.

80-68 (69) Section 39.166, Utilities Code, as added by
80-69 Chapter 410 (H.B. 1500), Acts of the 88th Legislature, Regular

Session, 2023, is redesignated as Section 39.1675, Utilities Code.

(70) Section 39.167, Utilities Code, as added by Chapter 410 (H.B. 1500), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 39.1678, Utilities Code.

(71) Section 39.360, Utilities Code, as added by Chapter 463 (S.B. 1929), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 39.361, Utilities Code.

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

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

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

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

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

(b) The registry must include:

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

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

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

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

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

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

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

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

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

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

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

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

(h) The coordinating board shall distribute money transferred to the coordinating board under Section 48.309 [48.309] to the participating institutions of higher education in proportion to the number of dual credit courses in which eligible students are enrolled at the institution.

(5) Section 445.005(c), Health and Safety Code, as redesignated from Section 444.005(c), Health and Safety Code, by Section 22.001 of this Act, is amended to read as follows:

(c) A kratom retailer is not liable for a civil penalty under this section for a violation of Section 445.002 [444.002] or 445.003 [444.003] if the kratom retailer proves by a preponderance of the evidence that the violation was unintentional and due to the kratom retailer's good faith reliance on the representation of

82-1 another kratom processor.

82-2 (6) Section [1701.359](#), Occupations Code, is amended to
82-3 read as follows:

82-4 Sec. 1701.359. BORDER OPERATIONS TRAINING PROGRAM. The
82-5 commission may:

82-6 (1) recognize, or with the consent of the Department
82-7 of Public Safety administer or assist in administering, the border
82-8 operations training program established under Section [411.02094](#)
82-9 [[411.02093](#)], Government Code, as a continuing education program for
82-10 officers; and

82-11 (2) credit an officer who successfully completes the
82-12 program described by Subdivision (1) with the appropriate number of
82-13 continuing education hours.

82-14 (7) Section 8153A.0104, Special District Local Laws
82-15 Code, as redesignated from Section [8153.0104](#), Special District
82-16 Local Laws Code, by Section 22.001 of this Act, is amended to read
82-17 as follows:

82-18 Sec. [8153A.0104](#) [[8153.0104](#)]. CONSENT OF MUNICIPALITY
82-19 REQUIRED. The temporary directors may not hold an election under
82-20 Section [8153A.0103](#) [[8153.0103](#)] until each municipality in whose
82-21 corporate limits or extraterritorial jurisdiction the district is
82-22 located has consented by ordinance or resolution to the creation of
82-23 the district and to the inclusion of land in the district.

82-24 (8) Section 8153A.0201(b), Special District Local
82-25 Laws Code, as redesignated from Section [8153.0201](#)(b), Special
82-26 District Local Laws Code, by Section 22.001 of this Act, is amended
82-27 to read as follows:

82-28 (b) Except as provided by Section [8153A.0202](#) [[8153.0202](#)],
82-29 directors serve staggered four-year terms.

82-30 (9) Sections 8153A.0202(b) and (c), Special District
82-31 Local Laws Code, as redesignated from Sections [8153.0202](#)(b) and
82-32 (c), Special District Local Laws Code, by Section 22.001 of this
82-33 Act, are amended to read as follows:

82-34 (b) Temporary directors serve until the earlier of:

82-35 (1) the date permanent directors are elected under
82-36 Section [8153A.0103](#) [[8153.0103](#)]; or

82-37 (2) the fourth anniversary of the effective date of
82-38 the Act enacting this chapter.

82-39 (c) If permanent directors have not been elected under
82-40 Section [8153A.0103](#) [[8153.0103](#)] and the terms of the temporary
82-41 directors have expired, successor temporary directors shall be
82-42 appointed or reappointed as provided by Subsection (d) to serve
82-43 terms that expire on the earlier of:

82-44 (1) the date permanent directors are elected under
82-45 Section [8153A.0103](#) [[8153.0103](#)]; or

82-46 (2) the fourth anniversary of the date of the
82-47 appointment or reappointment.

