

CHAPTER 239

H.B. No. 1593

An Act relating to various fees collected by certain state and local agencies and to the imposition of new fees in connection with functions of certain state and local agencies.

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

SECTION 1. Subdivision 8, Section 6, Chapter 344, Acts of the 49th Legislature, 1945 (Article 46c-6, Vernon's Texas Civil Statutes), is amended to read as follows:

Subdiv. 8. Education, Publications. The Commission may organize and administer a program of aeronautical education in the schools and colleges of the state and for the general public and may prepare and conduct flight clinics for air crews. The programs and clinics may be conducted with or without charge by the Commission. The Commission may issue such aeronautical publications as may be required in the public interest. The Commission shall charge a fee sufficient to recover the cost of preparing and distributing all Commission publications that do not clearly promote public safety. *The Commission shall charge a fee of \$5 for the Texas Airport Directory.*

SECTION 2. Section 11, The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11. The commission shall charge and collect the following fees:

- (1) a fee not to exceed \$100 for the filing of an original application for real estate broker licensure;
- (2) a fee not to exceed \$100 for annual certification of real estate broker licensure status;
- (3) a fee not to exceed \$50 for the filing of an original application for salesman licensure;
- (4) a fee not to exceed \$50 for annual certification of real estate salesman licensure status;
- (5) a fee not to exceed \$25 for taking a license examination;
- (6) a fee not to exceed \$10 for filing a request for a license for each additional office or place of business;
- (7) a fee not to exceed \$20 for filing a request for a license for a change of place of business or change of sponsoring broker;
- (8) a fee not to exceed \$10 for filing a request to replace a license lost or destroyed;
- (9) a fee not to exceed \$400 for filing an application for approval of a real estate course pursuant to the provisions of Subsection (f) of Section 7 of this Act; ~~and~~
- (10) a fee not to exceed \$200 per annum for and in each year of operation of a real estate course, established pursuant to the provisions of Subsection (f) of Section 7 of this Act; *and*
- (11) *a fee of \$15 for transcript evaluation.*

SECTION 3. Section 3, Article 2525, Revised Statutes, is amended to read as follows:

Sec. 3. Said Board shall have the right and the power to make and enforce such rules and regulations governing the establishment and conduct of State Depositories, the handling of funds therein, and the investment of state funds as the public interest may require, not inconsistent with the provisions of the laws governing such depositories and investments, which rules and regulations shall be in writing and entered upon the minutes of the Board. *The Board shall charge a processing fee of \$25 for each application for designation as a State Depository. Any fees collected under this section shall be deposited in the General Revenue Fund.*

SECTION 4. Section 42.046(a), Human Resources Code, is amended to read as follows:

(a) An applicant for a license to operate a child-care facility or child-placing agency shall submit to the division *the appropriate fee prescribed by Section 42.054 of this code and a completed application on a form provided by the division.*

SECTION 5. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0521 to read as follows:

Sec. 42.0521. DEPOSIT OF FEES. The fees authorized by this chapter and received by the department shall be deposited in the general revenue fund.

SECTION 6. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.054 to read as follows:

Sec. 42.054. FEES. (a) The division shall charge a nonrefundable application fee of \$35 to an applicant for an initial license to operate a child-care facility or a child-placing agency.

(b) The division shall charge each child-care facility a fee of \$35 for a provisional license. The division shall charge each child-placing agency a fee of \$50 for a provisional license.

(c) The division shall charge each child-care facility an annual license fee in the amount of \$35 for each child-care facility plus \$1 for each child the child-care facility is permitted to serve. The fee is due on the date on which the division issues the child-care facility's license and on the anniversary of that date.

(d) The division shall charge each child-placing agency an annual license fee of \$100. The fee is due on the date on which the division issues the child-placing agency's license and on the anniversary of that date.

(e) The division shall charge each registered family home an annual registration fee of \$35. The fee is due on the date on which the division registers the home and on the anniversary of that date.

(f) If a facility, agency, or home fails to pay the annual license or registration fee when due, the license or registration is suspended until the fee is paid.

(g) The provisions of Subsections (b) through (f) of this section do not apply to:

(1) licensed foster family homes and licensed foster family group homes;

(2) nonprofit facilities regulated under this chapter that provided 24-hour care for children in the managing conservatorship of the department during the 12-month period immediately preceding the anniversary date of the facility's license; or

(3) facilities operated by a nonprofit corporation or foundation that provides 24-hour residential care and does not charge for the care provided.

SECTION 7. (a) A biennial license to operate a day-care center that was issued under Chapter 42, Human Resources Code, before the effective date of this Act and that is still in force on the effective date expires as follows:

(1) if the license would expire under the former law on a date during the one-year period following the effective date of this Act, the license continues to expire on that date; or

(2) if the license would expire under the former law on a date after the one-year period following the effective date of this Act, the license expires instead on a date during that one-year period to be determined by the division of the Texas Department of Human Resources that is responsible for administering Chapter 42, Human Resources Code.

(b) The registration of a registered family home that occurred under Chapter 42, Human Resources Code, before the effective date of this Act and that is still in force on the effective date expires on a date during the one-year period following the effective date to be determined by the division of the Texas Department of Human Resources that is responsible for administering Chapter 42, Human Resources Code.

(c) At least 60 days before the date that a license or registration expires under Subsection (a)(2) or (b) of this section, the division shall send a written notice to the person holding the license or registration informing the person of the expiration date and of the renewal fee that is required under Chapter 42, Human Resources Code, as amended by this Act.

SECTION 8. Section 6A, Chapter 668, Acts of the 61st Legislature, Regular Session, 1969 (Article 4413(35), Vernon's Texas Civil Statutes), is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The commission shall collect a fee of \$20 for each certificate issued or renewed by the commission. All certificates must be renewed annually [set the fees authorized by this section in an amount not to exceed the costs of preparing, printing, and distributing the manual or certificate].

(d) The fee charged under Subsection (c) of this section shall be paid to the commission by the employing agency or entity in the manner the commission may by rule require.

SECTION 9. Article 53.01, Code of Criminal Procedure, 1965, is amended to read as follows:

Art. 53.01. PEACE OFFICERS. (a) The following fees shall be allowed the sheriff, or other peace officer performing the same services in misdemeanor cases which shall [to] be assessed [taxed] against the defendant on conviction:

1. For executing each warrant of arrest or *capias*, or making arrest without warrant, excluding arrests for Class C misdemeanors, \$12.00, of which \$2.00 shall be deposited in the appropriate fund of the county in which the arrest was made. For executing each warrant of arrest or *capias*, or making arrest without warrant, for Class C misdemeanors, \$3.00.
2. For summoning each witness, \$1.00.
3. For serving any writ not otherwise provided for, \$2.00.
4. For taking and approving each bond, and returning the same to the courthouse, when necessary, \$2.00.
5. For each commitment or release, \$2.00.
6. Jury fee, in each case where a jury is actually summoned, \$2.00.
7. For attending a prisoner on habeas corpus, when such prisoner, upon a hearing, has been remanded to custody or held to bail, for each day's attendance, \$4.00.
8. For conveying a witness attached by him to any court out of his county, \$5.00 for each day or fractional part thereof, and his actual necessary expenses by the nearest practicable public conveyance, the amount to be stated by said officer, under oath, and approved by the judge of the court from which the attachment issued.
9. For conveying a prisoner after conviction to the county jail, for each mile, going and coming, by the nearest practicable route by private conveyance, fifteen cents per mile, or by railway, fifteen cents per mile.
10. For conveying a prisoner arrested on a warrant or *capias* issued from another county to the court or jail of the county from which the process was issued, for each mile traveled, going and coming, by the nearest practicable route, fifteen cents.
11. For each mile he may be compelled to travel in executing criminal process and summoning or attaching witness, fifteen cents. For traveling in the service of process not otherwise provided for, the sum of fifteen cents for each mile going and returning. If two or more persons are mentioned in the same writ, or two or more writs in the same case, he shall charge only for the distance actually and necessarily traveled in the same.

(b) Except as provided in Subdivision 1 of Subsection (a) of this article, any fees accruing under Subsection (a) of this article as a result of any action taken or arrest made by a peace officer employed by the Department of Public Safety, Parks and Wildlife Department, Texas Alcoholic Beverage Commission, or another agency with statewide jurisdiction shall be paid by the clerk of the court, if there is one, or the county clerk of the county where the court assessing the fee is located, to the comptroller of public accounts on a quarterly basis in a manner directed by the comptroller. On receipt of any fees under Subsection (a) of this article, the comptroller of public accounts shall deposit the fees in the general revenue fund.

(c) The fees assessed under Subdivision 1 of Subsection (a) of this article shall be assessed on conviction, regardless of whether the defendant was also arrested at the same time for another offense, and shall be assessed for each arrest made of a defendant arising out of the offense for which the defendant has been convicted. For purposes of this article, the term "arrest" includes the issuance by a peace officer of a written notice to appear in court, following the defendant's alleged violation of a traffic law or municipal ordinance.

SECTION 10. Section 2, Chapter 209, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701c-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. No commercial motor vehicle nor any truck-tractor shall be operated over any public highway of this state by any person other than the registered owner thereof, or his agent, servant or employee under the supervision, direction, and control of such registered owner unless such other person under whose supervision, direction and control said motor vehicle or truck-tractor is operated shall have caused to be filed with the Department an executed copy of the lease, memorandum or agreement under which such commercial motor vehicle or truck-tractor is being operated.

Immediately upon receipt thereof, the Department shall deliver or mail forthwith to the lessee of such motor vehicle or truck-tractor, a letter of acknowledgment thereof, with the official stamp or seal of the Department affixed to such letter.

Such letter of acknowledgment shall contain:

1. The names of the lessor and lessee and their addresses;
2. The term of the lease;
3. The make, and motor or serial number of the vehicle covered by such lease; and

4. Such other data as the Department may determine.

For the purposes of this Act, a lease, memorandum or agreement shall not be considered as filed with the Department unless and until the lessee of such motor vehicle or truck-tractor shall have mailed by certified mail a duly executed copy of said lease, memorandum or agreement in the United States Mail properly addressed to the Department, and at the time of said mailing obtaining from the Post Office a receipt for certified mail properly postmarked by the Post Office Clerk showing the date and place of mailing.

The lessee of said motor vehicle or truck-tractor shall have in the cab thereof during the first fifteen (15) days of operation under said lease, memorandum or agreement a true copy of said lease, memorandum or agreement, together with the letter of transmittal of such lease to the Department, as well as said receipt for certified mail, which shall be effective for a period not to exceed fifteen (15) days from the date issued. Following the expiration of said fifteen (15) day period the lessee of said motor vehicle or truck-tractor shall have in the cab thereof at all times while such motor vehicle or truck-tractor is being operated on the roads or highways of this state, a true copy of the original letter of acknowledgment, as provided herein, with the official stamp or seal of the Department affixed thereto. Such letter of acknowledgment, or an effective receipt for certified mail, must be displayed to any officer authorized to enforce this law, upon request of such officer.

