(1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2013.

Passed by the House on May 4, 2013: Yeas 106, Nays 28, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1606 on May 24, 2013: Yeas 119, Nays 26, 2 present, not voting; passed by the Senate, with amendments, on May 22, 2013: Yeas 30, Nays 1.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1279

H.B. No. 1675

AN ACT relating to the sunset review process and certain governmental entities subject to that process.

Be it enacted by the Legislature of the State of Texas:

ARTICLE 1. ENTITIES GIVEN 2015 SUNSET DATE AND CERTAIN OTHER REVIEWS

SECTION 1.01. TEXAS EDUCATION AGENCY. (a) Section 7.004, Education Code, is amended to read as follows:

Sec. 7.004. SUNSET PROVISION. The Texas Education Agency is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the agency is abolished September 1, 2015.

(b) The Sunset Advisory Commission shall limit its review of the Texas Education Agency in preparation for the work of the 84th Legislature to the appropriateness of recommendations made by the commission to the 83rd Legislature. In the commission’s report to the 84th Legislature, the commission may include any recommendations it considers appropriate. This subsection expires September 1, 2015.

(c) This section takes effect only if the 83rd Legislature, Regular Session, 2013, does not enact other legislation that becomes law and that amends Section 7.004, Education Code, to extend the sunset date of the Texas Education Agency. If the 83rd Legislature, Regular Session, 2013, enacts legislation of that kind, this section has no effect.

SECTION 1.02. REVIEW OF CONTRACTING PROCEDURES OF TEXAS EDUCATION AGENCY. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.038 to read as follows:

Sec. 39.038. SUNSET REVIEW OF CONTRACTING PROCEDURES FOR ASSESSMENT INSTRUMENTS. The Sunset Advisory Commission shall evaluate the contracting procedures used by the agency to enter into a contract with a provider to develop or administer assessment instruments required by Section 39.023 and present to the 84th Legislature a report on its evaluation and recommendations in relation to the contracting procedures. This section expires September 1, 2015.
SECTION 1.03. TEXAS FACILITIES COMMISSION. (a) Section 2152.002, Government Code, is amended to read as follows:

Sec. 2152.002. SUNSET PROVISION. The Texas Facilities Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this subtitle, except for Chapter 2170 and Section 2157.121, expires September 1, 2015 [2013].

(b) The Sunset Advisory Commission shall limit its review of the Texas Facilities Commission in preparation for the work of the 84th Legislature in Regular Session to the appropriateness of recommendations made by the commission to the 83rd Legislature. In the commission’s report to the 84th Legislature, the commission may include any recommendations it considers appropriate. This subsection expires September 1, 2015.

(c) If a conflict exists between this Act and another Act of the 83rd Legislature, Regular Session, 2013, that amends Section 2152.002, Government Code, to extend the sunset date of the Texas Facilities Commission, this Act controls without regard to the relative dates of enactment.

SECTION 1.04. UNIVERSITY INTERSCHOLASTIC LEAGUE. Section 33.083, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The University Interscholastic League is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The University Interscholastic League shall be reviewed during the period in which state agencies abolished in 2015 are reviewed. The University Interscholastic League shall pay the costs incurred by the Sunset Advisory Commission in performing the review under this subsection. The Sunset Advisory Commission shall determine the costs of the review performed under this subsection, and the University Interscholastic League shall pay the amount of those costs promptly on receipt of a statement from the Sunset Advisory Commission regarding those costs. This subsection expires September 1, 2015.

SECTION 1.05. STUDY CONCERNING SELF-DIRECTED SEMI-INDEPENDENT STATUS OF STATE AGENCIES. (a) In this section, “commission” means the Sunset Advisory Commission.

(b) The commission shall conduct a study concerning the self-directed semi-independent status of state agencies.

(c) The study must address:

(1) criteria and a process to be used in determining whether a state agency should be given self-directed semi-independent status;

(2) criteria and a process to be used in determining whether the self-directed semi-independent status of a state agency should be revoked;

(3) measures to ensure adequate state oversight of state agencies with self-directed semi-independent status;

(4) reporting requirements for state agencies with self-directed semi-independent status;

(5) procedures for a state agency with self-directed semi-independent status to contract with and to pay for services received from another state agency;

(6) procedures for reviewing a state agency’s self-directed semi-independent status as part of the agency’s sunset review;

(7) appropriations issues related to a state agency’s transition to self-directed semi-independent status;

(8) appropriations issues related to a state agency’s transition from self-directed semi-independent status to regular state agency status; and

(9) criteria to review complaint procedures and the disposition of complaints by a state agency with self-directed semi-independent status.

