

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-FOURTH DAY**

(Thursday, May 5, 2011)

The Senate met at 11:07 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

Pastor Josh Richards, Cornerstone Community Church, Springtown, was introduced by Senator Estes and offered the invocation as follows:

Dear heavenly Father, today is the national day of prayer, and all over the country today prayer will go up for our country and leaders. This morning I pray for Texas. I pray for the men and women that are in authority over our state. I pray for all of those that work for them, for the military that are stationed here, and for our sons and daughters that are stationed all over the globe. I am proud to be from Texas, and I pray that as we are gathered here, You will help us. We face difficult times. There are decisions that have to be made that are challenging. Those decisions will affect the very lives of those we hold dear. I pray that You continue to give all the men and women here the courage and fortitude to accomplish all they have to do for the heritage of our great state to continue. I thank You, Father, for the opportunity to be here this morning; I am honored to be among these great leaders. Bless them for their willingness to serve our state. May they always remain true to that calling. Father, You know the needs that are here today, in our personal lives as well as our state. I pray that You will meet them all. Give wisdom to those who seek Your guidance and may we always live in a free nation and always be proud of Texas. Thank You for the men and women here and for their service to all that call Texas home. May You make Your face shine upon them and be gracious to them and give them peace. In Your holy name we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, May 5, 2011 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 8**

Darby

Relating to prohibiting certain private transfer fees and the preservation of private real property rights; providing penalties.

**HB 257**

Hilderbran

Relating to certain unclaimed property that is presumed abandoned.

**HB 300**

Kolkhorst

Relating to the privacy of protected health information; providing administrative and civil penalties.

**HB 442**

Guillen

Relating to the establishment of an emergency radio infrastructure account.

**HB 528**

Solomons

Relating to the provision of pharmaceutical services through informal and voluntary networks in the workers' compensation system; providing an administrative violation.

**HB 742**

Hunter

Relating to student information required to be provided at the time of enrollment in public schools.

**HB 961**

Turner

Relating to the sealing of and restricting access to juvenile records of adjudications of delinquent conduct or conduct indicating a need for supervision and to the confidentiality of records of certain misdemeanor convictions of a child.

**HB 1009**

Callegari

Relating to procedures for obtaining informed consent before certain postmortem examinations or autopsies.

**HB 1389**

Hopson

Relating to the criminal penalties for the owner of a dog that attacks another person.

**HB 1395**

Parker

Relating to the requirements to operate personal watercraft and certain boats.

**HB 1720**

Davis, John

Relating to improving health care provider accountability and efficiency under the child health plan and Medicaid programs.

- HB 1723** Lucio III  
Relating to the penalties prescribed for a single violation or repeated violations of certain court orders or conditions of bond in a family violence case.
- HB 1942** Patrick, Diane  
Relating to bullying in public schools.
- HB 1992** Hardcastle  
Relating to the authority of the Texas Animal Health Commission to set and collect fees.
- HB 2077** Rodriguez, Eddie  
Relating to a pilot program under the loanstar revolving loan program to promote the use of energy efficiency measures and renewable energy technology by certain nonprofit organizations.
- HB 2366** Truitt  
Relating to the authority of an open-enrollment charter school operated by a municipality to give a preference in admissions to children of employees of the municipality.
- HB 2470** Phillips  
Relating to the regulation of sport bikes and certain other motorcycles.
- HB 2599** Ritter  
Relating to the definition of chewing tobacco for purposes of the taxes imposed on cigars and other tobacco products and to the rate of the tax imposed on chewing tobacco.
- HB 2663** Chisum  
Relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry on ordinances, orders, or rules adopted by political subdivisions relating to that industry.
- HB 2671** Miles  
Relating to the disclosure of personal information under the Motor Vehicle Records Disclosure Act.
- HB 2735** Madden  
Relating to procedures for certain persons charged with an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.
- HB 2761** Garza  
Relating to meetings and records of certain property owners' associations.
- HB 2826** Murphy  
Relating to the issuance of a certificate for a municipal setting designation.
- HB 2902** Zerwas  
Relating to the extraterritorial jurisdiction of certain municipalities.
- HB 2940** King, Tracy O.  
Relating to the form of death certificates and fetal death certificates.

- HB 2949** Cook  
Relating to the administration of the collection improvement program.
- HB 2969** Oliveira  
Relating to authorizing the sale of certain real property held by certain state agencies.
- HB 2973** Hunter  
Relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.
- HB 3096** Kolkhorst  
Relating to the cancellation of a subdivision by a commissioners court.
- HB 3182** Ritter  
Relating to the imposition of state taxes, including the sales and use, motor vehicle sales and use, and hotel occupancy tax, on certain oilfield portable units.
- HB 3311** Carter  
Relating to the duty of an attorney ad litem appointed for a child to meet with the child or individual with whom the child resides before each court hearing.
- HB 3346** Burnam  
Relating to certain information available to the public on a central database containing information about sex offenders.
- HB 3395** Callegari  
Relating to state purchasing preferences for recycled products.
- HB 3468** Patrick, Diane  
Relating to the assessment of public school students for college readiness and developmental education courses to prepare students for college-level coursework.
- HB 3506** Villarreal  
Relating to the use of transportation allotment funds by school districts to provide bus passes or cards to certain students.
- HB 3573** King, Susan  
Relating to limiting the disclosure of certain information regarding certain charitable organizations, trusts, private foundations, and grant-making organizations.
- SB 501** West Sponsor: Dukes  
Relating to the disproportionality of certain groups in the juvenile justice, child welfare, health, and mental health systems and the disproportionality of the delivery of certain services in the education system.  
(Amended)
- SB 894** Duncan Sponsor: Coleman  
Relating to employment of physicians by certain hospitals.
- SB 980** Carona Sponsor: Hancock  
Relating to communications services and markets.  
(Amended)

**SB 1160**

Seliger

Sponsor: Jackson, Jim

Relating to the liability of a landowner for harm to a trespasser.

(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives**(President in Chair)****GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate Rylee Barrios and Gabby Aguilar.

The Senate welcomed its guests.

**PHYSICIAN OF THE DAY**

Senator Jackson was recognized and presented Dr. P. J. Mock of La Porte as the Physician of the Day.

The Senate welcomed Dr. Mock and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**SENATE RESOLUTION 915**

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing the Texas Alcoholic Beverage Commission on the occasion of its 75th anniversary, which occurred November 18, 2010; and

WHEREAS, The Texas Alcoholic Beverage Commission was first established as the Texas Liquor Control Board in 1935 after voters ratified an amendment repealing state prohibition; on November 18, 1935, the board held its first meeting in the governor's reception room of the State Capitol; and

WHEREAS, On January 1, 1970, the Texas Liquor Control Board was renamed the Texas Alcoholic Beverage Commission; today, it regulates more than 40,000 licensed businesses in Texas; it also encourages partnerships between the community and the alcoholic beverage industry and promotes education and voluntary compliance with the law with the goal of achieving responsible alcohol consumption and a safe Texas; and

WHEREAS, The 75th anniversary of the Texas Alcoholic Beverage Commission is truly an occasion worthy of celebration; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the employees and members of the Texas Alcoholic Beverage Commission for their valuable work on behalf of the citizens of Texas and extend congratulations to all on the commission's 75th anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of esteem from the Texas Senate.

**SR 915** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a TABC delegation: Joel Moreno, Chief of Field Operations; Sherry Cook, Assistant Administrator; Earl Pearson, Chief of Staff; Carolyn Beck, Director of Communication and Governmental Relations; and Alan Steen, Administrator.

The Senate welcomed its guests.

### **SENATE RESOLUTION 831**

Senator Van de Putte offered the following resolution:

**SR 831**, Recognizing May 21 through 27, 2011, as Safe Boating Week in Texas.

The resolution was again read.

The resolution was previously adopted on Friday, April 29, 2011.

### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate representatives of the U.S. Coast Guard Auxiliary in San Antonio: Lou Manganiello, Commander; Gary Trede, State Officer; Frank Dannenberg, Jr., Staff Officer for Public Affairs; Mike Vandermate, Chief of Staff; and Sharon Vandermate, member, U.S. Coast Guard Auxiliary.

The Senate welcomed its guests.

### **ACKNOWLEDGMENT**

The President recognized Senator Lucio to speak on the celebration of Cinco de Mayo.

Senator Lucio briefly addressed the Senate about the significance of Cinco de Mayo.

### **SENATE RESOLUTION 890**

Senator Harris offered the following resolution:

**SR 890**, Recognizing Six Flags Over Texas on the occasion of its 50th anniversary.

The resolution was again read.

The resolution was previously adopted on Monday, May 2, 2011.

### **GUESTS PRESENTED**

Senator Harris was recognized and introduced to the Senate a Six Flags Over Texas delegation: Steve Martindale, Park President; Sharon Parker, Communications Manager; Jim Brothers, Marketing Director; and Tyrone Taylor, Administration Director.

The Senate welcomed its guests.

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

**SENATE BILL 782 WITH HOUSE AMENDMENT**

Senator Carona called **SB 782** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1 on Third Reading**

Amend **SB 782** on third reading in SECTION 9 of the bill, in added Section 9.406(k), Business & Commerce Code (House committee printing, page 9, line 21), between "Government Code" and the underscored period, by inserting ", except to the extent that Section 466.410(a), Government Code, prohibits the assignment of installment prize payments due within the final two years of the prize payment schedule, in which case this section shall prevail over Section 466.410 solely to the extent necessary to permit such assignment".

The amendment was read.

Senator Carona moved to concur in the House amendment to **SB 782**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CONCLUSION OF MORNING CALL**

The President at 11:38 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 105 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 105** at this time on its second reading:

**CSSB 105**, Relating to a restriction on the formation into which certain commercial disposal wells permitted by the Railroad Commission of Texas may inject oil and gas waste.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 105 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 105** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 105**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 105** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Hegar.

**(Senator Eltife in Chair)**

**SENATE BILL 1760 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **SB 1760** at this time on its second reading:

**SB 1760**, Relating to notice of water and wastewater requirements before certain sales of certain residential properties.

The motion prevailed.

Senators Birdwell, Harris, Nelson, Patrick, and Wentworth asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.



All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Harris, Nelson, Patrick, Wentworth.

### **SENATE BILL 1760 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1760** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Harris, Nelson, Patrick, Wentworth.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1760**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1760** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

### **COMMITTEE SUBSTITUTE SENATE BILL 1737 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1737** at this time on its second reading:

**CSSB 1737**, Relating to accrual and use of leave of absence for certain training or duty, including military training or duty, by public employees and officers.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1737 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1737** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1737**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1737** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 313 WITH HOUSE AMENDMENTS**

Senator Seliger called **SB 313** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 313** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 35.012, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Section 35.013, within ~~Within~~ two years, but no sooner than 120 days, from the date on which the commission issues an order under Section 35.008 designating a priority groundwater management area, for those areas that are not within a district, the commission shall[-

[(+) create one or more new districts under Section 36.0151[+;

[(2) ~~recommend that the areas, or a portion of the areas, be added to an existing district under Section 35.013; or~~

~~[(3) take any combination of the actions under Subdivisions (1) and (2)].~~

(b-1) For purposes of this section, the commission may consider territory in two separately designated priority groundwater management areas to be in the same designated priority groundwater management area if:

(1) the two areas share a common boundary and one or more common aquifers; and

(2) the commission determines that a district composed of territory in the two areas will result in more effective or efficient groundwater management than other options available to the commission.

SECTION 2. Section 35.013, Water Code, is amended by amending Subsections (b), (c), (e), (f), (g), and (h) and adding Subsections (b-1) and (g-1) to read as follows:

(b) The commission shall submit a copy of the order to the board of the district to which it is recommending the priority groundwater management area be added. Not later than the 120th day after the date of receiving the copy, the [The] board shall vote on the addition of the priority groundwater management area to the district and shall advise the commission of the outcome.

(b-1) If the district described by Subsection (b) has not approved an ad valorem tax on the date of the commission's order issued under Section 35.008 and the board of the district votes to accept the addition of the priority groundwater management area to the district, the board shall enter an order adding the territory in the district.

(c) If the district described by Subsection (b) has approved an ad valorem tax on the date of the commission's order issued under Section 35.008 and the board votes to accept the addition of the priority groundwater management area to the district, the board:

(1) shall enter an order adding the territory in the district;

(2) may request the Texas AgriLife [Agricultural] Extension Service, the commission, and the Texas Water Development Board, with the cooperation and assistance of the Department of Agriculture and other state agencies, to administer an educational program to inform the residents of the status of the area's water resources, the addition of territory to the district, and [management] options for financing management of the groundwater resources of the [including possible annexation into a] district;

(3) [(2)] shall call an election to be held not later than the 270th day after the date of the board's vote under Subsection (b) within the priority groundwater management area, or portion of the priority groundwater management area, as delineated by the commission to determine if the added area will assume a proportional share of the debts or taxes of the district [priority groundwater management area will be added to the district]; and

(4) [(3)] shall designate election precincts and polling places for the elections in the order calling an election under this subsection.

(e) The ballots for the election shall be printed to provide for voting for or against the proposition: "The [inclusion of \_\_\_\_\_ (briefly describe priority groundwater management area) in the \_\_\_\_\_ District." ~~If the district has outstanding debts or taxes, the proposition shall include the following language: "and]~~ assumption by the \_\_\_\_\_ (briefly describe the territory added under

Subsection (c)(1) [~~described area~~] of a proportional share of the debts or taxes of the District instead of the assessment of fees in the described area to fund the groundwater management activities of the district."

(f) Immediately after the election, the presiding judge of each polling place shall deliver the returns of the election to the board, and the board shall canvass the returns for the election within the priority groundwater management area and declare the results. If a majority of the voters in the priority groundwater management area voting on the proposition vote in favor of the proposition, the board shall declare that the priority groundwater management area assumes a proportional share of the debts or taxes of [~~is added to~~] the district. If a majority of the voters in the priority groundwater management area voting on the proposition do not vote in favor of the proposition [~~against adding the priority groundwater management area to the district]~~, the board shall adopt rules to implement Subsection (g-1) [~~declare that the priority groundwater management area is not added to the district]~~. The board shall file a copy of the election results with the commission.

(g) The [~~If the voters approve adding the priority groundwater management area to the district, the]~~ board of the district to which the priority groundwater management area is added shall provide reasonable representation on that board compatible with the district's existing scheme of representation. Not later than the 30th day after the date on which the board declares that the priority groundwater management area is added to the district, the board of the existing district shall appoint a person or persons to represent the area until the next regularly scheduled election or appointment of directors.

(g-1) If the voters do not approve the assumption of a proportional share of the debts or taxes of a district under Subsection (e), the board shall assess production fees in the added territory based on the amount of water authorized by permit to be withdrawn from a well or the amount actually withdrawn. A district may use revenue generated by the fees for any district purpose. Production fees may not exceed:

- (1) \$2 per acre-foot payable annually for water used for agricultural use; or
- (2) 30 cents per 1,000 gallons payable annually for water used for any other

purpose.

(h) Not later than the first anniversary of the date on which [~~if~~] the proposition is defeated, or [~~if~~] the board of the existing district votes not to accept the addition of the area to the district, [~~then~~] the commission shall, except as provided under Subsection (i):

(1)[~~7~~] create under Section 36.0151 one or more districts covering the priority groundwater management area; or

(2) recommend the area be added to another existing district as provided by this section [~~not later than the first anniversary of the date on which the proposition is defeated or the board votes not to accept the area]~~.

SECTION 3. Section 36.0151, Water Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a) If the commission is required to create a district under Section 35.012(b), it shall, without an evidentiary hearing, issue an order creating the district and shall provide in its order that temporary directors be appointed under Section 36.0161 [~~36.016~~] and that an election be called by the temporary directors to authorize the district to assess taxes and to elect permanent directors.

(c) The commission may amend the territory in an order issued under Section 35.008 or this section to adjust for areas that, in the time between when the order was issued under Section 35.008 and the order is issued under this section, have:

- (1) been added to an existing district or created as a separate district; or
- (2) not been added to an existing district or created as a separate district.

(d) In making a modification under Subsection (c), the commission may recommend:

- (1) creation of a new district in the area; or
- (2) that the area be added to a different district.

(e) Except as provided by Section 35.013(h), a change in the order under Subsection (c) does not affect a deadline under Section 35.012 or 35.013.

(f) The commission may not create a groundwater conservation district under this section in a county:

(1) in which total surface water use is more than 50 times the total groundwater production;

(2) that is located in a priority groundwater management area; and

(3) that has a population greater than 2.3 million. To the extent of a conflict between this section and Section 35.012, this section controls.

SECTION 4. Section 36.0171(h), Water Code, is amended to read as follows:

(h) If the majority of the votes cast at the election are against the levy of a maintenance tax, the district shall set production [permit] fees in accordance with Section 35.013(g-1) to pay for the district's regulation of groundwater in the district, including fees based on the amount of water to be withdrawn from a well.

SECTION 5. (a) The changes in law made by this Act apply to any territory in a priority groundwater management area that is not included in a groundwater conservation district on the effective date of this Act.

(b) Not later than September 1, 2012, the Texas Commission on Environmental Quality shall create a district or add territory to an existing district for any territory for which the commission has issued an order recommending creation of a district or addition of territory to an existing district under Section 35.008, Water Code, before the effective date of this Act, unless the commission determines that the territory is not suitable under Section 35.013(i), Water Code.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

## **Floor Amendment No. 2**

Amend the Doug Miller amendment No. 1 to **SB 313** as follows:

(1) In SECTION 2 of the amendment, in added Section 35.013(g-1), Water Code (page 4), strike lines 16-20 and substitute:

Production fees may not exceed the amounts set under Chapter 8859, Special District Local Laws Code.

(2) In the recital to SECTION 3 of the amendment (page 5, lines 2-3), strike "(e), and (f)" and substitute "and (e)".

(3) In SECTION 3 of the amendment, in amended Section 36.0151, Water Code, strike added Subsection (f) (page 5, line 25, through page 6, line 2).

(4) Add the following appropriately numbered SECTIONS to the amendment and renumber the remaining SECTIONS of the amendment accordingly:

SECTION \_\_\_\_\_. Section 35.007(a), Water Code, is amended to read as follows:

(a) The executive director and the executive administrator shall meet periodically to identify, based on information gathered by the commission and the Texas Water Development Board, those areas of the state that are experiencing or that are expected to experience, within the immediately following 50-year [~~25-year~~] period, critical groundwater problems, including shortages of surface water or groundwater, land subsidence resulting from groundwater withdrawal, and contamination of groundwater supplies. Not later than September 1, 2005, the commission, with assistance and cooperation from the Texas Water Development Board, shall complete the initial designation of priority groundwater management areas across all major and minor aquifers of the state for all areas that meet the criteria for that designation. The studies may be prioritized considering information from the regional planning process, information from the Texas Water Development Board groundwater management areas and from groundwater conservation districts, and any other information available. After the initial designation of priority groundwater management areas, the commission and the Texas Water Development Board shall annually review the need for additional designations as provided by this subsection.

SECTION \_\_\_\_\_. Section 35.008, Water Code, is amended by adding Subsection (j) to read as follows:

(j) The commission may adopt rules regarding:

(1) the creation of a district over all or part of a priority groundwater management area that was designated as a critical area under Chapter 35, Water Code, as that chapter existed before September 1, 1997, or under other prior law; and

(2) the addition of all or part of the land in a priority groundwater management area described by Subdivision (1) to an existing district.

SECTION \_\_\_\_\_. All governmental acts and proceedings, including the adoption of rules, of the Texas Commission on Environmental Quality relating to the creation of a groundwater conservation district over all or part of a priority groundwater management area that was designated as a critical area under Chapter 35, Water Code, as that chapter existed before September 1, 1997, or under other prior law, are validated in all respects as of the dates on which they occurred.

SECTION \_\_\_\_\_. Section 35.007(a), Water Code, as amended by this Act, applies only to a designation of a priority groundwater management area made by the Texas Commission on Environmental Quality on or after the effective date of this Act. A designation made before the effective date of this Act is governed by the law in effect when the designation was made, and that law is continued in effect for that purpose.

The amendments were read.

Senator Seliger moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 313** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Seliger, Chair; Eltife, Duncan, Watson, and Hinojosa.

### **SENATE BILL 28 WITH HOUSE AMENDMENTS**

Senator Zaffirini called **SB 28** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 28** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 56.311, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Not later than September 1 of each year, the coordinating board shall provide a report to the committee regarding the operation of the TEXAS grant program, including information from the three preceding state fiscal years as follows:

(1) allocations of TEXAS grants by eligible institution, disaggregated by initial and subsequent awards;

(2) the number of TEXAS grants awarded to students disaggregated by race, ethnicity, and expected family contribution;

(3) disaggregated as required by Subdivision (2) and reported both on a statewide basis and for each eligible institution, the number of TEXAS grants awarded to students who meet:

(A) only the eligibility criteria described by Section 56.304; or

(B) the eligibility criteria described by Section 56.3041(2)(A); and

(4) the persistence, retention, and graduation rates of students receiving TEXAS grants.

#### **Floor Amendment No. 2**

Amend **SB 28** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter M, Chapter 56, Education Code, is amended by adding Section 56.3045 to read as follows:

Sec. 56.3045. TOLLING OF ELIGIBILITY FOR INITIAL AWARD. (a) This section applies only to a person who:

(1) was eligible to receive an initial TEXAS grant in an academic year for which sufficient money was not available through legislative appropriations to allow the coordinating board to award initial TEXAS grants to at least 10 percent of the persons eligible for initial TEXAS grants in that year, as determined by the coordinating board;

(2) has not previously been awarded a TEXAS grant; and

(3) has not received a baccalaureate degree.

(b) Provided that the person meets the requirements described by Section 56.305(a), a person to whom this section applies is eligible to receive an initial TEXAS grant in any academic year in which funding is sufficient to award initial TEXAS grants to eligible applicants for that year. The person's eligibility for an initial TEXAS grant under this section is not affected by:

(1) the period for which the person has been enrolled at an eligible institution; or

(2) any statutory changes to the eligibility requirements for initial TEXAS grants that are enacted after the person first established eligibility for an initial TEXAS grant as described by Subsection (a)(1).

(c) A person who is eligible for an initial TEXAS grant under this section is entitled to the highest priority as described by Section 56.303(f) if the person was entitled to that priority when the person first established eligibility for an initial TEXAS grant as described by Subsection (a)(1).

(d) A person who receives an initial TEXAS grant under this section:

(1) may receive subsequent TEXAS grants as provided by Section 56.305;  
and

(2) is not entitled to TEXAS grants for any previously completed academic year.

### **Floor Amendment No. 5**

Amend **SB 28** (house committee printing) in SECTION 2 of the bill, by striking added Section 56.303(d-1), Education Code (page 1, line 15, through page 2, line 1) and substituting the following:

(d-1) The coordinating board shall allocate money available for initial TEXAS grants for an academic year among general academic teaching institutions solely in proportion to the number of first-year students of each institution whose expected family contribution, as determined according to the methodology used for federal student financial aid, is \$4,000 or less, based on information from the most recent academic year for which information is available for the purpose.

The amendments were read.

Senator Zaffirini moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 28** before appointment.

There were no motions offered.



The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Zaffirini, Chair; Watson, Duncan, Carona, and Eltife.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1234 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1234** at this time on its second reading:

**CSSB 1234**, Relating to municipal management districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1234 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1234** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1234**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1234** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1877 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1877** at this time on its second reading:

**CSSB 1877**, Relating to the creation of the Oatman Hill Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1877 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1877** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1877**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1877** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1809 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1809** at this time on its second reading:

**CSSB 1809**, Relating to a study by the comptroller of public accounts of the economic impact of the Texas-Mexico border wall in the State of Texas.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Fraser, Harris, Hegar, Nelson, Nichols, Patrick, Shapiro, Williams.

The bill was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 9. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2271 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2271** at this time on its second reading:

**CSHB 2271**, Relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2271 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2271** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSHB 2271**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSHB 2271** would have occurred on the next legislative day, allowing for Texans to have learned through

news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

#### WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### SENATE BILL 34 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 34** at this time on its second reading:

**SB 34**, Relating to the establishment and operation of the Texas Women Veterans Program.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

#### SENATE BILL 34 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 34** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

#### Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 34**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 34** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### SENATE BILL 653 WITH HOUSE AMENDMENTS

Senator Whitmire called **SB 653** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer, Senator Eltife in Chair, laid the bill and the House amendments before the Senate.

#### Amendment

Amend **SB 653** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to abolishing the Texas Youth Commission and the Texas Juvenile Probation Commission and transferring the powers and duties of those agencies to the newly created Texas Juvenile Justice Department and to the functions of the independent ombudsman that serves the department.

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

#### ARTICLE 1. TEXAS JUVENILE JUSTICE DEPARTMENT; TEXAS YOUTH COMMISSION AND TEXAS JUVENILE PROBATION COMMISSION

SECTION 1.001. The Human Resources Code is amended by adding Title 12, and a heading is added to read as follows:

#### TITLE 12. JUVENILE JUSTICE SERVICES AND FACILITIES

SECTION 1.002. Title 12, Human Resources Code, as added by this Act, is amended by adding Subtitle A to read as follows:

#### SUBTITLE A. TEXAS JUVENILE JUSTICE BOARD AND TEXAS JUVENILE JUSTICE DEPARTMENT CHAPTER 201. GENERAL PROVISIONS

Sec. 201.001. DEFINITIONS. (a) In this title:

(1) "Board" means the Texas Juvenile Justice Board.

(2) "Child" means an individual:

(A) 10 years of age or older and younger than 18 years of age who is under the jurisdiction of a juvenile court; or

(B) 10 years of age or older and younger than 19 years of age who is committed to the department under Title 3, Family Code.

(3) "Court" means a juvenile court.

(4) "Department" means the Texas Juvenile Justice Department.

(5) "Executive director" means the executive director of the department.

(6) "Juvenile board" means a body established by law to provide juvenile probation services to a county.

(7) "State aid" means funds allocated by the department to a juvenile board to financially assist the juvenile board in achieving the purposes of this title and in conforming to the department's standards and policies.

(a-1) A reference to the department:

(1) in Subtitle B means the Texas Juvenile Probation Commission;

(2) in Subtitle C means the Texas Youth Commission; and

(3) in any law other than Subtitle B or C means the Texas Juvenile Probation Commission or the Texas Youth Commission, as applicable in context.

(a-2) This subsection and Subsection (a-1) expire December 1, 2011.

(b) Effective December 1, 2011, a reference in other law to:

(1) the Texas Juvenile Probation Commission means the department; or

(2) the Texas Youth Commission means the department.

Sec. 201.002. PURPOSES AND INTERPRETATION. This title shall be construed to have the following public purposes:

(1) creating a unified state juvenile justice agency that works in partnership with local county governments, the courts, and communities to promote public safety by providing a full continuum of effective supports and services to youth from initial contact through termination of supervision; and

(2) creating a juvenile justice system that produces positive outcomes for youth, families, and communities by:

(A) assuring accountability, quality, consistency, and transparency through effective monitoring and the use of systemwide performance measures;

(B) promoting the use of program and service designs and interventions proven to be most effective in rehabilitating youth;

(C) prioritizing the use of community-based or family-based programs and services for youth over the placement or commitment of youth to a secure facility;

(D) operating the state facilities to effectively house and rehabilitate the youthful offenders that cannot be safely served in another setting; and

(E) protecting and enhancing the cooperative agreements between state and local county governments.

Sec. 201.003. GOALS. The goals of the department and all programs, facilities, and services that are operated, regulated, or funded by the department are to:

(1) support the development of a consistent county-based continuum of effective interventions, supports, and services for youth and families that reduce the need for out-of-home placement;

(2) increase reliance on alternatives to placement and commitment to secure state facilities, consistent with adequately addressing a youthful offender's treatment needs and protection of the public;

(3) locate the facilities as geographically close as possible to necessary workforce and other services while supporting the youths' connection to their families;

(4) encourage regional cooperation that enhances county collaboration;

(5) enhance the continuity of care throughout the juvenile justice system;

and

(6) use secure facilities of a size that supports effective youth rehabilitation and public safety.

Sec. 201.004. INTERAGENCY AND INTERGOVERNMENTAL COOPERATION. (a) To improve services to youth, the department may cooperate and contract with:

(1) the federal government;

(2) governmental agencies in this state and other states;

(3) political subdivisions of the state; and

(4) private agencies and foundations.

(b) The executive director, the commissioner of education, the commissioner of family and protective services, the commissioner of state health services, the executive commissioner of health and human services, and the chairman of the workforce commission, or their designees, shall meet at least annually to:

(1) discuss mutual issues relating to at-risk youth and youthful offenders, and community support systems for families and youth;

(2) resolve conflicts in providing services to youth; and

(3) make recommendations to the governor and legislature.

#### CHAPTER 201A. TEMPORARY PROVISIONS

##### SUBCHAPTER A. TRANSITION TEAM

Sec. 201A.001. COMPOSITION OF TRANSITION TEAM; PRESIDING OFFICER. (a) The juvenile justice services and facilities transition team is composed of the following seven members:

(1) a representative of the Texas Juvenile Probation Commission, appointed by the board of the Texas Juvenile Probation Commission;

(2) a representative of the Texas Youth Commission, appointed by the board of the Texas Youth Commission;

(3) a representative of the governor;

(4) a representative of the lieutenant governor, chosen from a list submitted to the governor by the lieutenant governor;

(5) a representative of the speaker of the house of representatives, chosen from a list submitted to the governor by the speaker;

(6) one member who represents the interests of:

(A) youthful offenders or the families of youthful offenders;

(B) an organization that advocates on behalf of youthful offenders or the families of youthful offenders; or

(C) an organization that advocates on behalf of the victims of delinquent or criminal conduct; and

(7) one member with experience in organizational mergers.

(b) The governor shall appoint the members of the transition team listed in Subsections (a)(3)-(7).

(c) The members of the transition team shall be appointed as provided by Subsections (a) and (b) as soon as possible after September 1, 2011, and not later than October 1, 2011.

(d) The transition team member who is appointed under Subsection (a)(3) serves as the presiding officer of the transition team.

(e) The transition team members appointed under Subsections (a)(1) and (2) remain on the transition team after November 30, 2011, regardless of the abolition of the agencies named in those subdivisions.

(f) A member of the transition team is not a state officer for the purposes of Subchapter B, Chapter 572, Government Code, solely because of the member's service on the transition team.

Sec. 201A.002. POWERS AND DUTIES. (a) After September 1, 2011, and before December 1, 2011, the transition team shall coordinate and oversee the transition of services and facilities from the Texas Juvenile Probation Commission and the Texas Youth Commission to the Texas Juvenile Justice Department.

(b) After November 30, 2011, and before March 1, 2012, the transition team shall:

(1) assist the Texas Juvenile Justice Department and advise the Texas Juvenile Justice Board in implementing the transition of services and facilities from the Texas Juvenile Probation Commission and the Texas Youth Commission to the Texas Juvenile Justice Department; and

(2) prepare and submit to the Texas Juvenile Justice Department a transition plan that:

(A) shall include short-term, medium-term, and long-term transition goals for the department; and

(B) may include benchmarks and timelines for completion of certain transition-related tasks, as appropriate.

Sec. 201A.003. ASSISTANCE. The following state agencies shall, on request, assist the transition team with the following matters:

(1) the Legislative Budget Board and the budget, planning, and policy division of the governor's office, with preparation of a suggested budget for the department;

(2) the Department of Information Resources, with the technological needs of the department;

(3) the office of the attorney general, with legal matters concerning the transition of services and facilities from the Texas Juvenile Probation Commission and the Texas Youth Commission to the Texas Juvenile Justice Department;

(4) the comptroller of public accounts, with suggested accounting practices for the department; and

(5) the Texas Facilities Commission, with assistance in efficiently using the office space in which the administrative offices of the Texas Juvenile Probation Commission and the Texas Youth Commission are located and, if necessary, locating additional office space for the administrative offices of the department.

[Sections 201A.004-201A.050 reserved for expansion]

#### SUBCHAPTER B. EXPIRATION

Sec. 201A.051. EXPIRATION. This chapter expires March 31, 2012.

#### CHAPTER 202. ADMINISTRATIVE PROVISIONS

Sec. 202.001. COMPOSITION OF BOARD; PRESIDING OFFICER. (a) The board is composed of the following 11 members appointed by the governor with the advice and consent of the senate:

(1) one member who is a district court judge of a court designated as a juvenile court;

(2) two members who are county judges or county commissioners;

(3) one prosecutor in juvenile court;

(4) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age;



(5) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes at least 7,500 but fewer than 20,000 persons younger than 18 years of age;

(6) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 20,000 or more persons younger than 18 years of age;

(7) one adolescent mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code;

(8) one educator, as that term is defined by Section 5.001, Education Code;  
and

(9) two members of the general public.

(b) Members serve staggered six-year terms, with the terms of three or four members expiring on February 1 of each odd-numbered year.

(c) The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

(d) The governor shall make appointments to the board without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

Sec. 202.002. RESTRICTIONS ON BOARD MEMBERSHIP AND DEPARTMENT EMPLOYMENT. (a) A person may not be a public member of the board if the person or the person's spouse:

(1) is employed in the field of criminal or juvenile justice;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the department;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the department; or

(4) uses or receives a substantial amount of tangible goods, services, or money from the department, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

(b) A person may not be a board member and may not be a department employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of criminal or juvenile justice; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of criminal or juvenile justice.

(c) A person may not be a board member or act as the general counsel to the board or the department if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department.

(d) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Sec. 202.003. PROVISIONS APPLICABLE TO JUDICIAL MEMBERS. (a) A judge's place on the board becomes vacant when the judge ceases to hold a judicial office.

(b) A judge's service on the board is an additional duty of office.

(c) At the time of appointment to the board, a judge must be a judge of:

(1) a court designated as a juvenile court; or

(2) a court that is one of several courts that rotate being the juvenile court.

Sec. 202.004. REMOVAL OF BOARD MEMBERS. (a) It is a ground for removal from the board if a member:

(1) does not have at the time of taking office the qualifications required by Sections 202.001 and 202.003;

(2) does not maintain during service on the board the qualifications required by Sections 202.001 and 202.003;

(3) is ineligible for membership under Section 202.002;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the term; or

(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the board.

(b) The validity of an action of the board is not affected by the fact that the action is taken when a ground for removal of a board member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile probation officer who is a board member shall avoid the appearance of a conflict of interest by not voting or participating in any decision by the board that solely benefits or penalizes or otherwise solely impacts the juvenile probation department over which the chief juvenile probation officer has authority.

(b) The board may adopt recusal requirements in addition to those described by Subsection (a), including requirements that are more restrictive than those described by Subsection (a).