The operation of any such leased motor vehicle or truck-tractor over the public highways or roads of this state without having in the cab thereof such letter of acknowledgment from the Department with its official stamp or seal affixed thereto, or an effective receipt for certified mail, as well as the letter of transmittal and copy of said lease, memorandum or agreement, as provided for herein, shall be unlawful.

Wherever the word "Department" is used herein it means "Department of Public Safety of the State of Texas."

Provided, however, that this Act shall not apply to any vehicle lawfully registered as a farm vehicle under the provisions of Acts of the 41st Legislature, 2nd Called Session, 1929, Chapter 88, page 172, Section 6a, as amended by subsequent session of the Legislature and as codified as Article 6675a-6a, Revised Civil Statutes of Texas. And provided further, that this Act shall not apply to motor vehicles, commercial motor vehicles, and truck-tractors used exclusively to transport sand, gravel, dirt, caliche, shell, cement, ready-mix concrete, asphalt rock, and aggregate; nor shall this Act apply to such vehicles as are used exclusively in the transportation of sand, gravel, dirt, caliche, shell, cement, ready-mix concrete, asphalt rock, aggregate, and other similar road-building substances ordinarily transported in bulk when such substances are being transported to or from the job site of any construction project being performed for or on behalf of the Federal Government, the State of Texas or any political subdivision thereof, or to or from the construction site of any national defense project, airport and roadways leading thereto, or to or from the construction site of any road, highway, and expressway; nor shall the requirements of this Act apply to any motor vehicle or truck-tractor which is used exclusively in the transportation of liquefied petroleum gases when such vehicle is being operated in accordance with the provisions of Chapter 363, page 612, Acts 52nd Legislature, 1951, and the provisions of Article 6053, Revised Civil Statutes of Texas, 1925, as amended, and the rules and regulations adopted by the Railroad Commission of Texas governing the handling and odorization of liquefied petroleum gases and specifications for the design, construction and installation of equipment used in the transportation, storage, dispensing, and consumption of liquefied petroleum gases. And provided further, that this Act shall not apply to commercial motor vehicles and truck-tractors leased or rented:

(a) without drivers from an individual, person, co-partnership, association or corporation whose principal business is the bona fide leasing or renting of motor vehicle equipment without drivers for compensation to the general public;

(b) and who maintain an established place of business and whose lease or rental contracts require the motor vehicle equipment to return to the established place of business;

(c) and who have dated and filed within ten (10) days of January 1st, April 1st, July 1st, and October 1st of each year, with the Department of Public Safety, a complete list giving a full description of all such commercial motor vehicles and truck-tractors owned by such individual, person, co-partnership, association or corporation, as of the date of the report, and available for lease or rent without drivers for compensation. The first complete list filed herein must be accompanied by a fee of *Five (\$5.00) Dollars* [~~One (\$1.00) Dollar~~] for each vehicle listed therein, together with a photostat or certified copy of the registration or title papers on every such motor vehicle; however, no such fee need be filed in subsequent quarterly filings unless such subsequent list contains additional equipment, in which event a fee of *Five (\$5.00) Dollars* [~~One (\$1.00) Dollar~~], together with photostat or certified copy of the registration or title papers on such additional equipment shall be filed. Provided, however, that the provisions of this Act shall not apply to motor vehicles, commercial motor vehicles, and truck-tractors used exclusively to transport household goods, used office furniture and equipment.

If for any reason any one or more of the foregoing exceptions contained in this Act is unconstitutional or invalid, it is hereby declared to be the intention of the Legislature to enact, and it does here now enact and pass, this Act without any such exception, one or more, and if any such exception, one or more, be invalid, then such exception alone shall fail and be held for naught, and the remainder of the Act shall be and remain unimpaired, and it is so enacted.

SECTION 11. Section 5, Chapter 209, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701c-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5. Any filing of a lease, memorandum, or agreement, or of a release thereof, as provided for in Section 2 and Section 3 of this Act shall be accompanied by a fee of *Five (\$5.00) Dollars* [~~One (\$1.00) Dollar~~], for each and every vehicle operated, or to be operated, under such lease, memorandum or agreement, together with a photostat or certified copy of the registration or title papers on every such motor vehicle, which shall be deposited in the Treasury of the State of Texas to the credit of the Operator's and Chauffeur's License Fund to be used by the Department of Public Safety for the purpose of enforcement of this Act.

SECTION 12. Section 12(e)(1), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), as amended by Chapters 345, 405, and 410, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

(1) The Department may issue a special restricted operator's license to any person between the ages of fifteen (15) and eighteen (18) years to operate only a motorcycle or motor-driven cycle, with not more than one hundred twenty-five (125) cc piston displacement; provided such person has completed and passed a motorcycle operator training course approved by the Department. This motorcycle operator training course will be made available. This motorcycle operator training course will be an exception to the driver training course, regarding the age limit, as applied in Section 7(a) of this Act. Upon reaching the age of sixteen and having completed the above course, the 125cc restriction shall be removed without completing any further motorcycle courses. This special restricted license shall be issued on application to the Department in accordance with Section 7 of this Act; shall be subject to the requirements of Section 10 of this Act, and to other provisions of this Act in the same manner as operator's licenses; and shall be in the form prescribed by the Department. A driver's license is required for operators of mopeds. A person must be at least fifteen (15) years old to be issued a license to operate a moped. The Department shall examine applicants for that type of license by administering to them a written examination concerning traffic laws applicable to the operation of mopeds. No test involving the operation of the vehicle is required. The fee for the license is *Sixteen Dollars (\$16)* [~~Ten Dollars (\$10)~~]. All applicable provisions of this Act governing restricted operator's licenses for the operation of motorcycles only also apply to moped operator's licenses, including provisions relating to the application, issuance, duration, suspension, and cancellation of those licenses.

SECTION 13. (a) Section 15(b), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) *All fees and charges required by this Act and remitted to the Department shall be deposited in the General Revenue* [~~All monies received for driver's license and certificate fees shall be deposited in the State Treasury in a fund to be known as the Operator's and Chauffeur's License] Fund.~~

(b) Sections 15(c) and 19(c), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), are repealed.

SECTION 14. Section 19(a), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The fees as provided for in this Act shall be as follows:

(1) All Classes of Licenses--originals and renewals issued for four (4) years, *Sixteen Dollars (\$16.00)* [~~Ten Dollars (\$10.00)~~];

(2) Provisional and Instruction (Learner's) License--computed on basis of annual prorated cost of type license obtained multiplied by number of full years of validity; provided that a minimum one-year fee of *Five Dollars (\$5.00)* [~~Four Dollars (\$4.00)~~] shall be paid for an instruction permit and by those obtaining such licenses after their seventeenth (17th) birthday;

(3) Occupational License--Ten Dollars (\$10.00) for one (1) year.

SECTION 15. (a) Sections 21(d) and (f), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), are amended to read as follows:

(d) The Department is authorized to provide information pertaining to an individual's date of birth, current license status, and most recent address as listed on the records of the Department upon written request and the payment of a *Two Dollar (\$2.00)* [~~One Dollar (\$1.00)~~] fee by a person who submits the individual's driver's license number or his full name and date of birth and who shows a legitimate need for such information.

(f) The Department is authorized to provide information pertaining to an individual's date of birth, current license status, most recent address, completion of an approved driver education course, the fact of (but not the reason for) completion of a driving safety course, and a listing of reported traffic law violations, and motor vehicle accidents, by date and location, as listed on the records of the Department upon written request and the payment of a *Two Dollar (\$2.00)* [~~Three Dollar (\$3.00)~~] fee by a person who submits the individual's driver's license number or his full name and date of birth and who shows a legitimate need for such information. If requests for such information be prepared in quantities of one hundred (100) or more from a single person at any one time and upon data processing request forms acceptable to the Department, such information may be provided upon payment of a fee of *One Dollar and Fifty Cents (\$1.50)* [~~(\$1.00) fee~~] for each individual request. *The Department is authorized to provide the record information as provided in this subsection, certified by the Custodian of Records, on payment of a Five Dollar (\$5.00) fee for each individual request.*

(b) Section 21(e), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is repealed.

SECTION 16. Section 7A, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7A. REINSTATEMENT--FEES. Whenever a license or registration, or nonresident's operating privilege is suspended and the filing of proof of financial responsibility is, under this Article, made a prerequisite to reinstatement thereof, or to the issuance of a new license or registration, no such license or registration, or nonresident's operating privilege shall be reinstated or new license or registration shall be issued unless the licensee or registrant or nonresident, in addition to complying with other provisions of this Article, pays to the Department a fee of *Twenty Dollars (\$20)* [~~Ten Dollars (\$10)~~] in addition to any other fees which may be required by law. Only one such fee shall be paid by any one person regardless of the number of licenses and registrations to be reinstated for or issued to such person in connection with such payment.

The fees paid pursuant to this Section shall be used by the Department to administer the provisions of this Article.

SECTION 17. Section 36, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 36. DISPOSITION OF FEES. (a) All fees and charges required by this Act shall be remitted without deduction to the Department at Austin, Texas, and all such fees so collected shall be deposited in the Treasury of the State of Texas to the credit of a fund to be known as the Operator's and Chauffeur's License Fund [~~established under Article 6687b, Texas Revised Civil Statutes~~]. In addition to statutory recording fees of county clerks required in Section 24, any filing with, certification or notice to the Department in compliance with any of the provisions of this Act, or request for certified abstract of operating record required in Section 3, except report of accident required in Section 4, shall be accompanied by a fee of *Twenty Dollars (\$20)* [~~Ten Dollars (\$10)~~] for each transaction. Statutory fees required by the State Department of Highways and Public Transportation in furnishing certified abstracts or in connection with suspension of registrations, or such statutory fees which shall become due the State Treasurer for issuance of certificates of deposits required in Section 25, shall be remitted from such Fund.

(b) *Fees and charges deposited in the Operator's and Chauffeur's License Fund under the provisions of this Act may, upon appropriation by the Legislature, be used by the Texas Department of Public Safety for the payment of salaries, purchase of equipment and supplies, maintenance, and any and all other necessary expenses incident to the operation of the Department of Public Safety in carrying out the duties as are by law required of such Department. Any remaining balance in the Operator's and Chauffeur's License Fund on September 1st of each and every year shall remain in such Fund and shall be available for appropriation by the Legislature for the maintenance and support of the Texas Department of Public Safety as set forth hereinabove.*

SECTION 18. Section 14, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. DUPLICATE LICENSES AND CERTIFICATES. In the event that a driver's license, identification certificate, or handicap or health condition certificate issued under the provisions of this Act is lost or destroyed or there is a change in pertinent information, the person to whom the same was issued may obtain a duplicate or correction thereof upon furnishing proof satisfactory to the Department that such permit, license, or certificate was lost or destroyed or upon the supplying of the required information which has changed, together with proof acceptable to the Department supporting such change, and upon the payment of a fee of *Five Dollars (\$5.00)* [~~Three Dollars (\$3.00)~~].