(d) In conducting the study, the commission shall consult with the Legislative Budget Board.

(e) At the commission’s request, a state agency shall provide information and assistance to the commission in conducting the study under this section.
(f) Not later than December 31, 2014, the commission shall submit a report on the commission's findings and recommendations to:

(1) the governor;
(2) the lieutenant governor; and
(3) each member of the legislature.

(g) This section expires September 1, 2015.

ARTICLE 2. ENTITIES GIVEN 2017 SUNSET DATE

SECTION 2.01. TEXAS DEPARTMENT OF TRANSPORTATION. Section 201.204, Transportation Code, is amended to read as follows:

Sec. 201.204. SUNSET PROVISION. The Texas Department of Transportation is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2017 [2014].

SECTION 2.02. EMPLOYEES RETIREMENT SYSTEM OF TEXAS. Subchapter A, Chapter 815, Government Code, is amended by adding Section 815.005 to read as follows:

Sec. 815.005. SUNSET PROVISION. The board of trustees of the Employees Retirement System of Texas is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2017, and every 12th year after that year, are reviewed.

SECTION 2.03. SULPHUR RIVER BASIN AUTHORITY. Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended by adding Section 1A to read as follows:

Sec. 1A. APPLICATION OF SUNSET ACT. (a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency. Unless the authority is continued in existence, the authority is abolished and this Act expires September 1, 2017.

(b) The review must assess the authority's governance, management, and operating structure and the authority's compliance with legislative requirements.

(c) The authority shall pay the costs incurred by the Sunset Advisory Commission in performing a review of the authority under this section. The Sunset Advisory Commission shall determine the costs, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the costs.

(d) If the authority is abolished, the procedures under Chapter 325, Government Code (Texas Sunset Act), relating to winding up the affairs of a state agency after its abolishment apply to the authority.

SECTION 2.04. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS. (a) Section 2306.022, Government Code, is amended to read as follows:

Sec. 2306.022. APPLICATION OF SUNSET ACT. The Texas Department of Housing and Community Affairs is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2017 [2014].

(b) The Sunset Advisory Commission shall limit its review of the Texas Department of Housing and Community Affairs in preparation for the work of the 85th Legislature in Regular Session to the appropriateness of recommendations made by the commission to the 83rd Legislature. In the commission's report to the 86th Legislature, the commission may include any recommendations it considers appropriate. This subsection expires September 1, 2017.

(c) This section takes effect only if the 83rd Legislature, Regular Session, 2013, does not enact other legislation that becomes law and that amends Section 2306.022, Government Code, to extend the sunset date of the Texas Department of Housing and Community Affairs. If the 83rd Legislature, Regular Session, 2013, enacts legislation of that kind, this section has no effect.

SECTION 2.05. RAILROAD COMMISSION OF TEXAS. Section 81.01001, Natural Resources Code, is amended to read as follows:
Sec. 81.01001. SUNSET PROVISION. (a) The Railroad Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2017 [2013].

(a-1) The review of the Railroad Commission of Texas by the Sunset Advisory Commission in preparation for the work of the 85th Legislature in Regular Session is not limited to the appropriateness of recommendations made by the Sunset Advisory Commission to the 83rd Legislature. In the Sunset Advisory Commission's report to the 85th Legislature, the Sunset Advisory Commission may include any recommendations it considers appropriate. The review must include an examination of alternative organizational structures for the Railroad Commission of Texas and alternative methods for performing the commission's responsibilities that would enable the efficient and effective accomplishment of the commission's functions. The examination must include an assessment of existing state agencies that would be able to perform the commission's functions. The review must also include an examination of methods to increase the public's role in decisions of the Railroad Commission of Texas that relate to the effect of the growth of resource extraction. The Sunset Advisory Commission may contract for assistance in performing the review, including assistance in evaluating, auditing, and forensic auditing, as the Sunset Advisory Commission determines necessary. This subsection expires September 1, 2017.

(b) The Railroad Commission of Texas shall pay the costs incurred by the Sunset Advisory Commission in performing a review of the commission under this section. The Sunset Advisory Commission shall determine the costs, and the commission shall pay the amount of those costs promptly on receipt of a statement from the Sunset Advisory Commission detailing the costs.

ARTICLE 3. ENTITIES GIVEN 2019 SUNSET DATE

SECTION 3.01. REGIONAL EDUCATION SERVICE CENTERS. Section 8.010, Education Code, is amended to read as follows:

Sec. 8.010. SUNSET PROVISION. Regional education service centers are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the centers are abolished and this chapter expires September 1, 2019 [2014].