Sec. 202.006. TRAINING FOR BOARD MEMBERS. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the department;

(2) the programs, functions, rules, and budget of the department;

(3) the results of the most recent formal audit of the department;

(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and

(5) any applicable ethics policies adopted by the department or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Sec. 202.007. REIMBURSEMENT. A board member is not entitled to compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in performing official duties as a board member.

Sec. 202.008. MEETINGS; PUBLIC PARTICIPATION. (a) The board shall hold regular quarterly meetings on dates set by the board and special meetings at the call of the presiding officer.

(b) The board shall adopt rules regulating the board's proceedings.

(c) The board shall keep a public record of the board's decisions at the board's general office.

(d) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the department.

Sec. 202.009. AUDIT; AUTHORITY OF STATE AUDITOR. (a) The department is subject to audit by the state auditor in accordance with Chapter 321, Government Code.

(b) The state auditor, on request of the office of inspector general, may provide information or other assistance to the office of inspector general that the state auditor determines is appropriate. The office of inspector general may coordinate with the state auditor to review or schedule a plan for an investigation under Subchapter C, Chapter 242, or share other information.

(c) The state auditor may access all information maintained by the office of inspector general, such as vouchers, electronic data, and internal records, including information that is otherwise confidential under law. Information obtained by the state auditor under this subsection is confidential and is not subject to disclosure under Chapter 552, Government Code.

(d) Any provision of this title relating to the operations of the office of inspector general does not:

(1) supersede the authority of the state auditor to conduct an audit under Chapter 321, Government Code; or

(2) prohibit the state auditor from:

(A) conducting an audit, investigation, or other review; or

(B) having full and complete access to all records and other information concerning the department, including any witness statement or electronic data, that the state auditor considers necessary for the audit, investigation, or review.

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2017.

CHAPTER 203. GENERAL POWERS AND DUTIES OF BOARD AND  
DEPARTMENT

Sec. 203.001. CONTROL OVER DEPARTMENT; DEPARTMENT MISSION.

(a) The board is the governing body of the department and is responsible for the operations of the department.

(b) The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and the staff of the department.

(c) The board shall establish the mission of the department with the goal of establishing a cost-effective continuum of youth services that emphasizes keeping youth in their home communities while balancing the interests of rehabilitative needs with public safety. The board shall establish funding priorities for services that support this mission and that do not provide incentives to incarcerate youth.

Sec. 203.002. EXECUTIVE DIRECTOR. The board shall:

(1) employ an executive director to administer the department; and

(2) supervise the director's administration of the department.

Sec. 203.003. ACCESSIBILITY TO PROGRAMS AND FACILITIES. (a) The department shall comply with federal and state laws related to program and facility accessibility.

(b) The board shall prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the department's programs and services.

Sec. 203.004. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION. (a) The board shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of department rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the department's jurisdiction.

(b) The department's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The department shall:

(a);  
(1) coordinate the implementation of the policy adopted under Subsection

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

Sec. 203.005. GIFTS AND GRANTS. (a) The department may apply for and accept gifts and grants from any public or private source.

(b) The department shall deposit money received under this section in the state treasury. The department may use the money for the purpose of funding any activity under this title.

Sec. 203.006. MEDICAID BENEFITS. The department shall:

(1) identify areas in which federal Medicaid program benefits could be used in a manner that is cost-effective for juveniles in the juvenile justice system;

(2) develop a program to encourage application for and receipt of Medicaid benefits;

(3) provide technical assistance to counties relating to eligibility for Medicaid benefits; and

(4) monitor the extent to which counties make use of Medicaid benefits.

Sec. 203.007. STUDIES; STATISTICAL RECORDS. (a) The department may conduct or participate in studies relating to corrections methods and systems and to treatment and therapy programs at the governor's request or on the department's own initiative.

(b) The department shall continuously study the problem of juvenile delinquency in this state and the effectiveness of services provided or regulated by the department under Subtitle B or C and shall report the department's findings to the governor and the legislature before each regular legislative session.

(c) The department shall keep records relating to juveniles within the juvenile justice system that participate in research programs or studies.

(d) The records must show, for each calendar quarter and for each calendar year:

(1) the number of juveniles participating in research programs or studies for the appropriate reporting period;

(2) the type of research program or study in which each juvenile is participating;

(3) the name of the principal investigator conducting the research program or study; and

(4) the entity sponsoring the research program or study.

(e) The department shall submit a report that contains the information in the records kept under Subsection (d) on or before the 15th day after the last day of the appropriate reporting period to the:

(1) governor;

(2) lieutenant governor;

(3) speaker of the house of representatives; and

(4) members of the senate and house of representatives.

(f) A report submitted under this section is public information under Chapter 552, Government Code.

Sec. 203.008. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this section, "evidence" means any record, book, paper, document, data, or other evidence maintained by electronic or other means.

(b) The department may issue a subpoena requiring the attendance of a witness or the production of evidence that the department considers necessary for the investigation of:

(1) abuse, neglect, or exploitation allegations;

(2) complaints;

(3) financial and programmatic audits of juvenile probation programs, services, and facilities, including juvenile justice alternative education programs; or

(4) any other matter under the authority of the department, including a determination of treatment under Section 244.005.

(c) The department may issue a subpoena under Subsection (b) only if the subpoena is signed by:

(1) the presiding officer of the board or, if the presiding officer is unavailable, the presiding officer's designee; and

(2) at least two other members of the board, including a board member who is a judge.

(d) A hearings examiner appointed by the department may issue a subpoena requiring the attendance of a witness or the production of any record, book, paper, or document the hearings examiner considers necessary for a determination of treatment under Section 244.005. The hearings examiner may sign a subpoena.

(e) Any peace officer, department investigator, other department official, or person authorized under Article 24.01, Code of Criminal Procedure, may serve the subpoena in the same manner that similar process in a court of record having original jurisdiction of criminal actions is served.

(f) A subpoena under this section shall be served and witness fees and mileage paid as in civil cases in the district court in the county to which the witness is called, unless the proceeding for which the service or payment is made is under Chapter 2001, Government Code, in which case the service or payment shall be made as provided in that chapter. Witnesses subpoenaed at the instance of the department shall be paid their fees and mileage by the department out of funds appropriated for that purpose.

(g) On application of the department, a court of record having original jurisdiction of criminal actions may compel the attendance of a witness, the production of material, or the giving of testimony before the department, by an attachment for contempt or in the same manner as the court may otherwise compel the production of evidence.

(h) The presiding officer or a member of the board may administer an oath to a witness in attendance before the department or before an authorized representative of the department.

(i) If a witness in attendance before the department or before an authorized representative refuses without reasonable cause to be examined or answer a legal or pertinent question, or to produce evidence when ordered by the department, the department may apply to the district court for a rule or order returnable in not less than two or in more than five days, directing the witness to show cause before the judge why the witness should not be punished for contempt. The department may apply to the district court of any county where the witness is in attendance, on proof by affidavit of the fact, unless the order of contempt is sought under Chapter 2001, Government Code, in which case the department shall apply to a district court of Travis County, as provided by that chapter. On return of the order, the judge hearing the matter shall examine the witness under oath and the witness shall be given an opportunity to be heard. If the judge determines that the witness has refused, without reasonable cause or legal excuse, to be examined or answer a legal or pertinent question, or to produce evidence that the witness was ordered to bring or produce, the judge may immediately find the witness in contempt of court.

(j) The department shall be granted access at any reasonable time to any evidence that is related to any matter the department or executive director considers necessary to administer the department's functions, powers, and duties.

Sec. 203.0081. ADVISORY COUNCIL ON JUVENILE SERVICES. (a) The advisory council on juvenile services consists of:

(1) the executive director of the department or the executive director's designee;

(2) the director of probation services of the department or the director's designee;

(3) the executive commissioner of the Health and Human Services Commission or the commissioner's designee;

(4) one representative of the county commissioners courts appointed by the board;

(5) two juvenile court judges appointed by the board; and

(6) seven chief juvenile probation officers appointed by the board as provided by Subsection (b).

(b) The board shall appoint to the advisory council one chief juvenile probation officer from each regional chiefs association in this state from a list of nominees submitted to the board by each regional chiefs association. To the greatest extent practicable, a regional chiefs association shall include in its list of nominees:

(1) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age;

(2) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes at least 7,500 but fewer than 20,000 persons younger than 18 years of age; and

(3) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 20,000 or more persons younger than 18 years of age.

(c) Advisory council members, other than ex officio members, serve staggered two-year terms, with the terms of one-half of the members, as nearly as practicable, expiring on February 1 of each year.

(d) The advisory council shall report to the board any determinations made under Subsection (e).

(e) The advisory council shall assist the department in:

(1) determining the needs and problems of county juvenile boards and probation departments;

(2) conducting long-range strategic planning;

(3) reviewing and proposing revisions to existing or newly proposed standards affecting juvenile probation programs, services, or facilities;

(4) analyzing the potential cost impact on juvenile probation departments of new standards proposed by the board; and

(5) advising the board on any other matter on the request of the board.

(f) The advisory council is not subject to Chapter 2110, Government Code.

Sec. 203.0082. FEES. If the General Appropriations Act does not specify the amount of the fee, the board by rule may establish fees that:

- (1) are reasonable and necessary;
- (2) produce revenue sufficient for the administration of this chapter; and
- (3) do not produce unnecessary revenue.

Sec. 203.009. PUBLIC INTEREST INFORMATION. The department shall prepare information of public interest describing the functions of the department and describing the procedures by which complaints are filed with and resolved by the department. The department shall make the information available to the public and appropriate state agencies.

Sec. 203.010. COMPLAINTS. (a) The department shall maintain a system to promptly and efficiently act on complaints received by the department by or on behalf of a juvenile relating to the programs, services, or facilities of the department or a local juvenile probation department.

(b) The department shall make information available describing its procedures for complaint investigation and resolution.

(c) Criminal complaints initially referred to the office of the inspector general relating to juvenile probation programs, services, or facilities shall be sent to the appropriate local law enforcement agency. Any other complaint shall be referred to the appropriate division of the department. The board by rule shall establish policies for the referral of noncriminal complaints.

(d) The department shall provide immediate notice to a local juvenile probation department of a complaint received by the department relating to the programs, services, or facilities of the local juvenile probation department.

(e) The department shall periodically notify the complaint parties of the status of the complaint until final disposition, unless the notice would jeopardize an undercover investigation. If the complaint relates to a claim of abuse, neglect, or exploitation involving a local juvenile probation department, the department shall provide monthly updates on the status of the complaint and immediate updates regarding department decisions to the local juvenile probation department.

(f) The department shall keep information about each written complaint filed with the department. The information must include:

- (1) the subject matter of the complaint;
- (2) the parties to the complaint;
- (3) a summary of the results of the review or investigation of the complaint;
- (4) the period of time between the date the complaint is received and the date the complaint is closed; and
- (5) the disposition of the complaint.

Sec. 203.011. APPEALS FROM DECISION OF EXECUTIVE DIRECTOR. A juvenile probation department that is aggrieved by a decision of the executive director, including a decision relating to standards affecting juvenile probation programs, services, or facilities, may appeal the executive director's decision to the board. The decision of the board is final and cannot be appealed.

Sec. 203.012. ANNUAL FINANCIAL REPORT. The department shall prepare annually a complete and detailed written report accounting for all funds received and disbursed by the department during the preceding fiscal year. The annual report must meet the reporting requirements applicable to financial reporting provided in the General Appropriations Act.



Sec. 203.013. INTERNAL AUDIT; REPORT. (a) The department shall regularly conduct internal audits of the department, including audits of:

- (1) facilities operated by and under contract with the department; and
- (2) medical services provided to children in the custody of the department.

(b) The department shall on a quarterly basis report the results of the audits to:

- (1) the committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities; and
- (2) the state auditor.

Sec. 203.014. TOLL-FREE NUMBER. (a) The department shall establish a permanent, toll-free number for the purpose of receiving any information concerning the abuse, neglect, or exploitation of children in the custody of the department or housed in a local probation facility.

(b) The department shall ensure that:

- (1) the toll-free number is prominently displayed in each department facility and each local probation facility;
- (2) children in the custody of the department or housed in a local probation facility and employees of the department and the facility have confidential access to telephones for the purpose of calling the toll-free number; and
- (3) the toll-free number is in operation and answered by staff 24 hours a day, every day of the year.

Sec. 203.015. PROGRAMS AND SERVICES EVALUATION SYSTEM. The department shall establish and implement a system to evaluate the effectiveness of county and state programs and services for youth.

SECTION 1.003. Title 12, Human Resources Code, as added by this Act, is amended by adding Subtitle B, and a heading is added to read as follows:

SUBTITLE B. PROBATION SERVICES; PROBATION FACILITIES

SECTION 1.004. Subchapters C, D, and E, Chapter 141, Human Resources Code, are transferred to Subtitle B, Title 12, Human Resources Code, as added by this Act, redesignated as Chapters 221, 222, and 223, respectively, and amended to read as follows:

CHAPTER 221. ASSISTANCE TO COUNTIES AND REGULATION OF JUVENILE BOARDS AND JUVENILE PROBATION DEPARTMENTS  
SUBCHAPTER A. GENERAL PROVISIONS [~~SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION~~]

Sec. 221.001 [~~141.041~~]. PROVISION OF PROBATION AND DETENTION SERVICES. (a) The department [~~commission~~] shall assist counties in providing probation and juvenile detention services by encouraging the continued operation of county and multi-county juvenile boards or probation offices.

(b) If a county discontinues the provision of juvenile probation services, the department [~~commission~~] may directly provide probation or detention services in the county.

Sec. 221.002 [~~141.042~~]. GENERAL RULES GOVERNING JUVENILE BOARDS, PROBATION DEPARTMENTS, PROBATION OFFICERS, PROGRAMS, AND FACILITIES. (a) The board [~~commission~~] shall adopt reasonable rules that provide:

(1) minimum standards for personnel, staffing, case loads, programs, facilities, record keeping, equipment, and other aspects of the operation of a juvenile board that are necessary to provide adequate and effective probation services;

(2) a code of ethics for probation and detention officers and for the enforcement of that code;

(3) appropriate educational, preservice and in-service training, and certification standards for probation and detention officers or court-supervised community-based program personnel;

(4) subject to Subsection (d), minimum standards for public and private juvenile pre-adjudication secure detention facilities, public juvenile post-adjudication secure correctional facilities that are operated under the authority of a juvenile board or governmental unit, private juvenile post-adjudication secure correctional facilities operated under a contract with a governmental unit, except those facilities exempt from certification by Section 42.052(g), and nonsecure correctional facilities operated by or under contract with a governmental unit; and

(5) minimum standards for juvenile justice alternative education programs created under Section 37.011, Education Code, in collaboration and conjunction with the Texas Education Agency, or its designee.

(b) In adopting the rules, the board [~~commission~~] shall consider local information and evidence gathered through public review and comment.

(c) The department [~~commission~~] shall operate a statewide registry for all public and private juvenile pre-adjudication secure detention facilities and all public and private juvenile post-adjudication secure correctional facilities [~~except a facility operated or certified by the Texas Youth Commission~~].

(d) In adopting rules under Subsection (a)(4), the board [~~commission~~] shall ensure that the minimum standards for facilities described by Subsection (a)(4) are designed to ensure that juveniles confined in those facilities are provided the rights, benefits, responsibilities, and privileges to which a juvenile is entitled under the United States Constitution, federal law, and the constitution and laws of this state. The minimum standards must include a humane physical and psychological environment, safe conditions of confinement, protection from harm, adequate rehabilitation and education, adequate medical and mental health treatment, and due process of law.

(e) A juvenile board that does not accept state aid funding from the department under Section 223.001 shall report to the department each month on a form provided by the department the same data as that required of counties accepting state aid funding regarding juvenile justice activities under the jurisdiction of the juvenile board. If the department makes available free software to a juvenile board for the automation and tracking of juveniles under the jurisdiction of the juvenile board, the department may require the monthly report to be provided in an electronic format adopted by rule by the board.

Sec. 221.003. RULES CONCERNING MENTAL HEALTH SCREENING INSTRUMENT AND RISK AND NEEDS ASSESSMENT INSTRUMENT; ADMISSIBILITY OF STATEMENTS. (a) The board by rule shall require juvenile [~~(e) Juvenile~~] probation departments to [~~shall~~] use the mental health screening instrument selected by the department [~~commission~~] for the initial screening of

children under the jurisdiction of probation departments who have been formally referred to a juvenile probation ~~[the]~~ department. The department ~~[commission]~~ shall give priority to training in the use of this instrument in any preservice or in-service training that the department ~~[commission]~~ provides for probation officers. The rules adopted by the board under this section must allow a ~~[A]~~ clinical assessment by a licensed mental health professional to ~~[may]~~ be substituted for the mental health screening instrument selected by the department ~~[commission]~~ if the clinical assessment is performed in the time prescribed by the department ~~[commission]~~.

(b) [(f)] A juvenile probation department must, before the disposition of a child's case and using a validated risk and needs assessment instrument or process provided or approved by the department ~~[commission]~~, complete a risk and needs assessment for each child under the jurisdiction of the juvenile probation department.

(c) [(g)] Any statement made by a child and any mental health data obtained from the child during the administration of the mental health screening instrument under this section is not admissible against the child at any other hearing. The person administering the mental health screening instrument shall inform the child that any statement made by the child and any mental health data obtained from the child during the administration of the instrument is not admissible against the child at any other hearing.

~~(d) [(h)] A juvenile board that does not accept state aid funding from the commission under Section 141.081 shall report to the commission each month on a form provided by the commission the same data as that required of counties accepting state aid funding regarding juvenile justice activities under the jurisdiction of the juvenile board. If the commission makes available free software to the juvenile board for the automation and tracking of juveniles under the jurisdiction of the juvenile board, the commission may require the monthly report to be provided in an electronic format adopted by the commission.~~

[(i)] A juvenile probation department shall report data from the use of the screening instrument or clinical assessment under Subsection (a) [(e)] and the risk and needs assessment under Subsection (b) [(f)] to the department ~~[commission]~~ in the format and at the time prescribed by the department ~~[commission]~~.

(e) [(j)] The board ~~[commission]~~ shall adopt rules to ensure that youth in the juvenile justice system are assessed using the screening instrument or clinical assessment under Subsection (a) [(e)] and the risk and needs assessment under Subsection (b) [(f)].

Sec. 221.004 ~~[41.042]~~. STANDARDS RELATING TO LOCAL PROBATION DEPARTMENTS. (a) The board ~~[commission]~~ shall adopt rules that provide:

- (1) standards for the collection and reporting of information about juvenile offenders by local probation departments;
- (2) performance measures to determine the effectiveness of probation services provided by local probation departments; and
- (3) case management standards for all probation services provided by local probation departments.

(b) The department ~~[commission]~~ shall monitor local probation departments for compliance with the standards and measures that the board ~~[commission]~~ adopts.

(c) The department [~~commission~~] shall provide technical assistance to local probation departments to aid compliance with the standards and measures that the board [~~commission~~] adopts.

Sec. 221.005 [~~141.043~~]. TRAINING AND ASSISTANCE TO LOCAL AUTHORITIES. The department [~~commission~~] shall provide educational training and technical assistance to counties, juvenile boards, and probation offices to:

- (1) promote compliance with the standards required under this chapter; and
- (2) assist the local authorities in improving the operation of probation, parole, and detention services.

Sec. 221.006 [~~141.0434~~]. VIOLENCE PREVENTION AND CONFLICT RESOLUTION TRAINING. The department [~~commission~~] shall:

- (1) provide training on request to juvenile probation departments and juvenile boards in violence prevention and conflict resolution programs that include discussion of domestic violence and child abuse issues; and
- (2) encourage the inclusion of a violence prevention and conflict resolution program as a condition of probation.

Sec. 221.007 [~~141.044~~]. JUVENILE BOARD RECORDS AND REPORTS. Each juvenile board in the state shall:

- (1) keep the financial, programmatic, and statistical records the department [~~commission~~] considers necessary; and
- (2) submit periodic financial, programmatic, and statistical reports to the department [~~commission~~] as required by the department [~~commission~~] and in the format specified by the department [~~commission~~], including electronic submission.

Sec. 221.0071. CHARTER SCHOOL. (a) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the State Board of Education may grant a charter on the application of a detention, correctional, or residential facility established only for juvenile offenders under Section 51.12, 51.125, or 51.126, Family Code.

(b) If a local detention, correctional, or residential facility described by Subsection (a) applies for a charter, the facility must provide all educational opportunities and services, including special education instruction and related services, that a school district is required under state or federal law to provide for students residing in the district through a charter school operated in accordance with and subject to Subchapter D, Chapter 12, Education Code.

~~[Sec. 141.045. GIFTS AND GRANTS. (a) The commission may apply for and accept gifts and grants from any public or private source to use in maintaining and improving probation services in the state.~~

~~[(b) The commission shall deposit money received under this section in the state treasury. The commission may use the money only to make payments of state aid under this chapter and to administer this chapter.]~~

Sec. 221.008 [~~141.046~~]. INSPECTIONS AND AUDITS. (a) The department [~~commission~~] may inspect and evaluate a juvenile board and probation department and audit the juvenile board's [~~its~~] financial, programmatic, and statistical records at reasonable times to determine compliance with the board's [~~commission's~~] rules.

(b) The department [~~commission~~] may inspect any program or facility operated on behalf of and under the authority of the juvenile board by the probation department, a governmental entity, or private vendor.

~~[Sec. 141.0461. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this section, "evidence" means any record, book, paper, document, data, or other evidence maintained by electronic or other means.~~

~~[(b) The commission may issue a subpoena requiring the attendance of a witness or the production of evidence that the commission considers necessary for the investigation of:~~

~~[(1) abuse, neglect, or exploitation allegations;~~

~~[(2) complaints;~~

~~[(3) financial and programmatic audits of juvenile probation programs services and facilities, including juvenile justice alternative education programs; or~~

~~[(4) any matter under the authority of the commission.~~

~~[(c) The commission may issue a subpoena under Subsection (b) only if the subpoena is signed by:~~

~~[(1) the chairman of the commission or, if the chairman is unavailable, the vice chairman of the commission; and~~

~~[(2) at least two other members of the commission, including a member who is a judge.~~

~~[(d) Any peace officer, commission investigator, other commission official, or person authorized under Article 24.01, Code of Criminal Procedure, may serve the subpoena in the same manner that similar process in a court of record having original jurisdiction of criminal actions is served.~~

~~[(e) A subpoena under this section shall be served and witness fees and mileage paid as in civil cases in the district court in the county to which the witness is called, unless the proceeding for which the service or payment is made is under Chapter 2001, Government Code, in which case the service or payment shall be made as provided in that chapter. Witnesses subpoenaed at the instance of the commission shall be paid their fees and mileage by the commission out of funds appropriated for that purpose.~~

~~[(f) On application of the commission, a court of record having original jurisdiction of criminal actions may compel the attendance of a witness, the production of material, or the giving of testimony before the commission, by an attachment for contempt or in the same manner as the court may otherwise compel the production of evidence.~~

~~[(g) The chairman or another member of the commission may administer an oath to a witness in attendance before the commission or before an authorized representative of the commission.~~

~~[(h) If a witness in attendance before the commission or before an authorized representative refuses without reasonable cause to be examined or answer a legal or pertinent question, or to produce evidence when ordered by the commission, the commission may apply to the district court for a rule or order returnable in not less than two or in more than five days, directing the witness to show cause before the judge why the witness should not be punished for contempt. The commission may~~

~~apply to the district court of any county where the witness is in attendance, on proof by affidavit of the fact, unless the order of contempt is sought under Chapter 2001, Government Code, in which case the commission shall apply to a district court of Travis County, as provided by that chapter. On return of the order, the judge hearing the matter shall examine the witness under oath and the witness shall be given an opportunity to be heard. If the judge determines that the witness has refused, without reasonable cause or legal excuse, to be examined or answer a legal or pertinent question, or to produce evidence that the witness was ordered to bring or produce, the judge may immediately find the witness in contempt of court.~~

~~[(i) The commission shall be granted access at any reasonable time to any evidence that is related to any matter the commission or executive director considers necessary to administer the commission's functions, powers, and duties.~~

~~[Sec. 141.047. INTERAGENCY COOPERATION. (a) To improve probation services, the commission may cooperate and contract with:~~

~~[(1) the federal government;~~

~~[(2) governmental agencies in this state and other states;~~

~~[(3) political subdivisions of the state; and~~

~~[(4) private agencies.~~

~~[(b) The director, the executive commissioner of the Texas Youth Commission, and the commissioners of education, mental health and mental retardation, and human services shall meet in Austin at least quarterly to:~~

~~[(1) discuss mutual problems;~~

~~[(2) resolve conflicts in providing services to juveniles; and~~

~~[(3) make recommendations to the governor and legislature.~~

~~[Sec. 141.0471. COORDINATED STRATEGIC PLANNING COMMITTEE.~~

~~(a) The director and the executive director of the Texas Youth Commission shall jointly appoint a strategic planning committee to biennially develop a coordinated strategic plan which shall guide, but not substitute for, the strategic plans developed individually by the agencies. The director and the executive director of the Texas Youth Commission are co-presiding officers of the strategic planning committee.~~

~~[(b) The director shall appoint four members to the strategic planning committee. The director shall appoint at least:~~

~~[(1) one committee member who represents the interests of families of juvenile offenders;~~

~~[(2) one committee member who represents the interests of local juvenile probation departments; and~~

~~[(3) one committee member who is a mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code.~~

~~[(c) The executive director of the Texas Youth Commission shall appoint four members to the strategic planning committee. The executive director shall appoint at least:~~

~~[(1) one committee member who represents the interests of juvenile offenders;~~

~~[(2) one committee member who represents the interests of the victims of delinquent or criminal conduct; and~~

~~[(3) one committee member who is an educator as defined by Section 5.001, Education Code.]~~

Sec. 221.009 ~~[141.0472]~~. ~~[COORDINATED]~~ STRATEGIC PLAN; ADOPTION OF PLAN. (a) The board shall develop a [coordinated] strategic plan. ~~The plan [developed by the strategic planning committee under Section 141.0471]~~ must:

- (1) identify short-term and long-term policy goals;
- (2) identify time frames and strategies for meeting the goals identified under Subdivision (1);
- (3) estimate population projections, including projections of population characteristics;
- (4) estimate short-term and long-term capacity, programmatic, and funding needs;
- (5) describe intensive service and surveillance parole pilot programs to be ~~[jointly]~~ developed;
- (6) include an evaluation of aftercare services emphasizing concrete outcome measures, including recidivism and educational progress;
- (7) identify objective criteria for the various decision points throughout the continuum of juvenile justice services and sanctions to guard against disparate treatment of minority youth;
- (8) identify ~~[cross-agency]~~ outcome measures by which to evaluate the effectiveness of services provided to youth in the juvenile justice system ~~[the system generally];~~
- (9) include a plan of implementation for the development of common data sources and data sharing among the department [commission], juvenile probation departments, ~~[the Texas Youth Commission,]~~ the Department of Family and Protective Services, the Department of State Health Services, the Health and Human Services Commission, the Texas Education Agency, and other state agencies that serve youth in the juvenile justice system;
- (10) include the development of new, or the improvement of existing, validated risk assessment instruments;
- (11) include strategies to determine which programs are most effective in rehabilitating youth in the juvenile justice system;
- (12) include planning for effective aftercare programs and services, including ensuring that youth in the juvenile justice system have personal identification and appropriate referrals to service providers; and
- (13) track performance measures to illustrate the costs of different levels of treatment and to identify the most cost-effective programs in each component of the juvenile justice system in this state.

(b) ~~[In addition to the information described by Subsection (a), the coordinated strategic plan must include specific processes and procedures for routinely communicating juvenile justice system information between the commission and the Texas Youth Commission and determining opportunities to coordinate practices for improving outcomes for youth.]~~

~~[(e)] The board [governing boards of the commission and the Texas Youth Commission] shall review and adopt the [eordinated] strategic plan as provided by Section 2056.002, Government Code [on or before December 1st of each odd-numbered year, or before the adoption of the agency's individual strategic plan, whichever is earlier].~~

~~[Sec. 141.048. STUDIES. (a) The commission may conduct or participate in studies relating to corrections methods and systems and to treatment and therapy programs at the governor's request or on its own motion.~~

~~[(b) The commission shall continuously study the effectiveness of probation services and shall report its findings to the governor and the legislature before each regular legislative session.~~

~~[Sec. 141.0486. REPORTING CONCERNING RESEARCH PROGRAMS OR STUDIES. (a) The commission shall keep records relating to children within the juvenile probation system that participate in research programs or studies.~~

~~[(b) The records must show, for each calendar quarter and for each calendar year:~~

~~[(1) the number of children participating in research programs or studies for the appropriate reporting period;~~

~~[(2) the type of research program or study in which each child is participating;~~

~~[(3) the name of the principal investigator conducting the research program or study; and~~

~~[(4) the entity sponsoring the research program or study.~~

~~[(c) The commission shall submit a report that contains the information in the records kept under Subsection (b) on or before the 15th day after the last day of the appropriate reporting period to the:~~

~~[(1) governor;~~

~~[(2) lieutenant governor;~~

~~[(3) speaker of the house of representatives; and~~

~~[(4) members of the senate and house of representatives.~~

~~[(d) A report submitted under this section is public information under Chapter 552, Government Code.]~~

Sec. 221.010 [~~141.049~~]. COMPLAINTS RELATING TO JUVENILE BOARDS. (a) The department [~~commission~~] shall maintain a system to promptly and efficiently act on a complaint filed with the department [~~commission~~] relating to a juvenile board funded by the department [~~commission~~]. The department [~~commission~~] shall maintain information about parties to the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.

(b) The department [~~commission~~] shall make information available describing the department's [~~commission's~~] procedures for the investigation and resolution of a complaint filed with the department [~~commission~~] relating to a juvenile board funded by the department [~~commission~~].



(c) The department [commission] shall investigate the allegations in the complaint and make a determination of whether there has been a violation of the department's [commission's] rules relating to juvenile probation programs, services, or facilities.

(d) If a written complaint is filed with the department [commission] relating to a juvenile board funded by the department [commission], the department [commission] shall periodically notify the complainant and the juvenile board of the status of the complaint until final disposition, unless notice would jeopardize an undercover investigation.

Sec. 221.011. INVESTIGATORS. (a) The department may employ and commission investigators as peace officers for the purpose of investigating allegations of abuse, neglect, and exploitation in juvenile justice programs and facilities under Section 261.405, Family Code.

(b) Peace officers employed and commissioned under Subsection (a) must be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code.

Sec. 221.012. ANNUAL REPORTS. (a) The department shall report annually to the governor and the legislature on the department's operations and the condition of probation services in the state during the previous year. The report:

(1) may include recommendations; and

(2) must include:

(A) an evaluation of the effectiveness of the community-based programs operated under Section 54.0401, Family Code; and

(B) information comparing the cost of a child participating in a program described by Paragraph (A) with the cost of committing the child to the department.

(b) The department shall file annually with the governor, the Legislative Budget Board, and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the department during the preceding fiscal year. The annual report must be in the form and be submitted by the time provided by the General Appropriations Act.

#### SUBCHAPTER B. CONTRACT STANDARDS AND MONITORING

Sec. 221.051 [441.050]. CONTRACT STANDARDS. (a) In each contract with counties for local probation services, the department [commission] shall include:

(1) clearly defined contract goals, outputs, and measurable outcomes that relate directly to program objectives;

(2) clearly defined sanctions or penalties for failure to comply with or perform contract terms or conditions; and

(3) clearly specified accounting, reporting, and auditing requirements applicable to money received under the contract.

(b) The department [commission] shall require each local juvenile probation department:

(1) to include the provisions of Subsection (a) in its contracts with private service providers that involve the use of state funds; and

(2) to use data relating to the performance of private service providers in prior contracts as a factor in selecting providers to receive contracts.

(c) The department [~~commission~~] shall consider the past performance of a juvenile board when contracting with the juvenile board for local probation services other than basic probation services. In addition to the contract standards described by Subsection (a), a contract with a juvenile board for probation services other than basic probation services must:

- (1) include specific performance targets for the juvenile board based on the juvenile board's historic performance of the services; and
- (2) require a juvenile board to report on the juvenile board's success in meeting the performance targets described by Subdivision (1).

Sec. 221.052 [~~441.051~~]. **CONTRACT MONITORING.** The department [~~commission~~] shall establish a formal program to monitor contracts under Section 221.051 [~~441.050~~] made by the department [~~commission~~]. The department [~~commission~~] must:

- (1) monitor compliance with financial and performance requirements using a risk assessment methodology; and
- (2) obtain and evaluate program cost information to ensure that each cost, including an administrative cost, is reasonable and necessary to achieve program objectives.

~~[Sec. 141.052. MEDICAID BENEFITS. The commission shall:~~

- ~~(1) identify areas in which federal Medicaid program benefits could be used in a manner that is cost effective for children in the juvenile justice system;~~
- ~~(2) develop a program to encourage application for and receipt of Medicaid benefits;~~
- ~~(3) provide technical assistance to counties relating to eligibility for Medicaid benefits; and~~
- ~~(4) monitor the extent to which counties make use of Medicaid benefits.~~

~~[Sec. 141.053. ACCESSIBILITY TO PROGRAMS AND FACILITIES. The commission shall comply with federal and state laws relating to program and facility accessibility. The executive director shall also prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the commission's programs and services.]~~

Sec. 221.053 [~~441.054~~]. **CONTRACTS FOR OUT-OF-STATE JUVENILE INMATES.** (a) The only entities other than the state authorized to operate a correctional facility to house in this state juvenile inmates convicted of offenses committed against the laws of another state of the United States are:

- (1) a county or municipality; and
- (2) a private vendor operating a correctional facility under a contract with a county or municipality.

(b) The board [~~commission~~] shall develop rules, procedures, and minimum standards applicable to county or private correctional facilities housing out-of-state juvenile inmates. A contract made under Subsection (a) [~~of this section~~] shall require the county, municipality, or private vendor to operate the facility in compliance with minimum standards adopted by the board [~~commission~~].