SECTION 19. Section 20(c), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) On receipt of a request for a sticker or certificate under Subsection (b)(2) of this section on a form approved by the Department and payment of a fee of *Five Dollars (\$5)* [~~Three Dollars (\$3)~~], the Department shall deliver a sticker or certificate to the requestor. The Department shall make approved forms available in public places in addition to driver's license offices.

SECTION 20. Section 141(c), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) The fee for compulsory inspection of a motor vehicle other than a moped, to be made under this Section, shall be *Seven Dollars and Seventy-five Cents (\$7.75)* [~~Five Dollars and Twenty-five Cents (\$5.25)~~]. The fee for compulsory inspection of a moped, to be made under this Section, shall be *Five Dollars (\$5.00)*. *Two Dollars and Seventy-five Cents (\$2.75)* [~~Two Dollars (\$2.00)~~] of each fee shall be paid to the Department and shall be placed in the Motor Vehicle Inspection Fund for the purpose of paying the expense of the administration of this law and the payment of supplemental retirement benefits as provided by law. The Department may require each official inspection station to make an advance [~~advanced~~] payment of *Two Dollars and Seventy-five Cents (\$2.75)* [~~Two Dollars (\$2.00)~~] for each inspection certificate furnished to it, and the money so received shall be placed in the Motor Vehicle Inspection Fund, and no further payment to the Department shall be required upon issuance of the certificate. If such advance payment has been made, the Department shall refund to the inspection station the amount of *Two Dollars and Seventy-five Cents (\$2.75)* [~~Two Dollars (\$2.00)~~] for each unissued certificate which the inspection station returns to the Department in accordance with rules and regulations promulgated by the Department.

SECTION 21. (a) Section 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subsection (c-1) to read as follows:

(c-1) *Notwithstanding the provisions of Subsection (c) of Section 140 of this Act and Subsection (c) of this section, a passenger car or light truck that is sold in this state, has not been previously registered in this or another state, and on the date of sale is of the current or the immediately preceding model year is subject to an initial inspection that expires at the end of two years. The fee for compulsory inspection under this subsection is Fifteen Dollars (\$15). The Department shall require each official inspection station to make an advance payment of Ten Dollars (\$10) for a certificate to be issued under this subsection, and the money so received shall, except as provided by Section 25.405, Title 110B, Revised Statutes, be placed in the Motor Vehicle Inspection Fund. No further payment may be required of a station for a certificate under this subsection. Refunds for unissued certificates shall be made in the same manner as provided for other certificate refunds. This subsection does not preclude motor vehicle emission inspections from being conducted during an initial certification period under this subsection in counties covered by a federal Environmental Protection Agency-approved inspection and maintenance program pursuant to Subsection (d) of Section 142 of this Act and the federal Clean Air Act (42 U.S.C. Section 7401 et seq.).*

(b) Section 142(g), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(g) The Public Safety Commission may establish by rule an inspection fee in addition to the fee for compulsory inspection as provided by Subsection (c) or (c-1) of Section 141 of this Act for those vehicles inspected pursuant to Subsection (d) of this section, and such additional fee shall not exceed \$5. *If a compulsory inspection under Subsection (c) or (c-1) of Section 141 of this Act is not performed at the time an inspection is performed under the program authorized by Subsection (d) of this section, the only fee payable at that time is the fee established pursuant to this subsection.*

SECTION 22. Section 25.405, Title 110B, Revised Statutes, is amended to read as follows:

Sec. 25.405. CONTRIBUTIONS TO LAW ENFORCEMENT AND CUSTODIAL OFFICER SUPPLEMENTAL RETIREMENT FUND. The Department of Public Safety shall transfer monthly to the law enforcement and custodial officer supplemental retirement fund *\$1.50* [~~One Dollar~~] of the motor vehicle inspection fee for each vehicle inspected as required under Section 141(c) of the Uniform Act Regulating Traffic on Highways [~~as amended~~] (Article 6701d, Vernon's Texas Civil Statutes), and *\$3* for each vehicle inspected as required by Section 141(c-1) of that Act.

SECTION 23. The three immediately preceding sections of this Act apply only to certificates of inspection that are furnished for issuance on or after September 1, 1985, and to inspections that are begun on or after that date. A certificate that is furnished for issuance before September 1, 1985, or an inspection that is begun before that date is subject to Section 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), and Section

25.405, Title 110B, Revised Statutes, as they existed immediately before amendment by this Act, and the former law is continued in effect for this purpose.

SECTION 24. Section 6a(a), Article 42.12, Code of Criminal Procedure, 1965, is amended to read as follows:

(a) A court granting probation may fix a fee not exceeding \$40 [~~\$15~~] per month to be paid to the court by the probationer during the probationary period. The court may make payment of the fee a condition of granting or continuing the probation.

SECTION 25. Section 6a(a), Article 42.13, Code of Criminal Procedure, 1965, is amended to read as follows:

(a) A court granting probation may fix a fee not exceeding \$40 [~~\$15~~] per month to be paid to the court by the probationer during the probationary period. The court may make payment of the fee a condition of granting or continuing the probation.

SECTION 26. Section 11.35, Education Code, is amended to read as follows:

Sec. 11.35. **HIGH SCHOOL EQUIVALENCY EXAMINATIONS.** The State Board of Education shall provide for the administration of high school equivalency examinations. Any person over the age of 17 who does not have a high school diploma may take the examination in accordance with the rules and regulations promulgated by the board. *The board by rule shall fix and require payment of a fee as a condition to the issuance of a high school equivalency certificate and a copy of the scores of the examinations. The fee must be reasonable and designed to cover the administrative costs of issuing the certificate and a copy of the scores.*

SECTION 27. Section 13.032(h), Education Code, is amended to read as follows:

(h) The State Board of Education by rule may fix and require payment of a fee as a condition to the issuance of a teaching certificate. The fee must be reasonable and designed to cover the administrative costs of issuing the certificate. The board may adopt a different fee for each class of certificate issued. *The board by rule shall fix and require payment of an additional fee to recover the administrative costs of reviewing the credentials of an applicant for a certificate.* The commissioner of education shall periodically review and recommend adjustments in the level of fees required under this subsection.

SECTION 28. Section 32.71, Education Code, is amended to read as follows:

Sec. 32.71. **CERTIFICATE AND REGISTRATION FEES.** (a) Certificate and registration fees shall be collected by the Administrator and deposited with the State Treasurer in accordance with the following schedule:

(1) the initial fee for a school is \$1,000 [~~\$500~~];

(2) the annual renewal fee for a school is based on the gross amount of annual student tuition and fees as follows:

Gross Amount, Student Tuition and Fees		Fee
not more than \$	50,000	\$ 500
more than \$	50,000 but not more than 100,000	600
more than	100,000 but not more than 250,000	700
more than	250,000 but not more than 500,000	800
more than	500,000 but not more than 750,000	900
more than	750,000 but not more than 1,000,000	1,000
more than	1,000,000	1,100 [\$400];

(3) the initial registration fee for a representative is \$60 [~~\$40~~]; ~~and~~

(4) the annual renewal fee for a representative is \$30 [~~\$20~~];

(5) the fee for a change of a name of a school or owner is \$100;

(6) the fee for a change of an address of a school is \$180;

(7) the fee for a change in the name or address of a representative or a change in the name or address of a school that causes the reissuance of a representative permit is \$10;

(8) the application fee for an additional course is \$150, except for seminar and workshop courses, for which the fee is \$25;

(9) the application fee for a director, administrative staff member, or instructor is \$15;

(10) the application fee for the authority to grant associate of applied arts and associate of applied science degrees is \$500; and

(11) the application fee for an additional degree course is \$250.

(b) The commissioner of education shall periodically review and recommend adjustments in the level of fees to the State Board of Education and the legislature.

(c) For purposes of this section, the gross amount of annual student fees and tuition for a proprietary school is the amount determined by the State Board of Education based on any report submitted by the school to the Central Education Agency or other information obtained by the agency.

SECTION 29. Section 32.34(d), Education Code, is amended to read as follows:

(d) At least thirty (30) days prior to expiration of a certificate of approval, the schools shall forward to the administrator an application for renewal. The administrator shall reexamine the school and either renew or cancel the school's certificate of approval. *If a school fails to file a complete application for renewal at least thirty (30) days before the expiration date of the certificate of approval, the school, as a condition of renewal, must pay, in addition to the annual renewal fee, a late renewal fee in an amount established by State Board of Education rule of at least \$100.*

SECTION 30. Section 3.29, Texas Clean Air Act (Article 4477-5, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.29. **PERMIT AND VARIANCE FEES.** The board may adopt rules relating to charging and collecting fees for permits, *exemptions from construction permits that are authorized by board rule*, and variances, including schedules of fees to be charged. The fees shall be sufficient to cover the reasonable costs of review and action by the board on a permit, *exemption*, or variance application and of implementing and enforcing the terms and conditions of the permit, *exemption*, or variance. Fees adopted under this section shall be not less than \$50 nor more than \$50,000 [~~\$7,500~~].

SECTION 31. Article 3927, Revised Statutes, is amended to read as follows:

Art. 3927. **DISTRICT CLERK.** The clerks of the district courts shall receive the following fees for their services:

(1) The fees in this Subsection shall be due and payable, and shall be paid at the time suit or action is filed.

For each suit filed, including appeals from inferior courts \$75.00 [~~\$25.00~~]

For each cross action, intervention, contempt action or motion for new trial filed \$15.00

For issuing each subpoena, including one (1) copy thereof, when requested at the time a suit or action is filed \$ 4.00

For issuing each citation or other writ or process not otherwise provided for, including one (1) copy thereof, when requested at the time a suit or action is filed \$ 8.00

For issuing each additional copy of any process, not otherwise provided for, when requested at the time a suit or action is filed \$ 4.00

(2) The fees in this Subsection shall be due and payable at the time or times of performance or request for performance of services; shall be an obligation of the party to the suit or action initiating the request, and shall be additional to the fees provided for in Subsection (1) of this Act; provided, however, that the District Clerk may accept bond or bonds as security therefor.

For issuing each subpoena not provided for in Subsection (1), including one (1) copy thereof \$ 4.00

For issuing each citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, writ of sequestration not provided for in Section 1, or any other writ or process not otherwise provided for, including one (1) copy thereof when required by law \$ 8.00

For issuing each additional copy of any writ or process not otherwise provided for \$ 4.00

For searching the files or records, fees may be charged:

a. To locate any one cause when the person requesting same does not furnish the docket number of said cause, or

b. To ascertain the existence or nonexistence of any instrument or record in his office . \$ 5.00

For issuing certificate to any fact or facts contained in the records of his office \$ 2.00

For issuing deposition each one hundred (100) words \$.20

For issuing interrogatories with certificate and seal, per page or portion thereof \$ 1.00

For abstracting judgment \$ 4.00

For approving each bond \$ 4.00

For making a copy, other than a photocopy, of all records, judgments, orders, pleading, or papers on file or of record in his office, whether certified or not, for any person applying for same, including the certificate and seal, per page or portion thereof \$ 1.00

SECTION 32. Title 61, Revised Statutes, is amended by adding Article 3928b to read as follows:

Art. 3928b. **FILING FEES ALLOCATED TO STATE**

Sec. 1. From each fee collected under Article 3927, Revised Statutes, for the filing of suits, including appeals from inferior courts, the district clerk shall retain \$35 and send the remainder to the comptroller of public accounts.

Sec. 2. The district clerk shall send the state's share of the fees to the comptroller at least as frequently as monthly and shall account for the retained fees as required by law. The comptroller shall deposit the state's share of the fees in the general revenue fund.

SECTION 33. Chapter 14, Family Code, is amended by adding Section 14.13 to read as follows:

Sec. 14.13. **ADDITIONAL FILING FEE NOT REQUIRED.** No additional filing fee may be collected or required in a suit affecting the parent-child relationship when a party to the suit files a motion to modify a decree under Section 14.08 of this code, or when a motion for the enforcement of an order is filed under Section 14.09 or 14.091 of this code. This section does not prohibit the clerk from collecting a deposit in the amount set by the clerk as in other cases for payment of expected costs and other expenses arising in the proceeding.

SECTION 34. Section 5c, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-5c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5c. **SPECIAL PERSONALIZED PRESTIGE LICENSE PLATES.** The State Highway Department shall establish and issue special personalized prestige license plates. For a fee of *Seventy-five Dollars (\$75)* [~~Twenty-five Dollars (\$25)~~] which fee shall be in addition to the regular motor vehicle registration fee, any owner may apply for issuance of said personalized license plates. The Department shall establish and promulgate procedures for application for and issuance of such special personalized prestige license plates and provide a deadline each year for the applications. No two owners will be issued identical lettered and/or numbered plates. An owner must make a new application and pay a new fee each year he desires to obtain special personalized prestige license plates. However, once an owner obtains personalized plates, he will have first priority on those plates for each of the following years that he makes timely and appropriate application. *One Dollar and Twenty-five Cents (\$1.25)* [~~Ninety-five per cent (95%)~~] of each [~~Twenty-five Dollar~~] fee collected by the Department under this Section shall be deposited in the State Treasury to the credit of the [~~General Revenue Fund and the remaining five per cent (5%) shall be deposited in the State Treasury to the credit of the~~] State Highway Fund to defray the costs of administration of this Section, and the remainder of each fee shall be deposited in the State Treasury to the credit of the General Revenue Fund.

SECTION 35. Section 3(c), Chapter 234, Acts of the 51st Legislature, Regular Session, 1949 (Article 5221a-5, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) The application shall be examined by the Commissioner. If he finds that the same complies with the law and that the applicant is entitled to a license and pays the annual license fee of *One Hundred Dollars (\$100)* [~~Fifty Dollars (\$50)~~], then he shall issue a license to the applicant. Each license issued by the Commissioner shall be good for a period of one year from date of issuance.

SECTION 36. Sections 7(b) and (e), Chapter 263, Acts of the 66th Legislature, Regular Session, 1979 (Article 5221a-7, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) The notice shall be accepted by the commissioner, and on payment of a filing fee, the commissioner shall issue to the owner a certificate of authority to do business as a personnel service in this state not later than the 15th day after the day of the filing. The commissioner shall set the filing fee at an amount that is reasonable and adequate to pay administrative costs, not to exceed *\$100* [~~\$75~~].

(e) Renewals of the certificate of authority shall be issued by the commissioner on the filing by an owner of a notice containing the same information specified in Subsection (a) of this section and on the receipt by the commissioner of a filing fee. The commissioner shall set the filing fee at an amount that is reasonable and adequate to pay administrative costs, not to exceed *\$100* [~~\$75~~].

SECTION 37. Section 9(b), Chapter 241, General Laws, Acts of the 43rd Legislature, Regular Session, 1933 (Article 8501-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The application for a license shall be made upon a form furnished by the commissioner and shall be accompanied by an annual license fee as follows:

- | | |
|----------------|--------------------------|
| (1) boxer | \$15 [\$10] |
| (2) wrestler | \$15 [\$10] |
| (3) manager | \$75 [\$50] |
| (4) matchmaker | \$75 [\$50] |
| (5) judge | \$15 |
| (6) referee | \$25 [\$15] |
| (7) second | \$10 [\$5] |

(8) timekeeper \$10 [~~\$5~~]

SECTION 38. Section 5.182, Water Code, is amended to read as follows:

Sec. 5.182. FEES. (a) The executive director shall charge and collect the fees prescribed by this section. The executive director shall make a record of fees prescribed when due and shall render an account to the person charged with the fees. Each fee is a separate charge and is in addition to other fees unless provided otherwise.

(b) Except as specifically provided by this section, the fee for filing an application or petition is \$100 [~~\$25~~] plus the cost of any required notice. *The fee for a hazardous waste permit application shall be set by the agency at a reasonable amount to recover costs, but in no event shall be less than \$2,000 nor more than \$50,000. The fee for a by-pass permit shall be set by the agency at a reasonable amount to recover costs, but not less than \$100.*

(c) The fee for filing a water permit application is \$100 [~~\$75~~] plus the cost of required notice.

(d) The fee for filing an application for fixing or adjusting rates is \$100 plus the cost of required notice.

(e) The fee for filing a water district creation petition or conversion resolution is \$100 [~~\$60~~] plus the cost of required notice.

(f) The fee for filing a bond issue application is \$100 plus the cost of required notice.

(g) The fee for recording an instrument in the office of the commission is \$1.25 [~~\$1~~] per page.

(h) The fee for the use of water for irrigation is 50 cents per acre to be irrigated.

(i) The fee for impounding water, except under Section 11.142 of this code, is 50 cents per acre-foot of storage, based on the total holding capacity of the reservoir at normal operating level [~~;~~ provided that no additional fee shall be charged for recreational use for any impoundments of water now or hereafter permitted by the state or exempted from permit by statute].

(j) The fee for other uses of water not specifically named in this section is \$1 per acre-foot, except that no political subdivision may be required to pay fees to use water for recharge of underground freshwater-bearing sands and aquifers or for abatement of natural pollution.

(k) A fee charged under this section for one use of water under a permit from the commission may not exceed \$25,000 [~~\$5,000~~]. The fee for each additional use of water under a permit for which the maximum fee is paid may not exceed \$5,000 [~~\$1,000~~].

(l) The fees prescribed by Subsections (h) through (j) of this section are one-time fees, payable when the application for an appropriation is made. However, if the total fee for a permit exceeds \$1,000, the applicant shall pay one-tenth of the fee when the application is filed, one-tenth within 30 days after notice is mailed to him that the permit is granted, and the balance before he begins to use water under the permit. If the applicant does not pay all of the amount owed before beginning [~~he begins~~] to use water under the permit, *the [his] permit is annulled.*

(m) *If [When] a permit is annulled, the matter shall revert to the status of a pending, filed application and, upon the payment of use fees as provided by this subsection together with sufficient postage fees for mailing notice of hearing, the commission shall set the application for hearing and proceed as provided by this code.*

SECTION 39. Chapter 152, Acts of the 45th Legislature, Regular Session, 1937 (Article 3196a, Vernon's Texas Civil Statutes), is amended by adding Section 5A to read as follows:

Sec. 5A. (a) *The Texas Department of Mental Health and Mental Retardation may use the projected cost of providing inpatient services to establish the maximum charge that may be made to a payer. The department may establish maximum charges on a statewide per capita basis, on an individual facility per capita basis, on the basis of the type of service provided, or on any combination of these bases.*

(b) *Notwithstanding Subsection (a) of this section, the department may establish charges and accept payments that are in excess of the department's projected cost from a payer who is not an individual and whose method of determining the rate of reimbursement to a provider results in the excess.*

SECTION 40. Section 61, Mentally Retarded Persons Act of 1977 (Article 5547-300, Vernon's Texas Civil Statutes), is amended by adding Subsection (h) to read as follows:

(h) *The department may use the projected cost of providing residential services to establish the maximum charge that may be made to a payer whose maximum payment is not prescribed by Subsection (a) of this section. The department may establish maximum charges on a statewide per capita basis, on an individual facility per capita basis, on the basis of the type of service provided, or on any combination of these bases. The department may establish charges and accept payments that are in excess of the department's projected cost from a payer who is not an individual and whose method of determining the rate of reimbursement to a provider results in the excess.*

SECTION 41. (a) Except as provided by Subsection (b) of this section, the two immediately preceding sections take effect September 1, 1985, and apply to inpatient or residential services provided on or after that date. Inpatient or residential services provided before that date are governed by the law in effect at the time the services were provided, and that law is continued in effect for that purpose.

(b) To the extent that the two immediately preceding sections apply to payments from a governmental entity, those sections take effect immediately and apply to inpatient or residential services provided on or after January 1, 1985.

SECTION 42. Section 92(a), Texas Mental Health Code (Article 5547-92, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) An application fee and a license fee shall accompany the application for a license. If the department denies the license, only the license fee shall be returned. The application fee is *One Thousand Dollars (\$1,000) plus Ten Dollars (\$10)* [~~Two Dollars (\$2)~~] per bed [~~; not to exceed Two Thousand Dollars (\$2,000)~~]. The annual license fee payable on August 31 of each year is *Two [One] Hundred Dollars (\$200) [(\$100)]*.

SECTION 43. Section 2, Chapter 172, Acts of the 45th Legislature, Regular Session, 1937 (Article 165-3, Vernon's Texas Civil Statutes), is amended by amending Subsection (b) and by adding Subsections (e), (f), and (g) to read as follows:

(b) No political subdivision or agency of this State other than the Texas Department of Health may impose a [~~license~~] fee on any milk or milk product or on any person for the movement, distribution, or sale of any milk or milk product. The Texas Department of Health shall [~~may~~] impose [~~only~~] the following fees for the movement, distribution, or sale of milk or milk products:

- (1) a permit fee of \$50 [~~not to exceed \$25~~] a year for a producer dairy farm;
 - (2) a permit fee of \$200 [~~not to exceed \$100~~] a year for a processing or bottling plant;
 - (3) a permit fee of \$200 a year [~~not to exceed \$100~~] for a receiving and transfer station;
- [~~and~~]
- (4) a permit fee of \$100 [~~not to exceed \$50~~] a year for a milk transport tanker;
 - (5) a monthly fee for a processing or bottling plant located in Texas in the amount of one cent per 100 pounds of milk processed or distributed in Texas by the processing or bottling plant;
 - (6) a monthly fee for a processing or bottling plant not located in Texas in the amount of \$100 or one cent per 100 pounds of milk sold in Texas and processed by the plant, whichever is greater; and
 - (7) a fee for the actual cost of analyzing samples of milk or milk products for a processing or bottling plant not located in Texas that qualifies for the minimum monthly fee required under Subdivision (6) of this subsection.

