(a–1) The sale or storage, use, or other consumption of a school supply or a school backpack is exempted from the taxes imposed by this chapter if the school supply or backpack is purchased:

(1) for use by a student in a public or private elementary or secondary school;
(2) during the period described by Section 151.326(a)(2); and
(3) for a sales price of less than $100.

(b) A retailer is not required to obtain an exemption certificate stating that school supplies or school backpacks are purchased for use by students in a public or private elementary or secondary school unless the school supplies or backpacks are purchased in a quantity that indicates that the school supplies or backpacks are not purchased for use by students in a public or private elementary or secondary school.

SECTION 2. The change in law made by this Act does not affect taxes imposed before the effective date of this Act, and the law in effect before the effective date of this Act is continued in effect for purposes of the liability for and collection of those taxes.

SECTION 3. This Act takes effect July 1, 2009, 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 effect on that date, this Act takes effect October 1, 2009.

Passed by the House on May 13, 2009: Yeas 143, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1801 on May 29, 2009, 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. 1801 on May 31, 2009: Yeas 141, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 25, 2009: 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. 1801 on May 31, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.
Effective July 1, 2009.

CHAPTER 1127
H.B. No. 1819

AN ACT
relating to minimum habitability standards for multi-family rental buildings in certain municipalities; providing a penalty.

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

SECTION 1. Subchapter G, Chapter 214, Local Government Code, is amended by adding Section 214.219 to read as follows:

Sec. 214.219. MINIMUM HABITABILITY STANDARDS FOR MULTI-FAMILY RENTAL BUILDINGS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of 1.7 million or more. This section does not affect the authority of a municipality to which this section does not apply to enact or enforce laws relating to multi-family rental buildings.

(b) In this section:

(1) “Multi-family rental building” means a building that has three or more single-family residential units.

(2) “Unit” means one or more rooms rented for use as a permanent residence under a single lease to one or more tenants.
(c) A municipality shall adopt an ordinance to establish minimum habitability standards for multi-family rental buildings, including requiring maintenance of proper operating conditions.

(d) A municipality may establish other standards as necessary to reduce material risks to the physical health or safety of tenants of multi-family rental buildings.

(e) A municipality shall establish a program for the inspection of multi-family rental buildings to determine if the buildings meet the minimum required habitability standards. The program shall include inspections under the direction of:

1. the municipality’s building official, as defined by the International Building Code or by a local amendment to the code under Section 214.216;
2. the chief executive of the municipality’s fire department; and
3. the municipality’s health authority, as defined by Section 121.021, Health and Safety Code.

(f) A municipality may not order the closure of a multi-family rental building due to a violation of an ordinance adopted by the municipality relating to habitability unless the municipality makes a good faith effort to locate housing with comparable rental rates in the same school district for the residents displaced by the closure.

(g) The owner of a multi-family rental building commits an offense if the owner violates an ordinance adopted under this section. An offense under this subsection is a Class C misdemeanor. Each day the violation continues constitutes a separate offense.

(h) A municipality may impose a civil penalty under Section 54.017 for a violation of this section.

SECTION 2. A municipality shall adopt the minimum habitability standards required by Section 214.219, Local Government Code, as added by this Act, not later than December 31, 2010.

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 April 7, 2009: Yeas 129, Nays 15, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1819 on May 29, 2009: Yeas 124, Nays 12, 2 present, not voting, passed by the Senate, with amendments, on May 27, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 1128
H.B. No. 1924
AN ACT
relating to the performance of pharmacy services in certain rural areas.

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

SECTION 1. Subchapter C, Chapter 562, Occupations Code, is amended by adding Section 562.1011 to read as follows:

Sec. 562.1011. OPERATION OF CLASS C PHARMACY IN CERTAIN RURAL HOSPITALS. (a) In this section:

1. “Nurse” has the meaning assigned by Section 301.002. The term includes a nurse who is also registered as a pharmacy technician.

2. “Rural hospital” means a licensed hospital with 75 beds or fewer that:

(A) is located in a county with a population of 50,000 or less; or