~~[Sec. 141.055. INVESTIGATORS. (a) The commission may employ and commission investigators as peace officers for the purpose of investigating allegations of abuse, neglect, and exploitation in juvenile justice programs and facilities under Section 261.405, Family Code.~~

~~[(b) Peace officers employed and commissioned under Subsection (a) must be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code.~~

~~[Sec. 141.056. STUDY OF ALTERNATIVES TO JUVENILE JUSTICE SYSTEM FOR CHILDREN WHO ENGAGE IN ACTS OF PROSTITUTION. (a) The director shall establish a committee to evaluate alternatives to the juvenile justice system, such as government programs, faith-based programs, and programs offered by nonprofit organizations, for children who are accused of engaging in acts of prostitution.~~

~~[(b) The director shall determine the size of the committee. The committee must be composed of:~~

~~[(1) members of the Texas Juvenile Probation Commission, the Texas Youth Commission, and other relevant state agencies as determined by the director;~~

~~[(2) members of the legislature;~~

~~[(3) members of nongovernmental organizations that provide programs and services to combat and prevent trafficking of persons as described by Section 20A.02, Penal Code, in this state, including the following with respect to that trafficking:~~

~~[(A) programs to promote public awareness;~~

~~[(B) programs to identify and provide services to victims;~~

~~[(C) legal services; and~~

~~[(D) community outreach and training programs; and~~

~~[(4) other juvenile justice experts.~~

~~[(c) Not later than January 1, 2011, the committee shall prepare and deliver to each member of the legislature a report that includes the results of the study and recommendations for alternatives to the juvenile justice system for children who are accused of engaging in acts of prostitution.~~

~~[(d) This section expires June 1, 2011.]~~

Sec. 221.054 ~~[+41.057]~~. DATA COLLECTION. (a) The department ~~[commission]~~ shall collect comprehensive data concerning the outcomes of local probation programs throughout the state.

(b) Data collected under Subsection (a) must include:

(1) a description of the types of programs and services offered by a juvenile probation department, including a description of the components of each program or service offered; and

(2) to the extent possible, the rate at which juveniles who enter or complete juvenile probation are later committed to the custody of the state.

Sec. 221.055 ~~[+41.058]~~. QUARTERLY REPORT ON ABUSE, NEGLECT, AND EXPLOITATION. (a) The department ~~[On January 1, 2010, and quarterly after that date, the commission]~~ shall prepare and deliver a quarterly report to the board concerning the final outcome of any complaint received under Section 261.405, Family Code, that concerns the abuse, neglect, or exploitation of a juvenile. The

report must include a summary of the actions performed by the department [~~commission~~] and any applicable juvenile board or juvenile probation department in resolving the complaint.

(b) A report prepared under Subsection (a) is public information under Chapter 552, Government Code, only to the extent authorized by that chapter.

Sec. 221.056 [~~441.059~~]. RESIDENTIAL TREATMENT FACILITY. (a) The department [~~commission~~] may contract with a local mental health and mental retardation authority [~~that, on April 1, 2009, had an unutilized or underutilized residential treatment facility,~~] for the establishment of a residential treatment facility for juveniles with mental illness or emotional injury who, as a condition of juvenile probation, are ordered by a court to reside at the facility and receive education services at the facility. The department [~~commission~~] may work in cooperation with the local mental health and mental retardation authority to provide mental health residential treatment services for juveniles residing at a facility established under this section.

(b) A residential treatment facility established under this section must provide juveniles receiving treatment at the facility:

(1) a short-term program of mental health stabilization that does not exceed 150 days in duration; and

(2) all educational opportunities and services, including special education instruction and related services, that a school district is required under state or federal law to provide for students residing in the district through a charter school operated in accordance with and subject to Subchapter D, Chapter 12, Education Code.

(c) If a residential treatment facility established under this section is unable to provide adequate and sufficient educational opportunities and services to juveniles residing at the facility, the facility may not continue to operate beyond the end of the school year in which the opportunities or services provided by the facility are determined to be inadequate or insufficient.

(d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the State Board of Education shall grant a charter on the application of a residential treatment facility established under this section for a school chartered for the purposes of this section.

CHAPTER 222. STANDARDS FOR AND REGULATION OF [SUBCHAPTER D. PROVISIONS RELATING TO] CERTAIN OFFICERS AND EMPLOYEES  
SUBCHAPTER A. STANDARDS FOR AND GENERAL REGULATION OF OFFICERS

Sec. 222.001 [~~441.061~~]. MINIMUM STANDARDS FOR PROBATION OFFICERS. (a) To be eligible for appointment as a probation officer, a person who was not employed as a probation officer before September 1, 1981, must:

(1) be of good moral character;

(2) have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board;

(3) have either:

(A) one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by the department [~~commission~~]; or

(B) one year of experience in full-time case work, counseling, or community or group work:

(i) in a social service, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons; and

(ii) that the department [~~commission~~] determines provides the kind of experience necessary to meet this requirement;

(4) have satisfactorily completed the course of preservice training or instruction and any continuing education required by the department [~~commission~~];

(5) have passed the tests or examinations required by the department [~~commission~~]; and

(6) possess the level of certification required by the department [~~commission~~].

(b) The board [~~commission~~] by rule may authorize the waiver of the requirement of a year of graduate study or full-time employment experience if the authority responsible for employing the officer establishes to the satisfaction of the department [~~commission~~] that, after a diligent search, the authority cannot locate a person meeting that requirement to fill a job opening.

(c) The board [~~commission~~] by rule may authorize the temporary employment of a person who has not completed a course of preservice training, passed the examination, or attained the required level of certification, contingent on the person meeting those requirements within the time specified by the board [~~commission~~].

(d) A person must possess the level of training, experience, and certification required by the department [~~commission~~] to be eligible for employment in a probation office in a position supervising other probation officers. The department [~~commission~~] may require several levels of certification to reflect increasing levels of responsibility. A department [~~commission~~] rule relating to levels of certification does not affect the continued employment of a probation officer in a supervisory position if the person holds that position on the date on which the rule takes effect.

(e) The department [~~commission~~] may waive any certification requirement, except a fee requirement, for an applicant who has a valid certification from another state that has certification requirements that are substantially equivalent to the requirements in this state.

(f) The department [~~commission~~] may waive the degree accreditation requirement in Subsection (a)(2) if the applicant possesses a foreign or other degree that the department [~~commission~~] determines is the substantial equivalent of a bachelor's degree. The board [~~commission~~] shall adopt rules defining the procedures to be used to request a waiver of the accreditation requirement in Subsection (a)(2).

Sec. 222.002 [~~141.0611~~]. MINIMUM STANDARDS FOR DETENTION OFFICERS. To be eligible for appointment as a detention officer, a person who was not employed as a detention officer before September 1, 2005, must:

- (1) be of good moral character;
- (2) be at least 21 years of age;
- (3) have acquired a high school diploma or its equivalent;

(4) have satisfactorily completed the course of preservice training or instruction required by the department [~~commission~~];

(5) have passed the tests or examinations required by the department [~~commission~~]; and

(6) possess the level of certification required by the department [~~commission~~].

Sec. 222.003 [~~141.0612~~]. MINIMUM STANDARDS FOR CERTAIN EMPLOYEES OF NONSECURE CORRECTIONAL FACILITIES. (a) The board [~~commission~~] by rule shall adopt certification standards for persons who are employed in nonsecure correctional facilities that accept only juveniles who are on probation and that are operated by or under contract with a governmental unit, as defined by Section 101.001, Civil Practice and Remedies Code.

(b) The certification standards adopted under Subsection (a) must be substantially similar to the certification requirements for detention officers under Section 222.002 [~~141.0611~~].

Sec. 222.004. PERSONS WHO MAY NOT ACT AS CHIEF ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A peace officer, prosecuting attorney, or other person who is employed by or who reports directly to a law enforcement or prosecution official may not act as a chief administrative, juvenile probation, or detention officer or be made responsible for supervising a juvenile on probation.

(b) For purposes of this section, a chief administrative officer, regardless of title, is the person who is:

(1) hired or appointed by or under contract with the juvenile board; and

(2) responsible for the oversight of the operations of the juvenile probation department or any juvenile justice program operated by or under the authority of the juvenile board.

Sec. 222.005. CARRYING OF FIREARM BY CERTAIN OFFICERS PROHIBITED. (a) A juvenile probation, detention, or corrections officer may not carry a firearm in the course of the person's official duties.

(b) This section does not apply to:

(1) an employee of the department; or

(2) a juvenile probation officer authorized to carry a firearm under Section 142.006.

Sec. 222.006. PROBATION OFFICER: COUNTY EMPLOYEE. A juvenile probation officer whose jurisdiction covers only one county is considered to be an employee of that county.

#### SUBCHAPTER B. CERTIFICATION AND EXAMINATION

Sec. 222.051 [~~141.062~~]. NOTICE OF CERTIFICATION EXAMINATION RESULTS. (a) Except as provided by Subsection (b) [~~of this section~~], the department [~~commission~~] shall notify each person taking a certification examination of the results of the examination not later than the 30th day after the date on which the examination is administered.

(b) The department [~~commission~~] shall notify a person taking an examination graded or reviewed by a national testing service of the results not later than the 14th day after the date on which the department [~~commission~~] receives the results from the testing service.

(c) If the notice of the examination results graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, the department [~~commission~~] shall notify the person of the reason for the delay before that 90th day.

Sec. 222.052 [~~141.063~~]. ANALYSIS OF EXAMINATION PERFORMANCE. The department [~~commission~~] shall furnish a person who fails a certification test administered under this chapter with an analysis of the person's performance on the examination if the person requests the analysis in writing.

Sec. 222.053 [~~141.064~~]. REVOCATION OR SUSPENSION OF CERTIFICATION. (a) The department [~~commission~~] may revoke or suspend a certification, or reprimand a certified officer:

- (1) for a violation of this chapter or a department [~~commission~~] rule; or
- (2) if, under Subsection (c), a panel determines that continued certification of the person threatens juveniles in the juvenile justice system.

(b) The department [~~commission~~] may place on probation a person whose certification is suspended. If the suspension is probated, the department [~~commission~~] may require the person to:

- (1) report regularly to the department [~~commission~~] on matters that are the basis of the probation; and
- (2) continue or review professional education until the person attains a degree of skill satisfactory to the department [~~commission~~] in those areas that are the basis of the probation.

(c) The executive director may convene, in person or telephonically, a panel of three board [~~commission~~] members to determine if a person's continued certification threatens juveniles in the juvenile justice system. If the panel determines that the person's continued certification threatens juveniles in the juvenile justice system, the person's license is temporarily suspended until an administrative hearing is held as soon as possible under Subsection (d). The executive director may convene a panel under this subsection only if the danger posed by the person's continued certification is imminent. The panel may hold a telephonic meeting only if immediate action is required and convening the panel at one location is inconvenient for any member of the panel.

(d) A person is entitled to a hearing before the State Office of Administrative Hearings if the department [~~commission~~] proposes to suspend or revoke the person's certification.

(e) A person may appeal a ruling or order issued under this section to a district court in the county in which the person resides or in Travis County. The standard of review is under the substantial evidence rule.

~~[Sec. 141.065. PERSONS WHO MAY NOT ACT AS CHIEF ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A peace officer, prosecuting attorney, or other person who is employed by or who~~

~~reports directly to a law enforcement or prosecution official may not act as a chief administrative, juvenile probation, or detention officer or be made responsible for supervising a juvenile on probation.~~

~~[(b) For purposes of this section, a chief administrative officer, regardless of title, is the person who is:~~

~~[(1) hired or appointed by or under contract with the juvenile board; and~~

~~[(2) responsible for the oversight of the operations of the juvenile probation department or any juvenile justice program operated by or under the authority of the juvenile board.~~

~~[Sec. 141.066. CARRYING OF FIREARM BY CERTAIN OFFICERS PROHIBITED. (a) A juvenile probation, detention, or corrections officer may not carry a firearm in the course of the person's official duties.~~

~~[(b) This section does not apply to:~~

~~[(1) an employee of the Texas Youth Commission; or~~

~~[(2) a juvenile probation officer authorized to carry a firearm under Section 142.006.~~

~~[Sec. 141.067. PROBATION OFFICER: COUNTY EMPLOYEE. A juvenile probation officer whose jurisdiction covers only one county is considered to be an employee of that county.]~~

#### CHAPTER 223 ~~[SUBCHAPTER E]~~. STATE AID

Sec. 223.001 ~~[141.081]~~. DETERMINATION OF AMOUNT OF STATE AID.

(a) The department ~~[commission]~~ shall annually allocate funds for financial assistance to juvenile boards to provide juvenile services according to current estimates of the number of juveniles in each county and other factors the department ~~[commission]~~ determines are appropriate.

(b) The legislature may appropriate the amount of state aid necessary to supplement local funds to maintain and improve statewide juvenile services that comply with department ~~[commission]~~ standards.

(c) The department ~~[commission]~~ may set aside a portion of the funds appropriated to the department ~~[commission]~~ for state aid to fund programs designed to address special needs or projects of local juvenile boards.

~~[(d) The commission by rule shall, not later than September 1, 2010, establish one or more basic probation services funding formulas and one or more community corrections funding formulas. The funding formulas established under this subsection must include each grant for which the commission, on or before September 1, 2009, established an allocation formula.]~~

Sec. 223.002 ~~[141.082]~~. MAINTENANCE OF LOCAL FINANCIAL SUPPORT. (a) To receive the full amount of state aid funds for which a juvenile board may be eligible, a juvenile board must demonstrate to the department's ~~[commission's]~~ satisfaction that the amount of local or county funds budgeted for juvenile services is at least equal to the amount spent, excluding construction and capital outlay expenses, for those services in the 1994 county fiscal year. The department ~~[commission]~~ may waive this requirement only if the juvenile board demonstrates to the department ~~[commission]~~ that unusual, catastrophic, or exceptional circumstances existed during the relevant year to affect adversely the level of county funding. If the required amount of local funding is not budgeted and the



department [~~commission~~] does not grant a waiver, the department [~~commission~~] shall reduce the allocation of state aid funds to the juvenile board by the amount equal to the amount that the county funding is below the required funding.

(b) For purposes of Subsection (a), the [~~The~~] amount spent on juvenile detention and correctional facilities is included in determining the amount of local or county funds. The amount spent for construction or renovation is not included.

(c) The department [~~commission~~] must be satisfied at the end of each county fiscal year that the juvenile board actually spent local or county funds for juvenile services in the amount demonstrated to the department [~~commission~~] at the beginning of the fiscal year.

(d) The department [~~commission~~] may require a rebate of state aid, or [~~may~~] withhold state aid to which the juvenile board would otherwise be entitled, as necessary to satisfy the requirement that a juvenile board spend funds as demonstrated.

Sec. 223.003 [~~141.083~~]. SPECIAL RULES FOR MULTI-COUNTY JURISDICTIONS. If necessary, the board [~~commission~~] by rule may provide for:

(1) the payment of compensation, insurance, retirement, fringe benefits, and related matters to a juvenile probation officer whose jurisdiction covers more than one county;

(2) the centralization of administrative responsibility associated with the state aid program in a county included in a multi-county jurisdiction; and

(3) the application of Section 223.001 [~~141.081 of this code~~] to a multi-county jurisdiction.

Sec. 223.004 [~~141.084~~]. PAYMENT OF STATE AID. (a) When the department [~~commission~~] determines that a juvenile board complies with the department's [~~commission's~~] standards, the department [~~commission~~] shall submit to the comptroller a voucher for payment to a juvenile board of the amount of state aid to which the board is entitled.

(b) The juvenile board's fiscal officer shall deposit all state aid received under this chapter in a special fund. The juvenile board may use the funds solely to provide juvenile probation services.

(c) A juvenile board receiving state aid under this chapter is subject to audit by:

(1) the Legislative Budget Board;

(2) [~~]~~ the governor's budget, policy, and planning office;

(3) [~~]~~ the state auditor; [~~]~~ and

(4) the comptroller.

(d) A juvenile board receiving state aid under this chapter shall submit reports as required by the department [~~commission~~].

Sec. 223.005 [~~141.085~~]. REFUSAL, REDUCTION, OR SUSPENSION OF STATE AID. (a) The department [~~commission~~] may refuse, reduce, or suspend payment of state aid to:

(1) a juvenile board that fails to comply with the department's [~~commission's~~] rules or fails to maintain local financial support; or

(2) a county that fails to comply with the minimum standards provided under Section 221.002(a)(4) [~~141.042(a)(4)~~].

(b) The department [~~commission~~] shall provide for notice and a hearing in a case in which the department [~~it~~] refuses, reduces, or suspends state aid.

Sec. 223.006 [~~141.086~~]. FUNDING AND CONSTRUCTION OF POST-ADJUDICATION FACILITIES. (a) The department [~~commission~~] may provide state aid to a county to acquire, construct, and equip post-adjudication residential or day-treatment centers from money appropriated for those purposes. The facilities may be used for children who are placed on probation by a juvenile court under Section 54.04, Family Code, as an alternative to commitment to the facilities of the department [~~Texas Youth Commission~~].

(b) State funds provided to counties under Subsection (a) must be matched by local funds equal to at least one-fourth of the state funds.

(c) From money appropriated for construction of the facilities described by Subsection (a), the department [~~commission~~] shall contract with the Texas Department of Criminal Justice for construction management services, including:

- (1) evaluation of project plans and specifications; and
- (2) review and comment on the selection of architects and engineers, change orders, and sufficiency of project inspection.

(d) On completion of the review of project plans and specifications under Subsection (c), the Texas Department of Criminal Justice shall issue a comprehensive report that states in detail the proposed cost of the project. The department [~~commission~~] shall use the report in making a comparative evaluation of proposed projects and shall give priority to the projects the department [~~commission~~] finds are the most effective and economical.

(e) The department [~~commission~~] may not award money for a capital construction project for a facility under this section unless the department [~~commission~~] receives from the commissioners court of the county intending to use the facility a written commitment that the commissioners court has reviewed and accepted the conditions of the award. If more than one county intends to use the facility, the department [~~commission~~] must receive from each county a written commitment that the county will agree with the other counties to an interlocal contract to operate the facility in accordance with the conditions of the award.

(f) A county receiving state aid under this section shall adhere to department [~~commission~~] standards for the construction and operation of a post-adjudication secure residential facility.

(g) For a facility constructed under this section, not more than 25 percent of the operating costs of the facility may be reimbursed by the department [~~commission~~].

(h) It is the intent of the legislature to appropriate the full amount of money authorized under Subsection (g).

(i) [~~The commission shall conduct an annual audit of the operating costs for a fiscal year of a facility constructed under this section for each fiscal year through fiscal year 1999. The commission shall submit a report on the results of the audit to the Legislative Budget Board and the governor not later than the 60th day after the last day of the fiscal year covered by the audit.~~]

[~~(j)~~] In this section, "operating costs" means the operating costs of a facility at an 80-percent occupancy rate.

SECTION 1.005. Title 12, Human Resources Code, as added by this Act, is amended by adding Subtitle C, and a heading is added to read as follows:

SUBTITLE C. SECURE FACILITIES

SECTION 1.006. Subchapter G, Chapter 61, Human Resources Code, is transferred to Subtitle C, Title 12, Human Resources Code, as added by this Act, redesignated as Chapter 241, and amended to read as follows:

CHAPTER 241. GENERAL [~~SUBCHAPTER G. MISCELLANEOUS~~]  
PROVISIONS

Sec. 241.001 [~~61.094~~]. COOPERATION OF OTHER AGENCIES. To effectuate the purpose of this subtitle [~~chapter~~] and to make maximum use of existing facilities and personnel, all departments and agencies of the state and all officers and employees of the state, when requested by the department [~~commission~~], shall cooperate with the department [~~†~~] in all activities consistent with their proper functions.

Sec. 241.0015 [~~61.0911~~]. [~~COORDINATED~~] STRATEGIC PLAN. The department [~~Texas Youth Commission~~] shall biennially develop [~~with the Texas Juvenile Probation Commission~~] a [~~coordinated~~] strategic plan in the manner described by Section 221.009 [~~Sections 141.0471 and 141.0472~~].

Sec. 241.002 [~~61.092~~]. NO FORFEITURE OF CERTAIN CIVIL RIGHTS. Commitment of a child to the custody of the department [~~commission~~] does not disqualify the child in any future examination, appointment, or application for public service under the government of the state or of any political subdivision of the state.

[~~Sec. 61.093. ESCAPE AND APPREHENSION. (a) If a child who has been committed to the commission and placed by it in any institution or facility has escaped or has been released under supervision and broken the conditions of release:~~

[~~(1) a sheriff, deputy sheriff, constable, or police officer may, without a warrant, arrest the child; or~~

[~~(2) a commission employee designated by the executive commissioner may, without a warrant or other order, take the child into the custody of the commission.~~

[~~(b) A child who is arrested or taken into custody under Subsection (a) may be detained in any suitable place, including an adult jail facility if the person is 17 years of age or older, until the child is returned to the custody of the commission or transported to a commission facility.~~

[~~(c) Notwithstanding Section 58.005, Family Code, the commission may disseminate to the public the following information relating to a child who has escaped from custody:~~

[~~(1) the child's name, including other names by which the child is known;~~

[~~(2) the child's physical description, including sex, weight, height, race, ethnicity, eye color, hair color, scars, marks, and tattoos;~~

[~~(3) a photograph of the child; and~~

[~~(4) if necessary to protect the welfare of the community, any other information that reveals dangerous propensities of the child or expedites the apprehension of the child.~~

~~[Sec. 61.0931. APPREHENSION SPECIALISTS. (a) The commission may employ and commission apprehension specialists as peace officers for the purpose of apprehending a child under Section 61.093.~~

~~[(b) Peace officers employed and commissioned under Subsection (a) must be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 415, Government Code.]~~

Sec. 241.003 ~~[61.094]~~. YOUTH DEVELOPMENT COUNCIL FUND. The youth development council fund exists in the treasury as a special fund for the purposes provided by law.

Sec. 241.004 ~~[61.095]~~. REQUEST FOR CERTAIN RECORDS. For the purpose of offering a record as evidence in the punishment phase of a criminal proceeding, a prosecuting attorney may obtain the record of a defendant's adjudication that is admissible under Section 3(a), Article 37.07, Code of Criminal Procedure, by submitting a request for the record to the department ~~[commission]~~. If the department ~~[commission]~~ has a record to which the prosecuting attorney is entitled under this section, the department ~~[commission]~~ shall furnish a copy of the record to the prosecuting attorney. Otherwise, the department ~~[commission]~~ shall notify the prosecuting attorney that the department ~~[commission]~~ does not have a record to which the attorney is entitled under this section.

Sec. 241.005 ~~[61.096]~~. LIABILITY OF VOLUNTEERS. (a) Except as provided by Subsection (b), a volunteer is not liable for damages arising from an act or omission that results in personal injury, death, or property damage if the act or omission is:

- (1) in the course and scope of the volunteer's duties as a volunteer; and
- (2) not intentional or grossly negligent.

(b) A volunteer is liable for personal injury, death, or property damage proximately caused by an act or omission related to the operation or use of any motor-driven equipment to the extent of the greater of:

- (1) the amount of financial responsibility required for the motor-driven equipment, if any, under Chapter 601, Transportation Code; or
- (2) the amount of any liability insurance coverage that applies to the act or omission.

(c) In this section, "volunteer" means an individual rendering services for or on behalf of the department ~~[commission]~~ who does not receive compensation in excess of reimbursement for expenses incurred.

Sec. 241.006 ~~[61.097]~~. APPLICATION OF LAW RELATING TO FREE EXERCISE OF RELIGION. For purposes of Chapter 110, Civil Practice and Remedies Code, an ordinance, rule, order, decision, or practice that applies to a person in the custody of a juvenile detention facility or other correctional facility operated by or under a contract with the department ~~[commission]~~, a county, or a juvenile probation department is presumed to be in furtherance of a compelling governmental interest and the least restrictive means of furthering that interest. The presumption may be rebutted.

Sec. 241.007 [~~61.098~~]. CERTAIN CRIMES CONCERNING THE DEPARTMENT [~~COMMISSION~~]. (a) In this section, "special prosecution unit" means the special prosecution unit established under Subchapter E, Chapter 41, Government Code.

(b) As appropriate, the district attorney, criminal district attorney, or county attorney representing the state in criminal matters before the district or inferior courts of the county who would otherwise represent the state in the prosecution of an offense or delinquent conduct concerning the department [~~commission~~] and described by Article 104.003(a), Code of Criminal Procedure, may request that the special prosecution unit prosecute, or assist in the prosecution of, the offense or delinquent conduct.

(c) The office of inspector general operated under Subchapter C, Chapter 242, shall on a quarterly basis prepare and deliver to the board of directors of the special prosecution unit a report concerning:

(1) any alleged criminal offense or delinquent conduct concerning the department [~~commission~~] and described by Article 104.003(a), Code of Criminal Procedure, that occurred during the preceding calendar quarter; and

(2) the disposition of any case involving a criminal offense or delinquent conduct concerning the department [~~commission~~] and described by Article 104.003(a), Code of Criminal Procedure, that occurred during the preceding calendar quarter.

(d) Notwithstanding Subsection (c), the office of inspector general shall immediately provide the special prosecution unit with a report concerning an alleged criminal offense or delinquent conduct concerning the department [~~commission~~] and described by Article 104.003(a), Code of Criminal Procedure, if the chief inspector general reasonably believes the offense or conduct is particularly serious and egregious.

(e) The chief inspector general of the office of inspector general, at the direction of the board of directors of the special prosecution unit, shall notify the foreman of the appropriate grand jury, in the manner provided by Article 20.09, Code of Criminal Procedure, if:

(1) the chief inspector general receives credible evidence of illegal or improper conduct by department [~~commission~~] officers, employees, or contractors that the inspector general reasonably believes jeopardizes the health, safety, and welfare of children in the custody of the department [~~commission~~];

(2) the chief inspector general reasonably believes the conduct:

(A) could constitute an offense under Article 104.003(a), Code of Criminal Procedure; and

(B) involves the alleged physical or sexual abuse of a child in the custody of a department [~~commission~~] facility or an investigation related to the alleged abuse; and

(3) the chief inspector general has reason to believe that information concerning the conduct has not previously been presented to the appropriate grand jury.

Sec. 241.008 ~~[61.099]~~. DUTY TO FILE COMPLAINT WITH LAW ENFORCEMENT AGENCY. If the executive director ~~[commissioner]~~ has reasonable cause to believe that a child in the custody of the department ~~[commission]~~ is the victim of a crime committed at a department ~~[commission]~~ facility operated under this subtitle, the executive director ~~[commissioner]~~ shall immediately file a complaint with the appropriate law enforcement agency.

SECTION 1.007. Subchapters C, D, E, and F, Chapter 61, Human Resources Code, are transferred to Subtitle C, Title 12, Human Resources Code, as added by this Act, redesignated as Chapters 242, 243, 244, and 245, respectively, and amended to read as follows:

CHAPTER 242. OPERATION OF SECURE FACILITIES

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

~~[SUBCHAPTER C. POWERS AND DUTIES]~~

Sec. 242.001. STUDY OF TREATMENT METHODS; STATISTICAL RECORDS. (a) The department shall conduct continuing inquiry into the effectiveness of the treatment methods the department employs in the reformation of children. To this end, the department shall maintain a record of arrests and commitments of its wards subsequent to their discharge from the jurisdiction of the department and shall tabulate, analyze, and publish biennially the data for use in evaluating the relative merits of treatment methods.

(b) The department shall cooperate with courts and private and public agencies in the collection of statistics and information regarding juvenile delinquency, arrests made, complaints, informations, and petitions filed, and the dispositions made of them, and other information useful in determining the amount and causes of juvenile delinquency in this state.

~~[Sec. 61.031. CONTINUING STUDY. The commission shall carry on a continuing study of the problem of juvenile delinquency in this state and shall seek to focus public attention on special solutions to this problem.]~~

Sec. 242.002 ~~[61.0315]~~. EVALUATION OF TREATMENT PROGRAMS; AVAILABILITY. (a) The department ~~[commission]~~ shall annually review the effectiveness of the department's ~~[commission's]~~ programs for the rehabilitation and reestablishment in society of children committed to the department ~~[commission]~~, including programs for sex offenders, capital offenders, children who are chemically dependent, emotionally disturbed children, and females.

(b) On or before December 31 of each year, the department ~~[commission]~~ shall make a report on the effectiveness of the programs to the Legislative Budget Board.

(c) The department ~~[commission]~~ shall offer or make available programs described by Subsection (a) in an adequate manner so that a child in the custody of the department ~~[commission]~~ receives appropriate rehabilitation services recommended for the child by the court committing the child to the department ~~[commission]~~.

(d) If the department ~~[commission]~~ is unable to offer or make available programs described by Subsection (a) in the manner provided by Subsection (c), the department ~~[commission]~~ shall, not later than January 10 of each odd-numbered year, provide the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities with a report explaining:

- (1) which programs are not offered or are unavailable; and
- (2) the reason the programs are not offered or are unavailable.

(e) The department [~~commission~~] shall periodically review, document, and compare the accessibility and funding of treatment programs provided to female children committed to the department [~~commission~~] to the accessibility and funding of treatment provided to male children committed to the department [~~commission~~].

~~[Sec. 61.032. ADMINISTRATION OF INSTITUTIONS. The commission shall administer the training, diagnostic treatment, and supervisory facilities and services of the state for children committed to the commission and shall manage and direct all institutions and training school facilities under the authority of the commission.]~~

~~[Sec. 61.033. ANNUAL FINANCIAL REPORT. The commission shall prepare annually a complete and detailed written report accounting for all funds received and disbursed by the commission during the preceding fiscal year. The annual report must meet the reporting requirements applicable to financial reporting provided in the General Appropriations Act.]~~

~~[Sec. 61.0331. INTERNAL AUDIT; REPORT. (a) The commission shall regularly conduct internal audits of the commission, including audits of:~~

~~[(1) correctional facilities operated by and under contract with the commission; and~~

~~[(2) medical services provided to children in the custody of the commission.]~~

~~[(b) The commission shall on a quarterly basis report the results of the audits to:~~

~~[(1) the committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities; and~~

~~[(2) the state auditor.]~~

Sec. 242.003 [~~61.034~~]. POLICIES AND RULES. (a) The board [~~executive commissioner~~] is responsible for the review and approval [~~adoption~~] of all policies and shall make rules appropriate to the proper accomplishment of the department's [~~commission's~~] functions. The board may delegate to the executive director the board's responsibility for the adoption of certain policies as appropriate for the proper accomplishment of the department's functions relating to state-operated facilities and the department's personnel.

(b) The board [~~executive commissioner~~] shall adopt rules for the government of the schools, facilities, and programs under the department's [~~commission's~~] authority under this subtitle and shall see that the schools, facilities, and programs are conducted according to law and to the board's [~~executive commissioner's~~] rules.

(c) The purpose of the rules and of all education, work, training, discipline, and recreation adopted under this section[~~;~~] and of all other activities in the schools, facilities, and programs is to restore and increase the self-respect and self-reliance of the children [~~youth~~] under the authority of the department [~~commission~~] and to qualify those children [~~them~~] for good citizenship and honorable employment.

~~[Sec. 61.0345. MISSION STATEMENT. The commission shall develop and adopt a statement regarding the role and mission of the commission.]~~

Sec. 242.004 [~~61.035~~]. EMPLOYEES. (a) Within the limits specified by legislative appropriation, the department [~~commission~~] may employ and compensate personnel necessary to carry out the department's [~~its~~] duties.

(b) Except as otherwise provided by this subchapter [~~chapter~~], an employee of the department [~~commission~~] is employed on an at-will basis.

(c) The department [~~commission~~] shall establish procedures and practices governing:

(1) employment-related grievances submitted by department [~~commission~~] employees; and

(2) disciplinary actions within the department [~~commission~~], including a procedure allowing a department [~~commission~~] employee to elect to participate in an independent dismissal mediation if the employee is recommended for dismissal.

Sec. 242.005 [~~61.0351~~]. PROFESSIONAL INFORMATION FOR ADVISORY BOARD MEMBERS AND EMPLOYEES. The executive director [~~commissioner~~] shall provide to members of any applicable [~~the~~] advisory board and to department [~~commission~~] employees, as often as is necessary, information regarding qualifications [~~their qualification~~] for office or employment under this chapter and [~~their~~] responsibilities under applicable laws relating to standards of conduct for state officers or employees.

~~[Sec. 61.0352. DIVISION OF RESPONSIBILITY. The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the staff of the commission.]~~

Sec. 242.006 [~~61.0353~~]. INTRA-AGENCY CAREER LADDER PROGRAM. The program shall require intra-agency posting of all positions concurrently with any public postings.

Sec. 242.007 [~~61.0354~~]. JOB PERFORMANCE EVALUATIONS. The executive director [~~commissioner~~] shall develop a system of annual performance evaluations that are based on documented employee performance. All merit pay for department [~~commission~~] employees must be based on the system established under this section.

Sec. 242.008 [~~61.0355~~]. EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT. (a) The executive director [~~commissioner~~] shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement shall include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel that are in compliance with requirements of Chapter 21, Labor Code;

(2) a comprehensive analysis of the department's [~~commission's~~] work force that meets federal or state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations;

(3) procedures by which a determination can be made about the extent of underuse in the department's [~~commission's~~] work force of all persons of whom federal or state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of underuse.



(b) A policy statement prepared under Subsection (a) must cover an annual period, be updated annually, be reviewed by the Texas Workforce Commission [~~on Human Rights~~] for compliance with Subsection (a)(1), and be filed with the governor's office.

(c) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (b). The report may be made separately or as a part of other biennial reports made to the legislature.

Sec. 242.009 [~~61-0356~~]. JUVENILE CORRECTIONAL OFFICERS; STAFFING. (a) In this section, "juvenile correctional officer" means a department [~~an~~] employee whose primary duties include [~~duty includes~~] the custodial supervision of children in the custody of the department [~~commission~~].

(b) The department [~~commission~~] shall provide each juvenile correctional officer employed by the department [~~commission~~] with at least 300 hours of training, which must include on-the-job training, before the officer independently commences the officer's duties at the facility. The training must provide the officer with information and instruction related to the officer's duties, including information and instruction concerning:

(1) the juvenile justice system of this state, including the juvenile correctional facility system;

(2) security procedures;

(3) the supervision of children committed to the department [~~commission~~];

(4) signs of suicide risks and suicide precautions;

(5) signs and symptoms of the abuse, assault, neglect, and exploitation of a child, including sexual abuse and sexual assault, and the manner in which to report the abuse, assault, neglect, or exploitation of a child;

(6) the neurological, physical, and psychological development of adolescents;

(7) department [~~commission~~] rules and regulations, including rules, regulations, and tactics concerning the use of force;

(8) appropriate restraint techniques;

(9) the Prison Rape Elimination Act of 2003 (42 U.S.C. Section 15601, et seq.);

(10) the rights and responsibilities of children in the custody of the department [~~commission~~];

(11) interpersonal relationship skills;

(12) the social and cultural lifestyles of children in the custody of the department [~~commission~~];

(13) first aid and cardiopulmonary resuscitation;

(14) counseling techniques;

(15) conflict resolution and dispute mediation, including de-escalation techniques;

(16) behavior management;

(17) mental health issues; and

(18) employee rights, employment discrimination, and sexual harassment.

