CHAPTER 1037

H.B. No. 4435
AN ACT
relating to the requirement for participation by certain principals in the school leadership pilot program for principals.

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

SECTION 1. Section 11.203(d), Education Code, is amended to read as follows:

(d) A principal who was employed as a principal at a campus that was [of a campus] rated academically unacceptable during the preceding school year [as well as any person employed to replace that principal] shall participate in the program and complete the program requirements not later than a date determined by the commissioner.

SECTION 2. Section 11.203(d), Education Code, as amended by this Act, applies only to a principal employed at a school that is rated academically unacceptable during the 2008–2009 school year.

SECTION 3. It is the intent of the legislature that the passage of H.B. No. 3, Acts of the 81st Legislature, Regular Session, 2009, with any amendments to Section 11.203(d), Education Code, and the amendments made by this Act shall be harmonized, if possible, as provided by Section 311.025(b), Government Code, so that effect may be given to each. If amendments made to Section 11.203(d), Education Code, by H.B. No. 3, Acts of the 81st Legislature, Regular Session, 2009, and the amendments to Section 11.203(d), Education Code, made by this Act are irreconcilable, it is the intent of the legislature that H.B. No. 3, Acts of the 81st Legislature, Regular Session, 2009, prevail, regardless of the relative dates of enactment of this Act and H.B. No. 3, Acts of the 81st Legislature, Regular Session, 2009, but only to the extent that any differences are irreconcilable.

SECTION 4. 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 29, 2009: Yeas 100, Nays 40, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 4435 on May 29, 2009: Yeas 123, Nays 21, 1 present, not voting; passed by the Senate, with amendments, on May 27, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 1038

H.B. No. 4451
AN ACT
relating to continuity of care services or mental health commitment proceedings for youth with mental illness or mental retardation who are transferred, discharged, or paroled from the Texas Youth Commission.

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

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SECTION 1. Section 61.077, Human Resources Code, is amended by adding Subsection (g) to read as follows:

(g) If a child who is mentally ill or mentally retarded is discharged from the 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.

SECTION 2. Subchapter E, Chapter 61, Human Resources Code, is amended by adding Section 61.0773 to read as follows:

Sec. 61.0773. TRANSFER OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The 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 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 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 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 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 commission. The juvenile court may transfer the child to the custody of the commission, transfer the child to the Texas Department of Criminal Justice, or release the child under supervision, as appropriate.

SECTION 3. Section 614.019, Health and Safety Code, is amended to read as follows:

Sec. 614.019. PROGRAMS FOR JUVENILES. (a) The office, in cooperation with the Texas Commission on Alcohol and Drug Abuse, the Texas Department of Mental Health and Mental Retardation, the Department of Protective and Regulatory Services, the Texas Juvenile Probation Commission, the Texas Youth Commission, and the Texas Education Agency, may establish and maintain programs, building on existing successful efforts in communities, to address prevention, intervention, and continuity of care for juveniles with mental health and substance abuse disorders.

(b) A child with mental illness who is receiving continuity of care services during parole from the Texas Youth Commission and who is no longer eligible to receive services from a local mental health authority when the child becomes 17 years of age because the child does not meet the requirements of a local service area plan under Section 533.0352(a) may continue to receive continuity of care services from the office until the child completes the child’s parole.

(c) A child with mental illness or mental retardation who is discharged from the Texas Youth Commission under Section 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 4. Section 61.077(g), Human Resources Code, as added by this Act, and Section 614.019, Health and Safety Code, as amended by this Act, apply only to a child who is discharged or paroled from the Texas Youth Commission on or after the effective date of this Act, regardless of when the child was committed to the commission.

SECTION 5. Section 61.0773, Human Resources Code, as added by this Act, applies only to a juvenile committed to the Texas Youth Commission for conduct that occurs on or after
the effective date of this Act. Conduct violating the penal law of this state occurs on or after the effective date of this Act if any element of the violation occurs on or after that date. A juvenile committed to the Texas Youth Commission for conduct that occurs before the effective date of this Act is governed by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose.

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, 2009.

Passed by the House on April 29, 2009: Yeas 139, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 4451 on May 29, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 26, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 1039

H.B. No. 4461

AN ACT
relating to confidentiality of certain information maintained by the Texas Department of Insurance.

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

SECTION 1. Chapter 36, Insurance Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. INVESTIGATION FILES

Sec. 36.251. DEFINITION. In this subchapter, “investigation file” means any information collected, assembled, or maintained by or on behalf of the department with respect to an investigation conducted under this code or other law. The term does not include information or material acquired by the department that is:

(1) relevant to an investigation by the insurance fraud unit; and
(2) subject to Section 701.151.

Sec. 36.252. INVESTIGATION FILES CONFIDENTIAL. (a) Information or material acquired by the department that is relevant to an investigation is not a public record for the period that the department determines is relevant to further or complete an investigation.

(b) Investigation files are not open records for purposes of Chapter 552, Government Code, except as specified herein.

Sec. 36.253. DISCLOSURE OF CERTAIN INFORMATION NOT REQUIRED. The department is not required to disclose under this subchapter:

(1) information that is:
(A) an attorney-client communication; or
(B) an attorney work product; or
(2) other information protected by a recognized privilege, a statute, an administrative rule, the Texas Rules of Civil Procedure, or the Texas Rules of Evidence.

SECTION 2. 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.