(e) The Texas Department of Health may not impose a fee for the movement, distribution, or sale of milk or milk products except as authorized by this section.

(f) Annual permits issued under this Act must be renewed not later than September 1 of each year, and monthly fees shall be assessed and collected in accordance with rules adopted by the Texas Board of Health. The Texas Department of Health shall prorate for parts of a year fees paid for permits issued under this Act after the beginning of a permit year. The Texas Board of Health shall adopt rules establishing minimum standards for recordkeeping by persons required to pay any fee under this Act, and the records shall be made available to the Texas Department of Health on request.

(g) The Texas Department of Health may revoke a permit if the permittee fails to make timely payment of the monthly fees required under this section. The procedure by which the department revokes a permit is governed by department rules for a contested case hearing and by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

SECTION 44. Section 2.05, Texas Youth Camp Safety and Health Act (Article 44471, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.05. RENEWAL. Licenses issued under this Act shall be renewed annually by submission not later than May 1 of each year of an application for renewal of license on a form provided by the department. The annual fee for such license renewal shall be \$35 for an established camp and \$10 for a temporary camp. The fee must [~~and shall~~] be submitted with the application for renewal of license. For the purposes of this section, an "established camp" is defined as, but is not limited to, any camp that for a period of four (4) or more days continuously provides residential services, including overnight accommodations for the duration of the camp session. A "temporary camp" is defined as, but is not limited to, any camp that primarily operates during any portion of the day between 7 a.m. and 10 p.m. for a period of four (4) or more days, but may incidentally offer not more than two (2) overnight stays each camp session.

SECTION 45. (a) The Texas Hospital Licensing Law (Article 4437f, Vernon's Texas Civil Statutes) is amended by adding Section 7B to read as follows:

Sec. 7B. (a) The Texas Board of Health by rule shall adopt a fee schedule for hospital plan reviews as provided by Section 7A of this Act, based on the estimated construction cost. If an estimated construction cost cannot be established, the estimated cost shall be based on \$105 per square foot. If a hospital undertakes a series of small projects that require approval under Section 7A of this Act, the estimated construction cost shall be accumulated over a 12-month period from the date of submitting the plans to the Licensing Agency for approval. The fee schedule adopted may not exceed the following:

<i>Cost of Construction</i>	<i>Fee</i>
(1) Less than \$150,000	\$ 50
(2) at least \$150,000 but not more than \$600,000	\$ 150
(3) more than \$600,000 but not more than \$2,000,000	\$ 350
(4) more than \$2,000,000 but not more than \$5,000,000	\$ 500
(5) more than \$5,000,000 but not more than \$10,000,000	\$ 750
(6) more than \$10,000,000	\$1,000

(b) The Texas Board of Health by rule shall adopt a fee schedule for field surveys of construction plans approved under Section 7A of this Act. For each survey conducted, the fee may not be less than \$100 or more than \$300.

(b) This section is contingent on S.B. No. 410, 69th Legislature, Regular Session, 1985, becoming law. If S.B. No. 410 does not become law, this section has no effect.

SECTION 46. Section 7B(f), Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended to read as follows:

(f) The Texas Board of Health shall establish reasonable and necessary fees based on the estimated amount that is projected by the Licensing Agency to be required to administer its functions not to exceed:

Combined permit application and examination fee	\$25 [15]
Renewal permit application fee.....	15 [5].

SECTION 47. Sections 3.04(a), (b), (c), and (g), Emergency Medical Services Act (Article 4447c, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Applications for examination for personnel certification must be made to the department on a form and under rules prescribed by the board. Except as provided by Subsection (g) of this section, a [A] nonrefundable fee determined by the board shall accompany the application as follows:

(1) for examination for certification or recertification of a paramedic emergency medical technician or specially skilled emergency medical technician, a fee not to exceed an accumulated amount of \$18.75 [~~\$7.50 a year~~]; and

(2) for examination for certification or recertification of a basic emergency medical technician or emergency care attendant, a fee not to exceed an accumulated amount of \$12.50 [~~\$5 a year~~].

(b) Emergency medical services personnel who meet the minimum standards for personnel certification adopted under Section 3.02 of this Act shall be issued a certificate by the department that is valid for a period of four years from the date of issuance. A fee required by Subsection (a) of this section is the obligation of the individual applicant but may be paid by the emergency medical services provider.

(c) Emergency medical services providers must submit an application for vehicle registration in accordance with procedures prescribed by the board. An emergency medical services volunteer provider must submit with the application a letter of sponsorship from a governmental entity. Except as provided by Subsection (g) of this section, a [A] nonrefundable fee determined by the board shall accompany the application and may not exceed \$100 [~~\$25~~] for each emergency medical services vehicle or a maximum of \$2,000 [~~\$500~~] for a fleet of emergency services vehicles. On inspection by the department, emergency medical services vehicles that meet the minimum standards adopted under Section 3.02 of this Act shall be issued a registration by the department that is valid for two years.

(g) An emergency medical services volunteer provider and [The board shall exempt from the payment of fees under this section] all individuals who actively participate in the operations of an emergency medical services volunteer provider are exempt from the payment of all fees under this section.

SECTION 48. Section 8, Chapter 642, Acts of the 66th Legislature, Regular Session, 1979 (Article 4447u, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8. **LICENSE FEES.** *The Texas Board of Health shall set home health service license fees at amounts that are reasonable to meet the costs of administering this Act. The board may not set a fee for a Class A or Class B license at less than \$300 or more than \$750. If a branch office license is authorized by law, the board may not set the fee for the license at less than \$100 or more than \$300. A fee charged under this section is nonrefundable. [(a) Except as provided by Subsections (b) and (c) of this section, the Class A home health service license fee and the Class B home health service license fee for each place of business is \$100.*

[(b) The Class A home health service license fee for each place of business of a certified agency that has been operated during the year immediately preceding the date of the application is a figure in dollars that equals one percent of the total number of home visits made by the agency from the place of business during the year immediately preceding the date of the application, but not less than \$100 nor more than \$400.

[(c) The Class B home health service license fee for each place of business of a person, other than a certified agency, providing home health services during the year immediately preceding the date of the application is the fee specified in the following schedule according to the number of home health service hours billed from the place of business during the year immediately preceding the date of the application:

<u>Fee</u>	<u>No. Hrs. Billed</u>
\$100	0/10,000
\$200	over 10,000 but not more than 100,000
\$400	over 100,000

SECTION 49. Section 8, Frozen Dessert Manufacturer Licensing Act (Article 4476-2a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8. **LICENSES; FEES.** (a) A person desiring to operate an establishment for the manufacture of a frozen dessert, imitation frozen dessert, product sold in semblance of a frozen dessert, or a mix for one of those products must obtain a license from the department. A license shall be granted pursuant to procedural rules adopted by the board and shall be issued only for the purpose and use as stated on the application for a license.

(b) The department shall inspect the establishment under Section 10 of this Act before issuing a license. A license may not be issued to a person who does not comply with the standards prescribed by the board under this Act.

(c) A \$200 [~~\$100~~] fee for each establishment must accompany each application for a license. The fee may not be refunded by the department.

(d) A license issued under this Act shall be renewed on or before *September* [~~August~~] 1 of each year in accordance with rules adopted by the board.

(e) *The department shall also assess the following fees:*

(1) *a monthly fee for a frozen dessert manufacturer located in Texas in the amount of one cent per 100 pounds of manufactured or processed frozen dessert manufactured or processed by that manufacturer;*

(2) *a monthly fee for a frozen dessert manufacturer not located in Texas in the amount of \$100 or one cent per 100 pounds of frozen desserts manufactured or processed by the manufacturer in another state and imported for sale in Texas, whichever is greater; and*

(3) *a fee for the actual cost of analyzing samples of frozen desserts for a frozen dessert manufacturer not located in Texas that qualifies for the minimum monthly fee required under Subdivision (2) of this subsection.*

(f) *The department may revoke a license to operate a frozen desserts plant if the licensee fails to make timely payment of the monthly fees required under this section. The procedure by which the department revokes a license is governed by department rules for a contested case hearing and by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).*

(g) *The board shall adopt rules establishing minimum standards for recordkeeping by persons required to pay fees under this Act, and the records shall be made available to the department on request.*

SECTION 50. (a) Chapter 1033, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4476-13, Vernon's Texas Civil Statutes), is amended by adding Section 2A to read as follows:

Sec. 2A. **REGISTRATION; FEES.** (a) *A manufacturer whose products are distributed in this State may not manufacture or distribute a hazardous substance in this State unless the manufacturer has on file with the department a registration statement as provided by this section.*

(b) *The Texas Board of Health by rule shall prescribe the contents of the registration statement required by this section.*

(c) The registration statement must be filed before commencing business in this state as a manufacturer of a hazardous substance and annually thereafter not later than September 1 of each calendar year.

(d) The initial and annual fee for registration that shall accompany the registration statement is \$150.

(e) The department may, after notice and hearing, refuse to register or cancel, revoke, or suspend the registration of a manufacturer of a hazardous substance if the manufacturer fails to make timely payments of the fees required under this section. Proceedings shall be conducted under the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(f) All registration fees received by the department shall be deposited in the state treasury to the credit of the general revenue fund.

(b) Notwithstanding the provisions of Section 2A(c), Chapter 1033, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4476-13, Vernon's Texas Civil Statutes), as added by this section, a manufacturer of a hazardous substance doing business in this state on the effective date of this section is required to file an initial registration statement and pay the initial registration fee before December 1, 1985.

SECTION 51. Section 1, Chapter 1033, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4476-13, Vernon's Texas Civil Statutes), is amended by adding Subdivision (18) to read as follows:

(18) "Manufacturer" means any person who manufactures, repacks, or distributes a hazardous substance. The term does not include a retailer who distributes a hazardous substance to the general public, except that a retailer who distributes a hazardous substance made to its specifications is considered to be a manufacturer.

SECTION 52. Chapter 178, Acts of the 49th Legislature, 1945 (Article 4477-1, Vernon's Texas Civil Statutes), is amended by adding Section 23b to read as follows:

Sec. 23b. FEES. (a) Before a certificate of competency is issued or renewed under this Act, an applicant or holder of a certificate shall be required to pay a fee of \$10 a year. On receipt of the required fee, the Texas Department of Health shall issue to a qualified person a certificate of competency. The Texas Board of Health shall adopt rules establishing classes of certificates, duration of certificates, and fees.