(c) The department [~~commission~~] may employ part-time juvenile correctional officers. A part-time juvenile correctional officer is subject to the training requirements of this section.

(d) In each correctional facility operated by the department [~~commission~~] that has a dormitory, including an open-bay dormitory, the department [~~commission~~] must maintain a ratio of not less than one juvenile correctional officer performing direct supervisory duties for every 12 persons committed to the facility.

(e) The department [~~commission~~] shall consider the age of a juvenile correctional officer or other department [~~commission~~] employee who performs direct supervisory duties when determining the placement of the officer or employee in a department [~~commission~~] facility so that, to the extent practicable, an officer or employee is not supervising a child who is not more than three years younger than the officer or employee or is otherwise a similar age to the officer or employee.

(f) The department [~~commission~~] shall rotate the assignment of each juvenile correctional officer at an interval determined by the department [~~commission~~] so that a juvenile correctional officer is not assigned to the same station for an extended period of time.

(g) The department [~~commission~~] shall ensure that at least one juvenile correctional officer is assigned to supervise in or near a classroom or other location in which children receive education services or training at the time the children are receiving the education services or training.

(h) The board [~~commission~~] shall adopt rules necessary to administer this section.

Sec. 242.010 [61-0357]. REQUIRED BACKGROUND AND CRIMINAL HISTORY CHECKS. (a) In this section, "national[~~l~~:"

(1) "Department" means the Department of Public Safety.

(2) "National criminal history record information" means criminal history record information obtained from the Department of Public Safety [~~department~~] under Subchapter F, Chapter 411, Government Code, and from the Federal Bureau of Investigation under Section 411.087, Government Code.

(b) The executive director [~~commissioner~~] shall review the national criminal history record information, state criminal history record information maintained by the Department of Public Safety [~~department~~], and previous and current employment references of each person who:

(1) is an employee, contractor, volunteer, ombudsman, or advocate working for the department [~~commission~~] or working in a department [~~commission~~] facility or a facility under contract with the department [~~commission~~];

(2) provides direct delivery of services to children in the custody of the department [~~commission~~]; or

(3) has access to records in department [~~commission~~] facilities or offices.

(c) To enable the executive director [~~commissioner~~] to conduct the review, the board [~~commission~~] shall adopt rules requiring a person described by Subsection (b) to electronically provide the Department of Public Safety [~~department~~] with a complete set of the person's fingerprints in a form and of a quality acceptable to the Department of Public Safety [~~department~~] and the Federal Bureau of Investigation.

(d) For each person described by Subsection (b), the executive director ~~[commissioner]~~ shall review on an annual basis the person's national criminal history record information.

(e) The department ~~[commission]~~ shall ensure that the system used to check state criminal history record information maintained by the Department of Public Safety ~~[department]~~ is capable of providing real time arrest information.

(f) The board ~~[commission]~~ by rule may require a person described by Subsection (b) to pay a fee related to the first national criminal history record information review conducted under this section. The amount of the fee may not exceed the administrative costs incurred by the department ~~[commission]~~ in conducting the initial review, including the costs of obtaining the person's fingerprints.

(g) The board ~~[commission]~~ shall adopt rules necessary to administer this section.

Sec. 242.011. BIENNIAL BUDGET. The executive director shall prepare a biennial budget of all funds necessary to be appropriated by the legislature to the department to carry out the purposes of this subtitle. The budget shall be submitted and filed by the executive director in the form and manner and within the time prescribed by law.

#### SUBCHAPTER B. SECURE FACILITIES; SERVICES

Sec. 242.051. ADMINISTRATION OF INSTITUTIONS; CHARGE OF CHILDREN. (a) The department shall:

(1) administer the training, diagnostic treatment, and supervisory facilities and services of the state for children committed to the department; and

(2) manage and direct all institutions and training school facilities under the authority of the department.

(b) The department shall have general charge of and be responsible for the welfare, custody, and rehabilitation of the children in a school, facility, or program operated or funded by the department. The department shall seek to establish relationships and to organize a way of life that will meet the spiritual, moral, physical, emotional, intellectual, and social needs of the children under the department's care as those needs would be met in an adequate home.

(c) The department shall see that the buildings and premises are kept in good sanitary condition.

Sec. 242.052. BUILDINGS AND IMPROVEMENTS. (a) The department may design, construct, equip, furnish, and maintain buildings and improvements at facilities under the department's jurisdiction.

(b) The department may employ architects or engineers, or both, to prepare plans and specifications and to supervise the construction and improvements described by Subsection (a).

(c) The board shall promulgate rules relating to the award of contracts for the construction of buildings and improvements. The rules shall provide for the award of contracts for the construction of buildings and improvements to the qualified bidder making the lowest and best bid. A construction contract may not be awarded for a sum in excess of the amount of funds available for the project. The department may reject any and all bids submitted.

(d) If a project is financed wholly or partly by federal funds, any standards required by the enabling federal statute or required by the rules of the administering federal agency control over this section.

(e) The department may employ professional, technical, and clerical personnel to carry out the design and construction functions required by this section.

~~[Sec. 61.036. COOPERATION WITH OTHER AGENCIES. (a) The commission shall cooperate with all existing agencies and encourage the establishment of new programs, both local and statewide, the object of which is services to delinquent and predelinquent youth of this state.~~

~~[(b) The commission may assist in developing, strengthening, and coordinating educational, welfare, health, recreational, and law enforcement programs which have as their object the prevention of juvenile delinquency and crime.]~~

Sec. 242.053 [61.037]. USE OF EXISTING INSTITUTIONS AND AGENCIES. (a) In carrying out the department's [its] duties, the department [commission] may make use of law-enforcement, detention, supervisory, medical, educational, correctional, and other facilities, institutions, and agencies in the state. This section does not authorize the department [commission] to assume control of any other agency, institution, or facility in the state, or to require any agency, institution, or facility to serve the department [commission] in a manner inconsistent with the [its] authority or function of the agency, institution, or facility or with any law or regulation governing the [its] activity of the agency, institution, or facility.

(b) When funds are available for the purpose, the department [commission] may enter into agreements with appropriate public or private agencies for the separate care and treatment of persons subject to the control of the department [commission]. The department [commission] may not make use of any private institution or agency without its consent. The department [commission] shall make reasonable efforts to ensure that the expenditure of appropriations for the purchase of contract residential care for children, not including the purchase of care in foster family homes, be allocated to providers on a fixed monthly basis if that allocation [it] is cost-effective and the number, type, needs, and conditions of the children to be served is reasonably constant.

(c) The department [commission] shall periodically inspect all public and private institutions and agencies whose facilities the department [it] is using. Every public and private institution and agency shall allow [afford to] the department [commission] reasonable opportunity to examine and consult with children who have been committed to the department [commission] and who are in the custody of the institution or agency.

(d) Placement of a child in, or the release of a child by, any institution not operated by the department [commission] does not terminate the authority of the department [commission] over the child. No child placed in an institution or under an agency by the department [commission] may be released by the institution or agency without the approval of the department [commission].

Sec. 242.054 ~~[61.038]~~. HALFWAY HOUSE PROGRAM. (a) The department ~~[commission]~~ may not develop a halfway house to be operated by the department ~~[commission]~~ if an appropriate private halfway house program is contractually available and the costs under the contract are less than the costs would be if the department ~~[commission]~~ provided the services.

(b) Before the department ~~[commission]~~ contracts for the development of a halfway house program, the department ~~[commission]~~ shall send prospective service providers a request for a proposal that identifies the program services desired, the population to be served, and potential locations for the program. The department ~~[commission]~~ shall select the service provider that submits the proposal that best meets the department's ~~[commission's]~~ needs according to standards established by the department ~~[commission]~~. If the department ~~[commission]~~ does not receive a proposal that meets its needs, the department ~~[commission]~~ may request funds from the legislature for the development of a halfway house to be operated by the department ~~[commission]~~.

(c) This section does not apply to halfway houses operated by the department ~~[commission]~~ on September 1, 1987.

Sec. 242.055 ~~[61.0385]~~. CRISIS INTERVENTION AND ASSESSMENT CENTERS. The department ~~[commission]~~ may establish a children's crisis intervention and assessment center at a facility owned or operated by the department ~~[commission]~~. The department ~~[commission]~~ may contract with another entity for the provision or use of services at the center.

Sec. 242.056 ~~[61.0386]~~. ADVOCACY AND SUPPORT GROUPS. (a) The department ~~[commission]~~ shall allow advocacy and support groups whose primary functions are to benefit children, inmates, girls and women, the mentally ill, or ~~[and]~~ victims of sexual assault to provide on-site information, support, and other services for children confined in department ~~[commission]~~ facilities.

(b) The department ~~[commission]~~ shall adopt security and privacy procedures for advocacy and support groups that provide on-site information, support, and other services under this section. The security and privacy procedures may not be designed to deny an advocacy or support group access to children confined in department ~~[commission]~~ facilities.

(c) The department ~~[commission]~~ shall adopt standards consistent with standards adopted by the Texas Department of Criminal Justice regarding the confidential correspondence of children confined in department ~~[commission]~~ facilities with external entities, including advocacy and support groups.

Sec. 242.057 ~~[61.039]~~. DEPARTMENT ~~[COMMISSION]~~ PROGRAMS. (a) The department ~~[commission]~~ shall develop and use standards based on performance to evaluate and compare programs operated by the department ~~[commission]~~.

(b) When practicable and feasible, the department ~~[commission]~~ shall provide specific performance standards for a program serving 10 or more children through an agreement entered into under Section 242.053 ~~[61.037 of this chapter]~~. In the performance standards, the department ~~[commission]~~ shall include outcome measures for evaluating the quality of services provided under the agreement.

(c) For the purposes of comparison, the department [~~commission~~] shall use performance standards that are as consistent as practicable with those used to evaluate and compare programs operated by the department [~~commission~~], that measure the benefits and cost-effectiveness of the respective programs, and that measure the average length of stay and rate of recidivism of the children in the program.

Sec. 242.058 [~~61.0395~~]. SERVICES FOR CHILDREN NOT COMMITTED TO THE DEPARTMENT [~~COMMISSION~~]. The department [~~commission~~] may provide services to a child not committed to the department [~~commission~~] if the department [~~commission~~] contracts with a local juvenile probation department, the Health and [~~Texas Department of~~] Human Services Commission, or the Department of Family and Protective [~~and Regulatory~~] Services to provide services to the child.

Sec. 242.059 [~~61.040~~]. ADDITIONAL FACILITIES; PAROLE SUPERVISION. When funds are available, the department [~~commission~~] may:

(1) establish and operate places for detention and diagnosis of children committed to it;

(2) establish and operate additional treatment and training facilities, including forestry or parks-maintenance camps and ranches, necessary to classify and treat children committed to the department [~~commission~~] according to their needs;

(3) establish active parole supervision to aid children given conditional release to find homes and employment and to become reestablished in the community; and

(4) assist in establishing training facilities and programs owned and operated by private individuals or organizations which agree to provide services to children committed to the department [~~commission~~], including programs for children needing long-term residential care.

Sec. 242.060 [~~61.0401~~]. COMPUTATION OF DAILY COSTS OF FACILITY. In computing the daily costs of a residential facility operated by the department [~~commission~~], the department [~~commission~~] shall use a standard method that is:

(1) consistent with methods used by other state agencies; and

(2) [~~that is~~] designed to reflect the actual cost to the state of operating the facility.

Sec. 242.061 [~~61.041~~]. STUDY OF TREATMENT METHODS; STATISTICAL RECORDS. (a) ~~The commission shall conduct continuing inquiry into the effectiveness of the treatment methods it employs in the reformation of children. To this end, the commission shall maintain a record of arrests and commitments of its wards subsequent to their discharge from the jurisdiction of the commission and shall tabulate, analyze, and publish biennially these data for use in evaluating the relative merits of treatment methods.~~

~~(b) The commission shall cooperate with courts and private and public agencies in the collection of statistics and information regarding juvenile delinquency, arrests made, complaints, informations, and petitions filed, and the dispositions made of them, and other information useful in determining the amount and causes of juvenile delinquency in this state.~~

[~~Sec. 61.042~~]. REFERRALS FROM FEDERAL COURT. The department [~~commission~~] may enter into agreements with the federal government to accept children from the federal court for an agreed compensation.

~~Sec. 242.062 [61.0421. PUBLIC INTEREST INFORMATION. The commission shall prepare information of public interest describing the functions of the commission and describing the procedures by which complaints are filed with and resolved by the commission. The commission shall make the information available to the general public and appropriate state agencies.~~

~~[Sec. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The commission shall maintain a system to promptly and efficiently act on a complaint filed with the commission by a person, other than a child receiving services from the commission or the child's parent or guardian, that the commission has authority to resolve. The commission shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.~~

~~[(b) The commission shall make information available describing the commission's procedures for complaint investigation and resolution.~~

~~[(c) The commission shall periodically notify the complaint parties of the status of the complaint until final disposition, unless the notice would jeopardize an undercover investigation.~~

~~[(d) The commission shall keep information about each written complaint filed with the commission by a child receiving services from the commission or the child's parent or guardian. The information must include:~~

~~[(1) the subject matter of the complaint;~~

~~[(2) a summary of the results of the review or investigation of the complaint; and~~

~~[(3) the period of time between the date the complaint is received and the date the complaint is closed.~~

~~[Sec. 61.0423. PUBLIC HEARINGS. (a) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the commission.~~

~~[(b) The board shall ensure that the location of public hearings held in accordance with this section is rotated between municipalities in which a commission facility is located or that are in proximity to a commission facility.~~

~~[Sec. 61.043. GIFTS; GRANTS. The commission may accept gifts, grants, or donations of money or property from private sources to effectuate the purpose of this chapter. Donated funds shall be placed in the state treasury in a special fund called the Texas Youth Commission Fund and expended as other state money is expended, on warrants drawn by the comptroller on the order of the commission. At the end of each state fiscal year, any unexpended balance in the fund shall be carried over in the same fund.~~

~~[Sec. 61.0431. SPECIAL ACCOUNTS. (a) Proceeds from the operation of canteens and vending machines at facilities under the jurisdiction of the department [commission] shall be deposited to the credit of a special account in the General Revenue Fund called the canteen revolving fund. The proceeds shall be used to pay the actual expenses of maintaining and operating the canteens and vending machines.~~

(b) Proceeds in excess of the amount required for the ~~those~~ expenses described by Subsection (a), donations for student activities, and proceeds from children's fundraising projects shall be deposited to the credit of a special account in the General Revenue Fund called the student benefit fund and may be used only to:

(1) provide education, recreation, and entertainment to children committed to the department ~~[commission]~~; or

(2) reimburse children committed to the department ~~[commission]~~ for personal property lost or damaged as a result of negligence by the staff of the department ~~[commission]~~.

(c) ~~(b)~~ Proceeds from shop projects at the facilities under the department's ~~[commission's]~~ jurisdiction shall be deposited to the credit of a special account in the General Revenue Fund called the vocational shop fund and may be used only to:

(1) purchase and maintain parts, tools, and other supplies necessary for the shop projects; and

(2) ~~(c)~~ compensate the students who participate in the projects.

(d) ~~(c)~~ Registration fees from seminars and conferences conducted by the department ~~[commission]~~ shall be deposited to the credit of a special account in the General Revenue Fund called the conference account and may be used only to pay the costs of conducting seminars and conferences.

(e) ~~(d)~~ Money in the special accounts described by this section is appropriated for the purposes indicated in this section and shall be expended on warrants drawn by the comptroller on the order of the department ~~[commission]~~.

Sec. 242.063 ~~[61.0432]~~. STUDENT TRUST FUND; CONTRABAND MONEY. (a) Except as provided by Subsection (b), money belonging to a child committed to the department ~~[commission]~~ in excess of the amount the department ~~[commission]~~ allows in a child's possession shall be deposited in a trust fund established by the facility operated by the department ~~[commission]~~ to which the child is assigned. The board ~~[commission]~~ shall adopt rules governing the administration of the trust fund.

(b) Money possessed by a child committed to the department ~~[commission]~~ that is determined to be contraband money as defined by department ~~[commission]~~ rule shall be deposited in the student benefit fund described by Section 242.062(b) ~~[61.0431]~~. The department ~~[commission]~~ shall notify each child committed to the department ~~[commission]~~ that the possession of contraband money is subject to confiscation by the department ~~[commission]~~ under this subsection.

Sec. 242.064 ~~[61.0433]~~. DEBIT CARD SUSPENSE ACCOUNTS. (a) The department ~~[commission]~~ may establish debit card suspense accounts necessary to operate magnetic debit card systems at facilities under the jurisdiction of the department ~~[commission]~~ to enable the students, employees, and visitors to make purchases of:

(1) merchandise from vending machines or canteens within the facilities;

(2) meals from cafeterias within the facilities; and

(3) services that the facilities are authorized to provide.

(b) Cash received from cash-to-card machines and amounts electronically transferred for card use from the students' trust fund accounts shall be deposited to debit card suspense accounts in local depositories and held pending card purchases.



(c) Transfers of cash based on card use for purchases of merchandise or services shall be made from the debit card suspense accounts to the appropriate vendors and to accounts in the state treasury in accordance with laws governing receipt of state revenues.

(d) Unused debit card balances shall be refunded to the card holders from the debit card suspense accounts.

~~Sec. 242.065 [61.044. BIENNIAL BUDGET. The executive commissioner shall prepare a biennial budget of all funds necessary to be appropriated by the legislature to the commission to carry out the purposes of this chapter. The budget shall be submitted and filed by the executive commissioner in the form and manner and within the time prescribed by law.~~

~~[Sec. 61.045. OPERATIONS OF PROGRAMS AND FACILITIES. (a) The commission shall have general charge of and be responsible for the welfare, custody, and rehabilitation of the children in a school, facility, or program operated or funded by the commission. The commission shall seek to establish relationships and to organize a way of life that will meet the spiritual, moral, physical, emotional, intellectual, and social needs of the children under its care as those needs would be met in an adequate home.~~

~~[(b) The commission shall see that the buildings and premises are kept in good sanitary order.~~

~~[Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The office of inspector general is established at the commission for the purpose of investigating:~~

~~[(1) crimes committed by commission employees, including parole officers employed by or under a contract with the commission; and~~

~~[(2) crimes and delinquent conduct committed at a facility operated by the commission, a residential facility operated by another entity under a contract with the commission, or any facility in which a child committed to the custody of the commission is housed or receives medical or mental health treatment.~~

~~[(b) The office of inspector general shall prepare and deliver a report concerning the results of any investigation conducted under this section to:~~

~~[(1) the executive commissioner;~~

~~[(2) the advisory board;~~

~~[(3) the governor;~~

~~[(4) the lieutenant governor;~~

~~[(5) the speaker of the house of representatives;~~

~~[(6) the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities;~~

~~[(7) the special prosecution unit;~~

~~[(8) the state auditor; and~~

~~[(9) any other appropriate state agency responsible for licensing or certifying commission employees or facilities.~~

~~[(c) The report prepared under Subsection (b) must include a summary of the actions performed by the office of inspector general in conducting the investigation, a statement of whether the investigation resulted in a finding that a criminal offense or~~

~~delinquent conduct occurred, and a description of the finding. The report is public information under Chapter 552, Government Code, only to the extent authorized under that chapter and other law.~~

~~[(d) The office of inspector general may employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this section. An inspector general shall have all of the powers and duties given to peace officers under Article 2.13, Code of Criminal Procedure.~~

~~[(e) Peace officers employed and commissioned under Subsection (d) must:~~

~~[(1) be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code; and~~

~~[(2) complete advanced courses relating to the duties of peace officers employed and commissioned under Subsection (d) as part of any continuing education requirements for the peace officers.~~

~~[(f) The executive commissioner shall select a commissioned peace officer as chief inspector general. The chief inspector general is subject to the requirements of this section and may only be discharged for cause.~~

~~[(g) The chief inspector general shall on a quarterly basis prepare and deliver a report concerning the operations of the office of inspector general to:~~

~~[(1) the executive commissioner;~~

~~[(2) the advisory board;~~

~~[(3) the governor;~~

~~[(4) the lieutenant governor;~~

~~[(5) the speaker of the house of representatives;~~

~~[(6) the standing committees of the senate and house of representatives with primary jurisdiction over correctional facilities;~~

~~[(7) the state auditor; and~~

~~[(8) the comptroller.~~

~~[(h) A report prepared under Subsection (g) is public information under Chapter 552, Government Code, to the extent authorized under that chapter and other law, and the commission shall publish the report on the commission's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:~~

~~[(1) the types of investigations conducted by the office of inspector general, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse;~~

~~[(2) the relationship of a victim to a perpetrator, if applicable; and~~

~~[(3) the number of investigations conducted concerning suicides, deaths, and hospitalizations of children in the custody of the commission.~~

~~[(i) The office of inspector general shall immediately report to the executive director, the board, the governor's general counsel, and the state auditor:~~

~~[(1) any particularly serious or flagrant problem concerning the administration of a commission program or operation; or~~

~~[(2) any interference by the executive director, an employee of the commission, a facility described by Subsection (a)(2), or an officer or employee of a facility described by Subsection (a)(2) with an investigation conducted by the office.~~

~~[Sec. 61.0452. TOLL-FREE NUMBER. (a) The commission shall establish a permanent, toll free number for the purpose of receiving any information concerning the abuse, neglect, or exploitation of children in the custody of the commission.~~

~~[(b) The office of inspector general shall ensure that:~~

~~[(1) the toll free number is prominently displayed in each commission facility; and~~

~~[(2) children in the custody of the commission and commission employees have confidential access to telephones for the purpose of calling the toll free number.~~

~~[Sec. 61.046]. RELIGIOUS TRAINING. The department [commission] shall provide for the religious and spiritual training of children in its custody according to the children's individual choices.~~

~~Sec. 242.066 [61.0461]. EMPLOYMENT OR DESIGNATION OF CHAPLAIN AT CERTAIN DEPARTMENT [COMMISSION] FACILITIES. The department [commission] shall ensure that a chaplain is employed or formally designated for each department [commission] correctional facility that is an institution.~~

~~Sec. 242.067 [61.047]. VIOLENCE PREVENTION AND CONFLICT RESOLUTION EDUCATION. The department [commission] shall provide education in violence prevention and conflict resolution that includes discussion of domestic violence and child abuse issues to all children in its custody.~~

~~Sec. 242.068 [61.048. BUILDINGS AND IMPROVEMENTS. (a) The commission may design, construct, equip, furnish, and maintain buildings and improvements at facilities under its jurisdiction. The commission may employ architects or engineers, or both, to prepare plans and specifications and to supervise the construction and improvements. The commission shall promulgate rules relating to the award of contracts for the construction of buildings and improvements. The rules shall provide for the award of contracts for the construction of buildings and improvements to the qualified bidder making the lowest and best bid. A construction contract may not be awarded for a sum in excess of the amount of funds available for the project. The commission may reject any and all bids submitted.~~

~~[(b) If a project is financed in whole or in part by federal funds, any standards required by the enabling federal statute or required by the rules of the administering federal agency control over this section.~~

~~[(c) The commission may employ professional, technical, and clerical personnel to carry out the design and construction functions required by this section.~~

~~[Sec. 61.050]. FIRE PROTECTION ACTIVITIES. (a) The department [commission] may perform fire protection, fire prevention, and fire suppression activities at department [commission] facilities.~~

~~(b) The department [commission] may prescribe circumstances under which, for the benefit of the public safety and welfare, department [commission] employees using department [commission] equipment may assist municipal or volunteer fire departments in the performance of fire protection, fire prevention, or fire suppression activities near department [commission] facilities.~~

~~Sec. 242.069 [61.051]. CLIENT SERVICE CONTRACT STANDARDS. In each contract for the purchase of residential program-related client services, the department [commission] shall include:~~

(1) clearly defined contract goals, outputs, and measurable outcomes that relate directly to program objectives;

(2) clearly defined sanctions or penalties for failure to comply with or perform contract terms or conditions; and

(3) clearly specified accounting, reporting, and auditing requirements applicable to money received under the contract.

Sec. 242.070 ~~[61.052]~~. **CONTRACT MONITORING.** The department ~~[commission]~~ shall establish a formal program to monitor residential program-related client services contracts made by the department ~~[commission]~~. The department ~~[commission]~~ must:

(1) monitor compliance with financial and performance requirements using a risk assessment methodology; and

(2) obtain and evaluate program cost information to ensure that each cost, including an administrative cost, is reasonable and necessary to achieve program objectives.

~~Sec. 242.071 [61.053]. **MEDICAID BENEFITS.** The commission shall apply for benefits under the federal Medicaid program if application is cost effective in reducing health care costs incurred by the commission.~~

~~[Sec. 61.054]. **SALE OR LICENSE OF TREATMENT PROGRAMS.** (a) The department [commission] may sell or license to an individual or a private or public entity the right to use a treatment program developed by the department [commission].~~

~~(b) Proceeds from the sale or license of a treatment program shall be deposited to the credit of the fund that provided the money to finance the development of the treatment program.~~

~~(c) At the end of each fiscal year, any unexpended proceeds from the sale or license of a treatment program shall be carried over to the next fiscal year to the credit of the fund that provided the money to finance the development of the treatment program.~~

#### SUBCHAPTER C. ABUSE OR CRIMES COMMITTED AT DEPARTMENT FACILITIES OR BY DEPARTMENT EMPLOYEES

~~Sec. 242.101 [61.055]. **ZERO-TOLERANCE POLICY.** (a) The department [commission] shall adopt and enforce a zero-tolerance policy concerning the detection, prevention, and punishment of the sexual abuse, including consensual sexual contact, of children in the custody of the department [commission].~~

~~(b) The department [commission] shall establish standards for reporting and collecting data on the sexual abuse of children in the custody of the department [commission].~~

~~(c) The department [commission] shall establish a procedure for children in the custody of the department [commission] and department [commission] employees to report incidents of sexual abuse involving a child in the custody of the department [commission]. The procedure must designate a person employed at the department [commission] facility in which the abuse is alleged to have occurred as well as a person who is employed at the department's [commission's] headquarters to whom a person may report an incident of sexual abuse.~~

(d) The department ~~[commission]~~ shall prominently display the following notice in the office of the chief administrator of each department ~~[commission]~~ facility, the employees' break room of each department ~~[commission]~~ facility, the cafeteria of each department ~~[commission]~~ facility, and at least six additional locations in each department ~~[commission]~~ facility:

THE TEXAS LEGISLATURE HAS ADOPTED A ZERO-TOLERANCE POLICY REGARDING THE SEXUAL ABUSE, INCLUDING CONSENSUAL SEXUAL CONTACT, OF A CHILD IN THE CUSTODY OF THE DEPARTMENT ~~[COMMISSION]~~. ANY SUCH VIOLATION MUST BE REPORTED TO

Sec. 242.102. OFFICE OF INSPECTOR GENERAL. (a) The office of inspector general is established at the department under the direction of the board for the purpose of investigating:

(1) crimes committed by department employees, including parole officers employed by or under a contract with the department; and

(2) crimes and delinquent conduct committed at a facility operated by the department, a residential facility operated by another entity under a contract with the department, or any facility in which a child committed to the custody of the department is housed or receives medical or mental health treatment.

(b) The office of inspector general shall prepare and deliver a report concerning the results of any investigation conducted under this section to:

(1) the board;

(2) the executive director;

(3) any applicable advisory board;

(4) the governor;

(5) the lieutenant governor;

(6) the speaker of the house of representatives;

(7) the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities;

(8) the special prosecution unit;

(9) the state auditor; and

(10) any other appropriate state agency responsible for licensing or certifying department employees or facilities.

(c) The report prepared under Subsection (b) must include a summary of the actions performed by the office of inspector general in conducting the investigation, a statement of whether the investigation resulted in a finding that a criminal offense or delinquent conduct occurred, and a description of the finding. The report is public information under Chapter 552, Government Code, only to the extent authorized under that chapter and other law.

(d) The office of inspector general may employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this section. An inspector general shall have all of the powers and duties given to peace officers under Article 2.13, Code of Criminal Procedure.

(e) Peace officers employed and commissioned under Subsection (d) must:

(1) be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code; and

(2) complete advanced courses relating to the duties of peace officers employed and commissioned under Subsection (d) as part of any continuing education requirements for the peace officers.

(f) The board shall select a commissioned peace officer as chief inspector general. The chief inspector general:

(1) operates directly under the authority of the board;

(2) is subject to the requirements of this section; and

(3) may only be discharged by the board for cause.

(g) The chief inspector general shall on a quarterly basis prepare and deliver a report concerning the operations of the office of inspector general to:

(1) the board;

(2) the executive director;

(3) any applicable advisory board;

(4) the governor;

(5) the lieutenant governor;

(6) the speaker of the house of representatives;

(7) the standing committees of the senate and house of representatives with primary jurisdiction over correctional facilities;

(8) the state auditor; and

(9) the comptroller.

(h) A report prepared under Subsection (g) is public information under Chapter 552, Government Code, to the extent authorized under that chapter and other law, and the department shall publish the report on the department's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:

(1) the types of investigations conducted by the office of inspector general, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse;

(2) the relationship of a victim to a perpetrator, if applicable; and

(3) the number of investigations conducted concerning suicides, deaths, and hospitalizations of children in the custody of the department.

(i) The office of inspector general shall immediately report to the board, the governor's general counsel, and the state auditor:

(1) any particularly serious or flagrant problem concerning the administration of a department program or operation; or

(2) any interference by the executive director, an employee of the department, a facility described by Subsection (a)(2), or an officer or employee of a facility described by Subsection (a)(2) with an investigation conducted by the office.

Sec. 242.103 [61.0455]. DETECTION AND MONITORING OF CELLULAR TELEPHONES. (a) The department [commission] may own and the office of the inspector general may possess, install, operate, or monitor an electronic, mechanical, or other device, as defined by Article 18.20, Code of Criminal Procedure.

(b) The inspector general shall designate in writing the commissioned officers of the office of inspector general who are authorized to possess, install, operate, and monitor electronic, mechanical, or other devices for the department [commission].

(c) An investigative or law enforcement officer or other person, on request of the office of inspector general, may assist the office in the operation and monitoring of an interception of wire, oral, or electronic communications if the investigative or law enforcement officer or other person:

(1) is designated by the executive director [~~commissioner~~] for that purpose; and

(2) acts in the presence and under the direction of a commissioned officer of the inspector general.

CHAPTER 243 [~~SUBCHAPTER D~~]. ADMISSION AND COMMITMENT;  
ESCAPE

SUBCHAPTER A. ADMISSION AND COMMITMENT

Sec. 243.001 [~~61.061~~]. PLACEMENT IN DEPARTMENT [~~COMMISSION~~] FACILITIES. (a) The department [~~commission~~] may not assign a child younger than 15 years of age to the same correctional facility dormitory as a person who is at least 17 years of age unless the department [~~commission~~] determines that the placement is necessary to ensure the safety of children in the custody of the department [~~commission~~]. This subsection does not apply to a dormitory that is used exclusively for short-term assessment and orientation purposes.

(b) The board [~~commission~~] by rule shall adopt scheduling, housing, and placement procedures for the purpose of protecting vulnerable children in the custody of the department [~~commission~~]. The procedures must address the age, physical condition, and treatment needs of a child as well as any other relevant factor.

(c) The department [~~commission~~] shall consider the proximity of the residence of a child's family in determining the appropriate department [~~commission~~] facility in which to place a child.

Sec. 243.002 [~~61.062~~]. ESTABLISHMENT OF MINIMUM LENGTH OF STAY. (a) The department [~~commission~~] shall establish a minimum length of stay for each child committed to the department [~~commission~~] without a determinate sentence.

(b) In establishing a minimum length of stay for a child, the department [~~commission~~] shall consider:

- (1) the nature of and seriousness of the conduct engaged in by the child; and
- (2) the danger the child poses to the community.

Sec. 243.003 [~~61.064~~]. CONVEYANCE OF CHILD TO DEPARTMENT [~~COMMISSION~~]. (a) When a child is to be conveyed to a facility designated by the department [~~commission~~], the juvenile court shall assign an officer or other suitable person to accompany the child. The person assigned to accompany a female must be a woman.

(b) The cost of conveying the child shall be paid by the county from which the child is committed, except that [~~However,~~] no compensation shall be allowed other than [~~except~~] for the actual and necessary expenses of the child and the person accompanying the child.

Sec. 243.004 [~~61.065~~]. NOTIFICATION AND DUTY TO FURNISH INFORMATION. (a) When a juvenile court commits a child to the department [~~commission~~], the court shall forward to the department [~~commission~~] a certified copy of the order of commitment.

(b) The court, the probation officer, the prosecuting and police authorities, the school authorities, and other public officials shall make available to the department [~~commission~~] all pertinent information in their possession regarding the case.

(c) If requested by the department [~~commission~~], the reports required by this section shall be made on forms furnished by the department [~~commission~~] or according to an outline furnished by the department [~~commission~~].

Sec. 243.005 [~~61-0651~~]. INFORMATION PROVIDED BY COMMITTING COURT. In addition to the information provided under Section 243.004 [~~61-065~~], a court that commits a child to the department [~~commission~~] shall provide the department [~~commission~~] with a copy of the following documents:

(1) the petition and the adjudication and disposition orders for the child, including the child's thumbprint;

(2) if the commitment is a result of revocation of probation, a copy of the conditions of probation and the revocation order;

(3) the social history report for the child;

(4) any psychological or psychiatric reports concerning the child;

(5) the contact information sheet for the child's parents or guardian;

(6) any law enforcement incident reports concerning the offense for which the child is committed;

(7) any sex offender registration information concerning the child;

(8) any juvenile probation department progress reports concerning the child;

(9) any assessment documents concerning the child;

(10) the computerized referral and case history for the child, including case disposition;

(11) the child's birth certificate;

(12) the child's social security number or social security card, if available;

(13) the name, address, and telephone number of the court administrator in the committing county;

(14) Title IV-E eligibility screening information for the child, if available;

(15) the address in the committing county for forwarding funds collected to which the committing county is entitled;

(16) any of the child's school or immunization records that the committing county possesses;

(17) any victim information concerning the case for which the child is committed; and

(18) any of the child's pertinent medical records that the committing court possesses.

Sec. 243.006 [~~61-066~~]. COMMITMENT RECORDS. A commitment to the department [~~commission~~] may not be received in evidence or used in any way in any proceedings in any court except in:

(1) subsequent proceedings under Title 3 of the Family Code against the same child;

(2) imposing sentence in any criminal proceedings against the same person;

or

(3) subsequent civil commitment proceedings under Chapter 841, Health and Safety Code, regarding the same person.



Sec. 243.007 [61.067]. INFORMATION PROVIDED TO COMMITTING COURT. (a) If a court that commits a child to the department [commission] requests, in the commitment order, that the department [commission] keep the court informed of the progress the child is making while committed to the department [commission], the department [commission] shall provide the court with periodic updates on the child's progress.

(b) A report provided under Subsection (a) may include any information the department [commission] determines to be relevant in evaluating the child's progress, including, as applicable, information concerning the child's treatment, education, and health.

(c) A report provided under this section may not include information that is protected from disclosure under state or federal law.

#### SUBCHAPTER B. ESCAPE AND VIOLATION OF RELEASE CONDITIONS

Sec. 243.051. APPREHENSION AFTER ESCAPE OR VIOLATION OF RELEASE CONDITIONS. (a) If a child who has been committed to the department and placed by the department in any institution or facility has escaped or has been released under supervision and broken the conditions of release:

(1) a sheriff, deputy sheriff, constable, or police officer may, without a warrant, arrest the child; or

(2) a department employee designated by the executive director may, without a warrant or other order, take the child into the custody of the department.

(b) A child who is arrested or taken into custody under Subsection (a) may be detained in any suitable place, including an adult jail facility if the person is 17 years of age or older, until the child is returned to the custody of the department or transported to a department facility.

(c) Notwithstanding Section 58.005, Family Code, the department may disseminate to the public the following information relating to a child who has escaped from custody:

(1) the child's name, including other names by which the child is known;

(2) the child's physical description, including sex, weight, height, race, ethnicity, eye color, hair color, scars, marks, and tattoos;

(3) a photograph of the child; and

(4) if necessary to protect the welfare of the community, any other information that reveals dangerous propensities of the child or expedites the apprehension of the child.

Sec. 243.052. APPREHENSION SPECIALISTS. (a) The department may employ and commission apprehension specialists as peace officers for the purpose of apprehending a child under Section 243.051.

(b) Peace officers employed and commissioned under Subsection (a) must be certified by the Texas Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code.

CHAPTER 244 [SUBCHAPTER E]. CARE AND TREATMENT OF CHILDREN  
SUBCHAPTER A. GENERAL CARE AND TREATMENT OF CHILDREN

Sec. 244.001 [61.074]. INITIAL EXAMINATION. (a) The department [commission] shall examine and make a study of each child committed to it as soon as possible after commitment. The study shall be made according to rules established by the board [commission] and shall include:

- (1) long-term planning for the child; and
- (2) consideration of the child's medical, substance abuse, and treatment history, including the child's psychiatric history and substance abuse history.

(b) For a child for whom a minimum length of stay is established under Section 243.002 [61.062] of one year or longer, the initial examination must include a comprehensive psychiatric evaluation unless the department has received the results of a comprehensive psychiatric evaluation of the child conducted not more than 90 days before the date of the initial examination.

(c) The department [commission] shall administer comprehensive psychological assessments to a child as part of the child's initial examination, including assessments designed to identify whether a child is in need of a psychiatric evaluation. If the results of a child's psychological assessments indicate that the child is in need of a psychiatric evaluation, the department [commission] shall as soon as practicable conduct a psychiatric evaluation of the child.

~~Sec. 244.002 [61.071]. HEALTH CARE DELIVERY SYSTEM. (a) In providing medical care, behavioral health care, or rehabilitation services, the commission shall integrate the provision of those services in an integrated comprehensive delivery system.~~

~~(b) The delivery system may be used to deliver any medical, behavioral health, or rehabilitation services provided to a child in the custody of the commission, including:~~

- ~~(1) health care;~~
- ~~(2) dental care;~~
- ~~(3) behavioral health care;~~
- ~~(4) substance abuse treatment;~~
- ~~(5) nutrition;~~
- ~~(6) programming;~~
- ~~(7) case management; and~~
- ~~(8) general rehabilitation services, including educational, spiritual, daily living, recreational, and security services.~~

~~[Sec. 61.072]. REEXAMINATION.~~ (a) The department [commission] shall periodically reexamine each child under its control, except those on release under supervision or in foster homes, for the purpose of determining whether a rehabilitation plan made by the department [commission] concerning the child should be modified or continued.

(b) The reexamination [examination] must include a study of all current circumstances of a child's personal and family situation and an evaluation of the progress made by the child since the child's last examination.

(c) The reexamination ~~[examination]~~ of a child may be made as frequently as the department ~~[commission]~~ considers necessary, but shall be made at intervals not exceeding six months.

Sec. 244.003 ~~[61.073]~~. RECORDS OF EXAMINATIONS AND TREATMENT. (a) The department ~~[commission]~~ shall keep written records of all examinations and conclusions based on them and of all orders concerning the disposition or treatment of each child subject to its control.

(b) Except as provided by Section 243.051(c) ~~[61.093(e)]~~, these records and all other information concerning a child, including personally identifiable information, are not public and are available only according to the provisions of Section 58.005, Family Code, Section 244.051 ~~[61.0731, Human Resources Code]~~, and Chapter 61, Code of Criminal Procedure.

Sec. 244.004 ~~[61.0731. INFORMATION AVAILABLE TO CHILDREN, PARENTS, AND OTHERS.]~~ (a) In the interest of achieving the purpose of the commission and protecting the public, the commission may disclose records and other information concerning a child to the child and the child's parent or guardian only if disclosure would not materially harm the treatment and rehabilitation of the child and would not substantially decrease the likelihood of the commission receiving information from the same or similar sources in the future. Information concerning a person who is age 18 or older may not be disclosed to the person's parent or guardian without the person's consent.

~~[(b) The commission may disclose information regarding a child's location and committing court to a person having a legitimate need for the information.]~~

~~[(c) The commission may disclose to a peace officer or law enforcement agency images of children recorded by an electronic recording device and incident reporting and investigation documents containing the names of children if the information is relevant to the investigation of a criminal offense alleged to have occurred in a facility operated by or under contract with the commission.]~~

~~[(d) Notwithstanding Subsection (a), if the Department of Family and Protective Services has been appointed managing conservator for a child, the commission shall disclose records and other information concerning the child to the department as provided by department rules.]~~

~~[Sec. 61.074]. FAILURE TO EXAMINE OR REEXAMINE. (a) Failure of the department [commission] to examine or reexamine a child as required by this subchapter [chapter] does not entitle the child to be discharged from the control of the department [commission], but the child may petition the committing court for discharge.~~

~~(b) After due notice to the department [commission], the committing court shall discharge the child from the control of the department [commission] unless the department [commission] satisfies the court that further control is necessary.~~

Sec. 244.005 ~~[61.075]~~. DETERMINATION OF TREATMENT. When a child has been committed to the department ~~[commission]~~, the department ~~[commission]~~ may:

(1) permit the child liberty under supervision and on conditions the department ~~[#]~~ believes conducive to acceptable behavior;

(2) order the child's confinement under conditions the department [†] believes best designed for the child's welfare and the interests of the public;

(3) order reconfinement or renewed release as often as conditions indicate to be desirable;

(4) revoke or modify any order of the department [~~commission~~] affecting a child, except an order of final discharge, as often as conditions indicate; or

(5) discharge the child from control when the department [†] is satisfied that discharge will best serve the child's welfare and the protection of the public.

Sec. 244.006 [~~61.0751. SUBPOENAS.~~] (a) ~~A hearings examiner appointed by the commission may issue a subpoena requiring the attendance of a witness or the production of any record, book, paper, or document the hearings examiner considers necessary for a determination of treatment under Section 61.075.~~

~~[(b) The hearings examiner may sign a subpoena and administer an oath.~~

~~[(c) A peace officer, apprehension specialist, parole officer, or other commission official may serve the subpoena in the same manner as similar process in a court of record having original jurisdiction of criminal actions is served.~~

~~[(d) A person who testifies falsely, fails to appear when subpoenaed, or fails or refuses to produce material under the subpoena is subject to the same orders and penalties to which a person taking those actions before a court is subject.~~

~~[(e) On application of the commission, a court of record having original jurisdiction of criminal actions may compel the attendance of a witness, the production of material, or the giving of testimony before the hearings examiner, by an attachment for contempt or in the same manner as the court may otherwise compel the production of evidence.~~

[~~Sec. 61.076~~]. TYPE OF TREATMENT PERMITTED. (a) As a means of correcting the socially harmful tendencies of a child committed to the department [†], the department [~~commission~~] may:

(1) require the child to participate in moral, academic, vocational, physical, and correctional training and activities;

(2) require the modes of life and conduct that seem best adapted to fit the child for return to full liberty without danger to the public;

(3) provide any medical or psychiatric treatment that is necessary; and

(4) place physically fit children in parks-maintenance camps, forestry camps, or ranches owned by the state or the United States and require the performance of suitable conservation and maintenance work.

(b) The dominant purpose of placing children in camps is to benefit and rehabilitate the children rather than to make the camps self-sustaining. Children placed in camps may not be exploited.

Sec. 244.007 [~~61.0761~~]. FAMILY PROGRAMS. The department [~~commission~~] shall develop programs that encourage family involvement in the rehabilitation of the child.

Sec. 244.0075 [~~61.07611~~]. RESTRAINT OF PREGNANT JUVENILE. (a) The department [~~commission~~] may not use restraints to control the movement of a pregnant child who is committed to the department [~~commission~~] at any time during

which the child is in labor or delivery or recovering from delivery, unless the executive director or executive director's designee determines that the use of restraints is necessary to:

(1) ensure the safety and security of the child or her infant, department [~~commission~~] or medical personnel, or any member of the public; or

(2) prevent a substantial risk that the child will attempt escape.

(b) If a determination to use restraints is made under Subsection (a), the type of restraint used and the manner in which the restraint is used must be the least restrictive available under the circumstances to ensure safety and security or to prevent escape.

Sec. 244.008 [~~61-0762~~]. INFANT CARE AND PARENTING PROGRAM. (a) In this section, "child" means the child of a person who is committed to the department [~~commission~~].

(b) The department [~~commission~~] may establish child care and parenting programs for persons committed to the department [~~commission~~] who are parents.

(c) The department [~~commission~~] may permit a mother to have possession of her child in a residential program that has an infant care and parenting program or to have possession of her child in a department-funded [~~commission-funded~~] independent living residence for up to six months if:

(1) the child's father or another relative or guardian of the child agrees in advance of the child's placement with the child's mother to assume possession of the child immediately upon notice by the department [~~commission~~] to do so;

(2) the child's parents and any other person having a duty of support acknowledge that by permitting the mother to have possession of the child while the mother is confined in a residential facility or placed in an independent living residence, the department [~~commission~~] assumes no responsibility for the child's care beyond the responsibility of care that is ordinarily due the child's mother and the reasonable accommodations that are necessary for the mother's care of her child;

(3) the child's parents and any other person having a duty of support agree to indemnify and hold the department [~~commission~~] harmless from any claims that may be made against the department [~~commission~~] for the child's support, including medical support; and

(4) the department [~~commission~~] determines that the placement is in the best interest of both the mother and her child.

Sec. 244.009. HEALTH CARE DELIVERY SYSTEM. (a) In providing medical care, behavioral health care, or rehabilitation services, the department shall integrate the provision of those services in an integrated comprehensive delivery system.

(b) The delivery system may be used to deliver any medical, behavioral health, or rehabilitation services provided to a child in the custody of the department, including:

(1) health care;

(2) dental care;

(3) behavioral health care;

(4) substance abuse treatment;

(5) nutrition;

(6) programming;

(7) case management; and

(8) general rehabilitation services, including educational, spiritual, daily living, recreational, and security services.

~~Sec. 244.010 [61.0763. RIGHTS OF PARENTS. (a) The commission, in consultation with advocacy and support groups such as those described in Section 61.0386(a), shall develop a parent's bill of rights for distribution to the parent or guardian of a child who is under 18 years of age and committed to the commission. The parent's bill of rights must include:~~

~~[(1) a description of the commission's grievance policies and procedures, including contact information for the office of inspector general and the office of the independent ombudsman established under Chapter 64;~~

~~[(2) a list of possible incidents that require parental notification;~~

~~[(3) policies concerning visits and telephone conversations with a child committed to the commission;~~

~~[(4) a description of commission caseworker responsibilities;~~

~~[(5) a statement that the commission caseworker assigned to a child may assist the child's parent or guardian in obtaining information and services from the commission and other resources concerning:~~

~~[(A) counseling, including substance abuse and mental health counseling;~~

~~[(B) assistance programs, including financial and travel assistance programs for visiting a child committed to the commission;~~

~~[(C) workforce preparedness programs;~~

~~[(D) parenting programs; and~~

~~[(E) commission seminars; and~~

~~[(6) information concerning the indeterminate sentencing structure at the commission, an explanation of reasons that a child's commitment at the commission could be extended, and an explanation of the review process under Sections 61.0815 and 61.0816 for a child committed to the commission without a determinate sentence.~~

~~[(b) Not later than 48 hours after the time a child is admitted to a commission facility, the commission shall mail to the child's parent or guardian at the last known address of the parent or guardian:~~

~~[(1) the parent's bill of rights; and~~

~~[(2) the contact information of the commission caseworker assigned to the child.~~

~~[(c) The commission shall on a quarterly basis provide to the parent, guardian, or designated advocate of a child who is in the custody of the commission a report concerning the progress of the child at the commission, including:~~

~~[(1) the academic and behavioral progress of the child; and~~

~~[(2) the results of any reexamination of the child conducted under Section 61.072.~~

~~[(d) The commission shall ensure that written information provided to a parent or guardian regarding the rights of a child in the custody of the commission or the rights of a child's parent or guardian, including the parent's bill of rights, is clear and easy to understand.~~

~~[(e) The commission shall ensure that if the Department of Family and Protective Services has been appointed managing conservator of a child, the department is given the same rights as the child's parent under the parent's bill of rights developed under this section.~~

~~[Sec. 61.0764]. DEPARTMENT [COMMISSION] CASEWORKERS. (a) The department [commission] shall assign a caseworker to a child committed to the department [commission]. A department [commission] caseworker shall:~~

~~(1) explore family issues and needs with the parent or guardian of a child committed to the department [commission];~~

~~(2) as needed, provide the parent or guardian of a child committed to the department [commission] with information concerning programs and services provided by the department [commission] or another resource; and~~

~~(3) perform other duties required by the department [commission].~~

~~(b) A department [commission] caseworker shall:~~

~~(1) at least once a month, attempt to contact the child's parent or guardian by phone, in person while the parent or guardian is visiting the facility, or, if necessary, by mail;~~

~~(2) if unsuccessful in contacting the child's parent or guardian under Subdivision (1), attempt at least one additional time each month to contact the child's parent or guardian; and~~

~~(3) document successful as well as unsuccessful attempts to contact the child's parent or guardian.~~

~~(c) To the extent practicable, a caseworker or another facility administrator shall attempt to communicate with a parent or guardian who does not speak English in the language of choice of the parent or guardian.~~

~~[Sec. 61.0765. REPORTING CONCERNING RESEARCH PROGRAMS OR STUDIES. (a) The commission shall keep records relating to children committed to it that participate in research programs or studies.~~

~~[(b) The records must show, for each calendar quarter and for each calendar year:~~

~~[(1) the number of children participating in research programs or studies for the appropriate reporting period;~~

~~[(2) the type of research program or study in which each child is participating;~~

~~[(3) the name of the principal investigator conducting the research program or study; and~~

~~[(4) the entity sponsoring the research program or study.~~

~~[(c) The commission shall submit a report that contains the information in the records kept under Subsection (b) on or before the 15th day after the last day of the appropriate reporting period to the:~~

~~[(1) governor;~~

~~[(2) lieutenant governor;~~

~~[(3) speaker of the house of representatives; and~~

~~[(4) members of the legislature.~~

~~[(d) A report submitted under this section is public information under Chapter 552, Government Code.]~~

Sec. 244.0105 [61.0766]. REPORT CONCERNING FOSTER CHILDREN COMMITTED TO DEPARTMENT [~~COMMISSION~~]. (a) Not later than the 10th day before the date of a permanency hearing under Subchapter D, Chapter 263, Family Code, or a placement review hearing under Subchapter F, Chapter 263, Family Code, regarding a child for whom the Department of Family and Protective Services has been appointed managing conservator, a department [~~commission~~] caseworker shall submit a written report regarding the child's commitment to the department [~~commission~~] to:

- (1) the court;
- (2) the Department of Family and Protective Services;
- (3) any attorney ad litem or guardian ad litem appointed for the child; and
- (4) any volunteer advocate appointed for the child.

(b) The report required by Subsection (a) must include:

(1) the results of any assessments of the child during the child's commitment to the department [~~commission~~], including assessments of the child's emotional, mental, educational, psychological, psychiatric, medical, or physical needs;

(2) information regarding the child's placement in particular programs administered by the department [~~commission~~]; and

(3) a description of the child's progress in programs administered by the department [~~commission~~].

Sec. 244.0106 [61.0767]. RULES REGARDING SERVICES FOR FOSTER CHILDREN. (a) The board [~~commission~~] and the executive commissioner of the Health and Human Services Commission shall jointly adopt rules to ensure that a child for whom the Department of Family and Protective Services has been appointed managing conservator receives appropriate services while the child is committed to the department [~~commission~~] or released under supervision by the department [~~commission~~].

(b) The rules adopted under this section must require the department [~~commission~~] and the Department of Family and Protective Services to cooperate in providing appropriate services to a child for whom the Department of Family and Protective Services has been appointed managing conservator while the child is committed to the department [~~commission~~] or released under supervision by the department [~~commission~~], including:

- (1) medical care, as defined by Section 266.001, Family Code;
- (2) mental health treatment and counseling;
- (3) education, including special education;
- (4) case management;
- (5) drug and alcohol abuse assessment or treatment;
- (6) sex offender treatment; and
- (7) trauma informed care.

(c) The rules adopted under this section must require:

(1) the Department of Family and Protective Services to:

(A) provide the department [~~commission~~] with access to relevant health and education information regarding a child; and



(B) require a child's caseworker to visit the child in person at least once each month while the child is committed to the department [~~commission~~];

(2) the department [~~commission~~] to:

(A) provide the Department of Family and Protective Services with relevant health and education information regarding a child;

(B) permit communication, including in person, by telephone, and by mail, between a child committed to the department [~~commission~~] and:

(i) the Department of Family and Protective Services; and

(ii) the attorney ad litem, the guardian ad litem, and the volunteer advocate for the child; and

(C) provide the Department of Family and Protective Services and any attorney ad litem or guardian ad litem for the child with timely notice of the following events relating to the child:

(i) a meeting designed to develop or revise the individual case plan for the child;

(ii) in accordance with any participation protocols to which the Department of Family and Protective Services and the department [~~commission~~] agree, a medical appointment at which a person authorized to consent to medical care must participate as required by Section 266.004(i), Family Code;

(iii) an education meeting, including admission, review, or dismissal meetings for a child receiving special education;

(iv) a grievance or disciplinary hearing for the child;

(v) a report of abuse or neglect of the child; and

(vi) a significant medical condition of the child, as defined by Section 266.005, Family Code; and

(3) the Department of Family and Protective Services and the department [~~commission~~] to participate in transition planning for the child through release from detention, release under supervision, and discharge.

Sec. 244.011 [~~61.077~~]. CHILDREN WITH MENTAL ILLNESS OR MENTAL RETARDATION. (a) The department [~~commission~~] shall accept a child committed to the department [~~commission~~] who is mentally ill or mentally retarded.

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

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

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

(c) If a child who is discharged from the department [~~commission~~] under Subsection (b) as a result of mental illness is not receiving court-ordered mental health services, the child's discharge is effective on the earlier of:

(1) the date the court enters an order regarding an application for mental health services filed under Section 244.012(b) [~~61.0772(b)~~]; or

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

(d) If a child who is discharged from the department [~~commission~~] under Subsection (b) as a result of mental illness is receiving court-ordered mental health services, the child's discharge from the department [~~commission~~] is effective immediately. If the child is receiving mental health services outside the child's home county, the department [~~commission~~] shall notify the mental health authority located in that county of the discharge not later than the 30th day after the date that the child's discharge is effective.

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

(1) the date the court enters an order regarding an application for mental retardation services filed under Section 244.012(b) [~~61.0772(e)~~]; or

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

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

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

Sec. 244.012 [~~61.0772~~]. EXAMINATION BEFORE DISCHARGE. (a) The department [~~commission~~] shall establish a system that identifies children in the department's [~~commission's~~] custody who are mentally ill or mentally retarded.

(b) Before a child who is identified as mentally ill is discharged from the department's [~~commission's~~] custody under Section 244.011(b) [~~61.077(b)~~], a department [~~commission~~] psychiatrist shall examine the child. The department [~~commission~~] shall refer a child requiring outpatient psychiatric treatment to the appropriate mental health authority. For a child requiring inpatient psychiatric treatment, the department [~~commission~~] shall file a sworn application for court-ordered mental health services, as provided in Subchapter C, Chapter 574, Health and Safety Code, if:

(1) the child is not receiving court-ordered mental health services; and

(2) the psychiatrist who examined the child determines that the child is mentally ill and the child meets at least one of the criteria listed in Section 574.034, Health and Safety Code.

(c) Before a child who is identified as mentally retarded under Chapter 593, Health and Safety Code, is discharged from the department's [~~commission's~~] custody under Section 244.011(b) [~~61.077(b)~~], the department [~~commission~~] shall refer the child for mental retardation services if the child is not receiving mental retardation services.

Sec. 244.0125 [~~61.0773~~]. TRANSFER OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The department [~~commission~~] may petition the juvenile court that entered the order of

commitment for a child for the initiation of mental health commitment proceedings if the child is committed to the department [~~commission~~] under a determinate sentence under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code.

(b) A petition made by the department [~~commission~~] shall be treated as a motion under Section 55.11, Family Code, and the juvenile court shall proceed in accordance with Subchapter B, Chapter 55, Family Code.

(c) The department [~~commission~~] shall cooperate with the juvenile court in any proceeding under this section.

(d) The juvenile court shall credit to the term of the child's commitment to the department [~~commission~~] any time the child is committed to an inpatient mental health facility.

(e) A child committed to an inpatient mental health facility as a result of a petition filed under this section may not be released from the facility on a pass or furlough.

(f) If the term of an order committing a child to an inpatient mental health facility is scheduled to expire before the end of the child's sentence and another order committing the child to an inpatient mental health facility is not scheduled to be entered, the inpatient mental health facility shall notify the juvenile court that entered the order of commitment committing the child to the department [~~commission~~]. The juvenile court may transfer the child to the custody of the department [~~commission~~], transfer the child to the Texas Department of Criminal Justice, or release the child under supervision, as appropriate.

Sec. 244.013 [~~61.078~~]. NOTICE OF PENDING DISCHARGE. As soon as practicable after the department [~~commission~~] makes a decision to discharge a child or authorize the child's absence from the department's [~~its~~] custody, the department [~~commission~~] shall give notice of the department's [~~its~~] decision to the juvenile court and the office of the prosecuting attorney of the county in which the adjudication that the child engaged in delinquent conduct was made.

Sec. 244.014 [~~61.079~~]. REFERRAL OF VIOLENT AND HABITUAL OFFENDERS FOR TRANSFER. (a) After a child sentenced to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years of age but before the child becomes 19 years of age, the department [~~commission~~] may refer the child to the juvenile court that entered the order of commitment for approval of the child's transfer to the Texas Department of Criminal Justice for confinement if:

(1) the child has not completed the sentence; and

(2) the child's conduct, regardless of whether the child was released under supervision under Section 245.051 [~~61.081~~], indicates that the welfare of the community requires the transfer.

(b) The department [~~commission~~] shall cooperate with the court on any proceeding on the transfer of the child.

(c) If a child is released under supervision, a juvenile court adjudication that the child engaged in delinquent conduct constituting a felony offense, a criminal court conviction of the child for a felony offense, or a determination under Section 244.005(4) [~~61.075(4)~~] revoking the child's release under supervision is required before referral of the child to the juvenile court under Subsection (a).

Sec. 244.015 ~~[61.0791]~~. EVALUATION OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES. (a) When a child who is sentenced to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 18 years of age, the department ~~[commission]~~ shall evaluate whether the child is in need of additional services that can be completed in the six-month period after the child's 18th birthday to prepare the child for release from the custody of the department ~~[commission]~~ or transfer to the Texas Department of Criminal Justice.

(b) This section does not apply to a child who is released from the custody of the department ~~[commission]~~ or who is transferred to the Texas Department of Criminal Justice before the child's 18th birthday.

#### SUBCHAPTER B. PROVISION OF CERTAIN INFORMATION; RIGHTS OF PARENTS

Sec. 244.051. INFORMATION AVAILABLE TO CHILDREN, PARENTS, AND OTHERS. (a) In the interest of achieving the purpose of the department and protecting the public, the department may disclose records and other information concerning a child to the child and the child's parent or guardian only if disclosure would not materially harm the treatment and rehabilitation of the child and would not substantially decrease the likelihood of the department receiving information from the same or similar sources in the future. Information concerning a person who is age 18 or older may not be disclosed to the person's parent or guardian without the person's consent.

(b) The department may disclose information regarding a child's location and committing court to a person having a legitimate need for the information.

(c) The department may disclose to a peace officer or law enforcement agency images of children recorded by an electronic recording device and incident reporting and investigation documents containing the names of children if the information is relevant to the investigation of a criminal offense alleged to have occurred in a facility operated by or under contract with the department.

(d) Notwithstanding Subsection (a), if the Department of Family and Protective Services has been appointed managing conservator for a child, the department shall disclose records and other information concerning the child to the Department of Family and Protective Services as provided by the rules of the Department of Family and Protective Services.

Sec. 244.052. RIGHTS OF PARENTS. (a) The department, in consultation with advocacy and support groups such as those described in Section 242.056(a), shall develop a parent's bill of rights for distribution to the parent or guardian of a child who is under 18 years of age and committed to the department. The parent's bill of rights must include:

(1) a description of the department's grievance policies and procedures, including contact information for the office of inspector general and the office of the independent ombudsman established under Chapter 261;

(2) a list of possible incidents that require parental notification;

(3) policies concerning visits and telephone conversations with a child committed to the department;

(4) a description of department caseworker responsibilities;

(5) a statement that the department caseworker assigned to a child may assist the child's parent or guardian in obtaining information and services from the department and other resources concerning:

(A) counseling, including substance abuse and mental health counseling;

(B) assistance programs, including financial and travel assistance programs for visiting a child committed to the department;

(C) workforce preparedness programs;

(D) parenting programs; and

(E) department seminars; and

(6) information concerning the indeterminate sentencing structure at the department, an explanation of reasons that a child's commitment at the department could be extended, and an explanation of the review process under Sections 245.101 and 245.104 for a child committed to the department without a determinate sentence.

(b) Not later than 48 hours after the time a child is admitted to a department facility, the department shall mail to the child's parent or guardian at the last known address of the parent or guardian:

(1) the parent's bill of rights; and

(2) the contact information of the department caseworker assigned to the child.

(c) The department shall on a quarterly basis provide to the parent, guardian, or designated advocate of a child who is in the custody of the department a report concerning the progress of the child at the department, including:

(1) the academic and behavioral progress of the child; and

(2) the results of any reexamination of the child conducted under Section 244.002.

(d) The department shall ensure that written information provided to a parent or guardian regarding the rights of a child in the custody of the department or the rights of a child's parent or guardian, including the parent's bill of rights, is clear and easy to understand.

(e) The department shall ensure that if the Department of Family and Protective Services has been appointed managing conservator of a child, the Department of Family and Protective Services is given the same rights as the child's parent under the parent's bill of rights developed under this section.

#### CHAPTER 245 [SUBCHAPTER F]. RELEASE

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 245.001. PAROLE OFFICERS; PAROLE MANAGEMENT. (a) The department may employ parole officers to investigate, place, supervise, and direct the activities of a parolee to ensure the parolee's adjustment to society in accordance with the rules adopted by the board.

(b) Parole officers may work with local organizations, clubs, and agencies to formulate plans and procedures for the prevention of juvenile delinquency.

(c) The department shall develop a management system for parole services that objectively measures and provides for:

(1) the systematic examination of children's needs and the development of treatment plans to address those needs;

(2) the evaluation of homes, foster homes, and public and private institutions as constructive parole placements;

(3) the classification of children based on the level of children's needs and the degree of risk presented to the public;

(4) the objective measurement of parole officer workloads; and

(5) the gathering and analysis of information related to the effectiveness of parole services and to future parole requirements.

Sec. 245.002. CONTRACTS WITH COUNTIES. (a) The department may make a contract with a county to use the services of the county's juvenile probation department for the supervision of children within the county who are on furlough from a department facility or who are released under supervision from a department facility.

(b) Payments under a contract described by Subsection (a) shall be made to the county treasurer on a quarterly schedule.

(c) The department may not pay a county for supervision of a child for any time after the child:

(1) is discharged from the department's custody;

(2) is returned to a department facility; or

(3) transfers the child's residence to another county or state.

(d) A county that has a contract with the department must report to the department on the status and progress of each child for whom the county is receiving payments. The reports shall be made at the time and in the manner specified by the contract.

#### SUBCHAPTER B. AUTHORITY TO RELEASE; RESUMPTION OF CARE

Sec. 245.051 [61.081]. RELEASE UNDER SUPERVISION. (a) The department [commission] may release under supervision any child in the department's [its] custody and place the child in the child's [his or her] home or in any situation or family approved by the department [commission]. Prior to placing a child in the child's [his or her] home, the department [commission] shall evaluate the home setting to determine the level of supervision and quality of care that is available in the home.

(b) [Subject to legislative appropriation, the commission may employ parole officers to investigate, place, supervise, and direct the activities of a parolee to ensure the parolee's adjustment to society in accordance with the rules adopted by the commission.]

[(c) Parole officers may work with local organizations, clubs, and agencies to formulate plans and procedures for the prevention of juvenile delinquency.]

[(d) The commission may resume the care and custody of any child released under supervision at any time before the final discharge of the child.]

[(e) Not later than 10 days before the day the department [commission] releases a child under this section, the department [commission] shall give notice of the release to the juvenile court and the office of the prosecuting attorney of the county in which the adjudication that the child engaged in delinquent conduct was made.]

(c) ~~(f)~~ If a child is committed to the department ~~[commission]~~ under a determinate sentence under Section 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code, the department ~~[commission]~~ may not release the child under supervision without approval of the juvenile court that entered the order of commitment unless the child has served at least:

- (1) 10 years, if the child was sentenced to commitment for conduct constituting capital murder;
- (2) 3 years, if the child was sentenced to commitment for conduct constituting an aggravated controlled substance felony or a felony of the first degree;
- (3) 2 years, if the child was sentenced to commitment for conduct constituting a felony of the second degree; or
- (4) 1 year, if the child was sentenced to commitment for conduct constituting a felony of the third degree.

(d) ~~(g)~~ The department ~~[commission]~~ may request the approval of the court under this section at any time.

(e) The department may resume the care and custody of any child released under supervision at any time before the final discharge of the child.

(f) ~~(h)~~ If the department ~~[commission]~~ finds that a child has violated an order under which the child is released under supervision, on notice by any reasonable method to all persons affected, the department ~~[commission]~~ may order the child:

- (1) to return to an institution;
- (2) if the violation resulted in property damage or personal injury:
  - (A) to make full or partial restitution to the victim of the offense; or
  - (B) if the child is financially unable to make full or partial restitution, to perform services for a charitable or educational institution; or
- (3) to comply with any other conditions the department ~~[commission]~~ considers appropriate.

(g) ~~(i)~~ Notwithstanding Subsection (c) ~~(f)~~, if a child is committed to the department ~~[commission]~~ under a determinate sentence under Section 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code, the department ~~[commission]~~ may release the child under supervision without approval of the juvenile court that entered the order of commitment if not more than nine months remain before the child's discharge under Section 245.151(b) ~~[61.084(b)]~~.

~~Sec. 245.052 [61.0811. PAROLE MANAGEMENT. The commission shall develop a management system for parole services that objectively measures and provides for:~~

- ~~(1) the systematic examination of children's needs and the development of treatment plans to address those needs;~~
- ~~(2) the evaluation of homes, foster homes, and public and private institutions as constructive parole placements;~~
- ~~(3) the classification of children based on the level of children's needs and the degree of risk presented to the public;~~
- ~~(4) the objective measurement of parole officer workloads; and~~
- ~~(5) the gathering and analysis of information related to the effectiveness of parole services and to future parole requirements.~~

~~[Sec. 61.0812].~~ SUBSTANCE ABUSE TREATMENT ~~[FOR SUBSTANCE ABUSE]~~. Subject to an express appropriation to fund the treatment programs required by this section, the department ~~[commission]~~ may not release a child under supervision or parole a child if:

- (1) the child has a substance abuse problem, including the use of a controlled substance, hazardous inhalable substances, or alcohol habitually; and
- (2) the child has not completed a treatment program for the problem.

Sec. 245.053 ~~[61.0813]~~. SEX OFFENDER COUNSELING AND TREATMENT. (a) Before releasing a child described by Subsection (b) under supervision, the department ~~[commission]~~:

- (1) may require as a condition of release that the child:
  - (A) attend psychological counseling sessions for sex offenders as provided by Subsection (e); and
  - (B) submit to a polygraph examination as provided by Subsection (f) for purposes of evaluating the child's treatment progress; and
- (2) shall require as a condition of release that the child:
  - (A) register under Chapter 62, Code of Criminal Procedure; and
  - (B) submit a blood sample or other specimen to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the child, unless the child has already submitted the required specimen under other state law.

(b) This section applies to a child adjudicated for engaging in delinquent conduct constituting an offense for which the child is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(c) Psychological counseling required as a condition of release under Subsection (a) must be with an individual or organization that:

- (1) provides sex offender treatment or counseling;
- (2) is specified by the department ~~[commission]~~; and
- (3) meets minimum standards of counseling established by the department ~~[commission]~~.

(d) A polygraph examination required as a condition of release under Subsection (a) must be administered by an individual who is:

- (1) specified by the department ~~[commission]~~; and
- (2) licensed as a polygraph examiner under Chapter 1703, Occupations Code.

(e) In addition to specifying a sex offender treatment provider to provide counseling to a child described by Subsection (b), the department ~~[commission]~~ shall:

- (1) establish with the cooperation of the treatment provider the date, time, and place of the first counseling session between the child and the treatment provider;
- (2) notify the child and the treatment provider before the release of the child of the date, time, and place of the first counseling session between the child and the treatment provider; and
- (3) require the treatment provider to notify the department ~~[commission]~~ immediately if the child fails to attend any scheduled counseling session.