SECTION 3.02. FINANCE COMMISSION OF TEXAS. Section 11.108, Finance Code, is amended to read as follows:

Sec. 11.108. SUNSET PROVISION. The finance commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2019 [2015].

SECTION 3.03. OFFICE OF BANKING COMMISSIONER. Section 12.109, Finance Code, is amended to read as follows:

Sec. 12.109. SUNSET PROVISION. The office of banking commissioner is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished September 1, 2019 [2015].

SECTION 3.04. OFFICE OF SAVINGS AND MORTGAGE LENDING COMMISSIONER AND DEPARTMENT OF SAVINGS AND MORTGAGE LENDING. Section 13.012, Finance Code, is amended to read as follows:

Sec. 13.012. SUNSET PROVISION. The office of savings and mortgage lending commissioner and the Department of Savings and Mortgage Lending are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office and department are abolished September 1, 2019 [2015].

SECTION 3.05. OFFICE OF CONSUMER CREDIT COMMISSIONER. Section 14.066, Finance Code, is amended to read as follows:

Sec. 14.066. SUNSET PROVISION. The office is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished September 1, 2019 [2015].

SECTION 3.06. TEXAS WINDSTORM INSURANCE ASSOCIATION. Section 2210.002(b), Insurance Code, is amended to read as follows:
(b) The association is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The association shall be reviewed during the period in which state agencies abolished in 2019 [2015] are reviewed. The association shall pay the costs incurred by the Sunset Advisory Commission in performing the review of the association under this subsection. The Sunset Advisory Commission shall determine the costs of the review performed under this subsection, and the association shall pay the amount of those costs promptly on receipt of a statement from the Sunset Advisory Commission regarding those costs. This subsection expires September 1, 2019 [2015].

SECTION 3.07. STATE SECURITIES BOARD. Subsection 0, Section 2, The Securities Act (Article 581-2, Vernon’s Texas Civil Statutes), is amended to read as follows:

O. The State Securities Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this Act expires September 1, 2019 [2015].

SECTION 3.08. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. Section 901.006, Occupations Code, is amended to read as follows:

Sec. 901.006. APPLICATION OF SUNSET ACT. The Texas State Board of Public Accountancy is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2019 [2015].

ARTICLE 4. ENTITIES GIVEN 2021 SUNSET DATE

SECTION 4.01. TEXAS INVASIVE SPECIES COORDINATING COMMITTEE. Section 776.007(a), Government Code, is amended to read as follows:

(a) The committee is subject to Chapter 325 (Texas Sunset Act). [The committee shall be reviewed during the period in which the State Soil and Water Conservation Board is reviewed.] Unless continued in existence as provided by that chapter, the committee is abolished and this chapter expires September 1, 2021 [on the date on which that agency is subject to abolition].

SECTION 4.02. DIVISION OF WORKERS’ COMPENSATION OF TEXAS DEPARTMENT OF INSURANCE. Section 31.004(b), Insurance Code, is amended to read as follows:

(b) Unless continued as provided by Chapter 325, Government Code, the duties of the division of workers’ compensation of the Texas Department of Insurance under Title 5, Labor Code, expire September 1, 2021 [2017], or another date designated by the legislature.

SECTION 4.03. OFFICE OF INJURED EMPLOYEE COUNSEL. Section 404.003, Labor Code, is amended to read as follows:

Sec. 404.003. SUNSET PROVISION. The office of injured employee counsel is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2021 [2017].

ARTICLE 5. ENTITIES GIVEN 2025 SUNSET DATE

SECTION 5.01. STATE EMPLOYEE CHARITABLE CAMPAIGN POLICY COMMITTEE. (a) Section 659.140(i), Government Code, is amended to read as follows:

(i) The state employee charitable campaign policy committee is subject to the Texas Sunset Act. Unless continued in existence as provided by that chapter, the committee is abolished and [Government Code Chapter 659, Subchapter I, and Sections 814.0095 and 814.0096 expire on September 1, 2025 [2014].

(b) This section takes effect only if the 83rd Legislature, Regular Session, 2013, does not enact other legislation that becomes law and that amends Section 659.140(i), Government Code, to extend the sunset date of the state employee charitable campaign policy committee. If the 83rd Legislature, Regular Session, 2013, enacts legislation of that kind, this section has no effect.
ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

SECTION 6.01. EARLY CHILDHOOD HEALTH AND NUTRITION INTERAGENCY COUNCIL. Section 116.002, Health and Safety Code, is amended to read as follows:

Sec. 116.002. REVIEW BY [APPLICATION OF] SUNSET ADVISORY COMMISSION [ACT]. The Sunset Advisory Commission shall review the [The] Early Childhood Health and Nutrition Interagency Council as part of its periodic review of the Department of Agriculture under [is subject to] Chapter 325, Government Code (Texas Sunset Act). [Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2016.]

ARTICLE 7. SUNSET REVIEW PROCESS

SECTION 7.01. Chapter 325, Government Code, is amended by adding Section 325.0127 to read as follows:

Sec. 325.0127. COST OF REVIEW. (a) In this section, “self-directed semi-independent agency” means a state agency that has status as a self-directed semi-independent agency under the Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), Chapter 16, Finance Code, Chapter 1105, Occupations Code, or any other law. The term does not include the Texas Department of Insurance’s actuarial division and financial examinations division as those terms are defined by Section 401.251, Insurance Code.

(b) A self-directed semi-independent agency shall pay the costs incurred by the commission in performing a review of the agency under this chapter. The commission shall determine the costs of the review, and the agency shall pay the amount of those costs promptly on receipt of a statement from the commission regarding those costs.

SECTION 7.02. Section 325.019, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) In carrying out its functions under this chapter, the commission or its designated staff member may attend any meetings and proceedings of any state agency, including any meeting or proceeding of the governing body of the agency that is closed to the public, and may inspect the records, documents, and files of any state agency, including any record, document, or file that is:

(1) attorney work product;
(2) an attorney-client communication; or
(3) made privileged or confidential by law.

(c) It is the intent of the legislature to allow the commission and its designated staff members to have access to all meetings or proceedings of a state agency being reviewed by the commission under this chapter and to all records, documents, and files of that agency. To the extent that this section conflicts with other law that purports to limit the commission’s access to meetings or proceedings or to records, documents, and files, this section controls. If federal law prohibits a state agency from disclosing information in a record, document, or file to the commission, including information in a record, document, or file created as a result of or considered during a meeting or proceeding, the state agency may redact the protected information from the record, document, or file.

SECTION 7.03. Section 325.0155, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A state agency that provides the commission with access to a privileged or confidential communication, record, document, or file under Section 325.019 for purposes of a review under this chapter does not waive the attorney-client privilege, or any other privilege or confidentiality requirement protected or required by the Texas Constitution, common law, statutory law, or rules of evidence, procedure, or professional conduct, with respect to the communication, record, document, or file provided to the commission. For purposes of this subsection, a communication includes a discussion that occurs at a meeting or proceeding of the state agency that is closed to the public.

(d) The state agency may require the commission or the members of the commission’s staff who view, handle, or are privy to information, or who attend a meeting that is not
Ch. 1279, § 7.03

accessible to the public, to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed outside the commission for purposes other than the purpose for which it was received;
(2) the information be labeled as confidential;
(3) the information be kept securely; and
(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the governmental body remaining confidential and subject to the confidentiality agreement.

e) A person who obtains access to confidential information in connection with the performance of the commission's duties under this chapter or another law commits an offense if the person knowingly:

(1) uses the confidential information for a purpose other than the purpose for which the information was received or for a purpose unrelated to the law that permitted the person to obtain access to the information, including solicitation of political contributions or solicitation of clients;
(2) permits inspection of the confidential information by a person who is not authorized to inspect the information; or
(3) discloses the confidential information to a person who is not authorized to receive the information.

ARTICLE 8. EFFECTIVE DATE

SECTION 8.01. EFFECTIVE DATE. 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, 2013.

Passed by the House on April 25, 2013: Yeas 130, Nays 6, 1 present, not voting; the House refused to concur in Senate amendments to H.B. No. 1675 on May 24, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 1675 on May 26, 2013: Yeas 145, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 21, 2013: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses, the Senate adopted the conference committee report on H.B. No. 1675 on May 26, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective June 14, 2013, except § 2.04 and § 5.01 have no effect.

CHAPTER 1280

H.B. No. 1847

AN ACT

relating to continuing legal education in ethics or professional responsibility for prosecutors.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 41, Government Code, is amended by adding Section 41.111 to read as follows:

Sec. 41.111. TRAINING RELATED TO PROSECUTING ATTORNEYS DUTY TO DISCLOSE EXCLUTATORY AND MITIGATING EVIDENCE. (a) Each attorney representing the state in the prosecution of felony and misdemeanor criminal offenses other than