(b) All fees received by the Texas Department of Health under this section shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION 53. Section 3A, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3A. CERTIFICATION RELATING TO RESIDENTIAL WATER TREATMENT FACILITIES. (a) The Commissioner of Health or his designee shall certify persons as being qualified for the installation, exchange, servicing, and repair of residential water treatment facilities as defined by Subsection (g) of Section 2 of this Act. The Texas Board of Health [director or his designee] shall set standards for certification [of qualifications] to ensure the public health and to protect the public from unqualified persons engaging in activities relating to water treatment. Nothing in this section shall be construed to require that persons licensed pursuant to this Act are subject to certification under this section.

(b) Before a certificate is issued or renewed under this section, an applicant or holder of a certificate shall be required to pay a fee of \$10 a year. On receipt of the required fee, the Texas Department of Health shall issue to a qualified person a certificate stating that the person is qualified for the installation, exchange, servicing, and repair of residential water treatment facilities. The Texas Board of Health shall adopt rules establishing classes of certificates, duration of certificates, and fees.

(c) All fees received by the Texas Department of Health under this section shall be deposited in the State Treasury to the credit of the General Revenue Fund.

SECTION 54. Section 4, Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), is amended by adding Subsection (k) to read as follows:

(k)(1) The department shall charge a fee for the filing with the department and review by the department of a permit application under this section. A fee schedule shall be adopted by rule that shall be reasonably related to one or more of the following factors:

- (A) the population served;
- (B) the volume of waste to be handled;
- (C) the type and size of the facility; or
- (D) the cost of the review of the permit application.

(2) The department shall charge an annual fee for each solid waste facility authorized by the department to be operated or maintained under this Act. The department shall adopt a fee schedule for determining the amount of fee to be charged. The amount of the fee shall be reasonably related to one or more of the following factors:

- (A) the population served;
- (B) the volume of waste handled; or
- (C) the type and size of the facility.

(3) The department shall charge an annual fee to generators of hazardous waste and transporters of solid waste who are required to register with the department by rule adopted under this Act. Fee schedules shall be adopted by rule. The fees shall be reasonably related to the volume or the type of waste generated or transported, or both the volume and type of waste.

(4) The fees collected under this section shall be deposited in the state treasury to the credit of the general revenue fund. The board shall fix the amount of the fees to collect sufficient revenue to meet the expenses of administering this section.

SECTION 55. Section 19, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), is amended by amending Subsection (d) and adding Subsection (f) to read as follows:

(d) If the manner of review authorized by law for the decision complained of is other than by trial de novo:

(1) after service of the petition on the agency, and within the time permitted for filing an answer (or such additional time as may be allowed by the court), the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review and such agency record shall be filed with the clerk of the court. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs, *unless the party is subject to a rule adopted under Subsection (f) of this section requiring payment of all costs of record preparation*. The court may require or permit subsequent corrections or additions to the record;

(2) any party may apply to the court for leave to present additional evidence and the court, if it is satisfied that the additional evidence is material and that there were good reasons for the failure to present it in the proceeding before the agency, may order that the additional evidence be taken before the agency on conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file such evidence and any modifications, new findings, or decisions with the reviewing court;

(3) the party seeking judicial review shall offer, and the reviewing court shall admit, the agency record into evidence as an exhibit. The review is conducted by the court sitting without a jury and is confined to the agency record, except that the court may receive evidence of procedural irregularities alleged to have occurred before the agency but which are not reflected in the record.

(f) *An agency by rule may require a party who appeals a final decision in a contested case to pay all or a part of the cost of preparation of the original or a certified copy of the record of the agency proceeding that is required to be transmitted to the reviewing court. A charge imposed as provided by this subsection is considered to be a court cost and may be assessed by the court in accordance with the Texas Rules of Civil Procedure.*

SECTION 56. Section 12.018(b), Agriculture Code, is amended to read as follows:

(b) The department may set and charge a fee of not less than \$20 [~~\$10~~] nor more than \$40 [~~\$20~~] for testing under this section.

SECTION 57. (a) Subchapter C, Chapter 13, Agriculture Code, is amended by adding Sections 13.1011 and 13.1151 to read as follows:

Sec. 13.1011. REQUIRED REGISTRATION. (a) A person who operates a pump, scale, or bulk or liquefied petroleum gas metering device for a commercial transaction must register annually with the department.

(b) The department shall establish a system of annual registration and may provide for staggered year-round registration.

(c) If a person fails to register as required by this section and pay the fee required under Section 13.1151 of this code, the department may assess a late fee against the person, prohibit the operation of the pump, scale, or metering device, or both assess the fee and prohibit the operation of the pump, scale, or metering device.

(d) The department shall adopt rules for the administration of this section and Section 13.1151 of this code.

(e) In this section, "pump" means a gasoline, kerosene, or diesel fuel pump.

Sec. 13.1151. FEES FOR REGISTRATION. (a) The department may charge a fee for the registration of a pump, scale, or bulk or liquefied petroleum gas metering device registered under Section 13.1011 of this code. The department shall determine the amount of the fee based on the number and the capacity of the scales, pumps, or metering devices being operated.

(b) The annual fee for registration of a pump may not exceed \$5.

(c) The annual fee for registration of a scale may not exceed the following amounts:

SCALE CAPACITY	FEE
Less than 4,999 pounds	\$10
4,999 pounds or more	\$80

(d) The annual fee for registration of a bulk or liquefied petroleum gas metering device may not exceed \$20.

(e) A fee charged under this section is due on the registration date set by the department.

(f) The department may assess a late fee against a person who fails to make timely payment of an annual registration fee.

(b) The subchapter heading to Subchapter C, Chapter 13, Agriculture Code, is amended to read as follows:

SUBCHAPTER C. INSPECTION AND REGISTRATION OF WEIGHTS AND MEASURES

(c) Section 13.115(i), Agriculture Code, is amended to read as follows:

(i) The fee for all precision testing performed by the metrology laboratory is:

WEIGHT	FEES
Not more than Less than 3 kilograms	\$25 [\$15]
More than 3 kilograms but not more than or more but less than 30 kilograms	\$50 [\$30]
More than 30 kilograms or more	\$70 [\$50]

(d) Sections 13.115(b), (c), (d), and (e), Agriculture Code, are repealed.

SECTION 58. Chapter 12, Agriculture Code, is amended by adding Section 12.021 to read as follows:

Sec. 12.021. FEE FOR PHYTOSANITATION CERTIFICATE INSPECTION. The department shall collect an inspection fee of not less than \$25 for the issuance of a phytosanitation fee certificate required by foreign countries or other states for agricultural products exported from this state.

SECTION 59. Section 13.255(b), Agriculture Code, is amended to read as follows:

(b) The department shall collect a fee of \$50 ~~[\$25]~~ before issuing a certificate of authority to a county public weigher or to a deputy public weigher and shall collect a fee of \$200 ~~[\$100]~~ before issuing a certificate of authority to a state public weigher.

SECTION 60. Subchapter E, Chapter 13, Agriculture Code, is amended by adding Section 13.261 to read as follows:

Sec. 13.261. POWER OF DEPARTMENT; RULES. The department may adopt rules governing the procedures to be followed in administering the fees imposed under this subchapter.

SECTION 61. Section 14.014(d), Agriculture Code, is amended to read as follows:

(d) The department shall collect from the warehouseman whose public grain warehouse is inspected an inspection fee for an annual inspection or an inspection requested by the warehouseman, but may not collect an inspection fee for other inspections. The inspection fee is \$2 ~~[\$1]~~ for each 10,000 bushels or fraction of 10,000 bushels of licensed storage capacity of the warehouse inspected or \$45 ~~[\$15]~~, whichever is greater.

SECTION 62. Sections 71.056(b) and (c), Agriculture Code, are amended to read as follows:

(b) The fee for each inspection of an installation, an area, or premises, growing, selling, displaying, or handling nursery products shall be not less than \$15 ~~[\$10]~~ nor more than \$75 ~~[\$25]~~.

(c) The fee for each inspection of an installation, an area, or premises, where florist items are bought and sold or offered for sale shall be not less than \$15 ~~[\$5]~~ nor more than \$75 ~~[\$15]~~.

SECTION 63. Section 75.016(c), Agriculture Code, is amended to read as follows:

(c) At the time of inspection, a custom applier shall pay an inspection fee of \$20 ~~[\$10]~~ for each piece of equipment inspected.

SECTION 64. Section 76.106(c), Agriculture Code, is amended to read as follows:

(c) Each regulatory agency may charge a nonrefundable testing fee of not more than \$20 [~~\$10~~] for testing in each licenseuse category.

SECTION 65. Section 76.108(b), Agriculture Code, is amended to read as follows:

(b) A person shall apply for an original or renewal commercial applicator license on forms prescribed by the regulatory agency. The application shall include information as required by rule of the head of the agency and must be accompanied by an annual license fee of no more than \$150 [~~\$100~~], as fixed by the head of the agency.

SECTION 66. Section 76.109(b), Agriculture Code, is amended to read as follows:

(b) A person shall apply for an original or renewal noncommercial applicator license on forms prescribed by the regulatory agency. A nongovernmental applicant shall include with the application an annual license fee of not more than \$100 [~~\$50~~], as fixed by the head of the regulatory agency. A regulatory agency may not charge a governmental entity applicant a license fee.

SECTION 67. Section 101.010(b), Agriculture Code, is amended to read as follows:

(b) The department may collect a fee not to exceed \$5 [~~\$1~~] for each card and shall issue transporting agent cards in a color different from buying agent cards.

SECTION 68. Section 161.081, Agriculture Code, is amended by adding Subsection (d) to read as follows:

(d) *The commission shall charge a fee of 25 cents for each health certificate.*

SECTION 69. Subchapter C, Chapter 88, Education Code, is amended by adding Section 88.213 to read as follows:

Sec. 88.213. AGRICULTURAL RESEARCH PRODUCTS. The board of regents of The Texas A&M University System shall generate revenues through agreements establishing equitable interests, royalties, and patent rights relating to releases of agricultural research products by the Texas agricultural experiment station when economically feasible.