(f) If the department [~~commission~~] specifies a polygraph examiner under Subsection (d) to administer a polygraph examination to a child, the department [~~commission~~] shall arrange for a polygraph examination to be administered to the child:

(1) not later than the 60th day after the date the child attends the first counseling session established under Subsection (e); and

(2) after the initial polygraph examination, as required by Subdivision (1), on the request of the treatment provider specified under Subsection (c).

(g) If the department [~~commission~~] requires as a condition of release that a child attend psychological counseling under Subsection (a), the department [~~commission~~] shall notify the court that committed the child to the department [~~commission~~]. After receiving notification from the department [~~commission~~] under this subsection, the court may order the parent or guardian of the child to:

(1) attend four sessions of instruction with an individual or organization specified by the department [~~commission~~] relating to:

- (A) sexual offenses;
- (B) family communication skills;
- (C) sex offender treatment;
- (D) victims' rights;
- (E) parental supervision; and
- (F) appropriate sexual behavior; and

(2) during the time the child attends psychological counseling, participate in monthly treatment groups conducted by the child's treatment provider relating to the child's psychological counseling.

(h) A court that orders a parent or guardian of a child to attend instructional sessions and participate in treatment groups under Subsection (g) shall require:

(1) the individual or organization specified by the department [~~commission~~] under Subsection (g) to notify the court immediately if the parent or guardian fails to attend any scheduled instructional session; and

(2) the child's treatment provider specified under Subsection (c) to notify the court immediately if the parent or guardian fails to attend a session in which the parent or guardian is required to participate in a scheduled treatment group.

(i) If the department [~~commission~~] requires as a condition of release that a child attend psychological counseling under Subsection (a), the department [~~commission~~] may, before the date the period of release ends, petition the appropriate court to request the court to extend the period of release for an additional period necessary to complete the required counseling as determined by the treatment provider, except that the release period may not be extended to a date after the date of the child's 18th birthday.

Sec. 245.0535 [~~61-08131~~]. COMPREHENSIVE REENTRY AND REINTEGRATION PLAN FOR CHILDREN; STUDY AND REPORT. (a) The department [~~commission~~] shall develop a comprehensive plan for each child committed to the custody of the department to reduce recidivism and ensure the successful reentry and reintegration of the child [~~children~~] into the community following the [✱] child's release under supervision or final discharge, as applicable, from the department [~~commission~~]. The plan for a child must be designed to ensure

that the child receives an extensive continuity of care in services from the time the child is committed to the department to the time of the child's final discharge from the department. The plan for a child must include, as applicable:

(1) housing assistance;

(2) a step-down program, such as placement in a halfway house;

(3) family counseling;

(4) academic and vocational mentoring;

(5) trauma counseling for a child who is a victim of abuse while in the custody of the department; and

(6) other specialized treatment services appropriate for the child.

(b) The comprehensive reentry and reintegration plan developed under this section must provide for:

(1) an assessment of each child committed to the department [~~commission~~] to determine which skills the child needs to develop to be successful in the community following release under supervision or final discharge;

(2) programs that address the assessed needs of each child;

(3) a comprehensive network of transition programs to address the needs of children released under supervision or finally discharged from the department [~~commission~~];

(4) the identification of providers of existing local programs and transitional services with whom the department [~~commission~~] may contract under this section to implement the reentry and reintegration plan; and

(5) subject to Subsection (c), the sharing of information between local coordinators, persons with whom the department [~~commission~~] contracts under this section, and other providers of services as necessary to adequately assess and address the needs of each child.

(c) A child's personal health information may be disclosed under Subsection (b)(5) only in the manner authorized by Section 244.051 [~~61.0734~~] or other state or federal law, provided that the disclosure does not violate the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191).

(d) The programs provided under Subsections (b)(2) and (3) must:

(1) be implemented by highly skilled staff who are experienced in working with reentry and reintegration programs for children;

(2) provide children with:

(A) individualized case management and a full continuum of care;

(B) life-skills training, including information about budgeting, money management, nutrition, and exercise;

(C) education and, if a child has a learning disability, special education;

(D) employment training;

(E) appropriate treatment programs, including substance abuse and mental health treatment programs; and

(F) parenting and relationship-building classes; and

(3) be designed to build for children post-release and post-discharge support from the community into which the child is released under supervision or finally discharged, including support from agencies and organizations within that community.

(e) The department [~~commission~~] may contract and coordinate with private vendors, units of local government, or other entities to implement the comprehensive reentry and reintegration plan developed under this section, including contracting to:

(1) coordinate the supervision and services provided to children during the time children are in the custody of the department [~~commission~~] with any supervision or services provided children who have been released under supervision or finally discharged from the department [~~commission~~];

(2) provide children awaiting release under supervision or final discharge with documents that are necessary after release or discharge, including identification papers, medical prescriptions, job training certificates, and referrals to services; and

(3) provide housing and structured programs, including programs for recovering substance abusers, through which children are provided services immediately following release under supervision or final discharge.

(f) To ensure accountability, any contract entered into under this section must contain specific performance measures that the department [~~commission~~] shall use to evaluate compliance with the terms of the contract.

~~[(g) The commission shall ensure that each reentry and reintegration plan developed for a child under Section 61.0814 is coordinated with the comprehensive reentry and reintegration plan developed under this section.]~~

(h) The department [~~commission~~] shall conduct and coordinate research to determine whether the comprehensive reentry and reintegration plan developed under this section reduces recidivism rates.

(i) Not later than December 1 of each even-numbered year, the department [~~commission~~] shall deliver a report of the results of research conducted or coordinated under Subsection (h) to the lieutenant governor, the speaker of the house of representatives, and the standing committees of each house of the legislature with primary jurisdiction over juvenile justice and corrections.

(j) If a program or service in the child's comprehensive reentry and reintegration plan is not available at the time the child is to be released, the department shall find a suitable alternative program or service so that the child's release is not postponed.

(k) The department shall:

(1) clearly explain the comprehensive reentry and reintegration plan and any conditions of supervision to a child who will be released on supervision; and

(2) require each child committed to the department that is to be released on supervision to acknowledge and sign a document containing any conditions of supervision.

Sec. 245.054 [~~61.0814~~]. INFORMATION PROVIDED TO COURT BEFORE RELEASE. (a) In addition to providing the court with notice of release of a child under Section 245.051(b) [~~61.081(e)~~], as soon as possible but not later than the 30th day before the date the department [~~commission~~] releases the child, the department [~~commission~~] shall provide the court that committed the child to the department [~~commission~~]:

(1) a copy of the child's reentry and reintegration plan developed under Section 245.0535 [~~61.0814~~]; and

(2) a report concerning the progress the child has made while committed to the department [~~commission~~].

(b) If, on release, the department ~~[commission]~~ places a child in a county other than the county served by the court that committed the child to the department ~~[commission]~~, the department ~~[commission]~~ shall provide the information described by Subsection (a) to both the committing court and the juvenile court in the county where the child is placed after release.

(c) If, on release, a child's residence is located in another state, the department ~~[commission]~~ shall provide the information described by Subsection (a) to both the committing court and a juvenile court of the other state that has jurisdiction over the area in which the child's residence is located.

#### SUBCHAPTER C. MINIMUM LENGTH OF STAY; EXTENSION ORDERS

Sec. 245.101 ~~[61.0814. REENTRY AND REINTEGRATION PLAN. (a) The commission shall develop a reentry and reintegration plan for each child committed to the custody of the commission. The plan for a child must be designed to ensure that the child receives an extensive continuity of care in services from the time the child is committed to the commission to the time of the child's final discharge from the commission. The plan for a child must include, as applicable:~~

~~[(1) housing assistance;~~

~~[(2) a step down program, such as placement in a halfway house;~~

~~[(3) family counseling;~~

~~[(4) academic and vocational mentoring;~~

~~[(5) trauma counseling for a child who is a victim of abuse while in the custody of the commission; and~~

~~[(6) other specialized treatment services appropriate for the child.~~

~~[(b) If a program or service in the child's reentry and reintegration plan is not available at the time the child is to be released, the commission shall find a suitable alternative program or service so that the child's release is not postponed.~~

#### [Sec. 61.0815]. COMPLETION OF MINIMUM LENGTH OF STAY; PANEL.

(a) After a child who is committed to the department ~~[commission]~~ without a determinate sentence completes the minimum length of stay established by the department ~~[commission]~~ for the child under Section 243.002 ~~[61.062]~~, the department ~~[commission]~~ shall, in the manner provided by this section and Section 245.102:

(1) discharge the child from the custody of the department ~~[commission]~~;

(2) release the child under supervision under Section 245.051 ~~[61.081]~~; or

(3) extend the length of the child's stay in the custody of the department ~~[commission]~~.

(b) The board ~~[commission]~~ by rule shall establish a panel whose function is to review and determine whether a child who has completed the child's minimum length of stay should be discharged from the custody of the department ~~[commission]~~ as provided by Subsection (a)(1), be released under supervision under Section 245.051 ~~[61.081]~~ as provided by Subsection (a)(2), or remain in the custody of the department ~~[commission]~~ for an additional period of time as provided by Subsection (a)(3).

(c) The executive director ~~[commissioner]~~ shall determine the size of the panel described by Subsection (b) and the length of the members' terms of service on the panel. The panel must consist of an odd number of members and the terms of the panel's members must last for at least two years. The executive director

~~commissioner~~ shall adopt policies that ensure the transparency, consistency, and objectivity of the panel's composition, procedures, and decisions. The executive director ~~commissioner~~ shall appoint persons to serve as members of the panel. A person appointed to the panel must be a department ~~commission~~ employee who works at the department's ~~commission's~~ central office. A member of the panel may not be involved in any supervisory decisions concerning children in the custody of the department ~~commission~~.

Sec. 245.102. EXTENSION ORDER. (a) ~~[(d) The]~~ panel may extend the length of the child's stay as provided by Section 245.101(a)(3) ~~[Subsection (a)(3)]~~ only if the panel determines by majority vote and on the basis of clear and convincing evidence that:

(1) ~~the~~ child is in need of additional rehabilitation from the department; ~~commission~~ and

(2) ~~that~~ the department ~~commission~~ will provide the most suitable environment for that rehabilitation.

(b) In extending the length of a child's stay, the panel must specify the additional period of time that the child is to remain in the custody of the department ~~commission~~ and must conduct an additional review and determination as provided by Section 245.101 ~~[this section]~~ on the child's completion of the additional term of stay.

(c) If the panel determines that the child's length of stay should not be extended, the department ~~commission~~ must discharge the child from the custody of the department ~~commission~~ as provided by Section 245.101(a)(1) ~~[Subsection (a)(1)]~~ or release the child under supervision under Section 245.051 ~~[Section 61.081]~~ as provided by Section 245.101(a)(2) ~~[Subsection (a)(2)]~~.

Sec. 245.103. STATISTICS AND REPORTS CONCERNING EXTENSION ORDERS. (a) ~~[(e)]~~ The department ~~commission~~ shall maintain statistics of the number of extensions granted by a ~~the~~ panel under Section 245.102. The statistics must include aggregated information concerning:

(1) the race, age, sex, specialized treatment needs, and county of origin for each child for whom an extension order is requested;

(2) the facility in which the child is confined; and

(3) if applicable, any allegations concerning the abuse, mistreatment, or neglect of the child, aggregated by the type of misconduct to which the child was subjected.

(b) ~~[(f)]~~ To the extent authorized under law, the statistics maintained under Subsection (a) ~~[(e)]~~ are public information under Chapter 552, Government Code, and the department ~~commission~~ shall post the statistics on the department's ~~commission's~~ Internet website.

(c) The department ~~commission~~ shall prepare and deliver to the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities a report concerning the statistics maintained under Subsection (a) ~~[(e)]~~.

(d) ~~[(g)]~~ The department ~~commission~~ shall provide a report to the parent, guardian, or designated advocate of a child whose length of stay is extended under Section 245.102 ~~[this section]~~ explaining the panel's reason for the extension.

Sec. 245.104 [~~61.0816~~]. REQUEST FOR RECONSIDERATION OF EXTENSION ORDER. (a) The board [~~commission~~] by rule shall establish a process to request the reconsideration of an extension order issued by a the panel [~~established~~] under Section 245.102 [~~61.0815~~].

(b) The process to request reconsideration must provide that:

(1) a child, a parent, guardian, or designated advocate of a child, an employee of the department [~~commission~~], or a person who provides volunteer services at a department [~~commission~~] facility may submit a request for reconsideration of an extension order;

(2) the person submitting the request for reconsideration of an extension order must state in the request the reason for the request;

(3) after receiving a request for reconsideration of an extension order, the panel shall reconsider an extension order that:

(A) extends the child's stay in the custody of the department [~~commission~~] by six months or more; or

(B) combined with previous extension orders will result in an extension of the child's stay in the custody of the department [~~commission~~] by six months or more;

(4) the panel's reconsideration of an extension order includes consideration of the information submitted in the request; and

(5) the panel shall send a written reply to the child, the parent, guardian, or designated advocate of the child, and the person who made the request for reconsideration of an extension order that includes an explanation of the panel's decision after reconsidering the extension order, including an indication that the panel has considered the information submitted in the request.

(c) The department [~~commission~~] shall create a form for a request for reconsideration of an extension order that is clear and easy to understand. The department [~~commission~~] shall ensure that a child may request assistance in completing a request for reconsideration of an extension order.

Sec. 245.105. STATISTICS AND REPORTS CONCERNING RECONSIDERATIONS OF EXTENSION ORDERS. (a) [~~(d)~~] The department [~~commission~~] shall maintain statistics of the number of requests for reconsideration of an extension order that are submitted under Section 245.104 and the action taken on reconsideration of the extension order. The statistics must include aggregated information concerning:

(1) the race, age, sex, specialized treatment needs, and county of origin for each child for whom a request for reconsideration of an extension order is submitted;

(2) whether a request for reconsideration of an extension order results in:

(A) a discharge or release under supervision; or

(B) the original extension order being upheld;

(3) the facility in which the child is confined; and

(4) if applicable, any allegations concerning the abuse, mistreatment, or neglect of the child, aggregated by the type of misconduct to which the child was subjected.

(b) ~~(e)~~ To the extent authorized under law, the statistics maintained under Subsection (a) ~~(d)~~ are public information under Chapter 552, Government Code, and the department ~~[commission]~~ shall post the statistics on the department's ~~[commission's]~~ Internet website.

(c) The department ~~[commission]~~ shall prepare and deliver to the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities a report concerning the statistics maintained under Subsection (a) ~~(d)~~.

Sec. 245.106 ~~[61.082]~~. TRANSPORTATION, CLOTHING, MONEY. The department ~~[commission]~~ shall ensure that each child it releases under supervision has:

- (1) suitable clothing;
- (2) ~~[5]~~ transportation to his or her home or to the county in which a suitable home or employment has been found; ~~[5]~~ and
- (3) money in an amount authorized by the rules of the department ~~[commission]~~.

#### SUBCHAPTER D. TERMINATION OF CONTROL

Sec. 245.151 ~~[61.083]~~. ~~CONTRACTS WITH COUNTIES.~~ (a) ~~The commission may make a contract with a county to use the services of the county's juvenile probation department for the supervision of children within the county who are on furlough from a commission facility or who are released under supervision from a commission facility.~~

~~[(b) The payments shall be made to the county treasurer on a quarterly schedule.~~

~~[(c) The commission may not pay a county for supervision of a child for any time after the child:~~

- ~~[(1) is discharged from the commission's custody;~~
- ~~[(2) is returned to a commission facility; or~~
- ~~[(3) transfers his or her residence to another county or state.~~

~~[(d) A county that has a contract with the commission must report to the commission on the status and progress of each child for whom the county is receiving payments. The reports shall be made at the time and in the manner specified by the contract.~~

~~[Sec. 61.084].~~ TERMINATION OF CONTROL. (a) Except as provided by Subsections (b) and (c), if a person is committed to the department ~~[commission]~~ under a determinate sentence under Section 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code, the department ~~[commission]~~ may not discharge the person from its custody.

(b) The department ~~[commission]~~ shall discharge without a court hearing a person committed to the department ~~[#]~~ for a determinate sentence under Section 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code, who has not been transferred to the Texas Department of Criminal Justice under a court order on the date that the time spent by the person in detention in connection with the committing case plus the time spent at the department ~~[Texas Youth Commission]~~ under the order of commitment equals the period of the sentence.

(c) The department [~~commission~~] shall transfer to the Texas Department of Criminal Justice a person who is the subject of an order under Section 54.11(i)(2), Family Code, transferring the person to the custody of the Texas Department of Criminal Justice for the completion of the person's sentence.

(d) [~~(e)~~] Except as provided by Subsection (e) [~~(e)~~], the department [~~commission~~] shall discharge from its custody a person not already discharged on the person's 19th birthday.

(e) [~~(e)~~] The department [~~commission~~] shall transfer a person who has been sentenced under a determinate sentence to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been returned to the department [~~commission~~] under Section 54.11(i)(1), Family Code, to the custody of the Texas Department of Criminal Justice on the person's 19th birthday, if the person has not already been discharged or transferred, to serve the remainder of the person's sentence on parole as provided by Section 508.156, Government Code.

Sec. 245.152 [~~61.0841~~]. DETERMINATE SENTENCE PAROLE. (a) Not later than the 90th day before the date the department [~~commission~~] transfers a person to the custody of the Texas Department of Criminal Justice for release on parole under Section 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(e)~~], the department [~~commission~~] shall submit to the Texas Department of Criminal Justice [~~department~~] all pertinent information relating to the person, including:

- (1) the juvenile court judgment;
- (2) the circumstances of the person's offense;
- (3) the person's previous social history and juvenile court records;
- (4) the person's physical and mental health record;
- (5) a record of the person's conduct, employment history, and attitude while committed to the department [~~commission~~];
- (6) a record of the sentence time served by the person at the department [~~commission~~] and in a juvenile detention facility in connection with the conduct for which the person was adjudicated; and
- (7) any written comments or information provided by the department [~~commission~~], local officials, family members of the person, victims of the offense, or the general public.

(b) The department [~~commission~~] shall provide instruction for parole officers of the Texas Department of Criminal Justice relating to juvenile programs at the department [~~commission~~]. The department [~~commission~~] and the Texas Department of Criminal Justice [~~department~~] shall enter into a memorandum of understanding relating to the administration of this subsection.

(c) The Texas Department of Criminal Justice shall grant credit for sentence time served by a person at the department [~~commission~~] and in a juvenile detention facility, as recorded by the department [~~commission~~] under Subsection (a)(6), in computing the person's eligibility for parole and discharge from the Texas Department of Criminal Justice [~~department~~].

SECTION 1.008. Subchapter I, Chapter 61, Human Resources Code, is transferred to Subtitle C, Title 12, Human Resources Code, as added by this Act, redesignated as Chapter 246, and amended to read as follows:



CHAPTER 246 [~~SUBCHAPTER I~~]. INDUSTRIES PROGRAM

Sec. 246.001 [~~61.121~~]. PURPOSE; IMPLEMENTATION. The purposes of the department [~~commission~~] industries program are:

(1) to provide adequate employment and vocational training for children; and

(2) to develop and expand public and private department [~~commission~~] industries.

Sec. 246.002 [~~61.122~~]. ADVISORY COMMITTEE. (a) A department [~~commission~~] industries advisory committee is created consisting of nine members appointed by the board [~~commission~~].

(b) Members serve staggered three-year terms, with the terms of three members expiring February 1 of each odd-numbered year.

(c) In making appointments under this section, the board [~~commission~~] shall endeavor to include representatives of industries appropriate for hiring children committed to the department [~~commission~~].

Sec. 246.003 [~~61.123~~]. PAY AND DISTRIBUTION OF PAY. The department [~~commission~~] shall apportion wages earned by a child working under the industries program in amounts determined at the discretion of the department [~~commission~~], in the following priority:

(1) a person to whom the child has been ordered by a court or to whom the child has agreed to pay restitution;

(2) a person to whom the child has been ordered by a court to pay child support;

(3) the compensation to victims of crime fund or the compensation to victims of crime auxiliary fund; and

(4) the child's student account.

Sec. 246.004 [~~61.124~~]. INDUSTRIES FUND. (a) A Texas Juvenile Justice Department [~~Youth Commission~~] industries program fund is created in the state treasury.

(b) Proceeds from the operation of the industries program shall be deposited in the fund.

(c) Money from the fund may be appropriated only for use by the department [~~commission~~] for the administration of this subchapter.

~~[(d) Sections 403.094 and 403.095, Government Code, do not apply to the fund.]~~

Sec. 246.005 [~~61.125~~]. CONTRACTS. To encourage the development and expansion of the industries program, the department [~~commission~~] may enter into necessary contracts related to the program.

Sec. 246.006 [~~61.126~~]. DONATIONS. The industries program may be financed through contributions donated for this purpose by private businesses contracting with the department [~~commission~~].

Sec. 246.007 [~~61.127~~]. GRANTS. (a) The department [~~commission~~] may accept a grant for the vocational rehabilitation of children.

(b) The department [~~commission~~] shall maintain a record of the receipt and disbursement of a grant and shall annually report to the lieutenant governor and the speaker of the house of representatives on the administration of grant funds.

Sec. 246.008 ~~[61.128]~~. LEASE OF LAND. (a) The department ~~[commission]~~ may lease land owned by the department ~~[commission]~~ to a private business to expand and develop the industries program.

(b) The term of the lease may not exceed 20 years.

(c) The business must lease the land at fair market value.

(d) The business may construct a new facility on the land or convert an existing facility.

~~Sec. 246.009 [Sec. 61.129]. CERTIFICATION FOR FRANCHISE CREDIT. The commission shall prepare and issue a certification that a corporation requires for the franchise tax credit for wages paid as provided by Subchapter M, Chapter 171, Tax Code.~~

~~[Sec. 61.130].~~ OPTIONAL AD VALOREM TAX ABATEMENT. (a) A business contracting with the department ~~[commission]~~ may enter into an ad valorem tax abatement agreement under Subchapters B and C, Chapter 312, Tax Code, with the governing body of the municipality and county in which the business is located.

(b) If an area in which businesses contracting with the department ~~[commission]~~ under this subchapter is designated as a reinvestment zone under Chapter 312, Tax Code, the area satisfies Section 312.202(a)(6), Tax Code, in that the area would be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the entity designating the area as a reinvestment zone.

SECTION 1.009. Title 12, Human Resources Code, as added by this Act, is amended by adding Subtitle D, and a heading is added to read as follows:

#### SUBTITLE D. INDEPENDENT OMBUDSMAN

SECTION 1.010. Chapter 64, Human Resources Code, is transferred to Subtitle D, Title 12, Human Resources Code, as added by this Act, redesignated as Chapter 261, and amended to read as follows:

#### CHAPTER 261 ~~[64]. [OFFICE OF]~~ INDEPENDENT OMBUDSMAN ~~[OF THE TEXAS YOUTH COMMISSION]~~

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 261.001 ~~[64.001]~~. DEFINITIONS. In this chapter:

(1) ~~["Commission" means the Texas Youth Commission.~~

~~[(2)]~~ "Independent ombudsman" means the individual who has been appointed under this chapter to the office of independent ombudsman.

~~(2) [(3)]~~ "Office" means the office of independent ombudsman created under this chapter.

Sec. 261.002 ~~[64.002]~~. ESTABLISHMENT; PURPOSE. The office of independent ombudsman is a state agency established for the purpose of investigating, evaluating, and securing the rights of the children committed to the department ~~[commission]~~, including a child released under supervision before final discharge.

Sec. 261.003 ~~[64.003]~~. INDEPENDENCE. (a) The independent ombudsman in the performance of its duties and powers under this chapter acts independently of the department ~~[commission]~~.

(b) Funding for the independent ombudsman is appropriated separately from funding for the department ~~[commission]~~.

## SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

Sec. 261.051 [~~64.051~~]. APPOINTMENT OF INDEPENDENT OMBUDSMAN. (a) The governor shall appoint the independent ombudsman with the advice and consent of the senate for a term of two years, expiring February 1 of odd-numbered years.

(b) A person appointed as independent ombudsman is eligible for reappointment but may not serve more than three terms in that capacity.

Sec. 261.052 [~~64.052~~]. ASSISTANTS. The independent ombudsman may hire assistants to perform, under the direction of the independent ombudsman, the same duties and exercise the same powers as the independent ombudsman.

Sec. 261.053 [~~64.053~~]. CONFLICT OF INTEREST. (a) A person may not serve as independent ombudsman or as an assistant to the independent ombudsman if the person or the person's spouse:

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

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

(3) uses or receives any amount of tangible goods, services, or funds from the department [~~commission~~].

(b) A person may not serve as independent ombudsman or as an assistant to the independent ombudsman if the person or the person's spouse is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department [~~commission~~].

(c) A person may not serve as independent ombudsman or as an assistant to the independent ombudsman if the person or the person's spouse is an officer, employee, manager, or paid consultant of a Texas trade association in the field of criminal or juvenile justice.

(d) For the purposes of this section, a Texas trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Sec. 261.054 [~~64.054~~]. SUNSET PROVISION. [~~(a)~~] The office is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The office shall be reviewed during the periods in which the Texas Juvenile Justice Department or its successor agency [~~Texas Youth Commission~~] is reviewed.

~~[(b) Notwithstanding Subsection (a), the Sunset Advisory Commission shall focus its review of the office on compliance with requirements placed on the office by legislation enacted by the 81st Legislature, Regular Session, 2009, that becomes law. This subsection expires September 1, 2011.]~~

Sec. 261.055 [~~64.055~~]. REPORT. (a) The independent ombudsman shall submit on a quarterly basis to the board, the governor, the lieutenant governor, the state auditor, and each member of the legislature a report that is both aggregated and disaggregated by individual facility and describes:

(1) the work of the independent ombudsman;  
 (2) the results of any review or investigation undertaken by the independent ombudsman, including reviews or investigation of services contracted by the department [~~commission~~]; and

(3) any recommendations that the independent ombudsman has in relation to the duties of the independent ombudsman.

(b) The independent ombudsman shall immediately report to the board, the governor, the lieutenant governor, the speaker of the house of representatives, the state auditor, and the office of the inspector general of the department [~~commission~~] any particularly serious or flagrant:

(1) case of abuse or injury of a child committed to the department [~~commission~~];

(2) problem concerning the administration of a department [~~commission~~] program or operation;

(3) problem concerning the delivery of services in a facility operated by or under contract with the department [~~commission~~]; or

(4) interference by the department [~~commission~~] with an investigation conducted by the office.

Sec. 261.056 [64.056]. COMMUNICATION AND CONFIDENTIALITY. (a) The department [~~commission~~] shall allow any child committed to the department [~~commission~~] to communicate with the independent ombudsman or an assistant to the ombudsman. The communication:

(1) may be in person, by mail, or by any other means; and

(2) is confidential and privileged.

(b) The records of the independent ombudsman are confidential, except that the independent ombudsman shall:

(1) share with the office of inspector general of the department [~~commission~~] a communication with a child that may involve the abuse or neglect of the child; and

(2) disclose its nonprivileged records if required by a court order on a showing of good cause.

(c) The independent ombudsman may make reports relating to an investigation public after the investigation is complete but only if the names of all children, parents, and employees are redacted from the report and remain confidential.

(d) The name, address, or other personally identifiable information of a person who files a complaint with the office of independent ombudsman, information generated by the office of independent ombudsman in the course of an investigation, and confidential records obtained by the office of independent ombudsman are confidential and not subject to disclosure under Chapter 552, Government Code, except that the information and records, other than confidential information and records concerning a pending law enforcement investigation or criminal action, may be disclosed to the appropriate person if the office determines that disclosure is:

(1) in the general public interest;

(2) necessary to enable the office to perform the responsibilities provided under this section; or

(3) necessary to identify, prevent, or treat the abuse or neglect of a child.

Sec. 261.057 [64.057]. PROMOTION OF AWARENESS OF OFFICE. The independent ombudsman shall promote awareness among the public and the children committed to the department [commission] of:

- (1) how the office may be contacted;
- (2) the purpose of the office; and
- (3) the services the office provides.

Sec. 261.058 [64.058]. RULEMAKING AUTHORITY. (a) The office by rule shall establish policies and procedures for the operations of the office of independent ombudsman.

(b) The office and the board [commission] shall adopt rules necessary to implement Section 261.060 [64.060], including rules that establish procedures for the department [commission] to review and comment on reports of the office and for the department [commission] to expedite or eliminate review of and comment on a report due to an emergency or a serious or flagrant circumstance described by Section 261.055(b) [64.055(b)].

Sec. 261.059 [64.059]. AUTHORITY OF STATE AUDITOR. The office is subject to audit by the state auditor in accordance with Chapter 321, Government Code.

Sec. 261.060 [64.060]. REVIEW AND FORMAT OF REPORTS. (a) The office shall accept, both before and after publication, comments from the board [commission] concerning the following types of reports published by the office under this chapter:

- (1) the office's quarterly report under Section 261.055(a) [64.055(a)];
- (2) reports concerning serious or flagrant circumstances under Section 261.055(b) [64.055(b)]; and
- (3) any other formal reports containing findings and making recommendations concerning systemic issues that affect the department [commission].

(b) The board [commission] may not submit comments under Subsection (a) after the 30th day after the date the report on which the board [commission] is commenting is published.

(c) The office shall ensure that reports described by Subsection (a) are in a format to which the board [commission] can easily respond.

(d) After receipt of comments under this section, the office is not obligated to change any report or change the manner in which the office performs the duties of the office.

Sec. 261.061 [64.061]. COMPLAINTS. (a) The office shall maintain a system to promptly and efficiently act on complaints filed with the office that relate to the operations or staff of the office. The office shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.

(b) The office shall make information available describing its procedures for complaint investigation and resolution.

(c) The office shall periodically notify the complaint parties of the status of the complaint until final disposition.

## SUBCHAPTER C. DUTIES AND POWERS

Sec. 261.101 [~~64.101~~]. DUTIES AND POWERS. (a) The independent ombudsman shall:

(1) review the procedures established by the board [~~commission~~] and evaluate the delivery of services to children to ensure that the rights of children are fully observed;

(2) review complaints filed with the independent ombudsman concerning the actions of the department [~~commission~~] and investigate each complaint in which it appears that a child may be in need of assistance from the independent ombudsman;

(3) conduct investigations of complaints, other than complaints alleging criminal behavior, if the office determines that:

(A) a child committed to the department [~~commission~~] or the child's family may be in need of assistance from the office; or

(B) a systemic issue in the department's [~~commission's~~] provision of services is raised by a complaint;

(4) review or inspect periodically the facilities and procedures of any institution or residence in which a child has been placed by the department [~~commission~~], whether public or private, to ensure that the rights of children are fully observed;

(5) provide assistance to a child or family who the independent ombudsman determines is in need of assistance, including advocating with an agency, provider, or other person in the best interests of the child;

(6) review court orders as necessary to fulfill its duties;

(7) recommend changes in any procedure relating to the treatment of children committed to the department [~~commission~~];

(8) make appropriate referrals under any of the duties and powers listed in this subsection; ~~and~~

(9) supervise assistants who are serving as advocates in their representation of children committed to the department [~~commission~~] in internal administrative and disciplinary hearings;

(10) review reports received by the department relating to complaints regarding juvenile probation programs, services, or facilities and analyze the data contained in the reports to identify trends in complaints; and

(11) report a possible standards violation by a local probation department to the appropriate division of the department.

(b) The independent ombudsman may apprise persons who are interested in a child's welfare of the rights of the child.

(c) To assess if a child's rights have been violated, the independent ombudsman may, in any matter that does not involve alleged criminal behavior, contact or consult with an administrator, employee, child, parent, expert, or any other individual in the course of its investigation or to secure information.

(d) Notwithstanding any other provision of this chapter, the independent ombudsman may not investigate alleged criminal behavior.

(e) Notwithstanding any other provision of this chapter, the powers of the office are limited to facilities operated and services provided by the department under Subtitle C.

Sec. 261.102 [64.102]. TREATMENT OF DEPARTMENT [COMMISSION] EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN. The department [commission] may not discharge or in any manner discriminate or retaliate against an employee who in good faith makes a complaint to the office of independent ombudsman or cooperates with the office in an investigation.

Sec. 261.103 [64.103]. TRAINING. The independent ombudsman shall attend annual sessions, including the training curriculum for juvenile correctional officers required under Section 242.009 [61.0356], and may participate in other appropriate professional training.

Sec. 261.104 [64.104]. MEMORANDUM OF UNDERSTANDING. (a) The office and the department [commission] shall enter into a memorandum of understanding concerning:

(1) the most efficient manner in which to share information with one another; and

(2) the procedures for handling overlapping monitoring duties and activities performed by the office and the department [commission].

(b) The memorandum of understanding entered into under Subsection (a), at a minimum, must:

(1) address the interaction of the office with that portion of the department [commission] that conducts an internal audit under Section 203.013 [61.0331];

(2) address communication between the office and the department [commission] concerning individual situations involving children committed to the department [commission] and how those situations will be documented and handled;

(3) contain guidelines on the office's role in relevant working groups and policy development decisions at the department [commission];

(4) ensure opportunities for sharing information between the office and the department [commission] for the purposes of assuring quality and improving programming within the department [commission]; and

(5) preserve the independence of the office by authorizing the office to withhold information concerning matters under active investigation by the office from the department [commission] and department [commission] staff and to report the information to the board and the governor.

#### SUBCHAPTER D. ACCESS TO INFORMATION

Sec. 261.151 [64.151]. ACCESS TO INFORMATION OF GOVERNMENTAL ENTITIES. (a) The ~~[commission shall allow the]~~ independent ombudsman has access to the department's [its] records relating to the children committed to the department [commission].

(b) The Department of Public Safety shall allow the independent ombudsman access to the juvenile justice information system established under Subchapter B, Chapter 58, Family Code.

(c) A local law enforcement agency shall allow the independent ombudsman access to its records relating to any child in the care or custody of the department [commission].

Sec. 261.152 [64.152]. ACCESS TO INFORMATION OF PRIVATE ENTITIES. The independent ombudsman shall have access to the records of a private entity that relate to a child committed to the department [commission].

SECTION 1.011. Section 61.020(a), Human Resources Code, is amended to read as follows:

(a) The Texas Youth Commission [~~is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission~~] is abolished on December [~~and this chapter expires September~~] 1, 2011.

SECTION 1.012. Section 141.012(a), Human Resources Code, is amended to read as follows:

(a) The Texas Juvenile Probation Commission [~~is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission~~] is abolished on December [~~and this chapter expires September~~] 1, 2011.