82-48 (10) Sections 8153A.0306(e), (h), and (k), Special
82-49 District Local Laws Code, as redesignated from Sections
82-50 [8153.0306](#)(e), (h), and (k), Special District Local Laws Code, by
82-51 Section 22.001 of this Act, are amended to read as follows:

82-52 (e) The board may adopt an order dividing the district
82-53 before or after the date the board holds an election under Section
82-54 [8153A.0103](#) [[8153.0103](#)] to confirm the district's creation.

82-55 (h) Any new district created by the division of the district
82-56 shall hold a confirmation and directors' election as required by
82-57 Section [8153A.0103](#) [[8153.0103](#)].

82-58 (k) Municipal consent to the creation of the district and to
82-59 the inclusion of land in the district granted under Section
82-60 [8153A.0104](#) [[8153.0104](#)] acts as municipal consent to the creation of
82-61 any new district created by the division of the district and to the
82-62 inclusion of land in the new district.

82-63 (11) Section 8153A.0401(a), Special District Local
82-64 Laws Code, as redesignated from Section [8153.0401](#)(a), Special
82-65 District Local Laws Code, by Section 22.001 of this Act, is amended
82-66 to read as follows:

82-67 (a) The district may issue, without an election, bonds and
82-68 other obligations secured by:

82-69 (1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8153A.0403 [~~8153.0403~~].

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

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

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

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

(14) Section 352.003(ee), Tax Code, as redesignated from Section 352.003(bb), Tax Code, by Section 22.001 of this Act, is amended to read as follows:

(ee) [~~(bb)~~] The tax rate in a county authorized to impose the tax under Section 352.002(aa) [~~352.002~~(v)] may not exceed two percent of the price paid for a room in a hotel.

(15) Section 352.116, Tax Code, as redesignated from Section 352.115, Tax Code, by Section 22.001 of this Act, is amended to read as follows:

Sec. 352.116 [~~352.115~~]. USE OF REVENUE: CERTAIN COUNTIES ADJACENT TO POPULOUS COUNTIES. In addition to the purposes authorized by this chapter, the revenue from a tax imposed under this chapter by a county authorized to impose the tax under Section 352.002(aa) [~~352.002~~(v)] may be used for the purposes described by Section 352.112.

(16) Section 504.202(e-1), Transportation Code, as amended by Chapters 385 (H.B. 282), 506 (H.B. 2503), 768 (H.B. 4595), and 1050 (S.B. 280), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(e-1) Other than license plates issued under Subsection (h), license plates issued under this section may include, on request:

- (1) the emblem of the veteran's branch of service; or
- (2) one emblem from another license plate to which the person is entitled under Section 504.307, 504.308, 504.309, 504.310(b), 504.311, 504.312, 504.313, 504.3135, 504.314, 504.315, 504.316, 504.3161, 504.318, 504.319, 504.320, 504.323, 504.325, 504.327, 504.328, 504.330, 504.331, 504.332, 504.333, 504.334, [~~or~~] 504.335, 504.336, 504.337, or 504.338.

(17) Sections 521.060(a) and (c), Transportation Code, are amended to read as follows:

(a) The department shall maintain in its files a record of the name, address, and telephone number of each individual identified by the holder of a driver's license or personal identification certificate as an individual the holder authorizes to be contacted in the event that the holder is injured or dies in or as a result of a vehicular collision or another emergency situation. In addition, the department shall maintain in its files a record of any medical information described by Section 521.125(a)

that is provided to the department under Subsection (c) or any health condition information that is voluntarily provided to the department under Sections [521.1251](#), [521.1252](#), and [521.142](#)(h).

(c) An application for an original, renewal, or duplicate driver's license or personal identification certificate must:

(1) be designed to allow, but not require, the applicant to provide:

(A) the name, address, and telephone number of not more than two individuals to be contacted if the applicant is injured or dies in a circumstance described by Subsection (a); and

(B) in addition to health condition information voluntarily provided under Sections [521.1251](#), [521.1252](#), and [521.142](#)(h), medical information described by Section [521.125](#)(a); and

(2) include a statement that:

(A) describes the confidential nature of the information; and

(B) states that by providing the department with the information, the applicant consents to the limited disclosure and use of the information.

ARTICLE 23. EFFECTIVE DATE

SECTION 23.001. This Act takes effect September 1, 2025.

* * * * *