CHAPTER 363

H.B. No. 1295

AN ACT

relating to notification of an application related to a certificate of public convenience and necessity for water or sewer service.

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

SECTION 1. Section 13.246(a), Water Code, is amended to read as follows:

(a) If an application for a certificate of public convenience and necessity or for an amendment to a certificate is filed, the commission shall cause notice of the application to be given to affected parties and to each county and groundwater conservation district that is wholly or partly included in the area proposed to be certified. If requested, the commission shall fix a time and place for a hearing and give notice of the hearing. Any person affected by the application may intervene at the hearing.

SECTION 2. The change in law made by this Act to Section 13.246(a), Water Code, applies only to an application for a certificate of public convenience and necessity or an amendment to a certificate filed on or after the effective date of this Act. An application filed before the effective date of this Act is subject to the law in effect on the date of filing, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2009.

Passed by the House on May 15, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 27, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 364

H.B. No. 1297

AN ACT

relating to optional flexible school day program courses offered by school districts to enable students to earn course credit under certain circumstances.

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

SECTION 1. Section 29.0822, Education Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (e) to read as follows:

(a) Notwithstanding Section 25.081 or 25.082, a school district may apply to the commissioner to provide a flexible school day program for students [in grades nine through twelve] who:

(1) have dropped out of school or are at risk of dropping out of school as defined by Section 29.081; or

(2) attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; or

(3) as a result of attendance requirements under Section 25.092, will be denied credit for one or more classes in which the students have been enrolled.

(c) Except in the case of a course designed for a student described by Subsection (a)(3), a course offered in a program under this section must provide for at least the same number of instructional hours as required for a course offered in a program that meets the required minimum number of instructional days under Section 25.081 and the required length of school day under Section 25.082.

(d) The commissioner may adopt rules for the administration of this section, including rules establishing application requirements. The commissioner shall calculate average daily attendance for students served under this section. The commissioner shall allow accumulations...
of hours of instruction for students whose schedule would not otherwise allow full state funding. Funding under this subsection shall be determined based on the number of instructional days in the school district calendar and a seven-hour school day, but attendance may be cumulated over a school year, including any summer or vacation session. The attendance of students who accumulate less than the number of attendance hours under this subsection shall be proportionately reduced for funding purposes. The commissioner may:

(1) set maximum funding amounts for an individual course under this section; and
(2) limit funding for the attendance of a student described by Subsection (a)(3) in a course under this section to funding only for the attendance necessary for the student to earn class credit that, as a result of attendance requirements under Section 25.092, the student would not otherwise be able to receive without retaking the class.

c) A student described by Subsection (a)(3) may enroll in a course in a program under this section offered during the school year or during the period in which school is recessed for the summer to enable the student to earn class credit that, as a result of attendance requirements under Section 25.092, the student would not otherwise be able to receive without retaking the class.

SECTION 2. This Act applies beginning with the 2009-2010 school year.

SECTION 3. 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, 2009.

Passed by the House on March 31, 2009: Yeas 147, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 365

H.B. No. 1326

AN ACT
relating to a plan to replenish the food supplies of food banks or food pantries following a disaster.

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

SECTION 1. Section 418.042(a), Government Code, is amended to read as follows:
(a) The division shall prepare and keep current a comprehensive state emergency management plan. The plan may include:
(1) provisions for prevention and minimization of injury and damage caused by disaster;
(2) provisions for prompt and effective response to disaster;
(3) provisions for emergency relief;
(4) provisions for energy emergencies;
(5) identification of areas particularly vulnerable to disasters;
(6) recommendations for zoning, building restrictions, and other land-use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures, and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
(7) provisions for assistance to local officials in designing local emergency management plans;
(8) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, fire, or other disaster;