## ARTICLE 2. MISCELLANEOUS PROVISIONS

SECTION 2.001. Section 51.126, Family Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsection (f) to read as follows:

(b) In each county, each judge of the juvenile court and a majority of the members of the juvenile board shall personally inspect, at least annually, all nonsecure correctional facilities that are located in the county and shall certify in writing to the authorities responsible for operating and giving financial support to the facilities and to the Texas Juvenile Justice Department [~~Probation Commission~~] that the facility or facilities are suitable or unsuitable for the confinement of children. In determining whether a facility is suitable or unsuitable for the confinement of children, the juvenile court judges and juvenile board members shall consider:

(1) current monitoring and inspection reports and any noncompliance citation reports issued by the Texas Juvenile Justice Department [~~Probation Commission~~], including the report provided under Subsection (c), and the status of any required corrective actions; and

(2) the other factors described under Sections 51.12(c)(2)-(7).

(c) The Texas Juvenile Justice Department [~~Probation Commission~~] shall annually inspect each nonsecure correctional facility. The Texas Juvenile Justice Department [~~Probation Commission~~] shall provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the confinement of children in accordance with minimum professional standards for the confinement of children in nonsecure confinement promulgated by the Texas Juvenile Justice Department [~~Probation Commission~~] or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

(d) A governmental unit or private entity that operates or contracts for the operation of a juvenile nonsecure correctional facility in this state under Subsection (a), except for a facility operated by or under contract with the Texas Juvenile Justice Department [~~Texas Youth Commission~~], shall:

(1) register the facility annually with the Texas Juvenile Justice Department [~~Probation Commission~~]; and

(2) adhere to all applicable minimum standards for the facility.



(e) The Texas Juvenile Justice Department [~~Probation Commission~~] may deny, suspend, or revoke the registration of any facility required to register under Subsection (d) if the facility fails to:

- (1) adhere to all applicable minimum standards for the facility; or
- (2) timely correct any notice of noncompliance with minimum standards.

(f) In this section, "Texas Juvenile Justice Department" means the Texas Juvenile Probation Commission. This subsection expires December 1, 2011.

SECTION 2.002. Section 58.403, Family Code, is amended by adding Subsection (d) to read as follows:

(d) Subchapter L, Chapter 2054, Government Code, does not apply to the statewide juvenile information and case management system created under this subchapter.

SECTION 2.003. Section 614.017(c)(1), Health and Safety Code, is amended to read as follows:

(1) "Agency" includes any of the following entities and individuals, a person with an agency relationship with one of the following entities or individuals, and a person who contracts with one or more of the following entities or individuals:

(A) the Texas Department of Criminal Justice and the Correctional Managed Health Care Committee;

(B) the Board of Pardons and Paroles;

(C) the Department of State Health Services;

(D) the Texas Juvenile Justice Department [~~Probation Commission~~];

(E) [~~the Texas Youth Commission~~];

~~(F)~~ the Department of Assistive and Rehabilitative Services;

~~(G)~~ the Texas Education Agency;

~~(H)~~ the Commission on Jail Standards;

~~(I)~~ the Department of Aging and Disability Services;

~~(J)~~ the Texas School for the Blind and Visually Impaired;

~~(K)~~ community supervision and corrections departments and local juvenile probation departments;

~~(L)~~ personal bond pretrial release offices established under Article 17.42, Code of Criminal Procedure;

~~(M)~~ local jails regulated by the Commission on Jail Standards;

~~(N)~~ a municipal or county health department;

~~(O)~~ a hospital district;

~~(P)~~ a judge of this state with jurisdiction over juvenile or criminal cases;

~~(Q)~~ an attorney who is appointed or retained to represent a special needs offender or a juvenile with a mental impairment;

~~(R)~~ the Health and Human Services Commission;

~~(S)~~ the Department of Information Resources;

~~(T)~~ the bureau of identification and records of the Department of Public Safety, for the sole purpose of providing real-time, contemporaneous identification of individuals in the Department of State Health Services client data base; and

~~(U)~~ the Department of Family and Protective Services.

SECTION 2.004. Sections 614.018(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The Texas Juvenile Justice Department [~~Probation Commission, the Texas Youth Commission~~], the Department of Public Safety, the Department of State Health Services, the Department of Aging and Disability Services, the Department of Family and Protective Services, the Texas Education Agency, and local juvenile probation departments shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for juveniles with mental impairments in the juvenile justice system. The Texas Correctional Office on Offenders with Medical and Mental Impairments shall coordinate and monitor the development and implementation of the memorandum of understanding.

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

(1) identifying juveniles with mental impairments in the juvenile justice system and collecting and reporting relevant data to the office;

(2) developing interagency rules, policies, and procedures for the coordination of care of and the exchange of information on juveniles with mental impairments who are committed to or treated, served, or supervised by the [~~Texas Youth Commission, the~~] Texas Juvenile Justice Department [~~Probation Commission~~], the Department of Public Safety, the Department of State Health Services, the Department of Family and Protective Services, the Department of Aging and Disability Services, the Texas Education Agency, local juvenile probation departments, local mental health or mental retardation authorities, and independent school districts; and

(3) identifying the services needed by juveniles with mental impairments in the juvenile justice system.

### ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.001. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

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

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

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

- (9) officers commissioned by the General Services Commission;
- (10) law enforcement officers commissioned by the Parks and Wildlife Commission;
- (11) airport police officers commissioned by a city with a population of more than 1.18 million that operates an airport that serves commercial air carriers;
- (12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;
- (13) municipal park and recreational patrolmen and security officers;
- (14) security officers and investigators commissioned as peace officers by the comptroller;
- (15) officers commissioned by a water control and improvement district under Section 49.216, Water Code;
- (16) officers commissioned by a board of trustees under Chapter 54, Transportation Code;
- (17) investigators commissioned by the Texas Medical Board;
- (18) officers commissioned by the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, or the Bexar County Hospital District under Section 281.057, Health and Safety Code;
- (19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;
- (20) investigators employed by the Texas Racing Commission;
- (21) officers commissioned under Chapter 554, Occupations Code;
- (22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;
- (23) investigators commissioned by the attorney general under Section 402.009, Government Code;
- (24) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;
- (25) an officer employed by the Department of State Health Services under Section 431.2471, Health and Safety Code;
- (26) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;
- (27) officers commissioned by the state fire marshal under Chapter 417, Government Code;
- (28) an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;
- (29) apprehension specialists and inspectors general commissioned by the Texas Juvenile Justice Department [~~Texas Youth Commission~~] as officers under Sections 242.102 and 243.052 [~~61.0451 and 61.0931~~], Human Resources Code;
- (30) officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;
- (31) investigators commissioned by the Commission on Law Enforcement Officer Standards and Education under Section 1701.160, Occupations Code;

(32) commission investigators commissioned by the Texas Private Security Board under Section 1702.061(f), Occupations Code;

(33) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;

(34) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;

(35) investigators commissioned by the Texas Juvenile Justice Department [~~Probation Commission~~] as officers under Section 221.011 [~~141.055~~], Human Resources Code; and

(36) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

SECTION 3.002. Section 5(d), Article 18.20, Code of Criminal Procedure, is amended to read as follows:

(d) The Texas Juvenile Justice Department [~~Youth Commission~~] may own electronic, mechanical, or other devices for a use or purpose authorized by Section 242.103 [~~61.0455~~], Human Resources Code, and the inspector general of the Texas Juvenile Justice Department [~~Youth Commission~~], a commissioned officer of that office, or another person acting in the presence and under the direction of a commissioned officer of that office may possess, install, operate, or monitor those devices as provided by Section 242.103 [~~61.0455~~].

SECTION 3.003. Section 29.012(e), Education Code, is amended to read as follows:

(e) This section does not apply to a residential treatment facility for juveniles established under Section 221.056 [~~141.059~~], Human Resources Code.

SECTION 3.004. Section 51.13(c), Family Code, is amended to read as follows:

(c) A child may not be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of persons convicted of crime, except:

(1) for temporary detention in a jail or lockup pending juvenile court hearing or disposition under conditions meeting the requirements of Section 51.12 of this code;

(2) after transfer for prosecution in criminal court under Section 54.02 of this code; or

(3) after transfer from the Texas Juvenile Justice Department [~~Youth Commission~~] under Section 245.151(c) [~~61.084~~], Human Resources Code.

SECTION 3.005. Section 51.21(a), Family Code, is amended to read as follows:

(a) A probation department that administers the mental health screening instrument or clinical assessment required by Section 221.003 [~~141.042~~(e)], Human Resources Code, shall refer the child to the local mental health authority for assessment and evaluation if:

(1) the child's scores on the screening instrument or clinical assessment indicate a need for further mental health assessment and evaluation; and

(2) the department and child do not have access to an internal, contract, or private mental health professional.

SECTION 3.006. Section 53.045(d), Family Code, is amended to read as follows:

(d) If the grand jury approves of the petition, the fact of approval shall be certified to the juvenile court, and the certification shall be entered in the record of the case. For the purpose of the transfer of a child to the Texas Department of Criminal Justice as provided by Section 245.151(c) [~~61.084(c)~~], Human Resources Code, a juvenile court petition approved by a grand jury under this section is an indictment presented by the grand jury.

SECTION 3.007. Sections 54.11(a), (h), (i), and (j), Family Code, are amended to read as follows:

(a) On receipt of a referral under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, for the transfer to the Texas Department of Criminal Justice of a person committed to the Texas Juvenile Justice Department [~~Youth Commission~~] under Section 54.04(d)(3), 54.04(m), or 54.05(f), or on receipt of a request by the Texas Juvenile Justice Department [~~commission~~] under Section 245.051(d) [~~61.081(g)~~], Human Resources Code, for approval of the release under supervision of a person committed to the Texas Juvenile Justice Department [~~commission~~] under Section 54.04(d)(3), 54.04(m), or 54.05(f), the court shall set a time and place for a hearing on the release of the person.

(h) The hearing on a person who is referred for transfer under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, shall be held not later than the 60th day after the date the court receives the referral.

(i) On conclusion of the hearing on a person who is referred for transfer under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, the court may order:

(1) the return of the person to the Texas Juvenile Justice Department [~~Youth Commission~~]; or

(2) the transfer of the person to the custody of the Texas Department of Criminal Justice for the completion of the person's sentence.

(j) On conclusion of the hearing on a person who is referred for release under supervision under Section 245.051(c) [~~61.081(f)~~], Human Resources Code, the court may order the return of the person to the Texas Juvenile Justice Department [~~Youth Commission~~]:

(1) with approval for the release of the person under supervision; or

(2) without approval for the release of the person under supervision.

SECTION 3.008. Section 58.003(g-1), Family Code, is amended to read as follows:

(g-1) Any records collected or maintained by the Texas Juvenile Justice Department [~~Probation Commission~~], including statistical data submitted under Section 221.007 [~~441.044~~], Human Resources Code, are not subject to a sealing order issued under this section.

SECTION 3.009. Section 58.0072(b), Family Code, is amended to read as follows:

(b) Juvenile justice information consists of information of the type described by Section 58.104, including statistical data in any form or medium collected, maintained, or submitted to the Texas Juvenile Justice Department [~~Probation Commission~~] under Section 221.007 [~~141.044~~], Human Resources Code.

SECTION 3.010. Section 41.310(b), Government Code, is amended to read as follows:

(b) In addition to the duties prescribed by Subsection (a), the counsellor shall on a quarterly basis provide the board of directors and the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities with a report concerning offenses or delinquent conduct prosecuted by the unit on receiving a request for assistance under Section 241.007 [~~61.098~~], Human Resources Code, or a request for assistance otherwise from a prosecuting attorney. A report under this subsection is public information under Chapter 552, Government Code, and the board of directors shall request that the commission publish the report on the commission's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:

- (1) the number of requests for assistance received under Section 241.007 [~~61.098~~], Human Resources Code, and requests for assistance otherwise received from prosecuting attorneys;
- (2) the number of cases investigated and the number of cases prosecuted;
- (3) the types and outcomes of cases prosecuted, such as whether the case concerned narcotics or an alleged incident of sexual abuse; and
- (4) the relationship of a victim to a perpetrator, if applicable.

SECTION 3.011. Section 411.1141(a), Government Code, is amended to read as follows:

(a) The Texas Juvenile Justice Department [~~Youth Commission~~] is entitled to obtain from the department criminal history record information maintained by the department that relates to a person described by Section 242.010(b) [~~61.0357(b)~~], Human Resources Code.

SECTION 3.012. Section 493.017(d), Government Code, is amended to read as follows:

(d) A sex offender correction program that provides counseling sessions for a child who is released under supervision under Section 245.053 [~~61.0813~~], Human Resources Code, shall report to the Texas Juvenile Justice Department [~~Youth Commission~~], not later than the 15th day of each month, the following information about the child:

- (1) the total number of counseling sessions attended by the child during the preceding month; and
- (2) if during the preceding month the child terminates participation in the program before completing counseling, the reason for the child's termination of counseling or that the reason for the termination of counseling is unknown.

SECTION 3.013. Section 499.053, Government Code, is amended to read as follows:

Sec. 499.053. TRANSFERS FROM TEXAS JUVENILE JUSTICE DEPARTMENT ~~[YOUTH COMMISSION]~~. (a) The ~~department~~ ~~[institutional division]~~ shall accept persons transferred to the ~~department~~ ~~[division]~~ from the Texas Juvenile Justice Department ~~[Youth Commission]~~ under Section 245.151 ~~[61.084]~~, Human Resources Code.

(b) A person transferred to the ~~department~~ ~~[institutional division]~~ from the Texas Juvenile Justice Department ~~[Youth Commission]~~ is entitled to credit on the person's sentence for the time served in the custody of the ~~Texas Juvenile Justice Department~~ ~~[youth commission]~~.

(c) All laws relating to good conduct time and eligibility for release on parole or mandatory supervision apply to a person transferred to the ~~department~~ ~~[institutional division]~~ by the Texas Juvenile Justice Department ~~[youth commission]~~ as if the time the person was detained in a detention facility and the time the person served in the custody of the ~~Texas Juvenile Justice Department~~ ~~[youth commission]~~ was time served in the custody of the ~~department~~ ~~[division]~~.

(d) A person transferred from the Texas Juvenile Justice Department ~~[Youth Commission]~~ for the offense of capital murder shall become eligible for parole as provided in Section 508.145(d) for an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure, or an offense for which a deadly weapon finding has been made.

SECTION 3.014. Section 508.156(a), Government Code, is amended to read as follows:

(a) Before the release of a person who is transferred under Section 245.051(c) ~~[61.081(f)]~~ or 245.151(e) ~~[61.084(g)]~~, Human Resources Code, to the ~~department~~ ~~[division]~~ for release on parole, a parole panel shall review the person's records and may interview the person or any other person the panel considers necessary to determine the conditions of parole. The panel may impose any reasonable condition of parole on the person that the panel may impose on an adult inmate under this chapter.

SECTION 3.015. Section 614.019(c), Health and Safety Code, is amended to read as follows:

(c) A child with mental illness or mental retardation who is discharged from the Texas Juvenile Justice Department ~~[Youth Commission]~~ under Section 244.011 ~~[61.077]~~, Human Resources Code, may receive continuity of care services from the office for a minimum of 90 days after discharge from the commission and for as long as necessary for the child to demonstrate sufficient stability to transition successfully to mental health or mental retardation services provided by a local mental health or mental retardation authority.

SECTION 3.016. Section 152.0007(b), Human Resources Code, is amended to read as follows:

(b) The board may establish guidelines for the initial assessment of a child by the juvenile probation department. The guidelines shall provide a means for assessing a child's mental health status, family background, and level of education. The guidelines shall assist the probation department in determining whether a comprehensive psychological evaluation of the child should be conducted. The board shall require that probation department personnel use assessment information

compiled by the child's school, if the information is available, before conducting a comprehensive psychological evaluation of the child. The board may adopt all or part of the Texas Juvenile Justice Department's [~~Juvenile Probation Commission's~~] minimum standards for assessment under Section 221.002 [~~141.042~~] in complying with this subsection.

SECTION 3.017. Section 152.0011, Human Resources Code, is amended to read as follows:

Sec. 152.0011. LOCAL YOUTH BOOT CAMPS; CONTRACTS WITH PRIVATE VENDORS. (a) The juvenile board or local juvenile probation department may establish a youth boot camp and employ necessary personnel to operate the camp.

(b) The juvenile board or local juvenile probation department may contract with a private vendor for the financing, construction, operation, maintenance, or management of a youth boot camp [~~in the same manner as the state. The juvenile board may not award a contract under this subsection unless the board requests proposals and receives a proposal that meets or exceeds, in addition to requirements specified in the request for proposals, the requirements specified in Section 141.0434.~~

~~[(c) A juvenile board youth boot camp must offer a program that complies with the requirements of the youth boot camps set forth in Section 141.0432].~~

(c) [~~(d)~~] If a juvenile board or its designee determines that a child is not complying with the rules of conduct promulgated by the board [~~commission~~] or is medically or psychologically unsuitable for the program, the board shall terminate the child's participation in the program and request the sentencing court to reassume custody of the child.

SECTION 3.018. Section 152.0301(f), Human Resources Code, is amended to read as follows:

(f) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [~~Probation Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

(2) submit periodic financial and statistical reports to the county commissioners court.

SECTION 3.019. Section 152.0791(g), Human Resources Code, is amended to read as follows:

(g) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [~~Probation Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

(2) submit periodic financial and statistical reports to the commissioners courts.

SECTION 3.020. Section 152.1371(f), Human Resources Code, is amended to read as follows:

(f) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:



(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [~~Probation Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

(2) submit periodic financial and statistical reports to the county commissioners court.

SECTION 3.021. Section 152.1431(f), Human Resources Code, is amended to read as follows:

(f) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [~~Probation Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

(2) submit periodic financial and statistical reports to the county commissioners court.

SECTION 3.022. Section 152.2511(f), Human Resources Code, is amended to read as follows:

(f) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [~~Probation Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

(2) submit periodic financial and statistical reports to the county commissioners court.

SECTION 3.023. Section 16.02(e-1), Penal Code, is amended to read as follows:

(e-1) It is a defense to prosecution under Subsection (d)(1) that the electronic, mechanical, or other device is possessed by a person authorized to possess the device under Section 500.008, Government Code, or Section 242.103 [~~61.0455~~], Human Resources Code.

#### ARTICLE 4. TRANSITION AND EFFECTIVE DATE

SECTION 4.001. (a) Effective December 1, 2011, Subchapters A, B, and H, Chapter 61, Human Resources Code, and Subchapters A and B, Chapter 141, Human Resources Code, are repealed.

(b) Effective December 1, 2011, the Texas Youth Commission and the Texas Juvenile Probation Commission are abolished and the powers and duties of those agencies are transferred to the Texas Juvenile Justice Board and the Texas Juvenile Justice Department in accordance with Title 12, Human Resources Code, as added by this Act.

SECTION 4.002. (a) Not later than December 1, 2011, the governor shall appoint the initial members of the Texas Juvenile Justice Board under Section 202.001, Human Resources Code, as added by this Act. The governor shall appoint:

(1) four members whose terms expire February 1, 2013;

(2) four members whose terms expire February 1, 2015; and

(3) three members whose terms expire February 1, 2017.

(b) The initial members of the Advisory Council on Juvenile Services shall be appointed as provided by Section 203.0081, Human Resources Code, as added by this Act, not later than December 1, 2011. At the first advisory council meeting, the members, other than the ex officio members, shall draw lots to determine the length of each member's initial term and which members' terms expire each year.

SECTION 4.003. (a) All money, records, property, and equipment in the possession of the Texas Youth Commission or the Texas Juvenile Probation Commission on December 1, 2011, shall be transferred to the possession of the Texas Juvenile Justice Department on December 1, 2011, or as soon as possible after that date.

(b) Effective December 1, 2011, a rule adopted by the Texas Youth Commission or the Texas Juvenile Probation Commission is a rule of the Texas Juvenile Justice Department until and unless the Texas Juvenile Justice Board amends or repeals the rule.

(c) Effective December 1, 2011, a memorandum of understanding entered into by the Texas Youth Commission or the Texas Juvenile Probation Commission is binding against the Texas Juvenile Justice Department to the same extent that the memorandum bound the agency that entered into the memorandum of understanding, until and unless the department enters into a new memorandum of understanding that modifies the department's responsibilities.

SECTION 4.004. As soon as practicable after September 1, 2011, the Texas Juvenile Justice Department shall establish the toll-free number for complaints, as required under Section 203.014, Human Resources Code, as added by this Act.

SECTION 4.005. Unless another provision of this Act specifically provides otherwise, the Texas Youth Commission and the Texas Juvenile Probation Commission, as applicable, shall implement each change in law made by this Act, including adopting any necessary or required rule, not later than December 1, 2011.

SECTION 4.006. (a) The validity of a disposition of a child under Title 3, Family Code, made before, on, or after the effective date of this Act is not affected solely because:

(1) the terms of the disposition refer to the Texas Youth Commission or the Texas Juvenile Probation Commission; and

(2) during the time for which the disposition is in effect, the Texas Youth Commission and the Texas Juvenile Probation Commission cease to exist and their powers and duties are transferred, as provided by this Act, to the Texas Juvenile Justice Department.

(b) The action of a juvenile probation department taken in relation to a child before, on, or after the effective date of this Act is not affected solely because:

(1) the terms of the action refer to the Texas Youth Commission or the Texas Juvenile Probation Commission; and

(2) during the time for which the action is in effect, the Texas Youth Commission and the Texas Juvenile Probation Commission cease to exist and their powers and duties are transferred, as provided by this Act, to the Texas Juvenile Justice Department.

(c) The changes in law made by this Act to Title 3, Family Code, are not substantive in nature and apply to conduct by a child that occurs before, on, or after the effective date of this Act.

(d) The disposition of an individual 10 years of age or older and under 21 years of age who was committed to the Texas Youth Commission under Title 3, Family Code, before June 8, 2007, is not affected by Section 201.001(a)(2), Human Resources Code, as added by this Act.

SECTION 4.007. (a) This section applies only to a closed facility on real property owned by the Texas Youth Commission or the Texas Juvenile Justice Department that is located wholly or partly in a county that has a population of less than 100,000.

(b) The Texas Youth Commission or the Texas Juvenile Justice Department may transfer a closed facility to the county or municipality in which the facility is located.

(c) The consideration for the transfer authorized by Subsection (b) of this section is the requirement that the county or municipality use the property transferred only for a purpose that benefits the public interest of the state. If the county or municipality no longer uses the property for a public purpose, ownership of the property automatically reverts to the Texas Juvenile Justice Department.

(d) The Texas Youth Commission or the Texas Juvenile Justice Department shall transfer the property by an appropriate instrument of transfer, executed on the agency's behalf by the commissioner of the General Land Office. The instrument of transfer must:

(1) provide that:

(A) the transferee shall use the property only for a purpose that benefits the public interest of the state; and

(B) ownership of the property will automatically revert to the Texas Juvenile Justice Department if the transferee uses the property for any purpose other than a purpose that benefits the interest of the state;

(2) describe the property to be transferred by metes and bounds; and

(3) exclude from the transfer all mineral interests in and under the property and prohibit any exploration, drilling, or other similar intrusion on the property related to mineral interests.

(e) The Texas Juvenile Justice Department shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of the county in which the property is located.

(f) This section expires September 1, 2017.

SECTION 4.008. This Act takes effect September 1, 2011.

### **Floor Amendment No. 1**

Amend **CSSB 653** in new Chapter 202.001 as follows:

(1) In (a) strike "11" and replace with "13";

(2) In (a)(2) strike "two members who are county judges or commissioners" and insert "three members who are members of a county commissioners court";

(3) In (a)(9) strike "two" and insert "three";

(4) Insert new subsection (e) to read as follows;

(2)(e) The governor shall make appointments to the board for members designated by subsections (a)(1) thru (a)(6) so that no two of those members hold office in the same county or judicial district.

#### **Floor Amendment No. 2**

Amend **CSSB 653** on page 20, lines 16 through 18, by striking the existing subsection (h) and inserting the following:

(h) The presiding officer or a member of the board may administer an oath to a witness in attendance before the department or before an authorized representative of the department.

#### **Floor Amendment No. 4**

Amend **CSSB 653** in SECTION 1.007 of the bill, by striking amended Section 244.001 (page 108, line 26 through page 109, line 21) and substituting the following:

Sec. 244.001 [~~61.071~~]. INITIAL EXAMINATION. (a) The department [~~commission~~] shall examine and make a study of each child committed to it within three business days [~~as soon as possible~~] after commitment. The study shall be made according to rules established by the board [~~commission~~] and shall include:

- (1) long-term and specialized treatment planning for the child; [~~and~~]
- (2) consideration of the child's:
  - (A) medical history; [s]
  - (B) substance abuse; [~~and~~]
  - (C) treatment history; [~~including the child's~~]
  - (D) psychiatric history; [~~and substance abuse history~~]
  - (E) sex offender history; and
  - (F) violent offense history; and

(3) as soon as possible develop a written treatment plan for the child which outlines the specialized treatments needs identified by the study described by this subsection, makes recommendations for meeting the child's specialized treatment needs, and makes an individually tailored statement of treatment goals, objectives and timelines.

(b) For a child for whom a minimum length of stay is established under Section 243.002 [~~61.062~~] of one year or longer, the initial examination must include a comprehensive psychiatric evaluation unless the department had received the results of a comprehensive evaluation of the child conducted not more than 90 days before the date of the initial examination.

(c) The department [~~commission~~] shall administer comprehensive psychological assessments to a child as part of the child's initial examination, including assessments designed to identify whether a child is in need of a psychiatric evaluation. If the results of a child's psychological assessments indicate that the child is in need of a psychiatric evaluation, the department [~~commission~~] shall as soon as practicable conduct a psychiatric evaluation of the child.

(d) The board shall establish rules for the periodic review and re-evaluation of the written treatment plan as described by Subsection (a)(3) of this Section.

**Floor Amendment No. 5**

Amend **CSSB 653** as follows:

Page 8, line 24, strike "20,000" and insert "80,000."

Page 9, Line 1, strike "20,000" and insert "80,000."

Page 22, Line 13, strike "20,000" and insert "80,000."

Page 22, Line 17, strike "20,000" and insert "80,000."

**Floor Amendment No. 6**

Amend **CSSB 653** on page 12, line 16, after the word "authority." by inserting "The Chief Juvenile Probation Officer may not vote or render any decisions regarding matters of abuse and neglect presented to the board regarding the Chief Juvenile Probation Officers' department."

**Floor Amendment No. 8**

Amend **CSSB 653** on page 26, lines 16 after "year." Insert the following, "The department shall share the complaints received on the toll-free number with the OIG and the office of the ombudsman."

**Floor Amendment No. 10**

Amend **CSSB 653** (house committee printing), on page 39, in section 221.009, by adding the following appropriately numbered section:

( ) Make a best effort to provide a quantifiable indication of the effect of the programs and services on the outcomes for youths, public safety, and victims providing these benchmarks be updated regularly, made publicly available online and considered by the department in determining funding levels for programs and services.

**Floor Amendment No. 11**

Amend Floor Amendment No. 10 by Parker to **CSSB 653** by striking all below the floor amendment heading and substituting the following:

Amend **CSSB 653** (house committee printing) in SECTION 1.004 of the bill as follows:

(1) In proposed Section 221.009, Human Resources Code (page 39, line 20), between "(b)" and "~~In addition~~", insert the following:

The board shall make its best effort to develop regularly updated performance measures of the effectiveness of programs and services on outcomes for youths, public safety, and victims, make those measures publicly available online, and use those measures in determining funding levels for programs and services

(2) In proposed Section 221.009, Human Resources Code (page 39, line 25), strike "~~youth~~" and substitute "~~youth~~".

(3) In proposed Section 221.009, Human Resources Code (page 39, line 26), strike "~~(e)~~" and substitute "(c)".

**Floor Amendment No. 13**

Amend **CSSB 653** (house committee printing) as follows:

(1) On page 32, line 4, between the period and "The" insert "(a)".

(2) On page 32, between lines 10 and 11, insert the following:

(b) The department shall encourage compliance with educational service standards and rights prescribed by state or federal law by:

(1) facilitating interagency coordination and collaboration among juvenile probation departments, school districts, and the Texas Education Agency; and

(2) developing and supporting a plan to ensure continuity of educational services to juvenile offenders, including special educational services for juveniles with disabilities.

#### **Floor Amendment No. 14**

Amend Floor Amendment No. 13 by Allen to **CSSB 653**, on page 1, after line 16, by adding the following:

(3) On page 17, between lines 16 and 17, insert the following:

Sec. 203.0065. PREVENTION AND INTERVENTION SERVICES. (a) In this section, "prevention and intervention services" means programs and services intended to prevent or intervene in at-risk behaviors that lead to delinquency, truancy, dropping out of school, or referral to the juvenile justice system.

(b) The department shall provide prevention and intervention services for:

(1) at-risk youth who are 6 years of age or older and younger than 18 years of age and who are:

(A) subject to compulsory school attendance under the Texas Education Code; or

(B) under the jurisdiction of the juvenile court; and

(2) the family of an at-risk youth described by Subdivision (1).

(c) The prevention and intervention services provided under Subsection (b) must:

(1) consolidate prevention and intervention services within the department to avoid fragmentation and duplication of programs and services; and

(2) increase accountability for the delivery and administration of the programs and services.

(d) The department shall, to the extent funds are available:

(1) plan, develop, and administer a comprehensive and unified statewide delivery system of the prevention and intervention services to at-risk youth and their families;

(2) improve the efficiency and responsiveness of prevention and intervention services by facilitating greater coordination and flexibility in the use of funds by state and local service providers;

(3) ensure program effectiveness by funding evidence or research-based programs;

(4) provide accountability for the provision of services in order to demonstrate the impact or public benefit of a program by adopting outcomes measures;

(5) assist local communities in the coordination and development of prevention and intervention services in order to maximize access to federal, state, and local resources; and

(6) provide funding for prevention and intervention services through a competitive process to entities, including private service providers, local juvenile boards, municipal and justice courts, schools, and non-profit organizations.

(e) The department may seek, through a competitive process, an independent services provider with demonstrated experience in administration of similar statewide projects in Texas, to effectively and efficiently provide prevention and intervention services and implement the duties under Subsection (d).

(f) The department shall periodically evaluate the continued effectiveness of prevention and intervention services provided under this section.

#### **Floor Amendment No. 15**

Amend **CSSB 653** in SUBTITLE D, SECTION 1.010 of the bill by adding the following appropriately numbered Section to read as follows:

Sec. \_\_\_\_\_. **REPORT TO INDEPENDENT OMBUDSMAN.** (a) A local juvenile probation department shall submit a report on a monthly basis to the independent ombudsman of the department describing the complaints received by the local juvenile probation department relating to youth served by the local juvenile probation department.

(b) The board by rule shall establish the procedures for submitting the report to the independent ombudsman and the requirements for the report, including the types of information in the report.

#### **Floor Amendment No. 16**

Amend Floor Amendment No. 1 by Madden to **CSSB 653**, by striking all below the floor amendment heading and substituting the following:

Amend **CSSB 653** (house committee printing) as follows:

(1) On page 8, line 12, strike "11" and substitute "13".

(2) On page 8, strike lines 16-17, and substitute "(2) three members who are members of a county commissioners court;".

(3) On page 9, line 7, strike "two" and substitute "three".

(4) On page 9, line 9, strike "three or four" and substitute "four or five".

(5) On page 9, between lines 16 and 17, insert the following:

(e) A member appointed under Subsections (a)(1)-(6) may not hold office in the same county or judicial district as another member appointed under those subsections.

(6) On page 190, line 27, strike "three" and substitute "five".

#### **Floor Amendment No. 1 on Third Reading**

Amend **CSSB 653** on third reading as follows:

(1) In the SECTION of the bill redesignating and amending Section 246.004, Human Resources Code, in Subsection (c), strike "subchapter" and substitute "chapter [subchapter]".

(2) In the SECTION of the bill redesignating and amending Section 261.101, Human Resources Code, in Subsection (a)(11), between "local" and "probation", insert "juvenile".

#### **Floor Amendment No. 2 on Third Reading**

Amend SECTION 1.004 of **CSSB 653** (house committee substitute) as follows, beginning at line 11 on page 30 (as stated in the House Committee Report printing of C.S.H.B. 1915):

Sec. 221.003(c), Human Resources Code, is amended to read as follows:

(c) ~~(e)~~ Any statement made by a child and any mental health data obtained from the child during the administration of the mental health screening instrument or the initial risk and needs assessment instruments under this section is not admissible against the child at any other hearing. The person administering the mental health screening instrument or initial risk and needs assessment instruments shall inform the child that any statement made by the child and any mental health data obtained from the child during the administration of the instrument is not admissible against the child at any other hearing.

#### **Floor Amendment No. 4 on Third Reading**

Amend **CSSB 653** on third reading as follows:

(1) Strike the Section of the bill added by Floor Amendment No. 15 by Veasey (Report to Independent Ombudsman).

(2) In the SECTION of the bill adding Section 203.010, Human Resources Code, after proposed Subsection (c), insert the following:

Sec. \_\_\_\_ . Any data compiled by a local juvenile probation department related to abuse, neglect, or exploitation of youth, or to complaints regarding juvenile probation programs, that is required by this Chapter or by any rule to be reported to the department or local juvenile probation board shall be provided to the Office of the Independent Ombudsman.

The amendments were read.

Senator Whitmire moved to concur in the House amendments to **SB 653**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1198 ON SECOND READING**

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1198** at this time on its second reading:

**CSSB 1198**, Relating to decedents' estates.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1198 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1198** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.



### Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1198**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1198** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### COMMITTEE SUBSTITUTE HOUSE BILL 2035 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2035** at this time on its second reading:

**CSHB 2035**, Relating to the temporary relocation of an alcoholic beverage distributor's or wholesaler's premises during a period of emergency and delivery of alcoholic beverages to a distributor's or wholesaler's premises.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSHB 2035** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 41.01(c)(3), Alcoholic Beverage Code (page 1, lines 27-28), strike "and the actual shipping costs paid by the consignor".

(2) In SECTION 2 of the bill, in added Section 107.02(a-1)(3), Alcoholic Beverage Code (page 1, lines 40-41), strike "and the actual shipping costs paid by the consignor".

(3) In SECTION 3 of the bill, in added Section 109.62(e), Alcoholic Beverage Code (page 2, line 17), strike "an area assigned" and substitute "the area assigned".

