Sec. 8801.162. ANNUAL REPORT. (a) Before January 31 each year, a well owner who is required to hold a permit under this chapter shall submit to the board a report stating:

(1) the well owner’s name;

(2) the total amount of groundwater withdrawn from the well during the preceding calendar year;

(3) the total amount of groundwater withdrawn from the well during each month of the preceding calendar year;

(4) the purpose for which the groundwater was used; and

(5) any other information the board considers necessary.

(b) For the purposes of this section, a well owner whose well is aggregated with other wells permitted and managed by a regional water supplier is required to file the report with the regional water supplier instead of the district. Regional water suppliers are required to annually submit to the board the report required in Subsection (a) for all wells owned, managed, or permitted by that supplier no later than March.

SECTION 12. Subsection (a), Section 8801.163, Special District Local Laws Code, is repealed.

SECTION 13. A person who is an investment officer for the Harris-Galveston Subsidence District and who holds that office on the effective date of this Act must attend the training required by Subdivision (1), Subsection (b), Section 8801.066, Special District Local Laws Code, as added by this Act, not later than the first anniversary of the effective date of this Act, unless the person has already taken the training in the 12 months preceding that effective date.

SECTION 14. The authority of a regional water authority to impose a charge on a well or class of wells located within the boundaries of the Harris-Galveston Subsidence District is not affected by the ceasing of that well or class of wells on or after February 1, 2013, to be subject to:

(1) a groundwater reduction requirement imposed by the subsidence district; or

(2) the regulatory provisions, permitting requirements, or jurisdiction of the subsidence district.

SECTION 15. 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 the Senate on April 23, 2013: Yeas 31, Nays 0; and the Senate concurred in House amendment on May 23, 2013, by the following vote: Yeas 31, Nays 0; passed the House, with amendment, on May 20, 2013: Yeas 147, Nays 0, two present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 1188

S.B. No. 1044

AN ACT

relating to access to criminal history record information by certain entities, including certain local government corporations, public defender’s offices, and the office of capital writs, and to an exemption for those offices from fees imposed for processing inquiries for that information.

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

SECTION 1. Section 411.082, Government Code, is amended by adding Subdivisions (5) and (6) to read as follows:

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(5) "Office of capital writs" means the office of capital writs established under Subchapter B, Chapter 78.

(6) "Public defender's office" has the meaning assigned by Article 26.044(a), Code of Criminal Procedure.

SECTION 2. Section 411.088, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as otherwise provided by Subsection (a-1), the department may charge a person (that is not primarily a criminal justice agency) a fee for processing inquiries for criminal history record information. The department may charge:

(1) a fee of $10 for each inquiry for criminal history record information on a person that is processed only on the basis of the person's name, unless the inquiry is submitted electronically or by magnetic media, in which event the fee is $1;

(2) a fee of $15 for each inquiry for criminal history record information on a person that is processed on the basis of a fingerprint comparison search; and

(3) except as provided by Subsection (b), actual costs for processing all other information inquiries.

(a-1) The department may not charge a fee under Subsection (a) for providing criminal history record information to:

(1) a criminal justice agency;

(2) the office of capital writs; or

(3) a public defender's office.

SECTION 3. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1272 to read as follows:

Sec. 411.1272. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: OFFICE OF CAPITAL WRITS AND PUBLIC DEFENDER'S OFFICES. The office of capital writs and a public defender's office are entitled to obtain from the department criminal history record information maintained by the department that relates to a criminal case in which an attorney compensated by the office of capital writs or by the public defender's office has been appointed.

SECTION 4. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1301 to read as follows:

Sec. 411.1301. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CERTAIN LOCAL GOVERNMENT CORPORATIONS ENGAGED IN CRIMINAL IDENTIFICATION ACTIVITIES. (a) This section applies only to a local government corporation that is created under Subchapter D, Chapter 431, Transportation Code, for governmental purposes relating to criminal identification activities, including forensic analysis, and that allocates a substantial part of its annual budget to those criminal identification activities.

(b) A local government corporation described by Subsection (a) is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1) is an employee or an applicant for employment with the local government corporation;

(2) is a consultant, intern, or volunteer for the local government corporation or an applicant to serve as a consultant, intern, or volunteer;

(3) proposes to enter into a contract with or has a contract with the local government corporation to perform services for or supply goods to the local government corporation;

or

(4) is an employee or subcontractor, or an applicant to be an employee or subcontractor, of a contractor that provides services to the local government corporation.

(c) Criminal history record information obtained by a local government corporation under Subsection (b) may not be released or disclosed to any person except:

(1) on court order; or
(2) with the consent of the person who is the subject of the criminal history record information.

SECTION 5. This Act takes effect September 1, 2013.

Passed the Senate on April 23, 2013: Yeas 31, Nays 0; passed the House on May 22, 2013: Yeas 148, Nays 0, one present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1189

S.B. No. 1058
AN ACT relating to the regulation of the practice of nursing.

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

SECTION 1. Subsection (a), Section 301.004, Occupations Code, is amended to read as follows:
(a) This chapter does not apply to:
(1) gratuitous nursing care of the sick that is provided by a friend;
(2) nursing care provided during a disaster under the state emergency management plan adopted under Section 418.042, Government Code, if the person providing the care does not hold the person out as a nurse unless the person is licensed in another state;
(3) nursing care in which treatment is solely by prayer or spiritual means;
(4) an act performed by a person under the delegated authority of a person licensed by the Texas Medical Board;
(5) an act performed by a person licensed by another state agency if the act is authorized by the statute under which the person is licensed except that if the person also holds a license under this chapter and the act is within the practice of nursing, the board may take action against that license based on that act;
(6) the practice of nursing that is incidental to a program of study by a student enrolled in a nursing education program approved under Section 301.157(d) leading to an initial license as a nurse; or
(7) the practice of nursing by a person licensed in another state who is in this state on a nonroutine basis for a period not to exceed 72 hours to:
(A) provide care to a patient being transported into, out of, or through this state;
(B) provide nursing consulting services; or
(C) attend or present a continuing nursing education program.

SECTION 2. Subsection (c), Section 301.2511, Occupations Code, is amended to read as follows:
(c) The board by rule shall develop a system for obtaining criminal history record information for a person accepted for enrollment in a nursing educational program that prepares the person for initial licensure as a registered or vocational nurse by requiring the person to submit to the board a set of fingerprints that meets the requirements of Subsection (a). The board may develop a similar system for an applicant for enrollment in a nursing educational program. The board may require payment of a fee by a person who is required to submit a set of fingerprints under this subsection.

SECTION 3. Section 301.257, Occupations Code, is amended by adding Subsections (j) and (k) to read as follows: