



Legislative UPDATE

March 8, 2019
Number 10

A Message from TML President John B. Love, III

As your TML President, I am writing to let you know that we're making a difference in the fight against the harmful 2.5 percent revenue cap bills, S.B. 2 and H.B. 2. City voices are being heard by our friends at the Capitol.

You may also be hearing that some state officials are trying to blame TML staff for driving city opposition to revenue caps. Nothing could be further from the truth. The vast majority of Texas cities are opposed to caps.

TML is simply our messenger; it's cities who set the message.

Wednesday, the Executive Committee of the TML Board voted unanimously to stay the course in opposition to this harmful legislation. This has been a membership priority for 16 years, and there's no question that it will continue to be so long as the state tries to interfere in local budgets.

The problem with caps is that cities aren't the property tax problem. School finance is the problem, because lack of state funding for schools is driving up local school taxes. Fixing school finance is real, meaningful tax relief. Let's urge our legislators to keep their eye on the school finance ball.

I am proud to lead the League in standing strong on this issue. I look forward to continuing to work with you on this and the dozens of other critical city issues being debated in Austin. Remember our rallying cry: Our Home, Our Decisions. It's the truth.

TCEQ Renews Phase II Stormwater Permit

On Jan. 24, 2019, the Texas Commission on Environmental Quality renewed the general permit to authorize stormwater discharges from [small municipal separate storm sewer systems \(MS4s\)](#).

Current holders of expired permit authorizations have through July 23, 2019, to submit an updated stormwater management program or, if your city qualifies, to submit a waiver.

TCEQ will be hosting multiple free workshops this spring to help cities with compliance. More information will be provided as it becomes available.

Update: Waters of the U.S. Rule

The Environmental Protection Agency and the Army Corps of Engineers has published proposed revisions to the “Waters of the U.S.” rule in the federal register, which means that the deadline to submit comments is April 15, 2019. A [previous article](#) discussed the substance of the proposal.

Significant Committee Actions

H.B. 1287 (Israel), relating to the prima facie speed limit on certain streets and highways. Heard by the House Committee on Transportation. In its current form, the bill would: (1) lower the prima facie speed limit in an urban district on a city street, other than an alley, from 30 to 25 miles per hour; and (2) allow a city council to declare a prima facie speed limit as low as 20 miles per hour (current law allows 25 miles per hour) for certain highways in the city, if the city council determines the prima facie speed limit is unreasonable or unsafe.

S.B. 15 (Creighton), relating to a prohibition against certain local regulation of private employers. Reported from the Senate State Affairs Committee. As reported, the bill would provide that a political subdivision of this state may not adopt or enforce an ordinance, order, rule, regulation, or policy: (1) regulating a private employer’s terms of employment relating to: (a) any form of employment leave, including paid days off from work for holidays, sick leave, vacation, and personal necessity; (b) employment benefits other than employment leave, including health, disability, retirement, profit-sharing, death, and group accidental death and dismemberment benefits; or (c) scheduling practices; or (2) that prohibits, limits, or otherwise regulates a private employer’s ability to request, consider, or take employment action based on the criminal history record information of an applicant or employee.

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take the time to travel to Austin to speak out on

important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during this session. If we missed your testimony let us know by an email to ford@tml.org, and we'll recognize you in next week's edition.

The following officials testified in recent committee hearings:

- Jimmy Stathatos, Town Manager, Town of Flower Mound
- Michael Bain Ross, Fire Chief, City of Corinth
- Jessica Anderson, Lieutenant, City of Houston Police Department
- Travis Mitchell, Mayor, City of Kyle
- Chris Coffman, City Manager, City of Granbury
- Brynn Myers, City Manager, City of Temple
- Ron Nirenberg, Mayor, City of San Antonio
- Holly Gray-Moore, Mayor Pro-Tem, City of Roanoke
- George Haehn, Mayor, City of Buda
- David Stout, Commissioner, City of El Paso
- John Dean, Jr., City Manager, City of Ovilla
- David Palmer, Councilmember, City of Irving
- Clayton Chandler, City Manager, City of Mansfield

City-Related Bills Filed

Property Tax

H.B. 2456 (Kacal) – Property Tax Exemption: would provide that an individual is entitled to a local option property tax exemption by a taxing unit of a portion of the appraised value of the individual's residence homestead, in an amount specified by the governing body not to exceed \$15,000, if: (1) the individual is a qualifying volunteer first responder; and (2) the exemption is adopted by the governing body of the taxing unit. (See **H.J.R. 89**, below.)

H.B. 2480 (Rosenthal) – Property Tax Exemption: would authorize the governing body of a taxing unit by official action adopt a limitation on the total annual amount of property taxes that may be imposed by the taxing unit on the residence homestead of a lower-income individual that is located in a homestead preservation district. (See **H.J.R. 90**, below.)

H.B. 2574 (Burrows) – Property Tax Appeals: would, among other things: (1) require the comptroller to appoint a property tax administration advisory board to make recommendations to the comptroller regarding state administration of property taxation and state oversight of appraisal districts and local tax offices; (2) require the comptroller to establish and supervise a training program on property tax law for the training and education of arbitrators; (3) require the comptroller to prepare an appraisal review board survey form that allows certain individuals to submit comments and suggestions to the comptroller regarding an appraisal review board; (4) apply a term limit of three terms to appraisal review board members in counties with a population of 120,000 or more only; and (5) provide that the appraisal review board may not determine the appraised value of the property that is subject of a protest to be an amount greater

than the appraised value of the property as shown in the appraisal records submitted to the board by the chief appraiser. (Companion bill is **S.B. 67** by **Nelson**.)

H.B. 2695 (Lucio) – Property Tax Exemption: would: (1) entitle an individual to an exemption from property taxes by a taxing unit of a portion of the appraised value of the individual's residence homestead in an amount equal to ten percent, or a greater percentage not to exceed 25 percent specified by the governing body of the taxing unit before July 1 in the manner provided by law for official action by the body, of the average appraised value in the current tax year of all residence homesteads that are located in the same county as the individual's homestead and that qualify for an exemption; and (2) require the chief appraiser to determine the average appraised value of the residence homesteads described in (1), above, according to the appraisal records as of August 1st. (See **H.J.R. 93**, below.)

H.B. 2702 (White) – Property Tax Appraisal: would: (1) for real property omitted from the tax roll in any one of the five preceding tax years, provide that the chief appraiser may, or shall if otherwise required by law, appraise the property as of January 1 of each tax year that it was omitted and enter the property at its appraised value in the appraisal records; and (2) provide that if the chief appraiser enters the property in the appraisal records under (1), above, the entry must show that the appraisal is for the property that was omitted from an appraisal roll in a prior year and must indicate the year and the appraised value for each year.

H.B. 2719 (Pacheco) – Appraisal District: would, among other things, provide that: (1) an appraisal district is governed by a board of five directors; (2) each director is elected at large by the voters of the county; and (3) the directors other than the county assessor-collector, who is a non-voting director, are elected at the general election for state and county officers and serve two-year terms beginning on January 1 of odd-numbered years.

H.B. 2750 (Hefner) – Appraisal District: would, among other things, provide that: (1) an appraisal district is governed by a board of five directors; (2) one director is elected at the general election for state and county officers by the voters of the county in which the district is established, and four directors are appointed by the taxing units that participate in the district; (3) the terms of directors elected at a general election begin on January 1 of odd-numbered years; and (4) the terms of directors appointed by the taxing units begin on January 1 of even-numbered years.

H.B. 2770 (Martinez-Fischer) – Property Tax Installment Payments: would provide that: (1) any individual who qualifies for a residential homestead exemption or disabled veteran exemption may pay off property taxes in ten equal installment payments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by notice to the taxing unit that the person will pay the remaining taxes in nine equal installments; and (2) each of the remaining nine installments must be paid before the first day of each month for each of the nine months following the date on which the first installment is paid.

H.J.R. 89 (Kacal) – Property Tax Exemption: would amend the Texas Constitution to authorize the governing body of a political subdivision to exempt from property taxation an

amount not to exceed \$15,000 of the appraised value of the residence homestead of a volunteer first responder. (See **H.B. 2456**, above.)

H.J.R. 90 (Rosenthal) – Property Tax Exemption: would amend the Texas Constitution to authorize the governing body of a taxing unit by official action adopt a limitation on the total annual amount of property taxes that may be imposed by the taxing unit on the residence homestead of a lower-income individual that is located in a homestead preservation district. (See **H.B. 2480**, above.)

H.J.R. 93 (Lucio III) – Property Tax Exemption: would amend the Texas Constitution to: (1) authorize the legislature to entitle an individual to an exemption from property taxes by a taxing unit of a portion of the appraised value of the individual’s residence homestead in an amount equal to ten percent, or a greater percentage not to exceed 25 percent specified by the governing body of the taxing unit before July 1 in the manner provided by law for official action by the body, of the average appraised value in the current tax year of all residence homesteads that are located in the same county as the individual’s homestead and that qualify for an exemption; and (2) require the chief appraiser to determine the average appraised value of the residence homesteads described in (1), above, according to the appraisal records as of August 1st. (See **H.B. 2695**, above.)

H.J.R. 94 (Button) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxation tangible personal property consisting of food or food products held by the owner of the property for sale at retail. (See **H.B. 2804**, above.)

H.J.R. 95 (Capriglione) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxation precious metals held in a Texas depository. (See **H.B. 2859**, above.)

H.J.R. 96 (Springer) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to: (1) provide an exemption from property taxation by a school district of a portion of the appraised value of an individual’s residence homestead in an amount equal to the lesser of: (a) 50 percent of the difference between the total appraised value of the individual’s residence homestead and the total dollar amount of all other exemptions for which the individual qualifies the residence homestead; or (b) 150 percent of the median appraised value of all single family residences in this state; and (2) exempt from property taxation by one or more political subdivisions a person’s inventory held for sale at retail.

H.J.R. 102 (Toth) – Property Taxes: would amend the Texas Constitution to, among other things: (1) exempt tangible personal property from property taxation; (2) authorize the legislature to limit the maximum appraised value of residential property consisting of not more than four individual dwelling units, including a single-family home, or of a tract of unimproved land for property tax purposes to the lesser of (a) the market value of the property; or (b) the sum of the amount the property owner paid for the property and the initial market value of each new improvement to the property; and (3) repeal the Freeport and Super Freeport property tax exemptions, among others.

S.B. 1143 (Hughes) – Property Tax Appraisal: would, among other things, modify the way that a retailer’s tangible personal property held for sale at retail is appraised for property tax purposes.

S.B. 1261 (Bettencourt) – Appraisal Districts: would prohibit a person from being employed as the chief appraiser for an appraisal district if the person is an elected or appointed officer of a taxing unit located wholly or partly in the appraisal district.

S.B. 1280 (West) – Property Tax Collection: would entitle an individual to defer collection of a tax imposed on the portion of the appraised value of the property the individual owns and occupies as the individual’s residence homestead that exceeds the sum of: (1) 105 percent of the appraised value of the property for the preceding year; and (2) the market value of all new improvements to the property.

S.B. 1322 (Taylor) – Property Tax Exemption: would, among other things:

1. define “qualified property” for purposes of a property tax exemption under Section 2, below, to mean property that: (a) consists of tangible personal property used for the production of income or an improvement to real property; (b) is located in an area declared by the governor to be a disaster area following a disaster; (c) is at least 15 percent damaged by the disaster, as determined by the chief appraiser; and (d) for tangible personal property used for the production of income, is the subject of a rendition statement or property report filed by the property owner that demonstrates that the property had taxable situs in the disaster area for the tax year in which the disaster occurred;
2. provide that a person is entitled to an exemption from taxation by a taxing unit of a portion of the appraised value of qualified property that the person owns if the exemption is adopted by the governing body of the taxing unit in the manner provided by law for official action by the body;
3. require an exemption adopted under Section 2, above, to: (a) specify the disaster to which the exemption pertains; and (b) be adopted not later than the 60th day after the date the governor first declares territory in the taxing unit to be a disaster area as a result of the disaster;
4. require the governing body of a taxing unit that adopts an exemption under Section 2, above, to provide notice of the adoption of the exemption to the chief appraiser of each appraisal district in which the taxing unit participates, the assessor for the taxing unit, and the comptroller not later than the seventh day after the date the governing body adopts the exemption;
5. upon receiving an application for the exemption, require the chief appraiser to determine whether any item of qualified property that is the subject of the application is at least 15 percent damaged by the disaster and assign to each such item of qualified property a damage assessment rating of Level I, Level II, Level III, or Level IV, as appropriate;
6. provide that the amount of the property tax exemption is determined by multiplying the appraised value, determined for the tax year in which the disaster occurred, by: (a) 15 percent if the property is assigned a Level I damage assessment rating; (b) 30 percent if

- the property is assigned a Level II damage assessment rating; (c) 60 percent if the property is assigned a Level III damage assessment rating; or (d) 100 percent if the property is assigned a Level IV damage assessment rating;
7. provide that, if a person qualifies for the exemption after the beginning of the tax year, the amount of the exemption is calculated by multiplying the amount determined under Section 6, above, by a fraction, the denominator of which is 365 and the numerator of which is the number of days remaining in the tax year after the day on which the governor first declares the area in which the person's qualified property is located to be a disaster area;
 8. provide that, if a person qualifies for the exemption after the amount of the tax due on the qualified property is calculated and the effect of the qualification is to reduce the amount of the tax due on the property, the assessor for each taxing unit that has adopted the exemption shall recalculate the amount of the tax due on the property and correct the tax roll;
 9. provide that if the tax bill has been mailed and the tax on the property has not been paid, the assessor shall mail a corrected tax bill to the person in whose name the property is listed on the tax roll or to the person's authorized agent;
 10. provide that if the tax on the property has been paid, the tax collector for the taxing unit shall refund to the person who paid the tax the amount by which the payment exceeded the tax due;
 11. provide that no interest is due on an amount refunded under Section 10, above;
 12. provide that the property tax exemption for property damaged in a disaster expires as to an item of qualified property on January 1 of the first tax year in which the property is reappraised; and
 13. repeal the existing state statute authorizing reappraisal of property damaged in a disaster area.

(See **S.J.R. 49**, below.) (Companion bill is **H.B. 492** by **Shine**.)

S.B. 1395 (Seliger) – Revenue Cap: would, among other things, require a taxing unit to hold a ratification election in order to adopt a tax rate that exceeds the current rollback rate (as opposed to current law, which requires an election only after receipt of a petition from the citizens).

S.B. 1428 (Hancock) – Property Tax Appraisal: would, among other things, authorize a property owner or the designated agent of the owner who has filed a notice of protest to bring suit against an appraisal district, chief appraiser, or appraisal review board to compel the district, chief appraiser, or board to comply with a procedural requirement imposed by state statute or under a rule established by the board that is applicable to the protest. (Companion is **H.B. 1745** by **Geren**.)

S.B. 1429 (Hancock) – Appraisal Review Board: would extend the deadline for filing a request for binding arbitration of certain appraisal review board orders to not later than the 60th day after the date the property owner receives notice of the order. (Companion is **H.B. 1802** by **Bohac**.)

S.B. 1430 (Hancock) – Rollback Tax Rate: would rename the “rollback” tax rate as the “voter approval” tax rate.

S.J.R. 48 (Watson) – Public School Finance: would amend the Texas Constitution to: (1) require the state to pay at least 50 percent of the cost of maintaining and operating the public school system; and (2) prohibit the comptroller from certifying legislation containing an appropriation for public education unless the requirement in (1), above, is met.

S.J.R. 49 (Taylor) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to provide that a person who owns property located in an area declared by the governor to be a disaster area is entitled to a temporary property tax exemption by a political subdivision of a portion of the appraised value of that property if the exemption is adopted by the governing body of the political subdivision. (See **S.B. 1322**, above.)

Sales Tax

H.B. 2543 (Meza) – Sales Tax Exemption: would exempt from sales and use taxes textbooks purchased, used, or consumed by certain students.

H.B. 2666 (Wilson) – Sales Tax Exemption: would extend the sales and use tax exemption for certain aircraft used exclusively in connection with an agricultural use. (Companion is **S.B. 1214** by **Schwertner**.)

H.B. 2684 (Metcalf) – Sales Tax Exemption: would exempt items sold by a nonprofit organization at a county fair from sales taxes.

H.B. 2849 (Goodwin) – Sales Tax on Firearms: would provide that: (1) an additional state sales tax of one percent is imposed on each sale by a dealer of ammunition, a firearm, or a firearm accessory; and (2) the comptroller shall deposit the proceeds from the tax to the credit of a special account in the general revenue fund that may be appropriated only to the Health and Human Services Commission for a mental health services grant program.

H.B. 2995 (Talarico) – Sales Tax Exemption: would exempt from sales and use taxes certain educational materials purchased by a teacher.

H.B. 3086 (Cole) – Sales Tax Exemption: would exempt from sales and use taxes tangible personal property that will become an ingredient or component part of a motion picture, video, or audio master recording, a copy of which is sold or offered for ultimate sale, licensed, distributed, broadcast, or otherwise exhibited for consideration.

S.B. 1214 (Schwertner) – Sales Tax Exemption: would extend the sales and use tax exemption for certain aircraft used exclusively in connection with an agricultural use. (Companion bill is **H.B. 2666** by **Wilson**.)

S.B. 1273 (Bettencourt) – Sales Tax Exemption: would exempt touring theatrical productions from sales and use taxes as amusement services, if provided by an entity that has entered into a

specific contract with certain nonprofit or charitable organizations. (Companion bill is **H.B. 1965** by **S. Thompson**.)

S.B. 1294 (Powell) – Sales Tax Exemption: would exempt equipment, services, or supplies used solely for rainwater harvesting from sales and use taxes.

S.B. 1295 (Powell) – Sales Tax Exemption: would exempt water filling stations from sales and use taxes if the sale takes place on Memorial Day weekend.

S.B. 1332 (Johnson) – Sales Tax on E-Cigarettes: would provide that an additional state sales tax of five percent is imposed on each milliliter or fractional part of a milliliter of vapor product sold in this state.

Purchasing

H.B. 2585 (Leach) – Construction Projects: would provide that:

1. a governmental entity, including a city, may implement a prequalification process to eliminate unqualified offerors from consideration for a civil works project under competitive bidding authorized by the alternative delivery method law;
2. a governmental entity that implements a prequalification process under (1) shall advertise or publish notice of the prequalification process along with a request for qualifications 30 days before the invitation for bids is issued, and – in addition – the governmental entity may directly solicit qualifications from potential offerors if the competitive requirements of applicable law are followed;
3. if a governmental entity considers a contract for a civil works project using competitive bidding, in implementing a prequalification process under (2), the governmental entity:
 - (a) may not rank potential offerors; and
 - (b) shall determine if any potential offerors meet minimum qualification requirements for completing the civil works project, including meeting any requirements related to an experience modification rate for workers' compensation insurance premiums that the governmental entity will allow without additional information and actions taken to prevent future incidents;
4. a governmental entity may consider only the following factors during the prequalification process:
 - (a) the potential offeror's experience with other construction projects of similar size and scope;
 - (b) the potential offeror's commercial and financial history and stability;
 - (c) the potential offeror's ability to self-perform the construction project services;
 - (d) the potential offeror's familiarity and experience with subcontractors and suppliers in the area served by the governmental entity;
 - (e) whether the potential offeror has been involved in litigation or arbitration with a governmental entity related to a construction project during the preceding five years;
 - (f) the potential offeror's ability and capacity to provide performance and payment bonds;
 - (g) whether the potential offeror has ever failed to complete a project for a governmental entity;
 - (h) the qualifications and experience of the potential offeror's management or project team; and
 - (i) the potential offeror's safety record for the previous three years;

5. if a potential offeror has been involved in litigation or arbitration, the potential offeror shall provide to the governmental entity the name of the parties involved and a brief description of the nature and outcome of the litigation or arbitration;
6. an offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under the alternative delivery method law may, after the contract is awarded, make a request in writing to the governmental entity to provide an explanation of its evaluation of the offeror's submission;
7. not later than the 30th day after the date a request is made under (6), the governmental entity shall deliver to the offeror a written explanation of or grant the offeror an interview with a representative of the selection team regarding its evaluation of the submission including, if applicable, its ranking of the submission;
8. when using the competitive sealed proposal method for civil works projects: (a) the weighted value assigned to price must be at least 50 percent of the total weighted value of all selection criteria; and (b) not later than the seventh business day after the date the contract is awarded, the governmental entity shall document the basis of its selection and shall make the evaluations public; and
9. extend from the 10th day to the 15th day the time from the contract award by which an action for declaratory or injunctive relief must be filed to enforce the alternative delivery method law.

(Companion bill is **S.B. 1503** by **Zaffirini**.)

H.B. 2752 (Martinez) – Job Order Contracting: would expand the types of entities and projects for which job order contracting may be used to include “horizontal projects” as defined by the bill.

H.B. 2796 (Morrison) – Public Works Contracts: would provide that a public body, including a city, that awards a public works contract may determine the general prevailing wage by using specific data compiled by the Texas Workforce Commission.

H.B. 2826 (G. Bonnen) – Professional Services Procurement: would, in regard to a political subdivision's procurement of legal services under a contingent fee contract:

1. require the political subdivision to attempt to negotiate a contract: (a) with the most highly qualified attorney or law firm on the basis of demonstrated competence, qualifications; and (b) at a fair and reasonable price;
2. allow the political subdivision to require an attorney or law firm selected to indemnify or hold harmless the political subdivision from claims and liabilities resulting from negligent acts or omissions of the attorney or firm, but not negligent acts or omissions of the political subdivision; provide that the prohibition in (2) does not prevent an attorney or firm from defending a political subdivision in accordance with a contract for the defense of negligent acts or omissions of the political subdivision;
3. require the political subdivision to give written notice to the public of: (a) the reasons for pursuing the matter; (b) the competence, qualifications, and experience of the attorney or firm; (c) the nature of the relationship between the political subdivision and the attorney or firm; (d) the reason the matter cannot be pursued using the political subdivision's own

resources and without an outside law firm on a contingent fee basis; (e) the reason the contract cannot be based on the payment of hourly fees without contingency; and (f) the reason the contingent fee contract is in the best interest of the residents;

4. require the governing body to make written findings in regard to some of the matters described in (4);
5. provide that the contract: (a) is public information and may not be withheld under any exception to disclosure; and (b) must be submitted to and approved by the attorney general (and repeal the requirement that such a contract must be approved by the comptroller);
6. allow the attorney general to refuse to approve a contract if: (a) it interferes with the attorney general's statutory or constitutional obligations; (b) the attorney general has authority to pursue the legal matter and it's in the state's best interest for the attorney general to pursue the matter; or (c) the political subdivision failed to comply with the requirements described above;
7. apply many of the same rules that currently apply to a state entity's contingent fee contract for legal services; and
8. provide that a contract entered into or an arrangement made in violation of the procurement requirements for contingent fee contracts is void as against public policy and no fees may be paid to any person under the contract or any theory of recovery for work performed in connection with the void contract.

H.B. 2856 (Morrison) – Disaster Remediation Contracts: would provide that: (1) a disaster remediation contractor, other than a tax exempt entity, may not require a person to make a full or partial payment under a contract before work begins unless the amount of such payment is held in escrow with a title insurance company or agent; and (2) a disaster remediation contractor who violates the provision described in (1) or who requires an excessive partial payment commits an offense. (Companion bill is **S.B. 985** by **Kolkhorst**.)

H.B. 2863 (Landgraf) – Competitive Bidding: would provide that competitive bidding does not apply to an expenditure for the relocation or adjustment of a municipally owned utility facility if the relocation or adjustment is required as a result of the construction of a state transportation project and is performed by the entity procured by the state to construct the state transportation project or a subcontractor of that entity.

H.B. 2866 (Bucy) – Payment Bonds: would increase the amount of a public works contract for which a payment bond is required from \$25,000 to \$100,000.

H.B. 2868 (Phelan) – Interior Design Services: would add the procurement of interior design services to the Professional Procurement Services Act. (Companion bill is **S.B. 922** by **West**.)

H.B. 2899 (Leach) – Construction Defects: would: (1) define “contract” to mean a contract for the construction or repair of a road or highway of any number of lanes, with or without grade separation, owned or operated by a governmental entity, and any improvement, extension, or expansion to that road or highway, including: (a) an improvement to relieve traffic congestion and promote safety; (b) a bridge, tunnel, overpass, underpass, interchange, service road ramp, entrance plaza, approach, or tollhouse; and (c) a parking area or structure, rest stop, park, or

other improvement or amenity the governmental entity considers necessary, useful, or beneficial for the operation of a road or highway; (2) provide that a contractor who enters into a contract as defined by (1) with a governmental entity is not civilly liable or otherwise responsible for the accuracy, adequacy, sufficiency, suitability, or feasibility of any project specifications and is not liable for any damage that is caused by: (a) a defect in those project specifications; or (b) the errors, omissions, or negligent acts of a governmental entity, or of a third party retained by a governmental entity under separate contract, in the rendition or conduct of professional duties arising out of or related to the project specifications; and (3) a covenant or promise in a contract governed by the bill is void and unenforceable to the extent it conflicts with (1).

H.B. 2901 (Leach) – Construction Defects: would provide that: (1) a contractor is not civilly liable or otherwise responsible for the consequences of defects in and may not warranty the accuracy, adequacy, sufficiency, or suitability of plans, specifications, or other design or bid documents provided to the contractor by: (a) the person with whom the contractor entered into the contract; or (b) another person on behalf of the person with whom the contractor entered into the contract; and (2) the provisions in (1) may not be waived by any means.

H.B. 2986 (Israel) – Cloud Computing Services: would add cloud computing services to the definition of the term “personal property” for purposes of the Public Property Finance Act.

S.B. 1342 (Kolkhorst) – Prevailing Wage Rates: would provide that, for a contract for a public work awarded by a political subdivision of the state, the public body shall determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by using one of the methods in existing law or by using wage data collected by the Texas Workforce Commission.

S.B. 1456 (Bucy) – Payment Bonds: would increase the amount of a public works contract for which a performance bond is required from \$100,000 to \$150,000.

Elections

H.B. 2450 (Oliverson) – Uniform Election Dates: would generally require all political subdivisions to hold elections on uniform election dates.

H.B. 2508 (Allen) – Eligibility for Public Office: would modify current law to provide that a person that has been convicted of a felony shall be eligible to be a candidate for, or elected or appointed to, a public elective office provided that such person has: (1) fully discharged the person’s sentence, including any term of incarceration, parole or supervision, or completed a period of probation ordered by any court; or (2) been pardoned or otherwise released from the resulting disability to vote.

H.B. 2550 (Bucy) – Early Voting by Mail: would, among other things, provide that a voter voting by mail based on the ground of absence from the county of residence may elect to receive

the balloting materials by electronic transmission on the voter's application or an early voting ballot to be voted by mail.

H.B. 2552 (Bucy) – Election Database: would: (1) require a city that has given notice of an election to deliver to the secretary of state the name of the city, each office to be filled at the election, whether the office is elected at large or by district, and the dates of the preceding and next election for that office; and (2) require the secretary of state to post the information in (1) on its website.

H.B. 2562 (Israel) – Voted Ballots: would: (1) allow a voter to take certain remedial action before the early voting ballot board or signature verification committee decides whether to accept or reject a timely delivered ballot for which the voter did not sign the carrier envelope certificate, or for which it cannot be determined whether the signature is the voter's signature; and (2) require the early voting ballot board to create a list of voters whose ballots have been rejected.

H.B. 2595 (Vo) – Candidate Applications: would provide that: (1) the review of an application by the authority with whom an application for a place on the ballot is filed shall be completed not later than the fifth business day after the date the application is received; and (2) if an application is submitted fewer than five business days before the applicable filing deadline, the review shall be completed not later than the first Friday after the filing deadline.

H.B. 2598 (Vo) – Application for Place on a Ballot: would modify current law to provide that an application for a place on the ballot may not be challenged for compliance with the applicable requirements as to form, content, and procedure after the 50th day before the date of the election for which the application is made.

H.B. 2627 (Vo) – Early Voting: would, among other things, provide that: (1) the authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted during an extended early voting period beginning on the 19th day before election day for any number of consecutive days up to and including the third day before election day; and (2) an authority that extends early voting under (1), above, shall order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on any weekday or Saturday and for at least five hours on any Sunday of the extended early voting period.

H.B. 2765 (Martinez Fischer) – Ballots by Mail: would: (1) provide that an application for a ballot to be voted by mail is considered an application for each election that occurs before the earlier of: (a) the end of the next calendar year following submittal of the application; (b) the date the voter changes residence; or (c) the date the voter registration is canceled; and (2) require a county clerk to provide a voter notice that a new application is required in order for the voter to continue to receive ballots to be voted by mail.

H.B. 2898 (Fierro) – Voting Outside Polling Place: would, on the voter's request, require an election officer to deliver a ballot to the voter at the polling place entrance or curb if a voter is: (1) physically unable to enter the polling place without personal assistance or likelihood of

injuring the voter's health; or (2) a parent or legal guardian accompanied by the parent's or legal guardian's child.

H.B. 2902 (Fierro) – Vote by Mail Application: would: (1) provide that the officially prescribed application form for an early voting ballot must include, among other things, a space for entering an applicant's email address; (2) require the early voting clerk, before rejecting an application for a ballot to be voted by mail, to make a reasonable effort to contact the applicant by e-mail, at any e-mail address provided on the application, to ask questions about the application; (3) provide that if the early voting clerk does not receive a response before the fourth day after the date the clerk tries to contact an applicant as described in (2), the clerk may reject the application; (4) authorize an applicant for an application for a ballot to be voted by mail to make clerical corrections to the application by email; (5) require the early voting clerk to attach to and maintain with the original application submissions and corrections provided by email; and (6) prohibit an applicant from changing the address or county of residence submitted on the original application to a different address or county of residence by email.

H.B. 2903 (Fierro) – Voter Registration Applications: would: (1) provide that the officially prescribed voter registration form must include, among other things, a space for entering an applicant's email address; (2) require the voter registrar, before rejecting a voter registration application, to notify an applicant by e-mail that the registrar needs additional information to approve the application; and (3) provide that if the registrar does not receive a response before the fourth day after the registrar tries to contact an applicant described in (2), the registrar may reject the application.

H.B. 2909 (Klick) – Election Practices: would, among many other things: (1) authorize any delivery, submission, or filing of a document or paper under the Texas Election Code to be made by e-mail; (2) provide that, if a recount does not resolve a tie, the tied candidates may: (a) cast lots not later than the day before the date the authority must order a second election; or (b) withdraw from the election not later than 5 p.m. of the day after the date the automatic recount is held; (3) provide that an election services contract may not change the political subdivision's requirement to maintain office hours during an election period; (4) provide that the authority conducting the drawing to determine the order of the candidate's names on the ballot shall provide notice of the date, hour, and place of the drawing to each candidate by: (a) written notice mailed to the address stated on the candidate's application for a place on the ballot or provided at the time the candidate files an application with the authority; (b) telephone, if a telephone number is provided on the candidate's application for a place on the ballot; or (c) e-mail, if an e-mail address is provided on the candidate's application for a place on the ballot; (5) provide that if the name of a voter who is offering to vote is not on the precinct list of registered voters, an election officer may contact the voter registrar regarding the voter's registration status; (6) provide that if the election officer determines, after contacting the registrar under (5), above, that the voter is a registered voter of the territory covered by the election but is offering to vote in the incorrect precinct, the election officer shall provide the correct precinct location information to the voter; (7) require a voter to be accepted for voting if the voter's identity has been verified from documentation and it can be determined from the voter registrar that: (a) the voter's registration was improperly canceled and has been reinstated; (b) an error in the voter registration record caused the voter's name to not appear on the list of registered voters and the

error has been corrected; or (c) the voter's name has been inadvertently left off the list of registered voters for the precinct; (8) provide that after a voter has been accepted under (7), above, an election officer shall enter the voter's name on the registration omissions list; (9) require a voter to be accepted for provisional voting if the election officer cannot determine that the voter is a registered voter of the territory covered by the election in which the voter is offering to vote; (10) provide that provisional voting records are not available for public inspection until the first business day after the date the early voting ballot board completes the verification and counting of provisional ballots and delivers the provisional ballots and other provisional voting records to the general custodian of election records; (11) provide that a qualified voter is eligible for early voting by mail if, at the time the voter's early voting ballot application is submitted, the voter is a person who is civilly committed as a sexually violent predator and is ordered as a condition of civil commitment to reside in a facility operated by or under contract with the Texas Civil Commitment Office; (12) provide that for an application for a ballot to be voted by mail on the ground of involuntary civil commitment, an early voting ballot application must include the address of the facility operated by or under contract with the Texas Civil Commitment Office or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity; (13) provide that a person is eligible for early voting by mail if the person is a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty, or the spouse or dependent of a member; (14) provide that an application for a place on the ballot submitted by a candidate for city office may be filed through e-mail transmission of the completed application in a scanned format only if the filing authority designates an e-mail address for this purpose in the notice of deadlines; (15) for cities conducting recall elections, provide that a vacancy in the officer's office occurs on the date of the final canvass of a successful recall election; (16) provide that, for purposes of computing the number of signatures in a petition, the signature of a voter whose name appears on the list of registered voters with the notation "S", or a similar notation, is considered valid if the voter: (a) is otherwise eligible to vote in the territory; and (b) provides a residence address located in the territory; and (17) repeal the provision providing that an election precinct established for an election ordered by a city authority may not divide a county election precinct, except as necessary to follow the city's boundary.

H.B. 2982 (Guillen) – Early Voting: would: (1) authorize a person to request a copy of the early voting roster; and (2) provide that a person commits a Class C misdemeanor if the person: (a) is responsible for maintaining the roster; and (b) fails to provide information on the roster pursuant to a request.

H.B. 3004 (Vo) – Candidate Applications: would authorize a candidate to withdraw the candidate's application for a place on the ballot and any submitted petition and refile an amended application before the filing deadline.

H.J.R. 91 (Meza) – Constitutional Amendments: would amend the Texas Constitution to provide that an election on a proposed amendment to the Texas Constitution must be held in November of even-numbered years.

S.B. 1190 (Bettencourt) – Voter Registration: would: (1) provide that a person’s residence, for purposes of a response to a confirmation notice sent by the voter registrar, is established at the first residence address in the following list that is applicable to the person: (a) the address stated on the person’s driver’s license; (b) the address stated on the person’s personal identification card; (c) the address stated on a license to carry a concealed handgun; (d) the address where the person receives mail; (e) the address the person claims as a homestead; or (f) the registration address of a vehicle the person owns; (2) authorize a person who has no address to establish residence by executing an affidavit and filing it with the secretary of state; and (3) except from the provisions in (1) and (2), above: (a) a member of the armed forces; (b) a person enrolled as a full time student at an institution of higher education; (c) a person whose address is confidential as a crime victim; (d) a federal judge, state judge, or spouse of a federal judge or state judge whose driver’s license includes the street address of a courthouse; and (e) a peace officer whose driver’s license omits the officer’s actual residence address. (Companion bill is **H.B. 424 by Murphy.**)

S.B. 1202 (Miles) – Voting in Jail: would: (1) require the secretary of state, authority in charge of each county jail, and the early voting clerk in each county to take appropriate action to: (a) inform each qualified voter confined in jail of the voter’s right to vote; and (b) provide the qualified voter an opportunity to vote; and (2) require the authority in charge of the jail to allow a person who is qualified to vote and confined in jail access to a voter registrar or deputy voter registrar for the purpose of submitting an application to register to vote.

S.B. 1224 (Bettencourt) – Local Debt Elections: would provide that an election for the issuance of bonds shall be held on the November uniform election date.

S.B. 1225 (Bettencourt) – Recall Elections, Ballot Propositions, and Petitions: with regard to city ballot proposition language, this bill would:

1. require that a ballot proposition substantially submit a question with such definiteness and certainty that the voters are not misled;
2. provide that, if a court orders a new election to be held if a contested election is declared void, a person may seek from the court a writ of mandamus to compel the governing body of a city to comply with the requirement that a ballot proposition must substantially submit the question with such definiteness and certainty that the voters are not misled;
3. allow a religious organization to circulate or submit a petition in connection with a recall election;
4. provide that, not later than the seventh day after the date on which a home rule city publishes ballot proposition language proposing an amendment to the city charter or another city law as requested by petition, a registered voter eligible to vote in the election may submit the proposition for review by the secretary of state (SOS);
5. require the SOS to review the proposition not later than the seventh day after the date the SOS receives the submission to determine whether the proposition is misleading or inaccurate;
6. provide that if the SOS determines that the proposition is misleading or inaccurate, the city shall draft a proposition to cure the defects and give notice of the new proposition;

7. authorize a proposition drafted by a city under (6), above, to be submitted to the SOS under the process outlined in (4), above;
8. provide that, if the SOS determines that the city has on its third attempt drafted a proposition that is misleading or inaccurate, the SOS shall draft the ballot proposition;
9. require, in an action in a district court seeking a writ of mandamus to compel the city to comply with (1), the court to make a determination without delay and authorize the court to: (a) order the city to use ballot proposition language drafted by the court; and (b) award a plaintiff or relator who substantially prevails reasonable attorney's fees, expenses, and court costs;
10. waive and abolish governmental immunity to suit to the extent of the liability created by (9)(b), above;
11. provide that, following a final judgment that a proposition failed to comply with (1), a city must submit to the SOS any proposition to be voted on at any election held by the city before the fourth anniversary of the court's finding; and
12. require a city to pay fair market value for all legal services relating to a proceeding regarding ballot proposition language enforcement.

In addition, with regard to petitions, the bill would:

1. provide that the illegibility of a signature on a petition submitted to a home-rule city is not a valid basis for invalidating the signature if the information provided with the signature legibly provides enough information to demonstrate that the signer is eligible to sign the petition and signed the petition on or after the 180th day before the date the petition was filed;
2. require the SOS to prescribe the form, content, and procedure for a petition and prohibit a home-rule city that uses a form different than the SOS form from invalidating a petition because it doesn't contain information that the petition form failed to provide for or required to be provided;
3. provide that a person who circulates or submits a petition is not required to use a petition form prescribed by the secretary of state or a home-rule city, but that a petition that does not use an officially prescribed form must contain the substantial elements required to be provided on the officially prescribed form;
4. require that the city secretary determine the validity of a petition, including by verifying the petition signatures, not later than the 30th day after the date the city receives the petition;
5. prohibit a city from restricting who may collect petition signatures; and
6. provide that (4) and (5) preempt home-rule charter procedures requiring the city council to hold an election on receipt of a petition; and
7. in regard to a charter amendment election petition: (a) provide that at least five percent of the registered voters of the city on the date of the most recent election held in the city or 20,000, whichever number is smaller, may submit a petition; and (b) require the notice of election include a substantial copy of the proposed amendment in which language sought to be deleted by the amendment is bracketed and stricken through and language sought to be added by the amendment is underlined.

S.B. 1228 (Schwertner) – Voter Registration: would provide that: (1) the Secretary of State (SOS) shall verify with the Department of Public Safety (DPS) the citizenship status of each applicant for voter registration whose information is forwarded to the secretary of state by a registrar to determine citizenship of an applicant; (2) if DPS verifies the applicant’s citizenship status, the SOS shall notify the registrar; and (3) if DPS does not have information regarding the citizenship status of the applicant or has information indicating that the applicant is not a citizen, the registrar and the applicant shall be notified as provided by SOS rule.

S.B. 1229 (Bettencourt) – Election Results: would require, as soon as practicable after the election: (1) a county, city, and independent school district that holds or provides election services for an election and maintains an Internet website to post on its public Internet website, (a) the results of each election; (b) the total number of votes cast; and (c) the total number of votes cast for each candidate or for or against each measure; and (2) this information to be accessible without having to make more than two selections or view more than two network locations from the Internet website home page.

S.B. 1244 (Miles) – Voter Identification: would provide that the following forms of documentation are acceptable forms of photo identification for voting: (1) an identification card issued by a public institution of higher education located in this state that contains the person’s photograph; and (2) an identification card issued by a state agency of this state that contains the person’s photograph. (Companion bill is **H.B. 694** by **Vo.**)

S.B. 1246 (Miles) - Voting: would provide that a person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly: (1) refuses to permit the other person to be absent from work on election day or while early voting is in progress for the purpose of attending the polls to vote; or (2) subjects or threatens to subject the other person to a penalty for attending the polls on election day or while early voting is in progress to vote. (Companion Bill is **H.B. 579** by **Vo.**)

S.B. 1254 (Bettencourt) – Citizenship Status of Voters: would: (1) require the secretary of state to quarterly compare information received regarding a person’s lack of citizenship status in connection with a motor vehicle record to the statewide voter registration list; (2) provide that if the secretary of state determines that a voter on the statewide voter registration list has indicated that the voter is not a citizen in connection with a motor vehicle record, the secretary of state shall send notice to the voter registrar of the counties considered appropriate; and (3) require a voter registrar who receives notice that a registered voter has indicated a lack of citizenship status in connection with a motor vehicle record to send notice to the registered voter requiring submission of proof of citizenship.

S.B. 1298 (Powell) – Voting Priority: would provide that an election officer at a polling location may allow certain uniformed first responders to vote before other voters. (Companion bill is **H.B. 611** by **White.**)

S.B. 1410 (Hall) – Election Integrity: would, among other things: (1) provide that an election officer commits an offense if the officer knowingly permits a person to cast a vote in an election precinct other than the one in which the person resides; (2) shorten the period for early voting by

personal appearance to the tenth day before election day through the day before election day; (3) require the election notice to state that a voter is only permitted to vote at the main early voting polling place if it is located within the voter's election precinct; (4) for an election ordered by a city, reduce the time that early voting by personal appearance at the main early voting place must be conducted to at least 12 hours on only one weekday (instead of 12 hours on two weekdays under certain circumstances); (5) provide that the authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted on a Saturday or Sunday during the early voting period; (6) establish that removing a voting machine used for early voting from the polling place before the polls close on election day is a state jail felony; (7) require one or more early voting polling places other than the main early voting polling place to be established in each election precinct in the territory covered by an election; (8) provide that a temporary branch polling place may be located in a movable structure but may not change locations during the early voting period; (9) provide that early voting by personal appearance at each permanent or temporary branch polling place shall be conducted on the same days and during the same hours as voting is conducted at the main early voting polling place; (10) provide that in determining whether to accept an early voting ballot voted by mail, the person determining whether to accept the ballot must confirm that the voter did not cast a ballot in person for the election; (11) create a state jail felony for a member of an early voting ballot board to accept an early voting ballot voted by mail before all ballots cast in person for the election have been counted; (12) require ballots voted by mail to be tabulated separately from the ballots voted by personal appearance and require them to be separately tabulated on the returns; (13) require the presiding election judge to confirm that each voting machine has any public counter reset to zero before opening a polling place for voting, and require the election judge to print the tape that shows the counter was set to zero, with the failure to comply constituting a state jail felony; (14) provides that any person who knowingly causes a legally cast vote not be counted in the manner voted by the voter commits a third degree felony; (15) provide that, beginning on September 1, 2023, a voting system may not be used in an election unless the system: (1) uses a paper record; or (2) produces a paper receipt that can be used to verify the tabulation of electronic voting system results; (16) generally provide that an election authority may not adopt a voting system that uses direct recording electronic voting machines; (17) create a state jail felony for the removal of any document from the central counting station until after the count is completed; (18) prohibit electronic devices capable of being connected to the Internet in the central counting station; (19) provide that a general custodian of election records commits a state jail felony if the custodian fails to complete a manual count to ensure the accuracy of the tabulation of electronic voting system results; (20) provide that any correspondence between a political subdivision and a vendor or manufacturer of voting systems or voting system equipment is public information; and (21) would abolish the countywide polling place program.

S.B. 1418 (Fallon) – Early Voting: would: (1) shorten the period for early voting by personal appearance on the November uniform election date to the 10th day before election day through the fourth day before election day, except as otherwise provided by state law; (2) for an election ordered by a city, reduce the time that early voting by personal appearance at the main early voting place must be conducted between the hours of 7 a.m. until 7 p.m. on only one weekday (instead of 12 hours on two weekdays under certain circumstances); and (3) provide that the

authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted on a Saturday or Sunday during the early voting period.

Open Government

H.B. 2446 (Swanson) – Public Information: would add firefighters, volunteer firefighters, and certain emergency medical services personnel to the personnel information exceptions of the Public Information Act and the confidentiality of home address section in the tax appraisal statute.

H.B. 2695 (Toth) – Open Meetings Act: would amend the criminal conspiracy provision in the Open Meetings Act to provide that a member of a governmental body commits an offense if the member outside of a meeting knowingly engages directly or indirectly in a series of verbal or written communications with other members of the governmental body without a quorum present regarding a tacit or explicit agreement to act uniformly in sufficient number to constitute a quorum concerning: (1) an issue within the jurisdiction of the governmental body; or (2) any public business. (Note: this bill attempts to overturn a recent Court of Criminal Appeals opinion in *Doyal v. State*, which found the existing statute unconstitutional.)

H.B. 2828 (P. King) – Public Information Act: would provide that: (1) the name, address, telephone number, e-mail address, driver’s license number, social security number, or other personally identifying information of a person who obtains ownership or control of an animal from a city animal shelter is confidential; (2) a governmental body may disclose the information in (1) to a governmental entity, or to a person who is under contract with a governmental entity provides animal control services, animal registration services, or related services to the governmental entity, for a purpose related to the protection of public health and safety; and (3) an entity or person in (2) must maintain the confidentiality of the information and not use it for any purpose that does not directly relate to the protection of public health and safety.

H.B. 2840 (Canales) – Public Comment: would: (1) require certain governmental bodies (*not including* a board, commission, department, committee, or agency within the executive or legislative branch of state government that is directed by one or more elected or appointed members) to allow each member of the public who desires to address the body to address the body regarding the item of interest at the meeting, before or during consideration of the item; and (2) allow a governmental body described in (1) to adopt reasonable rules regarding the public’s right to address the body.

H.B. 3091 (Deshotel) – Public Information: would: (1) make information that related to the location or physical layout of a family violence shelter center or victims of trafficking shelter center confidential; and (2) create a criminal offense for disclosing or publicizing the location or physical layout of shelters with the intent to threaten the safety of any inhabitant of these shelters.

H.B. 3100 (Wray) – Voter Registration Information: would provide that the residence address on the voter registration application of a spouse of a peace officer is confidential.

S.B. 1317 (Johnson) – Electronic Information: would: (1) prohibit a governmental body from refusing to provide electronic public information on the grounds that exporting the information or redacting the information requires inputting certain commands or instructions into the computer system if those commands or instructions can be executed with software used by the governmental body in the ordinary course of business; (2) allow a requestor to ask for electronic public information in the format maintained by the governmental body, or in a standard export format if the body’s computer programs support exporting information in that format, and require the body provide the information in the requested format; (3) prohibit a governmental body from entering into a contract for the creation or maintenance of electronic public information that impairs the public’s ability to inspect or copy the information; and (4) make the requirements in (1)-(3) applicable to information for which a third party is the custodian for the governmental body.

S.B. 1318 (Johnson) – Dates of Birth: would provide that a governmental body is not authorized to withhold dates of birth unless: (1) permitted under the personnel information exception of the Public Information Act; or (2) protected by statutory or constitutional law. (Companion bill is **H.B. 1655** by **Hunter**.)

S.B. 1328 (Bettencourt) – Tax Increment Reinvestment Zone: would make the board of directors of a tax reinvestment zone created under Chapter 311, Tax Code, subject to the Open Meetings Act.

Other Finance and Administration

H.B. 14 (Stucky) – Student Loan Repayment Program for Peace Officers: would create a higher education student loan repayment assistance program for peace officers.

H.B. 1545 (Paddie) – Texas Alcoholic Beverage Commission: would continue the functions of the Texas Alcoholic Beverage Commission until September 1, 2031. (Companion bill is **S.B. 623** by **Birdwell**.)

H.B. 2470 (E. Thompson) – Easements: would authorize a person who owns real property located near an easement to bring an action to recover damages against the holder of an easement if the holder of the easement uses the easement in a manner that causes damage to the value of the real property.

H.B. 2512 (Miller) – Unmanned Aircraft: would provide that it is lawful to capture an image using an unmanned aircraft if the image is captured by a state agency or local health authority for the purpose of assessing unsafe environmental conditions when physical entry onto the property is unsafe due to conditions such as an abandoned swimming pool, illegal dumping of refuse, or a chemical leak or spill, and: (1) is in response to an inspection on commercial property or to a disaster; and (2) the state agency or local health authority provides notice to the owner or manager of the property before capturing the image, or determines that conditions on the property are an imminent threat to public health.

H.B. 2522 (Anderson) – Theft of Service: would require that a written rental agreement for personal property contain certain notice for purposes of prosecuting a person for theft of service under the agreement.

H.B. 2524 (Anderson) – Theft of Service: would, in regard to the prosecution of the criminal offense of theft of service, change the law as to: (1) when intent to avoid payment may be presumed when an actor fails to return property held under a rental agreement; and (2) when notice of a demand for the return of property may be presumed.

H.B. 2534 (Leach) – Eligibility for Office: would: (1) provide that a registered lobbyist is not eligible to be a candidate for, or elected or appointed to, a public elective office; and (2) except from the prohibition in (1): (a) an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer, if the officeholder does not receive a salary or wage for that office; and (b) the office of presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office. (Companion bill is **S.B. 367** by **Watson**.)

H.B. 2535 (Flynn) – Defense Economic Adjustment Assistant Grants: would eliminate or change certain criteria that the Texas Military Preparedness Commission uses to evaluate and score Defense Economic Adjustment Assistant Grants (DEAAG) applications. (Companion bill is **S.B. 1443** by **Campbell**.)

H.B. 2596 (White) – Chickens: would provide that: (1) a political subdivision may not impose a governmental requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision; and (2) a city may impose reasonable governmental requirements on the raising or keeping of poultry in the boundaries of the city that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including: (a) a limit on the number of chickens an individual may raise or keep in excess of six; (b) a prohibition on breeding poultry; (c) a prohibition on raising or keeping roosters; or (d) the minimum distance an individual must maintain between a chicken coop and a residential structure. (Companion bill is **S.B. 86** by **Hall**.)

H.B. 2617 (Cole) – Fiscal Year for New Political Subdivisions: would provide that a political subdivision created on or after September 1, 2019, that has the authority to impose a tax must have the same fiscal year as the county in which the political subdivision is wholly or primarily located.

H.B. 2648 (Biedermann) – Monuments and Memorials: would: (1) define “monument or memorial” to include a permanent monument, memorial, or other designation, including a statue, portrait, plaque, seal, symbol, building name, park name, area name, or street name that honors an event or person of historical significance; (2) provide that a monument or memorial that has been located on city property for at least 20 years may be removed, relocated, or altered only by approval of a majority of voters of the city voting at an election held for that purpose, and prohibit the expenditure of public funds for any such removal, relocation, or alteration; (3) except from the prohibition in (2) the removal, relocation, or alteration of a monument or memorial that is necessary to accommodate construction, repair, or improvements to the monument or memorial or the

surrounding property, and require that any permanent removal of the monument or memorial to be relocated to a prominent location; and (4) authorize the attorney general to enforce the prohibition in (2) through civil penalty and equitable relief. (Companion bill is **S.B. 226** by **Fallon**.)

H.B. 2669 (Guillen) – Social Gaming: would authorize social gaming establishments and provide for their regulation by the Texas Department of Licensing and Regulation.

H.B. 2683 (Geren) – Law Enforcement Dogs: would provide: (1) that, at the request of a peace officer who is the handler of a law enforcement dog that is to be retired from service, the governmental entity shall transfer ownership of the dog to the peace officer; (2) that, on the request of a peace officer who retires honorably and who has been the handler of a law enforcement dog, a governmental entity shall allow the peace officer to purchase the dog; (3) an order of priority of the family members of a deceased peace officer who was a dog handler who may purchase the dog; and (4) that a governmental entity shall establish the amount not to exceed fair market value for which a law enforcement dog may be purchased.

H.B. 2686 (Lucio) – Texas Windstorm Insurance Association: would make various changes related to the denial of a claim by TWIA.

H.B. 2706 (Capriglione) – Public Funds Investment Act: would, among other things, amend the Public Funds Investment Act to: (1) provide that the full amount of the principal and accrued interest of each certificate of deposit: (a) is insured by the United States or an instrumentality of the United States; or (b) has a stated maturity of 365 days or fewer from the date of its issuance, and is rated not less than A-1 or P-1 or an equivalent rating by at least two nationally recognized credit rating agencies or one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issues by a bank organized and existing under the laws of the United States or any state; (2) require commercial paper to have a stated maturity of 365 days or fewer from the date of its issuance; and (3) provide that money held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installation sale, or other agreement of a local agency, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested: (a) in accordance with the statutory provisions governing the issuance of those bonds, indebtedness, or lease installment sales, or other agreement; or (b) to the extent not inconsistent with or if there are no specific statutory provisions, in accordance with the investment policy the local government provides for the bond issuance.

H.B. 2721 (Reynolds) – Source Cats and Dogs: would provide that: (1) a pet store may not sell a dog or cat unless it obtained the dog or cat from: (a) an animal control agency; (b) an animal shelter; (c) an animal rescue organization; or (d) a licensed breeder; and (2) a pet store that violates the bill is liable to the state for a civil penalty not to exceed \$500 for each dog or cat sold in violation of the bill.

H.B. 2730 (Leach) – Texas Citizens Participation Act (anti-SLAPP law): would, for purposes of the Texas Citizens Participation Act (TCPA): (1) define the “exercise of the constitutional right to petition, speak freely, or associate freely” to mean the exercise of those rights as provided by both the state and federal constitutions, as applied by state and federal courts; (2) define the term “legal action” to exclude a motion or action related to discovery, a motion for

summary judgment, a motion to dismiss under the TCPA, a procedure to enforce a final court order, or a motion for sanctions or award of attorney's fees; (3) provide that a motion to dismiss must be set not earlier than 21 days after service of the motion, and that each party must have at least 14 days notice of a hearing on a motion to dismiss; (4) prohibit a court from ruling on a motion to dismiss if the responding party files a nonsuit of the challenged legal action on or before the third day before the date of the hearing on the motion; (5) prohibit a court from awarding any costs, fees, expenses, or sanctions for a motion to dismiss if the responding party timely nonsuits the challenged legal action; and (6) provide that the TCPA does not apply to: (a) a compulsory counterclaim; (b) certain legal actions filed under the Family Code, or applications for certain protective orders; or (c) a legal action to enforce a noncompete, nondisclosure, or nondisparagement agreement.

H.B. 2755 (Price) – Public Health District Fees: would provide that certain public health district fees may not exceed the amount necessary to recover administrative costs.

H.B. 2792 (Goldman) – Alcohol: would provide that a person must knowingly make a false statement in a sworn instrument filed with the Texas Alcoholic Beverage Commission (TABC) in order to commit the criminal offense of making a false statement to the TABC.

H.B. 2802 (Darby) – Statutorily-Dedicated Revenue: would, among other things, allow funds from the Oil Spill and Prevention account, as well as the Game, Fish, and Water Safety account, to be used for coastal resiliency projects identified in the Texas Coastal Resiliency Master Plan published by the General Land Office in 2017.

H.B. 2806 (Morrison) – Mixed Beverage Gross Receipts Tax: would: (1) require the comptroller to deposit four percent of the revenue received from the mixed beverage gross receipts tax to the credit of the Texas music incubator account; and (2) create the Texas music incubator rebate program to provide for rebates of all or a portion of the mixed beverage gross receipts taxes collected from certain music venues paid from the Texas music incubator account.

H.B. 2808 (Shaheen) – Meeting Notice: would: (1) in regard to any law that requires notice be published by newspaper, require that a city also provide notice on a website maintained by the comptroller and on the city's website; (2) authorize the comptroller to grant a city's request for a waiver from (1) if the city provides sufficient proof that the Internet access is limited in the city, and if the comptroller grants the waiver, the city must provide additional notice on a public agenda board within the city; (3) provide that a city may satisfy a requirement in any other law to provide notice by publication in a newspaper by publishing the notice by certain alternative media that the city determines has greater circulation than the newspaper with the greatest circulation in the city; (4) require a city using alternative media described in (3) to submit notice to the comptroller describing the alternative notice method and certain other information; and (5) require the comptroller to prepare a report identifying and comparing the effectiveness of different methods of notice publication used by political subdivisions.

H.B. 2827 (P. King) – Discrimination Against License Applicant: would, among other things, provide that: (1) a state agency that issues a license or otherwise regulates a business, occupation, or profession may not adopt any rule, regulation, or policy or impose a penalty that:

(a) limits an applicant's ability to obtain, maintain, or renew a license based on a sincerely held religious belief of the applicant; or (b) burdens an applicant's or a license holder's: (i) free exercise of religion, regardless of whether the burden is the result of a rule generally applicable to all applicants or license holders; (ii) freedom of speech regarding a sincerely held religious belief; (iii) membership in any religious organization; and (2) the provisions described in (1) do not: (a) apply to the licensing or regulation of peace officers; (b) authorize a license holder to refuse to provide a medical service within the scope of the person's license that is necessary to prevent death or imminent serious bodily injury; or (c) limit any right, privilege or protection granted to any person under the state and U.S. constitutions and laws. (Companion bill is **S.B. 444** by **Perry**.)

H.B. 2854 (Middleton) – Judicial Deference: would provide that: (1) a court may not give deference to a legal determination made by a state agency regarding the construction, validity, or applicability of a rule adopted by the state agency responsible for the rule's administration or implementation; (2) a court may not give deference to any construction of a statute by the state agency responsible for the statute's administration or implementation; and (3) in actions for judicial review, including an action for judicial review of a contested case hearing, the reviewing court shall decide all questions of law by trial de novo, including the interpretation of constitutional provisions, statutory provisions, or rules adopted by a state agency without giving deference to the state agency.

H.B. 2872 (Burrows) – Motor Vehicle Rental Taxes: would, among other things, require a marketplace rental provider to collect the short-term motor vehicle rental tax for the benefit of a city or county venue project.

H.B. 2883 (Bernal) – Child-Care Facilities: would add training on trauma-informed care, behavioral health, and providing care to children with special needs to the required training of an employee, director or operator of a day-care center.

H.B. 2968 (Frullo) – Private Activity Bonds: would, among other things, require an issuer of qualified mortgage revenue bonds to close on the bonds not to later than the 240th day after the reservation date.

H.B. 3001 (Morrison) – Special District Reporting: would, among other things, authorize the comptroller to include in the special district reporting database a direct link to, or a clear statement describing the location of, any information posted separately on an Internet website that the special purpose district maintains or causes to be maintained.

H.B. 3038 (Middleton) – Texas Windstorm Insurance Association: would make changes to the TWIA statute related to reinsurance for catastrophic losses.

H.B. 3043 (Gutierrez) – Casino Gambling: would allow up to 12 casinos in this state pursuant to a county approval election. (See **H.J.R. 100**, below.)

H.B. 3060 (Parker) – Property Records: would provide that an instrument concerning real or personal property filed with the county clerk may be recorded if the paper document is a tangible

copy of an electronic record properly certified by a notary public or other officer who may take an acknowledgment or proof of a written instrument.

H.B. 3063 (Paul) – Law Enforcement Animals: would provide: (1) that a county or city may transfer a law enforcement animal as surplus property to a person capable of humanely caring for the animal, if the animal is at the end of its working life or is subject to circumstances that justify making the animal available for transfer before the end of its working life; (2) a list of priority of who may receive a law enforcement animal; (3) that a contract for the transfer may be without charge to the transferee, but impose requirements on the transferee in caring for the animal; and (4) that a county or city that transfers a law enforcement animal under the bill is not liable for damages arising from the transfer and retains sovereign immunity.

H.B. 3074 (T. King) – Texas Windstorm Insurance Association: would provide that TWIA shall provide coverage for damage from tornadoes and wildfires.

H.B. 3092 (Paul) – Animal Shelters: would provide that an animal shelter shall provide written notice to each person who adopts an animal from the shelter of any epizootic infectious disease that occurs among the animals within the shelter within a 30-day period before the date the person adopts the animal or after the person adopts the animal.

H.B. 3123 (Middleton) – Texas Windstorm Insurance Association: would provide that TWIA may not require as a condition for issuing or renewing an insurance policy for a residential property that the applicant provide evidence that the property is covered by a flood insurance policy.

H.J.R. 96 (Tinderholt) – Transfer of Law Enforcement Animal: would amend the constitution to provide that the legislature may authorize a state agency or a county, a city, or other political subdivision to transfer a law enforcement dog, horse, or other animal to the animal's handler or another qualified caretaker for no consideration on the animal's retirement or at another time if the transfer is in the animal's best interest.

H.J.R. 100 (Gutierrez) – Casino Gambling: would amend the Texas Constitution to allow up to 12 casinos in this state pursuant to a county approval election. (See **H.B. 3043**, above.)

S.B. 623 (Birdwell) – Texas Alcoholic Beverage Commission: would continue the functions of the Texas Alcoholic Beverage Commission until September 1, 2031. (Companion bill **H.B. 1545** by Paddie.)

S.B. 1138 (Watson) – Texas Treasury Safekeeping Trust Company: would, to the extent permitted by the Texas Constitution and the contracts, trust agreements, or other fiduciary instruments between the trust company and other third parties, provide that the trust company's obligations shall be guaranteed only by the reserve balances held by the trust company, and the state expressly waives all defenses of governmental immunity by and on behalf of the trust company, and the state expressly consents by and on behalf of the trust company to sue and be sued in federal court or in any court of competent jurisdiction.

S.B. 1209 (Hancock) – Occupational Regulation/Preemption: would provide that: (1) if an individual is required to possess an occupational license issued by a state licensing authority to engage in an occupation, the governing body of a political subdivision may not adopt or enforce any ordinance, order, rule, regulation, law, or policy that requires the individual to: (a) possess an occupational license issued by the political subdivision to engage in that occupation; or (b) meet any other requirement or precondition to engage in that occupation; and (2) an ordinance, order, rule, regulation, law, or policy that violates the bill is void and unenforceable. (Companion bill is **H.B. 2014** by **Goldman**.)

S.B. 1217 (Alvarado) – Occupational Licenses: would provide that, for purposes of determining a person’s fitness to perform the duties and discharge the responsibilities of the licensed occupation, a licensing authority may not consider an arrest that did not result in a conviction.

S.B. 1219 (Alvarado) – Human Trafficking Signs: would: (1) require the attorney general by rule to prescribe the design and content of a sign regarding services and assistance available to victims of human trafficking to be displayed at transportation hubs; (2) require a person who operates a transportation hub to post a human trafficking sign at the transportation hub; and (3) define “transportation hub” to mean a bus, bus stop, train, train station, rest area, or airport.

S.B. 1240 (Perry) – Hemp Production: would: (1) regulate the production of hemp and the products made from hemp; (2) give the state primary regulatory authority over the production of hemp; and (3) provide that a city, county, or other political subdivision may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the production of hemp authorized by the bill.

S.B. 1253 (Kolkhorst) – Public Information Database: would: (1) require the comptroller to create and maintain a public database of certain information regarding all political subdivisions that: (a) impose an ad valorem tax, a sales and use tax, an assessment, or charge a fee; and (b) during the most recent fiscal year, had outstanding bonds, gross receipts in excess of \$250,000, or cash and investments in excess of \$250,000; and (2) provide that a political subdivision is subject to civil penalties if the information required in (1) is not reported to the comptroller, and require the comptroller to maintain a list of noncomplying entities.

S.B. 1270 (Watson) – Major Events Reimbursement Program: would add a world-renowned exhibition or festival that is recognized by the International World Exhibition and Festival Organization to the list of events eligible for funding under the Major Events Reimbursement Program.

S.B. 1281 (Birdwell) - Water and Energy Improvement Assessments: would: (1) move the administration of assessments for water and energy improvements in certain cities and counties to the State Energy Conservation Office; and (2) allow local governments to participate in that program.

S.B. 1325 (Hinojosa) – Occupational Licensing: would, among other things, provide that: (1) a political subdivision that issues a license shall adopt rules to exempt an individual who holds a

license issued by the political subdivision from any increased fee or other penalty imposed for failing to renew the license in a timely manner, if the individual establishes to the satisfaction of the political subdivision that the individual failed to renew the license in a timely manner because the individual was serving as a military service member; and (2) a military service member who holds a license issued by a political subdivision is entitled to two years of additional time to complete: (a) any continuing education requirements; and (b) any other requirement related to the renewal of the military service member's license.

S.B. 1329 (Bettencourt) – Municipal Management Districts: would: (1) prohibit a municipal management district from issuing bonds after the date a petition for dissolution is filed with the board; and (2) provide that, after a dissolution petition is filed with the board of municipal management district that has outstanding bonded indebtedness: (a) the district shall remain in existence solely for the purpose of discharging its bonded indebtedness; and (b) the board shall use all district money that is available for the purpose to repay or defease all bonded indebtedness as soon as practicable in accordance with the order or resolution authorizing the issuance of the bonds.

S.B. 1334 (Bettencourt) – Annual Audits: would require a city's annual financial statement, including an auditor's opinion of the statement, to be filed in the office of the city secretary: (1) within 120 days after the last day of the city's fiscal year for a city with a population of less than 1.75 million; and (2) within 90 days after the last day of the city's fiscal year for a city with a population of 1.75 million or more.

S.B. 1337 (Huffman) - Texas Municipal Retirement System: would, among other things, make several administration and operational changes to the TMRS Act, including: (1) combining various TMRS Act provisions referring to differing lengths of amortization periods to clarify that the maximum period is 30 years; (2) allowing for TMRS to electronically deliver information to members, retirees, and beneficiaries; (3) providing more flexibility for the TMRS Board to hold meetings and discuss certain topics in closed session; (4) providing statutory immunity and liability protections to the Board and staff; and (5) providing that a city joining TMRS with an existing retirement plan would be required to have a zero percent prior service credit. (Companion bill is **H.B. 2821** by Flynn.)

S.B. 1367 (Buckingham) – Municipal Development Districts: would authorize a municipal development district to use money in the development project fund to pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects located outside the district if: (1) the board determines that the development project will provide an economic benefit to the district; and (2) the city council that created the district approves the development project by resolution.

S.B. 1388 (Watson) – Child-Care Employee Database: would require the Health and Human Service Commission to develop and maintain on its website a searchable database that is publicly accessible and includes the name of each employee of a child-care facility or registered family home who has been found responsible for a violation of the minimum standards that lead to injury or death or unsafe environment or license, registration have been revoked.

S.B. 1431 (Fallon) – Major Events Reimbursement Program: would add a National Reined Cow Horse Association Celebration of Champions, a National Reined Cow Horse Association Hackamore Classic, and a National Reined Cow Horse Association Snaffle Bit Futurity to the list of events eligible for funding under the Major Events Reimbursement Program. (Companion bill is **H.B. 2402** by **Geren**.)

S.B. 1472 (Powell) – Short-Term Rentals: would, among other things: (1) require a short-term rental marketplace to collect the appropriate amount of city hotel occupancy taxes for a city in which a short-term rental is located on each booking charge with respect to that short-term rental; (2) require a short-term rental marketplace to report and remit all taxes collected by the marketplace in the manner required of a person owning, operating, managing, or controlling a hotel and in accordance with the ordinance adopted by the city imposing the tax, or otherwise by agreement with the comptroller or a third-party vendor, if applicable; (3) provide that a short-term rental marketplace is considered to be the person owning, operating, managing, or controlling the short-term rental for purposes of the collection and enforcement of city hotel occupancy taxes; (4) provide that a host may not collect and is not liable for a city hotel occupancy tax on a booking charge for a rental made through the short-term rental marketplace; (5) provide that a short-term rental marketplace may enter into an agreement with the comptroller to collect and remit to the comptroller city hotel occupancy taxes on each booking charge for a rental made through the short-term rental marketplace, or alternatively may enter into an agreement with a third-party vendor to remit to the city the city hotel occupancy taxes that the short-term rental collects; (6) in order to be effective, require an agreement with a third-party vendor described by (5), above, to be approved by the city council; (7) require the comptroller or third-party vendor, as applicable, to promulgate a form a short-term rental marketplace must use to report the taxes collected by the short-term rental marketplace, and the form must include specific information on receipts, booking charges, and the rate of the tax; (8) prohibit the form described in (7), above, from requiring the identification of a specific guest or the host of a short-term rental; (9) provide that if a short-term rental marketplace collects and remits city hotel occupancy taxes to the comptroller pursuant to an agreement, the comptroller shall: (a) deposit the taxes remitted to the comptroller in trust in the separate suspense account of the city in which the short-term rentals are located; (b) send to the city treasurer or to the person who performs the office of the city treasurer payable to the city the city's share of the taxes remitted to the comptroller at least 12 times during each state fiscal year; (10) require the comptroller, before sending any money to a city, to deduct and deposit to the credit of the general revenue fund an amount equal to one percent of the amount of the taxes collected from rental s of short-term rentals located in the city during the period for which a distribution is made as the state's charge for services provided by the state; and (11) prohibit the comptroller from deducting from the distributions to a city more than \$50,000 in each state fiscal year.

S.B. 1474 (Lucio) – Private Activity Bonds: would, among other things: (1) authorize the Bond Review Board to grant an annual reservation that exceeds the greater of \$40 million or six percent of the amount set aside for reservation by issuers of qualified residential rental project bonds for projects in certain sparsely-populated or low-income areas; and (2) provide that the issuer of qualified residential rental project bonds shall close on the bonds for which the reservation was granted not later than the 180th day after the reservation date.

Municipal Courts

H.B. 1955 (Dutton) – Magistrate: would require a magistrate to release a defendant charged with a misdemeanor on personal bond, unless the magistrate makes and files an affirmative finding of fact that extenuating circumstances justify not releasing the defendant on personal bond.

H.B. 2451 (Reynolds) – Proportional Fine Commission: would create the Proportional Fine Commission to study and make recommendations to the legislature regarding the implementation of a statutory requirement that a criminal fine be proportional to the severity of the offense and to the defendant's net income.

H.B. 2475 (Guillen) – Driver Responsibility Program: would allow a person to provide required information to establish that the person is indigent to the court at any time during the period the person is enrolled in an installment plan to pay surcharges.

H.B. 2638 (Calanni) – Court Proceedings: would change where a district court, statutory county court, and a constitutional county court can conduct court proceeding if a disaster occurs that would preclude the courts from conducting court proceedings.

H.B. 2651 (Lang) – Court Fee: would increase the amount of the fee paid by a defendant for a peace officer's services in executing or processing an issued arrest warrant, capias, or capias pro fine to \$75.

H.B. 2756 (Leach) – Parental Rights: would provide that: (1) in a suit between a parent and a non-parent, neither the State of Texas nor any political subdivision of this state may restrict or interfere with a parent's fundamental right to raise their children unless it is demonstrated that the restriction or interference is both essential to further a compelling governmental interest and narrowly tailored to accomplish the compelling interest; and (2) a court in this state may not interfere with the fundamental right of parents to raise their children simply because the court believes a better decision could be made.

H.B. 2896 (Collier) – Family Violence Offenses: would require a judge to take the plea of a defendant charged with an offense involving family violence in open court. (Companion bill is **S.B. 415** by **Huffman**.)

H.B. 3109 (Murphy) – Criminal Justice Information Databases: would, among other things, provide that an individual or an agency that has a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice under that agreement is entitled to access the databases of the Department of Public Safety, the Texas Juvenile Justice Department, and the Texas Department of Criminal Justice in accordance with applicable state or federal law or regulations, if the agreement: (1) specifically authorizes access to information; (2) limits the use of information to the purposes for which it is given; (3) ensures the security and confidentiality of the information; (4) provides for sanctions if a requirement is

violated; and (5) requires the individual or agency to perform the applicable services in a manner prescribed by the Department of Public Safety.

S.B. 1180 (Menendez) – Court Cost: would create a court cost of \$2 on conviction of any misdemeanor or felony to benefit veterans treatment court programs.

S.B. 1258 (Buckingham) – Corporations: would make changes to various statutes concerning criminal responsibility of corporations, authorized punishments for corporations, and criminal bribery offenses. (Companion bill is **H.B. 2361** by **Moody**.)

S.B. 1401 (Rodriguez) – Judgments and Sentencing: would clarify that, when a defendant enters a plea of guilty or nolo contendere in a fine-only misdemeanor case, the criminal action is considered adjudicated for purposes of appeal and the judgment is considered rendered if: (1) the defendant enters a plea of guilty or nolo contendere and pays the fine and costs owed the state; (2) the court accepts the payment as payment in full for the amount owed; and (3) the court creates a record of acceptance of the plea and payment, regardless the form of the record or whether it contains the judge's signature.

Community and Economic Development

H.B. 2494 (J. Gonzalez) – Tax Increment Financing: would, among other things: (1) require a city, before adopting an ordinance designating a tax increment reinvestment zone, to prepare or have prepared an affordable housing impact statement; (2) require the statement in (1), above, to be made available to the public and posted on the city's Internet website at least 60 days before the city holds the hearing on the tax increment reinvestment zone; and (3) provide that the statement under (1), above, must include estimates of the impact on the availability of affordable housing in the area of the proposed zone for the 30-year period following designation of the proposed zone. (Companion is **S.B. 1278** by **West**.)

H.B. 2496 (Cyrier) – Local Historic Landmarks: would provide that a city that has established a process for designating places or areas of historical, culture, or architectural significance through zoning districts may not designate a property as a local historic landmark unless the owner of the property consents to the designation, and must allow the owner to withdraw consent at any time during the designation process.

H.B. 2497 (Cyrier) – Board of Adjustment: would allow the following persons to appeal to the board of adjustment a decision made by an administrative official: (1) a person who filed an application that is the subject of the decision; or (2) a person who is the owner of property that is the subject of the decision.

H.B. 2529 (Leach) – Housing Authorities: would provide that a person who is a recipient of housing assistance administered through a municipal housing authority's choice voucher program or project-based rental assistance program may be appointed as a commissioner of the authority. (Companion bill is **S.B. 546** by **Watson**.)

H.B. 2546 (Guillen) – Industrialized Housing and Buildings: would provide that a manufacturer or builder of industrialized housing or buildings may construct industrialized housing or buildings in accordance with the energy efficiency performance standards outlined in: (a) the energy efficiency chapter of the International Residential Code; or (2) a local amendment to that code that is applicable to the city or county in which the industrialized housing or buildings will be located and determined by the State Energy Conservation Laboratory to be equally or more stringent than the state-adopted version of the energy efficiency chapter of the International Residential Code.

H.B. 2646 (Gutierrez) – Affordable Housing: would: (1) authorize the Veterans’ Land Board to establish a land bank program to acquire, hold, and transfer real property to provide affordable housing for veterans who are members of low income households; (2) provide that property that is ordered sold pursuant to foreclosure of a tax lien may be sold to a land bank described in (1); and (3) provide that taxing units that are a party to a foreclosure judgement must consent to the sale of property to a land bank.

H.B. 2799 (Sanford) – Economic Development: would: (1) provide that information about a financial or other incentive being offered by a governing body to a business prospect is considered public; (2) authorize the owner of taxable real property located in a city to apply to the city council for a tax abatement; (3) provide that, if the city council elects to approve the application under (2), above, the council must do so by an affirmative vote of a majority of the members of the council at a regularly scheduled city council meeting; (4) provide that a city council may approve an application for tax abatement before the property is located in a reinvestment zone; (5) prohibit the city council from entering into a tax abatement agreement unless the council has approved an application for the tax abatement; (6) prohibit the city council from holding the meeting to approve the agreement earlier than the 90th day after the date the city council approves the application for the tax abatement; and (7) prohibit a city council from holding an executive session for purposes of economic development negotiation.

H.B. 2839 (Munoz) – Rough Proportionality: would provide that the rough proportionality requirement for development exactions in current law applies to, in addition to a city action, a requirement under a city/county subdivision agreement for regulation in the extraterritorial jurisdiction.

H.B. 2858 (Toth) – Swimming Pools: would provide that: (1) to protect the public health, safety, and welfare, the International Swimming Pool and Spa Code, as it existed on May 1, 2019, is adopted as the municipal swimming pool and spa code in this state; (2) the code applies to all construction, alteration, remodeling, enlargement, and repair of swimming pools and spas in a city that elects to regulate pools or spas; (3) a city may establish procedures for the administration and enforcement of the code; and (4) a city may review and adopt amendments made by the International Code Council to the code after May 1, 2019.

H.B. 2862 (Landgraf) – Eminent Domain: would provide that: (1) the judge of a court in which a condemnation petition is filed or to which an eminent domain case is assigned shall appoint, not later than the third day after the date the condemnation petition is filed, three disinterested real property owners who reside in the county as special commissioners to assess the damages of the owner of the property being condemned; (2) the judge shall provide the owner of the property

being condemned and the condemnor a reasonable period not to exceed 20 days after the date of the appointment to strike one of the three commissioners appointed by the judge; (3) if a person fails to serve as a commissioner or is struck by a party to the suit, the judge shall appoint a replacement not later than the third day after the date the judge receives notice that the appointee will not serve or is struck.

H.B. 2943 (Button) – Low Income Housing Tax Credits: would eliminate the written statement from the state representative who represents the district containing a proposed development site as a criteria used by the Texas Department of Housing and Community Affairs to rank low income housing tax credit applications.

H.B. 3050 (Hinojosa) – Home Sales Price: would repeal the provision in current law that prohibits a city from adopting a requirement in any form, including through an ordinance or regulation or as a condition for granting a building permit, that establishes a maximum sales price for a privately produced housing unit or residential building lot.

H.B. 3126 (Herrero) – Economic Development: would authorize a county to enter into an economic development agreement to stimulate business and commercial activity within the incorporated areas of the county.

H.B. 3156 (Capriglione) – Re-Roofing Contractors: would create a state registration program for re-roofing contractors through the Texas Department of Licensing and Regulation and provide that: (1) municipal employees are exempt from registration; (2) a county or municipal building official may not grant or approve a building or construction permit for a reroofing project unless the applicant for the permit is a registered reroofing contractor or exempt from registration under the bill; (3) on request of a county or municipal building official, the department shall verify the registration of an applicant through a verification system established to ensure a timely response to a request for verification of a registration; (4) an advisory board, including a municipal official, is created to advise the department; and (4) a registered reroofing contractor shall comply with each applicable: (a) building code adopted by this state or a political subdivision of this state; and (b) order, ordinance, or rule of a political subdivision relating to the issuance of a permit for or the performance of a reroofing project in the political subdivision.

H.B. 3169 (Guillen) – Annexation: would provide that, until the 20th anniversary of the date of the annexation of an area that includes a permanent retail structure, a municipality may not prohibit a person from continuing to use the structure for the indoor seasonal sale of retail goods if the annexation became final on or after January 1, 2017, and the structure: (1) is more than 5,000 square feet; and (2) was authorized under the laws of this state to be used for the indoor seasonal sale of retail goods on the effective date of the annexation. (Note: This bill relates to the regulation of fireworks sales subsequent to annexation.)

S.B. 621 (Lambert) – Plumbing Regulation: would, among other things, transfer of the regulation of plumbing from the Texas Board of Plumbing Examiners (which the bill abolishes) to the Texas Department of Licensing and Regulation. (Companion bill is **H.B. 1670** by **Lambert**.)

S.B. 1115 (Lucio) – Affordable Housing: would: (1) authorize counties to adopt land bank programs through which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain real property by private sale for purposes of affordable housing development; and (2) provide that other taxing units that are a party to a foreclosure judgement must consent to the sale of property to a land bank.

S.B. 1118 (Lucio) – Affordable Housing: would: (1) make various changes to programs operated by the Texas Department of Housing and Community Affairs (TDHCA); (2) require TDHCA to establish a grant program for the purpose of removing barriers in the home of a person with a disability; and (3) allow TDHCA to certify a local government entity to administer the program in (2).

S.B. 1158 (Bettencourt) – Tax Abatements: would extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2031.

S.B. 1220 (Bettencourt) – Plats: would provide that, before a plat may be recorded, the plat must include a certification by a surveyor or a registered engineer describing any area that is being subdivided that is in a 100-year floodplain, 500-year floodplain, flood pool, or reservoir or stating that no such area is in a 100-year floodplain, 500-year floodplain, flood pool or reservoir.

S.B. 1266 (Buckingham) – Building Materials and Methods: would provide that: (1) a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, or other regulation that prohibits, directly or indirectly, the use of a building product, material, or method in the construction, renovation, maintenance, or other alteration of a residential or commercial structure if the building product, material, or method is approved for use by a national model code that: (a) is adopted by the governmental entity; and (b) governs the construction, renovation, use, or maintenance of buildings and building systems; (2) a rule, charter provision, ordinance, order, or other regulation adopted by a governmental entity that conflicts with the bill is void; (3) the attorney general may bring an action in the name of the state to enjoin a violation of the bill; and (4) the attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under the bill. (Companion bill is **H.B. 2439** by **Phelan**.)

S.B. 1300 (Bettencourt) – Limited Purpose Annexation: would provide that: (1) the qualified voters of a district annexed for limited purposes under a strategic partnership agreement are entitled to vote in municipal elections in the same manner as qualified voters of any other area annexed for limited purposes; and (2) residents of a district annexed for limited purposes under a strategic partnership agreement are not eligible to be a candidate for or to be elected to a municipal office.