SECTION 70. Section 18, Texas Surface Coal Mining and Reclamation Act (Article 5920-11, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 18. ~~FEES~~ ~~[FEE]~~. (a) Each application for a surface mining permit or for renewal or revision of a surface mining permit shall be accompanied by an ~~[initial]~~ application fee as determined by the commission in accordance with a published fee schedule. The ~~[initial]~~ application fee shall be based as nearly as possible on the actual or anticipated cost of reviewing the application; ~~but shall not exceed \$1,500.~~

(b) *The initial application fee for a surface mining permit may not be less than \$5,000. The application fee for renewal of a surface mining permit may not be less than \$3,000. The application fee for revision of a surface mining permit may not be less than \$500. The initial application fee and the application fee for renewal of a surface mining permit may be paid in equal annual installments during the term of the permit.*

(c) *In addition to application fees required by this section, each permittee shall pay to the commission an annual fee, in an amount determined by the commission, for each acre of land within the permit area on which the permittee actually conducted operations for the removal of coal and lignite during the year. This fee is due and payable not later than March 15 of the year following the year of the removal operations. The fee may not be less than \$120 an acre.*

(d) *Fees under this section ~~(b)~~ ~~This fee~~ shall be deposited in the state treasury and credited to the general revenue fund ~~[a special account to the commission and may be spent for the administration and enforcement of this Act].~~*

SECTION 71. Subchapter C, Chapter 27, Water Code, is amended by adding Section 27.0321 to read as follows:

Sec. 27.0321. APPLICATION FEE. With each application for an oil and gas waste disposal well permit, the applicant shall submit to the railroad commission a nonrefundable fee of \$100.

SECTION 72. Subchapter D, Chapter 91, Natural Resources Code, is amended by adding Section 91.1013 to read as follows:

Sec. 91.1013. APPLICATION FEE. With each application for a fluid injection well permit, the applicant shall submit to the commission a nonrefundable fee of \$100. In this section, "fluid injection well" means any well used to inject fluid or gas into the ground in connection with the exploration or production of oil or gas other than an oil and gas waste disposal well regulated by the commission pursuant to Chapter 27, Water Code.

SECTION 73. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Sections 81.0521 and 81.0522 to read as follows:

Sec. 81.0521. FEE FOR APPLICATION FOR EXCEPTION TO RAILROAD COMMISSION RULE. (a) With each application for an exception to any commission rule contained in Chapter 3 of Part 1 of Title 16 of the Texas Administrative Code, the applicant shall submit to the commission a fee of \$50.

(b) The application fee for an exception to any commission rule may not be refunded.

Sec. 81.0522. NATURAL GAS POLICY ACT APPLICATION FEE. (a) With each Natural Gas Policy Act (15 U.S.C. Sections 3301-3432) application, the applicant shall submit to the commission a fee of \$50.

(b) The fee for any Natural Gas Policy Act application may not be refunded.

SECTION 74. Section 85.2021, Natural Resources Code, is amended to read as follows:

Sec. 85.2021. DRILLING PERMIT FEE. (a) With each application or materially amended application for a permit to drill, deepen, plug back, or reenter a well, the applicant shall submit to the commission a fee of \$100. Additionally, the applicant shall submit a fee of \$50 when requesting that the commission expedite the application for a permit to drill, deepen, plug back, or reenter a well.

(b) The drilling permit fee and the fee to expedite the drilling permit application may not be refunded.

(c) Drilling permit fees collected under this section shall be deposited in the state well plugging fund. Fees to expedite a drilling permit application shall be deposited in the general revenue fund.

SECTION 75. Subchapter N, Chapter 21, Education Code, is amended by adding Section 21.507 to read as follows:

Sec. 21.507. SUPPORT OF STUDENTS REFERRED TO TEXAS SCHOOL FOR THE BLIND OR TEXAS SCHOOL FOR THE DEAF. (a) For each student enrolled in the Texas School for the Blind or the Texas School for the Deaf, the school district that is responsible for providing appropriate special education services to the student shall share the cost of the student's education as provided by this section.

(b) If the student is admitted to the school for a full-time program for the equivalent of two long semesters, the district's share of the cost is an amount equal to the dollar amount of maintenance and debt service taxes imposed by the district for that year divided by the district's gross average daily attendance for the prior year.

(c) If the student is admitted for a program less than two complete semesters in duration, other than a summer program, the district's share of the cost is an amount equal to the amount that would be the district's share under Subsection (b) of this section for a full-time program multiplied by the quotient resulting from the number of full-time equivalent days in the program divided by 175.

(d) Each school district and state institution shall provide to the commissioner of education the necessary information to determine the district's share under this section. The information must be reported to the commissioner on or before a date set by rule of the State Board of Education. After determining the amount of a district's share for all students for which the district is responsible, the commissioner shall deduct that amount from the payments of foundation school funds payable to the district. Each deduction shall be in the same percentage of the total amount of the district's share as the percentage of the total foundation school fund entitlement being paid to the district at the time of the deduction, except that the amount of any deduction may be modified to make necessary adjustments or to correct errors. The commissioner shall provide for remitting the amount deducted to the appropriate school at the same time at which the remaining funds are distributed to the school district.

(e) Each district shall provide each parent or other person having lawful control of a student with written information about:

(1) the availability of programs offered by state institutions for which the district's students may be eligible;

(2) the eligibility requirements and admission conditions imposed by each of those state institutions; and

(3) the rights of students in regard to admission to those state institutions and in regard to appeal of admission decisions.

(f) The State Board of Education may adopt rules as necessary to implement this section and shall adopt rules prescribing the form and content of information required by Subsection (e) of this section.

(g) The Texas School for the Blind and the Texas School for the Deaf may provide directly to parents or other persons having lawful control of students the written information described in Subsection (e) of this section.

SECTION 76. Section 11.063(b), Education Code, is amended to read as follows:

(b) The funding of the Texas School for the Blind shall consist of:

- (1) such amounts as might be specifically appropriated to the Texas School for the Blind by the legislature;
- (2) such sums as which the Central Education Agency might make available to the Texas School for the Blind pursuant to other provisions of this code;
- (3) budgets developed through contracts and agreements;
- (4) amounts received through gifts and bequests; and
- (5) payments from local school districts in amounts provided by Section 21.507 of this code [an amount equivalent to the amount of ad valorem tax collections which would have been expended on each child sent to the Texas School for the Blind from within its geographical boundaries had the child been enrolled in a program of special education offered by the local independent school district].

SECTION 77. The amendments to the Education Code in the two immediately preceding sections of this Act apply only to students admitted to the Texas School for the Blind or the Texas School for the Deaf for the fall of 1985 and thereafter.

SECTION 78. Section 26.0291(b), Water Code, is amended to read as follows:

(b) [The board, by rule, shall adopt a fee schedule for determining the amount of the fee to be charged. The amounts of the fees in such schedule shall be proportional to the average volume of discharge specified in the permit, beginning at \$100 for a zero discharge or small discharge, and a maximum of \$2,000 for the largest average volume of discharge in the state.] The annual fee to be charged each permittee is as follows:

Flow Category (Million Gallons per Day)	Fee
No Discharge or Inactive	\$100
Flow less than or equal to .05	\$200
Flow greater than .05 but not more than .10	\$400
Flow greater than .10 but not more than .25	\$600
Flow greater than .25 but not more than .50	\$800
Flow greater than .50 but not more than 1.00	\$1,000
Flow greater than 1.00 but not more than 2.00	\$2,000
Flow greater than 2.00 but not more than 3.00	\$3,000
Flow greater than 3.00 but not more than 4.00	\$4,000
Flow greater than 4.00 but not more than 5.00	\$5,000
Flow greater than 5.00 but not more than 6.00	\$6,000
Flow greater than 6.00 but not more than 7.00	\$7,000
Flow greater than 7.00 but not more than 8.00	\$8,000
Flow greater than 8.00 but not more than 9.00	\$9,000
Flow greater than 9.00	\$10,000
Storm Water or Report	\$500

[shall be that set by the fee schedule adopted by the board.]

SECTION 79. Section 26.044(c), Water Code, is amended to read as follows:

(c) The board may delegate the administration and performance of the certification function to the executive director or to any other governmental entity. The board shall collect the following fees from applicants for certification:

Boat Certificates (annual):

Initial Certificates for Pump-out	\$35
Pump-out Renewal	\$25

Marine Sanitation Device (biennial):

Boat over 26 Feet or Houseboat	\$15
Boat 26 Feet or less with Permanent Device	\$15

[The board may prescribe and require the payment, by applicants for certification, of reasonable fees based on the costs of administering and performing the certification function.] All certification fees shall be paid to the entity performing the certification function. All fees collected by any state agency shall be deposited in a special fund for use by that agency in administering and performing the certification function and shall not be deposited in the General Revenue Fund of the state.

SECTION 80. (a) Section 15, Article 42.12, Code of Criminal Procedure, 1965, is amended by adding Subsection (n) to read as follows:

(n) In addition to other conditions of parole and release on mandatory supervision imposed under Subsection (g) of this section, the Board shall require a prisoner released on parole or mandatory supervision to pay a parole supervision fee of \$10 to the Board for each month during

which the prisoner is required to meet personally with a parole officer or supervisor. On the request of the prisoner, the Board may allow the prisoner to defer payments under this subsection. The prisoner remains responsible for payment of the fee and must make the deferred payment not later than two years after the date on which the payment becomes due. The Board shall establish rules relating to the method of payment required of the person on parole or mandatory supervision, except that the Board may not allow a parole officer to collect the fee. Fees collected under this subsection by the Board shall be remitted to the comptroller of public accounts, who shall deposit the fees in the general revenue fund of the state treasury. In a parole or mandatory supervision revocation hearing under Section 22 of this article at which it is alleged only that the person failed to make a payment under this subsection, the inability of the person to pay as ordered by the Board is an affirmative defense to revocation, which the person must prove by a preponderance of the evidence.

(b) This section does not apply to a person who on September 1, 1985, has less than 12 months remaining until the time at which the person is eligible for a certificate of discharge under Section 23, Article 42.12, Code of Criminal Procedure, 1965.

SECTION 81. Section 35, The Securities Act (Article 581-35, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 35. **FEES.** (a) The Commissioner or Board shall charge and collect the following fees and shall daily pay all fees received into the State Treasury:

A. For the filing of any original application of a dealer, Seventy Dollars (\$70.00), and for the filing of any renewal application of a dealer, Thirty-five Dollars (\$35.00) plus Fifteen Dollars (\$15.00) for each person listed as an officer in the application;

B. For the filing of any original application for each salesman, Thirty Dollars (\$30.00), and for the filing of any renewal application for each salesman, Fifteen Dollars (\$15.00);

C. For any filing to amend the registration certificate of a dealer or evidence of registration of a salesman, or issue a duplicate certificate or evidence of registration, Five Dollars (\$5.00);

D. For the filing of any original, amended or renewal application to sell or dispose of securities, Ten Dollars (\$10.00);

E. For the examination of any original or amended application filed under Subsection A, B, or C of Section 7 of this Act, regardless of whether the application is denied, abandoned, withdrawn, or approved, a fee of one-tenth (1/10) of one percent (1%) of the aggregate amount of securities described and proposed to be sold to persons located within this state based upon the price at which such securities are to be offered to the public;

F. For certified copies of any papers filed in the office of the Commissioner, the Commissioner shall charge such fees as are reasonably related to costs; however, in no event shall such fees be more than those which the Secretary of State is authorized to charge in similar cases; and

G. For the filing of any application for approval of a stock exchange so that securities fully listed thereon will be exempt, a fee of Two Hundred and Fifty Dollars (\$250.00).