The amendment to **CSHB 2035** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Jackson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 2035** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2035 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2035** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSHB 2035**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSHB 2035** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1532 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1532** at this time on its second reading:

**CSSB 1532**, Relating to a photograph on a personal identification certificate, driver's license, or commercial driver's license.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1532 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1532** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1532**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1532** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1909 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1909** at this time on its second reading:

**CSSB 1909**, Relating to The University of Texas at Brownsville, including its partnership agreement with the Texas Southmost College District.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1909** (senate committee printing) in SECTION 2 of the bill, in amended Section 78.03(a), Education Code (page 1, lines 31-32), by striking "These degree programs should also meet the requirements of the area for economic development".

The amendment to **CSSB 1909** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1909** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

### **COMMITTEE SUBSTITUTE SENATE BILL 1909 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1909** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1909**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1909** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **HOUSE BILL 2561 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2561** at this time on its second reading:

**HB 2561**, Relating to the definition of "school year" for purposes of the Teacher Retirement System of Texas.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 2561 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2561** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **HB 2561**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 2561** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

### **WENTWORTH**

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 1789 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1789** at this time on its second reading:

**SB 1789**, Relating to platting requirements affecting subdivision golf courses in certain counties.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**SENATE BILL 1789 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1789** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1789**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1789** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1875 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1875** at this time on its second reading:

**CSSB 1875**, Relating to the governing body and the powers of the Agua Special Utility District.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1875 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1875** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1875**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1875** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **COMMITTEE SUBSTITUTE SENATE BILL 1120 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1120** at this time on its second reading:

**CSSB 1120**, Relating to the exemption from taxation of property of a local government corporation.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

### **COMMITTEE SUBSTITUTE SENATE BILL 1120 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1120** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1120**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1120** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### COMMITTEE SUBSTITUTE SENATE BILL 1636 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1636** at this time on its second reading:

**CSSB 1636**, Relating to the collection, analysis, and preservation of sexual assault or DNA evidence.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 1636** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in proposed Section 420.003(1-a), Government Code (page 1, line 29), strike "or" and substitute "and".

(2) In SECTION 2 of the bill, in proposed Section 420.003(1-a), Government Code (page 1, line 30), strike "a sexual assault" and substitute "the assault".

(3) In SECTION 2 of the bill, in proposed Section 420.003(1-a), Government Code (page 1, line 31), strike "a law enforcement agency" and substitute "the agency".



(4) In SECTION 5 of the bill, in proposed Section 420.042, Government Code (page 2, line 9), strike "10th" and substitute "30th".

(5) In SECTION 14 of the bill, page 4, line 55, strike "and".

(6) In SECTION 14 of the bill, on page 4, lines 56 through 59, strike Subsection (a)(2) and substitute the following:

(2) not later than April 1, 2012, and subject to the availability of laboratory storage space, submit, as appropriate, to the Department of Public Safety of the State of Texas or a public accredited crime laboratory, as defined by Section 420.003, Government Code, as amended by this Act, all sexual assault evidence pertaining to those active criminal cases that has not yet been submitted for laboratory analysis; and

(3) if the law enforcement agency submits evidence under Subdivision (2) of this subsection to a laboratory other than a Department of Public Safety of the State of Texas laboratory, notify the department of:

(A) the laboratory to which the evidence was sent; and

(B) any analysis completed by the laboratory to which the evidence was sent and the date on which the analysis was completed.

(7) In SECTION 14 of the bill, on page 4, line 67, strike "to the department".

(8) In SECTION 14 of the bill, on page 5, between lines 15 and 16, insert the following:

(d) Notwithstanding Subsection (c) of this section, the Department of Public Safety of the State of Texas is not required to use under this section in a state fiscal year any amount of money from the state highway fund that exceeds the amount the department has historically used in a state fiscal year to fund laboratory analyses of sexual assault evidence under Chapter 420, Government Code, as amended by this Act. To supplement funding of those analyses, the department may solicit and receive grants, gifts, or appropriations of money from the federal government, the state legislature, or private sources as described by that section.

(9) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The Department of Public Safety of the State of Texas is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement this Act using other appropriations for that purpose.

The amendment to **CSSB 1636** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1636** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1636 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1636** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1636**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1636** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 956 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 956** at this time on its second reading:

**CSSB 956**, Relating to the creation of the Northern Dallam County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 956** (senate committee printing) as follows:

(1) In SECTION 1, SUBCHAPTER D of the bill, after added section 8853.151(b) (page \_\_, line \_\_) insert the following:

8853.151(c) AD VALOREM TAX RATE. The district may not impose ad valorem taxes at a rate that exceeds 1.5 cents on each \$100 valuation of taxable property in the district.

The amendment to **CSSB 956** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 956** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

### **COMMITTEE SUBSTITUTE SENATE BILL 956 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 956** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 956**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 956** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 1731 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1731** at this time on its second reading:

**SB 1731**, Relating to requiring public junior colleges to offer an academic associate degree program.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

### **SENATE BILL 1731 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1731** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1731**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1731** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **COMMITTEE SUBSTITUTE SENATE BILL 1743 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1743** at this time on its second reading:

**CSSB 1743**, Relating to access by members of certain electric cooperatives to meetings of the boards of directors and certain information of the electric cooperatives.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1743 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1743** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1743**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1743** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1742 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSSB 1742** at this time on its second reading:

**CSSB 1742**, Relating to the operation of plug-in electric motor vehicles.

The motion prevailed.

Senator Ellis asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1742**, in SECTION 1 of the bill, in proposed Section 224.153(e), Transportation Code (Committee Printing, page 1, line 18), by striking "impair the receipt of federal funds" and substituting "violate federal transit or highway funding restrictions".

The amendment to **CSSB 1742** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Present-not voting: Ellis.

On motion of Senator Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1742** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar.

Present-not voting: Ellis.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1742 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1742** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2, Present-not voting 1.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Wentworth.

Present-not voting: Ellis.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1742**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has

already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1742** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

#### WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar.

Present-not voting: Ellis.

#### STATEMENT OF LEGISLATIVE INTENT

Senators Williams and Fraser submitted the following statement of legislative intent for **CSSB 1742**:

**Senator Williams:** Senator Fraser, from remarks and testimony in committee, I would like to confirm that this bill is not intended to prohibit the state or a local government from operating high occupancy transit or managed lanes under federal and state regulations.

**Senator Fraser:** That is correct.

WILLIAMS

FRASER

#### COMMITTEE SUBSTITUTE SENATE BILL 1032 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1032** at this time on its second reading:

**CSSB 1032**, Relating to the licensure and regulation of equine dental providers; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1032 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1032** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1032**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1032** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 546 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 546** at this time on its second reading:

**CSSB 546**, Relating to the dispensing of certain drugs by physicians.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Ellis, Eltife, Estes, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Watson, West, Whitmire, Zaffirini.

Nays: Davis, Duncan, Fraser, Gallegos, Hinojosa, Shapiro, Uresti, Van de Putte, Wentworth, Williams.

The bill was read second time and was passed to engrossment by the following vote: Yeas 17, Nays 14.



Yeas: Birdwell, Deuell, Ellis, Eltife, Estes, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, West, Zaffirini.

Nays: Carona, Davis, Duncan, Fraser, Gallegos, Hinojosa, Lucio, Shapiro, Uresti, Van de Putte, Watson, Wentworth, Whitmire, Williams.

### **ACKNOWLEDGMENT**

The Presiding Officer, Senator Eltife in Chair, acknowledged the presence of Governor Rick Perry.

The Senate welcomed its guest.

### **COMMITTEE SUBSTITUTE SENATE BILL 1882 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1882** at this time on its second reading:

**CSSB 1882**, Relating to the creation of Harris County Improvement District No. 22; providing authority to levy an assessment, impose a tax, and issue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

### **COMMITTEE SUBSTITUTE SENATE BILL 1882 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1882** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1882**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1882** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

#### WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **BILLS AND RESOLUTIONS SIGNED**

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**SB 257, SB 360, SB 396, SB 398, SB 410, SB 428, SB 483, SB 934, SB 1086, SB 1147, SB 1258, SB 1269, HB 905, HB 1808, HCR 9, HCR 104, HCR 105, HCR 106, HCR 107, HCR 108, HCR 111, HCR 112, HCR 113.**

**(President in Chair)**

#### **COMMITTEE SUBSTITUTE SENATE BILL 570 ON SECOND READING**

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 570** at this time on its second reading:

**CSSB 570**, Relating to beginning teacher induction and mentoring programs for public schools.

The motion prevailed.

Senator Birdwell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell.

#### **COMMITTEE SUBSTITUTE SENATE BILL 570 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 570** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 570**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 570** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Birdwell.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1579 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1579** at this time on its second reading:

**CSSB 1579**, Relating to state fiscal matters related to general government.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Harris, Jackson.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1579** (Senate committee printing) in ARTICLE 9 of the bill as follows:

(1) In SECTION 9.01 of the article, in amended Section 305.005(c)(1), Government Code (page 5, lines 55 and 56), strike "an amount prescribed by the General Appropriations Act of not more than \$200 and not less than \$100" and substitute "\$150 [~~\$100~~"].

(2) In SECTION 9.01 of the article, in amended Section 305.005(c)(2), Government Code (page 5, lines 59 and 60), strike "an amount prescribed by the General Appropriations Act of not more than \$100 and not less than \$50" and substitute "\$75 [~~\$50~~]".

(3) In SECTION 9.01 of the article, in amended Section 305.005(c)(3), Government Code (page 5, lines 63 and 64), strike "an amount prescribed by the General Appropriations Act of not more than \$1,000 and not less than \$500" and substitute "\$750 [~~\$500~~]".

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

Senator Ogden offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 1579** (senate committee printing) in ARTICLE 10 of the bill as follows:

(1) In the heading to ARTICLE 10 (page 5, line 66) strike "FEE" and substitute "PREMIUM DIFFERENTIAL".

(2) Strike added Section 1551.3075, Insurance Code (page 6, lines 1-12) and substitute the following:

Sec. 1551.3075. TOBACCO USER PREMIUM DIFFERENTIAL. (a) The board of trustees shall assess each participant in a health benefit plan provided under the group benefits program who uses one or more tobacco products a tobacco user premium differential, to be paid in monthly installments. Except as provided by Subsection (b), the board of trustees shall determine the amount of the monthly installments of the premium differential.

(b) If the General Appropriations Act for a state fiscal biennium sets the amount of the monthly installments of the tobacco user premium differential for that biennium, the board of trustees shall assess the premium differential during that biennium in the amount prescribed by the General Appropriations Act.

(3) In SECTION 10.02 of the bill, in added Section 1551.314(2), Insurance Code (page 6, line 22) strike "fee" and substitute "premium differential".

(4) In SECTION 10.03 of the bill (page 6, line 25) strike "fee" and substitute "premium differential".

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

Senator Ogden offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 1579** (Senate committee printing) in ARTICLE 12 of the bill as follows:

(1) In SECTION 12.01 of the article, in added Section 403.105(b-1), Government Code (page 13, lines 10 through 11), strike "The legislature may appropriate money in the fund, including the available earnings" and substitute "Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings".

(2) In SECTION 12.02 of the article, in added Section 403.1055(b-1), Government Code (page 13, lines 23 through 24), strike "The legislature may appropriate money in the fund, including the available earnings" and substitute "Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings".

(3) In SECTION 12.03 of the article, in added Section 403.106(b-1), Government Code (page 13, lines 36 through 37), strike "The legislature may appropriate money in the fund, including the available earnings" and substitute "Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings".

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

Senator Nichols offered the following amendment to the bill:

#### **Floor Amendment No. 4**

Amend **CSSB 1579** (senate committee printing) in SECTION 4.04 of the bill, by striking amended Section 371.051, Transportation Code (page 3, lines 8 through 23), and substituting the following:

Sec. 371.051. ATTORNEY GENERAL REVIEW AND EXAMINATION FEE.

(a) A toll project entity may not enter into a comprehensive development agreement unless the attorney general reviews the proposed agreement and determines that it is legally sufficient.

(b) A toll project entity shall pay a nonrefundable examination fee to the attorney general on submitting a proposed comprehensive development agreement for review. At the time the examination fee is paid, the toll project entity shall also submit for review a complete transcript of proceedings related to the comprehensive development agreement.

(c) If the toll project entity submits multiple proposed comprehensive development agreements relating to the same toll project for review, the entity shall pay the examination fee under Subsection (b) for each proposed comprehensive development agreement.

(d) The attorney general shall provide a legal sufficiency determination not later than the 60th business day after the date the examination fee and transcript of the proceedings required under Subsection (b) are received. If the attorney general cannot

provide a legal sufficiency determination within the 60-business-day period, the attorney general shall notify the toll project entity in writing of the reason for the delay and may extend the review period for not more than 30 business days.

(e) After the attorney general issues a legal sufficiency determination, a toll project entity may supplement the transcript of proceedings or amend the comprehensive development agreement to facilitate a redetermination by the attorney general of the prior legal sufficiency determination issued under this section.

(f) The toll project entity may collect or seek reimbursement of the examination fee under Subsection (b) from the private participant.

(g) The attorney general by rule shall set the examination fee required under Subsection (b) in a reasonable amount and may adopt other rules as necessary to implement this section. The fee may not be set in an amount that is determined by a percentage of the cost of the toll project. The amount of the fee may not exceed reasonable attorney's fees charged for similar legal services in the private sector.

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Nays: Birdwell, Fraser, Harris, Nichols.

Senator Wentworth offered the following amendment to the bill:

#### **Floor Amendment No. 5**

Amend **CSSB 1579** (senate committee printing) by striking ARTICLE 8 of the bill (page 5, lines 32 through 49) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

The amendment to **CSSB 1579** was read and was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, Wentworth, Whitmire, Williams, Zaffirini.

Nays: Duncan, Hegar, Van de Putte, West.

Senator Estes offered the following amendment to the bill:

#### **Floor Amendment No. 6**

Amend **CSSB 1579** (senate committee printing) in ARTICLE 8 of the bill, after SECTION 8.02 (page 5, between lines 49 and 50), by inserting the following appropriately numbered SECTIONS:

SECTION 8.\_\_. Section 81.113, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The state bar shall credit an attorney licensed in this state with meeting the minimum continuing legal education requirements of the state bar for a reporting year if during the reporting year the attorney is employed full-time as an attorney by the office of the attorney general. An attorney credited for continuing legal education

under this subsection must meet the continuing legal education requirements of the state bar in legal ethics or professional responsibility. This subsection expires January 1, 2016.

SECTION 8. \_\_. Subchapter A, Chapter 402, Government Code, is amended by adding Section 402.010 to read as follows:

Sec. 402.010. CONTINUING LEGAL EDUCATION PROGRAMS. The office of the attorney general shall recognize, prepare, or administer continuing legal education programs that meet continuing legal education requirements imposed under Section 81.113(c) for the attorneys employed by the office. This section expires January 1, 2016.

SECTION 8. \_\_. Section 81.113, Government Code, as amended by this article, applies only to the requirements for a continuing legal education compliance year that ends on or after September 1, 2011. The requirements for continuing legal education for a compliance year that ends before September 1, 2011, are covered by the law and rules in effect when the compliance year ended, and that law and those rules are continued in effect for that purpose.

The amendment to **CSSB 1579** was read.

Senator Duncan offered the following amendment to Floor Amendment No. 6:

#### **Floor Amendment No. 7**

Amend Floor Amendment No. 6 by Estes to **CSSB 1579** as follows:

(1) In proposed SECTION 8. \_\_ of the amendment (page 1, line 15), strike "2016" and substitute "2014".

(2) In proposed SECTION 8. \_\_ of the amendment (page 1, line 23), strike "2016" and substitute "2014".

The amendment to Floor Amendment No. 6 to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 7.

Question recurring on the adoption of Floor Amendment No. 6 as amended to **CSSB 1579**, the amendment was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, Nichols, Watson, Wentworth.

Senator Hinojosa offered the following amendment to the bill:

#### **Floor Amendment No. 8**

Amend **CSSB 1579** (senate committee printing) by striking ARTICLE 11 of the bill (page 6, line 28, through page 13, line 2) and substituting the following:

ARTICLE 11. REGIONAL POISON CONTROL CENTER MANAGEMENT  
CONTROLS AND EFFICIENCY

SECTION 11.01. Section 777.001, Health and Safety Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The following medical facilities may be [Six regional centers for poison control are] designated by the Commission on State Emergency Communications as the regional poison control centers for the state [as follows]:

- (1) The University of Texas Medical Branch at Galveston;
- (2) the Dallas County Hospital District/North Texas Poison Center;
- (3) The University of Texas Health Science Center at San Antonio;
- (4) the University Medical Center of El Paso, El Paso County Hospital

District;

- (5) the Texas Tech University Health Sciences Center at Amarillo; and
- (6) Scott and White Memorial Hospital, Temple, Texas.

(c) The Commission on State Emergency Communications may standardize the operations of and implement management controls to improve the efficiency of regional poison control centers [vote to designate a seventh regional or satellite poison control center in Harris County. That poison control center is subject to all provisions of this chapter and other law relating to regional poison control centers].

(d) If the commission implements management controls under Subsection (c), the commission shall submit to the governor and the Legislative Budget Board a plan for implementing the controls not later than October 31, 2011. This subsection expires January 1, 2013.

SECTION 11.02. Section 777.008(b), Health and Safety Code, is amended to read as follows:

(b) The committee is composed of:

(1) one public member appointed by the Commission on State Emergency Communications;

(2) one member [six members who represent the six regional poison control centers, one] appointed by the chief executive officer of each designated regional poison control center to represent that center;

(3) one member appointed by the commissioner of the Department of State Health Services; and

(4) one member who is a health care professional designated as the poison control program coordinator appointed by the Commission on State Emergency Communications.

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8 except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.



Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 9**

Amend **CSSB 1579**, in SECTION 13.01, Section 481.078 Government Code (Committee Printing page 13, between lines 62 and 63), add a new Subsection (d-2) to read as follows:

(d-2) The fund may be used for the Jobs and Education for Texans Fund established under Chapter 403 Government Code. Subsections (e-1), (f), (g), (h), (i), and (j) and Section 481.080 do not apply to a grant awarded for a purpose specified by this subsection.

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 9 except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 10**

Amend **CSSB 1579** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 1. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.0526 to read as follows:

Sec. 2054.0526. SOFTWARE DEVELOPMENT, HOSTING, AND MANAGEMENT. (a) In this section, "state agency" means a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section 61.003, Education Code.

(b) The department shall:

(1) provide for the coordinated development, hosting, and management of computer software for state agencies; and

(2) develop and implement a comprehensive plan for the coordinated development, hosting, and management systems of software used by state agencies that eliminates duplicative responsibilities with respect to software development, hosting, and management.

SECTION 2. This Act takes effect September 1, 2011.

The amendment to **CSSB 1579** was read.

Senator Lucio temporarily withdrew Floor Amendment No. 10.

Senator Patrick offered the following amendment to the bill:

**Floor Amendment No. 11**

Amend **CSSB 1579** in SECTION 7.01 of the bill (page 5, line 28) by inserting the following after the period:

"A fee assessed under this subsection may not exceed a total amount of \$1,000."

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 11.

Senator Lucio again offered the following amendment to the bill:

### **Floor Amendment No. 10**

Amend **CSSB 1579** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 1. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.0526 to read as follows:

Sec. 2054.0526. SOFTWARE DEVELOPMENT, HOSTING, AND MANAGEMENT. (a) In this section, "state agency" means a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section 61.003, Education Code.

(b) The department shall:

(1) provide for the coordinated development, hosting, and management of computer software for state agencies; and

(2) develop and implement a comprehensive plan for the coordinated development, hosting, and management systems of software used by state agencies that eliminates duplicative responsibilities with respect to software development, hosting, and management.

SECTION 2. This Act takes effect September 1, 2011.

The amendment to **CSSB 1579** was again read.

Senator Lucio withdrew Floor Amendment No. 10.

Senator Ogden offered the following amendment to the bill:

### **Floor Amendment No. 12**

Amend **CSSB 1579** (senate committee printing) by striking ARTICLE 1 of the bill (page 1, lines 11 through 38) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 12 except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1579** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1579 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1579** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Harris, Jackson, Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1579**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1579** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

**WENTWORTH**

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Harris, Jackson.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1583 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1583** at this time on its second reading:

**CSSB 1583**, Relating to state fiscal matters.

The motion prevailed.

Senators Birdwell, Carona, Fraser, Jackson, Nelson, and Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1583** as follows:

(1) In SECTION 4.01 of the bill, (page 2, immediately following line 69), insert the following:

(f) Subsection (e) of this Section expires on September 1, 2013, at which time the fees in Subsection (b) shall revert to the amount assessed immediately before September 1, 2011.

The amendment to **CSSB 1583** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Jackson.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1583** (senate committee printing) by striking ARTICLE 1 of the bill (page 1, lines 11 through 38) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

The amendment to **CSSB 1583** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Nays: Jackson.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1583** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Carona, Fraser, Jackson, Nelson, Nichols.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1583 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1583** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Lucio, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Fraser, Jackson, Nelson, Nichols.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1584 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1584** at this time on its second reading:

**CSSB 1584**, Relating to state fiscal matters related to natural resources and the environment.

The motion prevailed.

Senators Fraser and Jackson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1584** (senate committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 6 of the bill and renumbering subsequent SECTIONS of ARTICLE 6 of the bill accordingly:

SECTION 6. \_\_. The heading to Section 121.211, Utilities Code, is amended to read as follows:

Sec. 121.211. PIPELINE SAFETY AND REGULATORY FEES.

SECTION 6. \_\_. Sections 121.211(a), (b), (c), (d), (e), and (h), Utilities Code, are amended to read as follows:

(a) The railroad commission by rule may adopt a ~~an inspection~~ fee to be assessed annually against operators of natural gas distribution pipelines and their pipeline facilities and natural gas master metered pipelines and their pipeline facilities subject to this title ~~chapter~~.

(b) The railroad commission by rule shall establish the method by which the fee will be calculated and assessed. In adopting a fee structure, the railroad commission may consider any factors necessary to provide for the equitable allocation among operators of the costs of administering the railroad commission's pipeline safety and regulatory program under this title ~~chapter~~.

(c) The total amount of fees estimated to be collected under rules adopted by the railroad commission under this section may not exceed the amount estimated by the railroad commission to be necessary to recover the costs of administering the railroad commission's pipeline safety and regulatory program under this title ~~chapter~~, excluding costs that are fully funded by federal sources.

(d) The commission may assess each operator of a natural gas distribution system subject to this title ~~[chapter]~~ an annual ~~[inspection]~~ fee not to exceed one dollar for each service line reported by the system on the Distribution Annual Report, Form RSPA F7100.1-1, due on March 15 of each year. The fee is due March 15 of each year.

(e) The railroad commission may assess each operator of a natural gas master metered system subject to this title ~~[chapter]~~ an annual ~~[inspection]~~ fee not to exceed \$100 for each master metered system. The fee is due June 30 of each year.

(h) A fee collected under this section shall be deposited to the credit of the general revenue fund to be used for the pipeline safety and regulatory program.

The amendment to **CSSB 1584** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Seliger offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 1584** as follows:

(1) In ARTICLE 6, SECTION 6.02 of the bill, in added section 81.070, Natural Resources Code, (page 12, line 27), insert:

(f) A surcharge collected under this section shall not exceed an amount equal to 185 percent of the fee on which it is imposed."

The amendment to **CSSB 1584** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Ellis offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 1584** (senate committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_\_\_ . TEMPORARY EXEMPTION OR TAX REDUCTION FOR  
CERTAIN HIGH-COST GAS

SECTION \_\_\_\_ .01. Section 201.057(f), Tax Code, is amended to read as follows:

(f) To qualify for the exemption or tax reduction provided by this section, the person responsible for paying the tax must apply to the comptroller. Notwithstanding any other provision of this section, the application must be filed with the comptroller before September 1, 2011. The application must contain the certification of the commission that the well produces high-cost gas and, if the application is for a well spudded or completed after September 1, 1995, must contain a report of drilling and completion costs incurred for each well on a form and in the detail as determined by the comptroller. Drilling and completion costs for a recompletion shall only include current and contemporaneous costs associated with the recompletion. Notwithstanding any other provision of this section, to obtain the maximum tax exemption or tax deduction, an application to the comptroller for certification

according to Subsection (a)(2)(A) must be filed with the comptroller before September 1, 2011, and at the later of the 180th day after the date of first production or the 45th day after the date of approval by the commission. If the application is not filed by the applicable deadline to obtain the maximum tax exemption or tax deduction but is filed before September 1, 2011, the tax exemption or tax deduction is reduced by 10 percent for the period beginning on the 180th day after the first day of production and ending on the date on which the application is filed with the comptroller. An application to the comptroller for certification according to Subsection (a)(2)(B) may not be filed before January 1, 1990, or after December 31, 1998. The comptroller shall approve the application of a person who demonstrates that the gas is eligible for the exemption or tax reduction. The comptroller may require a person applying for the exemption or tax reduction to provide any relevant information in the person's monthly report that the comptroller considers necessary to administer this section. The commission shall notify the comptroller in writing immediately if it determines that an oil or gas well previously certified as producing high-cost gas does not produce high-cost gas or if it takes any action or discovers any information that affects the eligibility of gas for an exemption or tax reduction under this section.

SECTION \_\_\_\_\_.02. The change in law made by this article does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

The amendment to **CSSB 1584** was read.

Senator Ellis withdrew Floor Amendment No. 3.

Senator Ogden offered the following amendment to the bill:

#### **Floor Amendment No. 4**

Amend **CSSB 1584** (senate committee printing) by striking ARTICLE 1 of the bill (page 1, lines 12 through 39) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

The amendment to **CSSB 1584** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1584** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Fraser, Jackson.

**SENATE RULE 11.10(a) SUSPENDED  
(Public Notice of Committee Meetings)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on State Affairs might meet today.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Williams and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider **SB 1572** today.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Open Government might meet and consider **SB 1826** today.

**SENATE RULE 11.10(a) SUSPENDED  
(Public Notice of Committee Meetings)**

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Veteran Affairs and Military Installations might meet today.

**SENATE RULE 11.10(a) SUSPENDED  
(Public Notice of Committee Meetings)**

On motion of Senator Jackson and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Economic Development might meet today.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet and consider the following resolutions tomorrow:

**SJR 31, SJR 47, SJR 48.**

**SENATE RULE 11.13 SUSPENDED  
(Consideration of Bills in Committees)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:03 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.



**HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

- HB 90** to Committee on Transportation and Homeland Security.
- HB 114** to Committee on Administration.
- HB 123** to Committee on Health and Human Services.
- HB 554** to Committee on Intergovernmental Relations.
- HB 557** to Committee on Transportation and Homeland Security.
- HB 592** to Committee on Jurisprudence.
- HB 633** to Committee on Criminal Justice.
- HB 1113** to Committee on Criminal Justice.
- HB 1137** to Committee on Criminal Justice.
- HB 1144** to Committee on Intergovernmental Relations.
- HB 1199** to Committee on Criminal Justice.
- HB 1253** to Committee on State Affairs.
- HB 1291** to Committee on Transportation and Homeland Security.
- HB 1314** to Committee on Jurisprudence.
- HB 1345** to Committee on Criminal Justice.
- HB 1401** to Committee on Business and Commerce.
- HB 1402** to Committee on Criminal Justice.
- HB 1615** to Committee on Health and Human Services.
- HB 1622** to Committee on Criminal Justice.
- HB 1643** to Committee on Economic Development.
- HB 1789** to Committee on State Affairs.
- HB 1805** to Committee on Education.
- HB 1830** to Committee on Jurisprudence.
- HB 1959** to Committee on Business and Commerce.
- HB 2028** to Committee on Jurisprudence.
- HB 2069** to Committee on Health and Human Services.
- HB 2189** to Committee on Agriculture and Rural Affairs.
- HB 2256** to Committee on Transportation and Homeland Security.
- HB 2265** to Committee on Intergovernmental Relations.
- HB 2280** to Committee on Natural Resources.
- HB 2310** to Committee on Jurisprudence.
- HB 2312** to Committee on Health and Human Services.
- HB 2313** to Committee on Open Government.
- HB 2370** to Committee on Health and Human Services.
- HB 2387** to Committee on Intergovernmental Relations.
- HB 2393** to Committee on Business and Commerce.
- HB 2422** to Committee on Jurisprudence.
- HB 2471** to Committee on Agriculture and Rural Affairs.
- HB 2490** to Committee on Business and Commerce.
- HB 2516** to Committee on Intergovernmental Relations.
- HB 2519** to Committee on Transportation and Homeland Security.
- HB 2599** to Committee on Finance.
- HB 2608** to Committee on Government Organization.

**HB 2628** to Committee on Transportation and Homeland Security.  
**HB 2630** to Committee on Higher Education.  
**HB 2643** to Committee on Business and Commerce.  
**HB 2711** to Committee on Criminal Justice.  
**HB 2727** to Committee on Business and Commerce.  
**HB 2758** to Committee on Higher Education.  
**HB 2770** to Committee on Transportation and Homeland Security.  
**HB 2790** to Committee on Transportation and Homeland Security.  
**HB 2847** to Committee on Criminal Justice.  
**HB 2851** to Committee on Veteran Affairs and Military Installations.  
**HB 2853** to Committee on Economic Development.  
**HB 2911** to Committee on Higher Education.  
**HB 2978** to Committee on Open Government.  
**HB 2981** to Committee on Transportation and Homeland Security.  
**HB 2999** to Committee on Higher Education.  
**HB 3033** to Committee on State Affairs.  
**HB 3076** to Committee on Intergovernmental Relations.  
**HB 3093** to Committee on State Affairs.  
**HB 3099** to Committee on Transportation and Homeland Security.  
**HB 3146** to Committee on Health and Human Services.  
**HB 3179** to Committee on Veteran Affairs and Military Installations.  
**HB 3207** to Committee on Health and Human Services.  
**HB 3246** to Committee on Intergovernmental Relations.  
**HB 3270** to Committee on State Affairs.  
**HB 3307** to Committee on Open Government.  
**HB 3309** to Committee on Transportation and Homeland Security.  
**HB 3342** to Committee on Health and Human Services.  
**HB 3384** to Committee on Criminal Justice.  
**HB 3409** to Committee on State Affairs.  
**HB 3478** to Committee on Criminal Justice.  
**HB 3547** to Committee on Health and Human Services.  
**HB 3570** to Committee on Business and Commerce.  
**HB 3616** to Committee on Administration.  
**HB 3674** to Committee on Jurisprudence.  
**HB 3708** to Committee on Higher Education.  
**HB 3814** to Committee on Intergovernmental Relations.  
**HB 3815** to Committee on Intergovernmental Relations.  
**HB 3818** to Committee on Natural Resources.  
**HB 3819** to Committee on Intergovernmental Relations.  
**HB 3821** to Committee on Intergovernmental Relations.  
**HB 3827** to Committee on Intergovernmental Relations.  
**HB 3828** to Committee on Intergovernmental Relations.  
**HB 3831** to Committee on Intergovernmental Relations.  
**HB 3834** to Committee on Intergovernmental Relations.  
**HB 3835** to Committee on Jurisprudence.  
**HB 3836** to Committee on Intergovernmental Relations.

**HB 3847** to Committee on Natural Resources.

**HB 3857** to Committee on Intergovernmental Relations.

**HCR 90** to Committee on Administration.

**HJR 98** to Committee on Criminal Justice.

**HJR 130** to Committee on Higher Education.

#### **CO-AUTHORS OF SENATE BILL 34**

On motion of Senator Zaffirini, Senators Deuell and Rodriguez will be shown as Co-authors of **SB 34**.

#### **CO-AUTHOR OF SENATE BILL 105**

On motion of Senator Davis, Senator Nelson will be shown as Co-author of **SB 105**.

#### **CO-AUTHORS OF SENATE BILL 1636**

On motion of Senator Davis, Senators Van de Putte, West, and Zaffirini will be shown as Co-authors of **SB 1636**.

#### **CO-AUTHOR OF SENATE BILL 1742**

On motion of Senator Fraser, Senator West will be shown as Co-author of **SB 1742**.

#### **CO-SPONSOR OF HOUSE BILL 2035**

On motion of Senator Jackson, Senator Williams will be shown as Co-sponsor of **HB 2035**.

#### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

##### **Memorial Resolution**

**SR 923** by Wentworth, In memory of George E. Freeborn of San Antonio.

##### **Congratulatory Resolutions**

**SR 922** by Wentworth, Recognizing BDI on the occasion of its 100th anniversary.

**SR 926** by Ellis, Recognizing Ruben Davis for his 15 years as constable of Precinct 2 in Fort Bend County.

**SR 927** by Eltife, Recognizing Jerry Boatner for his 30 years of service to Mount Pleasant.

##### **Official Designation Resolution**

**SR 907** by Williams, Recognizing May 5, 2011, as Helmet Safety Day.

#### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 3:10 p.m. adjourned until 10:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

May 5, 2011

REDISTRICTING — **SB 196**

INTERNATIONAL RELATIONS AND TRADE — **SB 1926**

ADMINISTRATION — **HB 11, HB 2131**

JURISPRUDENCE — **SB 1643, HB 734, HB 841, HB 994, HB 1404, HB 1889, HB 2935, HB 2936**

ECONOMIC DEVELOPMENT — **HB 479, HB 1263, HB 2785, HB 2831**

STATE AFFAIRS — **CSSB 1866**

NATURAL RESOURCES — **CSHB 2694**

GOVERNMENT ORGANIZATION — **HB 266, HB 328, HB 1861, HB 2251, HB 2866**

STATE AFFAIRS — **CSHB 1405**

TRANSPORTATION AND HOMELAND SECURITY — **SB 1610**

BUSINESS AND COMMERCE — **CSHB 2376**

HIGHER EDUCATION — **CSSB 200, HB 650, HB 2631, CSSB 1763**

EDUCATION — **HB 1130, HB 1550**

**BILLS ENGROSSED**

May 4, 2011

**SB 288, SB 346, SB 1036, SB 1184, SB 1208, SB 1404, SB 1546, SB 1564, SB 1649, SB 1664**

**BILLS AND RESOLUTIONS ENROLLED**

May 4, 2011

**SB 257, SB 360, SB 396, SB 398, SB 410, SB 428, SB 483, SB 934, SB 1086, SB 1147, SB 1258, SB 1269, SR 874, SR 878, SR 893, SR 901, SR 902, SR 908, SR 910, SR 911, SR 912, SR 913, SR 914, SR 917, SR 918, SR 919, SR 920, SR 921**

**SENT TO GOVERNOR**

May 5, 2011

**SB 257, SB 360, SB 396, SB 398, SB 410, SB 428, SB 483, SB 934, SB 1086,  
SB 1147, SB 1258, SB 1269**