(b) The Commissioner or Board may charge and collect a fee for an interpretation by the Board's general counsel of this Act or a rule adopted under this Act. The amount of the fee may not exceed One Hundred Dollars (\$100.00). An officer or employee of a governmental entity and the entity that the officer or employee represents are exempt from any fee adopted under this subsection when the officer or employee is conducting official business of the entity.

SECTION 82. Section 3, Chapter 3, page 620, General Laws, Acts of the 46th Legislature, Regular Session, 1939 (Article 4379b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3. The State Treasurer shall collect for the use of the State, from said municipality or political subdivision for receiving and disbursing such funds, a fee in an amount established by rule of the State Treasurer that is sufficient to pay the State Treasurer's cost of administration [commission of one-eighth of one per cent on interest, and one-twentieth of one per cent on principal; provided, however, such exchange or commission on any interest payment date or interest/principal payment date shall never be less than Two Dollars and Fifty Cents (\$2.50)]. The Treasurer of said municipality or political subdivision shall remit to the State Treasurer as ex-officio Treasurer of said municipality or political subdivision, the fee [exchange or commission] as herein provided at the time of such remittance for the payment of any maturing obligation or interest thereon. Upon receipt of such fee [exchange or commission] paid by the municipalities or political subdivisions, the State Treasurer shall credit the same to the fees [commissions and exchanges] earned, and all fees [commissions and exchanges] earned, or so much as necessary, are hereby reserved [appropriated] to the State Treasurer to be used by the State Treasurer [him] in the administration of the provisions of this Act. Any balance remaining at the end of any fiscal year shall be available for use in the next fiscal year.

SECTION 83. The Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes) is amended by adding Section 6A to read as follows:

Sec. 6A. (a) At the time an issuer submits bonds to the attorney general for examination and approval as provided by law, the issuer must pay the attorney general an examination fee. The amount of the fee is based on the principal amount to be financed by the bonds, according to the following schedule:

<i>Principal Amount</i>	<i>Fee</i>
<i>not more than \$1 million</i>	<i>\$250</i>
<i>more than \$1 million but not more than \$20 million</i>	<i>500</i>
<i>more than \$20 million</i>	<i>750</i>

(b) The fee is not refundable, regardless of whether the bonds are approved. The attorney general shall remit the fees collected under this section to the state treasurer for deposit to the credit of the general revenue fund.

SECTION 84. Section 23a, Texas Food, Drug, and Cosmetic Act (Article 4476-5, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 23a. 1. All manufacturers of foods in the state shall annually register ~~on or before September 1~~ with the Texas Department of Health ~~and pay a fee set by the Texas Board of Health adequate to pay the cost of administering this program and not to exceed \$25~~. Where a manufacturer operates more than one establishment, then a separate registration and fee shall be required for each establishment operated.

2. The registration statement, which shall be signed and verified, shall be made on forms furnished by the Texas Department of Health and shall provide the following information:

- (a) the name under which the business is conducted;*
- (b) the address of each place of business in the state being registered;*
- (c) if a sole proprietorship, the name of the proprietor; if a partnership, the names of all partners; if a corporation, the date and place of incorporation and name and address of its registered agent in the state; or if any other type of association, then the names of the principals of such association;*
- (d) the names of those individuals in an actual administrative capacity which, in the case of a sole proprietorship shall be the managing proprietor; in a partnership, the managing partner; in a corporation, the officers and directors; in any other association, those in a managerial capacity.*

3. The Texas Board of Health shall adopt, charge, and collect fees for each registration filed or renewed under this section and for inspections performed in enforcing requirements of this section and rules adopted under this section. The fees may be charged on an annual basis. The board by rule shall set the fees at amounts designed to recover not less than 50 percent of the actual annual expenditures of state funds by the Texas Department of Health in:

- (a) reviewing and acting on registrations;*
- (b) amending and renewing registrations;*
- (c) inspecting registered facilities; and*
- (d) implementing and enforcing this section and rules and orders adopted and registrations issued under this section.*

4. Not less than one-half of all registration fees collected under this section may be used only for inspection and enforcement as provided in Subsections 3(c) and (d) of this section, and the remainder of the fees may be used only for administration of this program.

5. The Texas Board of Health by rule may adopt a system under which registrations expire on various dates during a year. For the year in which the registration expiration date is changed, the department shall prorate registration fees for months of that year.

6. The term "manufacture" as used in this article shall mean the process of combining or purifying articles of food and packaging same for sale to the consumer, either by wholesale or retail. Any person, firm, or corporation who represents itself as responsible for the purity and the proper labeling of any article of food by placing or having placed its name and address upon the label of any food shall be deemed a manufacturer and shall be included within the meaning of this section.

7. ~~4.~~ All registration fees received by the Texas Department of Health shall be deposited in the State Treasury to the credit of the General Revenue Fund ~~and are appropriated to the department for the administration of this Act~~.

8. ~~5.~~ The Commissioner of Health may, after notice and hearing, refuse to register or may cancel, revoke, or suspend the registration of any food manufacturer. The Texas Board of Health shall adopt rules establishing minimum standards for registering, cancelling, revoking, and suspending registrations under this section.

9. [6-] Procedures for notice and hearing shall be governed by Texas Department of Health rules for a contested case hearing and by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

10. [7-] (a) Any person who manufactures food in this state who does not comply with the registration requirements of this section commits an offense.

(b) An offense under this section is a Class A misdemeanor.

SECTION 85. Subchapter B, Chapter 67, Education Code, is amended by adding Section 67.213 to read as follows:

Sec. 67.213. STUDENT RECREATIONAL SPORTS FEE. (a) The board may charge each student enrolled in the university a recreational sports fee not to exceed \$20 a semester or 12-week summer session or \$10 a six-week summer session. The fee may be used only for financing, constructing, operating, maintaining, and improving recreational sports facilities and programs at the university.

(b) A fee may not be imposed under this section until the semester in which a campus recreational sports facility will be available for use.

(c) The university shall collect any student recreational sports fee imposed under this section and shall deposit the money collected in an account to be known as the student recreational sports account. A recreational sports fee may not be collected after the 20th anniversary of the date it is first collected, or after all bonded indebtedness for any campus recreational sports facility for which the fee receipts are pledged is paid, whichever is later.

(d) A student recreational sports fee imposed under this section is not counted in determining the maximum student services fee which may be charged under Section 67.211 of this code.

SECTION 86. Section 70.08(a), Education Code, is amended to read as follows:

(a) The board may levy a student union fee, not to exceed \$25 [~~\$15~~] per student for each regular semester and not to exceed \$12.50 [~~\$7.50~~] per student for each term of the summer session, for the sole purpose of financing, constructing, operating, maintaining, and improving a student union building; provided, however, that the fee may not be increased above \$15 per student for each regular semester and \$7.50 per student for each term of the summer session unless the increase is approved by a majority vote of those students participating in a general election held for that purpose. The fees herein authorized to be levied are in addition to any use or service fee now or hereafter authorized to be levied.

SECTION 87. Subchapter C, Chapter 107, Education Code, is amended by adding Section 107.47 to read as follows:

Sec. 107.47. FEES FOR STUDENT CENTERS. (a) The board may levy a regular, fixed student fee not to exceed \$20 per student for each semester of the long session and not to exceed \$10 per student for each term of the summer session, as the board determines is just and necessary for the purpose of financing, improving, operating, maintaining, and equipping student centers and acquiring or constructing additions to student centers.

(b) The board may increase a student fee levied under this section. If the increase is for more than \$3 per fiscal year, a majority of the students voting in an election called for that purpose must approve the increase.

(c) The board shall keep fees collected under this section in an account apart from the educational and general funds of the university. The board shall deposit the fees in a depository bank designated by the board and shall secure the deposits as required by law.

SECTION 88. Chapter 815, Acts of the 68th Legislature, Regular Session, 1983 (Article 5429n, Vernon's Texas Civil Statutes), is amended by adding Section 4A to read as follows:

Sec. 4A. REDUCTION IN CERTAIN AGENCY FEES. Each state agency that sets the fees charged by that agency in amounts that are reasonable and necessary to cover the administrative costs of the agency shall review the amounts charged as fees on a biennial basis. The agency shall review the fees before the beginning of each state fiscal biennium and incorporate its recommendations based on that review in its budget request submitted to the Legislative Budget Board and the budget division of the governor's office. If the agency determines that the fees are set at a level that exceeds the administrative costs of the agency as of the date of the review, the agency shall reduce the amount of the affected fees to the appropriate level and shall charge the reduced fees during the subsequent biennium. Each agency is directed to give specific recognition to reductions in salary expenses resulting from statutorily directed employee attrition.

SECTION 89. Title 61, Revised Statutes, is amended by adding Article 3927e to read as follows:

Art. 3927e. PARTIAL EXEMPTION FROM CERTAIN FEES; FILING FEE PAID BY OPPOSING PARTY

Sec. 1. The state is exempt from the payment of that portion of any filing fee that is allocated to the state under Article 3928b, Revised Statutes.

Sec. 2. If the state prevails in a lawsuit, the entire amount of any filing fee attributable to the state, including any amount exempted under Section 1 of this article, shall be paid by the opposing party.

SECTION 90. This Act applies only to fees that become due on or after the effective date of the applicable provision of this Act. A fee that is collected on or after that date but that became due before that date is governed by the law as it existed when the fee became due, and the former law is continued in effect for this purpose.

SECTION 91. Except as otherwise provided by this Act, this Act takes effect September 1, 1985.

SECTION 92. (a) Except as provided by Subsection (b) of this section, if a bill is enacted by the 69th Legislature at its regular session in 1985, becomes law, and directly affects the existence, imposition, amount, collection, or allocation of a fee that is a subject of this Act, the provisions of this Act prevail over the provisions of the law as determined by the other Act to the extent of any conflict, regardless of their relative dates of enactment.

(b) If any of the following bills is enacted by the 69th Legislature at its regular session in 1985 and becomes law, the provisions of that Act prevail over the provisions of this Act to the extent of any conflict:

- (1) S.B. No. 331;
- (2) S.B. No. 957 or H.B. No. 1943;
- (3) H.B. No. 2359; or
- (4) S.B. No. 214.

SECTION 93. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed by the House on April 23, 1985, by a non-record vote; House refused to concur in Senate amendments to H.B. No. 1593 on May 8, 1985, and requested the appointment of a conference committee to consider the differences between the two houses; House adopted the conference committee report on H.B. No. 1593 on May 26, 1985, by the following vote: Yeas 96, Nays 53, 0 present, not voting; passed by the Senate, with amendments, on May 6, 1985, by the following vote: Yeas 25, Nays 5; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; Senate adopted the conference committee report on H.B. No. 1593 on May 26, 1985, by the following vote: Yeas 25, Nays 6.

Approved: June 3, 1985

Effective: September 1, 1985