S.B. 1301 (Bettencourt) – Strategic Partnership Agreements: would provide that: (1) an area may not be annexed for limited purposes pursuant to a strategic partnership agreement, unless a majority of the voters voting in an election approve the proposed agreement; (2) an agreement that provides for limited-purpose annexation must be for a term not to exceed six years, unless voters approve an extension at an election; and (3) existing agreements must be ratified by voters at an election.

S.B. 1302 (Bettencourt) – Non-Annexation Development Agreements: would provide that, in relation to the requirement to offer a non-annexation agreement to certain agricultural exempt property: (1) for purposes of a law, including a municipal charter or ordinance, relating to municipal authority to annex an area adjacent to the city, an area that is not adjacent or contiguous to the city but is adjacent or contiguous to an area that is the subject of a development agreement is considered adjacent or contiguous to the city only if the area subject to the agreement is adjacent or contiguous to the city; (2) the execution of a development agreement described extends the extraterritorial jurisdiction of the municipality only if the area subject to the agreement is adjacent or contiguous to that municipality; and (3) a city may not annex an area if the annexation creates an enclave unless the enclave is the subject of a development agreement.

S.B. 1303 (Bettencourt) – Annexation/Extraterritorial Jurisdiction: would provide that: (1) a home rule city shall make publicly available a digital map (in addition to a paper map under current law) reflecting annexations and extraterritorial jurisdiction (ETJ) changes; (2) a city, before the 90th day after the date it adopts or amends an annexation plan, shall give written notice with certain provisions to each property owner in any area that would be newly included in the city’s extraterritorial jurisdiction as a result of the proposed annexation; (3) a home rule city, before the 90th day after the date it adopts or amends an annexation plan, shall create and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the city’s ETJ as a result of the proposed annexation; (4) in addition to publishing notice of annexation hearings in a newspaper of general circulation in the city and area to be annexed, the notice must be published in a newspaper of publish notice of the hearings in a newspaper of general circulation in any area that would be newly included in the city’s ETJ resulting from the proposed annexation; and (5) if applicable, the notice for each annexation hearing must include: (a) a statement that the completed annexation of the area will expand the city’s ETJ; (b) a description of the area that would be newly included in the city’s ETJ; (c) a statement of the purpose of ETJ designation; and (d) a list of municipal ordinances that would be applicable in the area that would be newly included in the city’s ETJ; and (6) in addition to the notice requirements for a plan-exempt annexation, a home rule city, before it may institute annexation proceedings, shall create and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the city’s ETJ as a result of the proposed annexation.

S.B. 1304 (Bettencourt) – Zoning: would: (1) require a zoning commission to give written notice of a public hearing on a proposed zoning change to each real property owner wholly or partly located in an unincorporated area of the county if the nearest property line is located not more than two miles from the nearest boundary of the area for which the zoning change is proposed; and (2) require the notice in (1) be provided by U.S. mail to the property owner, as indicated on the most recently approved county tax roll, not later than the 10th day before the date of the hearing.

S.B. 1326 (Campbell) – Disannexation: would: (1) apply to an area that constitutes a portion of a real estate subdivision that is subject to a legal determination that the city failed to provide or agree to provide adequate services to the area; and (2) provide that, on petition of a majority of registered voters in the area, the city shall disannex the area.

S.B. 1327 (Campbell) – Disannexation: would: (1) apply to an area that constitutes a portion of a real estate subdivision that is: (a) located in and contiguous to the boundary of a city; (b) under the jurisdiction of a property owners’ association that governs the entire real estate subdivision; and (c) either subject to a legal determination that the city failed to provide or agree to provide adequate services to the area or adjacent to such an area; (2) provide that, on petition of a majority of registered voters in the area, the city shall disannex the area; and (3) provide that the area is not released from its pro rata share of certain indebtedness.

S.B. 1384 (Campbell) – Municipal Incorporation: would modify the provisions in current law relating to the incorporation of a city or the creation of a special district in the extraterrestrial jurisdiction of an existing city by: (1) repealing the provision in current law that prohibits a city from incorporating in the ETJ of another city; (2) providing that those who wish to create a special district in a city’s ETJ must first request that municipal services be provided to them, and – if the city refuses to do so – may then create the district.

S.B. 1432 (Fallon) – Annexation: would essentially eliminate most unilateral annexations by any city, regardless of population or location. Specifically, the bill would: (1) eliminate the distinction between Tier 1 and Tier 2 cities and counties created by S.B. 6 (2017); (2) eliminate existing annexation authority that applied to Tier 1 cities and make most annexations subject to the three consent annexation procedures created by S.B. 6 (2017), which allow for annexation: (a) on request of the each owner of the land; (b) of an area with a population of less than 200 by petition of voters and, if required, owners in the area; and (c) of an area with a population of at least 200 by election of voters and, if required, petition of landowners; and (3) authorize certain narrowly-defined types of annexation (e.g., city-owned airports, navigable streams, etc.) to continue using a service plan, notice, and hearing annexation procedure. (Companion bill is **H.B. 347** by **P. King**.)

S.B. 1449 (Campbell) – Annexation: would provide that: (1) the disapproval of the proposed annexation of an area pursuant to an election required by S.B. 6 (2017) does not affect any existing legal obligation of the city proposing the annexation to continue to provide governmental services in the area, including water or wastewater services, regardless of whether the city holds a certificate of convenience and necessity to serve the area; and (2) a city that makes a wholesale sale of water to a special district may not charge rates for the water that are higher than rates charged in other similarly situated areas solely because the district is wholly or partly located in an area that disapproved of a proposed annexation under this subchapter.

S.B. 1468 (Campbell) – Annexation: would: (1) apply to a city that operates a municipally owned water utility and uses revenue from the utility partly for general municipal purposes or other purposes not related to the water utility; and (2) provide that such a city may not annex a water district for full purposes under the terms of an existing strategic partnership agreement, but rather must comply with the more restrictive annexation requirements enacted by S.B. 6 (2017).

S.B. 1469 (Powell) – Game Rooms: would: (1) clarify that certain game room regulations do not limit the authority of a home-rule city to enforce its game room zoning regulations; and (2) authorize a county to enter into an interlocal agreement with a city to regulate the operation of a game room or amusement redemption machine. (Companion bill is **H.B. 1972** by **Collier**.)

S.B. 1470 (Powell) – Game Rooms: would authorize a political subdivision to adopt zoning regulations to govern the exhibition of a music or skill or pleasure coin-operated machine. (Companion bill is **H.B. 1533** by Collier.)

S.B. 1510 (Schwertner) – Rough Proportionality: would provide that the rough proportionality requirement for development exactions in current law applies to, in addition to a city action, a requirement under a city/county subdivision agreement for regulation in the extraterritorial jurisdiction.

Personnel

H.B. 2501 (Bowers) – Leave to Attend School Activities: would, among other things, provide that: (1) an employer that employs more than 50 employees shall provide unpaid time off to a non-exempt employee who has been employed for not less than 90 days with the employer for the purpose of attending certain school-related activities of the employee’s child who is in a child-care facility or pre-kindergarten through 12th grade; (2) such employee is entitled to up to four hours of time off at one time in any one-year period for each of the employee’s children that the employee is entitled to time off; (3) an employee not entitled to take time off more than two times in a one-month period; (4) an employee must provide the employer with reasonable advance written notice of the planned absence of the employee, unless the need for the absence was not reasonably foreseeable; (5) an employer may require an employee to use existing leave time for the purpose of a planned absence, except as otherwise provided by a collective bargaining agreement entered into before September 1, 2019; (7) the use of existing leave time to attend school-related activities shall not be restricted by a term or condition adopted under a collective bargaining agreement entered into on or after September 1, 2019; (8) an employer is prohibited from retaliating against an employee who takes a planned absence; (9) that an employee whose employment is terminated in violation of the bill shall be entitled to reinstatement, compensation for lost wages, reinstatement of any fringe benefits and seniority rights, and payment of court costs and reasonable attorney’s fees; (10) an employer shall not decline to interview or hire an applicant solely because the applicant is a parent of a child described in (1); and (11) an employer shall post a conspicuous sign in a prominent location in the employer’s workplace explaining the bill.

H.B. 2503 (Kacal) – Workers’ Compensation Death Benefits: would provide that an individual who remarried is eligible for workers’ compensation death benefits for life if the individual’s former spouse was an elected, appointed or employed peace officer of the state, a city, or a private institution of higher education and died in the course and scope of employment or while providing services as a volunteer.

H.B. 2649 (Flynn) – Public Retirement Systems: would provide that a public retirement system, other than the Texas Municipal Retirement System, must include a statement on its annual financial report that details the commissions and fees paid by the retirement system to outside consultants or investment managers during the fiscal year and post that statement on their respective websites.

H.B. 2652 (Flynn) – Public Retirement Systems: would provide that certain local retirement systems, not including the Texas Municipal Retirement System, shall issue a request for proposals and evaluate the proposals before entering into a contract for investment or consulting services, including professional investment management service.

H.B. 2657 (Flynn) – Public Retirement Systems: would amend the reporting amortization period from 40 to 30 years for a public retirement system that is required to conduct a funding soundness restoration plan.

H.B. 2662 (Paul) – Unfunded Pension Liabilities: would modify current law to provide that a municipality may issue debt to fund all or part of an unfunded liability to a public pension fund in an amount that exceeds \$50 million only if the issuance is approved by a majority of the qualified voters of the municipality voting at an election held for that purpose. (Companion bill is **S.B. 957** by **Bettencourt**.)

H.B. 2685 (Bailes) – Workers’ Compensation Death Benefits: would provide that an individual who remarried is eligible for workers’ compensation death benefits for life if the individual’s former spouse was an intrastate fire mutual aid system team member or a regional incident management team member who died in the course and scope of employment or while providing services as a volunteer. (Companion is **S.B. 1365** by **Kolkhorst**.)

H.B. 2692 (Reynolds) – Discrimination: would, among other things: (1) prohibit a person from denying an individual full and equal accommodations in any place of public accommodation because of such individual’s sexual orientation or gender identity or expression; (2) allow an aggrieved person to file a civil action in district court to recover actual and punitive damages, attorney’s fees, and injunctive relief; (3) prohibit employment discrimination on the basis of sexual orientation or gender identity or expression; (4) prohibit a labor organization from excluding, expelling from membership or limiting a member or an applicant for membership on the basis of sexual orientation or gender identity or expression; (5) prohibit an elected official from discriminating, on the basis of sexual orientation or gender identity or expression, against an individual who is an employee or applicant for employment to serve on the official’s staff; (6) prohibit a person from refusing to sell or rent a dwelling to an individual because of such individual’s sexual orientation or gender identity or expression; and (7) prohibit the referral of a complaint of housing discrimination to a city if the complaint alleges discrimination based on sexual orientation or gender identity or expression and the city does not have laws prohibiting the alleged discrimination. (This bill is identical to **H.B. 244** by **Farrar**.)

H.B. 2885 (Y. Davis) – Paid Military Leave: would modify current law to provide that an officer or employee of a city who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue and who is called to state active duty by the governor or another appropriate authority in response to a disaster is: (1) entitled to an additional paid leave of absence for each day the person is called to such active duty, not to exceed seven workdays in a fiscal year; and (2) not subject to loss of time, efficiency rating, personal time, sick leave, or vacation time.

H.B. 2895 (Collier) – Collective Bargaining: would modify current law to: (1) require a political subdivision, including a city, that employs firefighters and/or police officers to provide those employees with compensation and other conditions of employment that are substantially equal to compensation and other conditions of employment that prevail in comparable fire and police departments, as applicable; (2) eliminate the ability of a political subdivision and a bargaining association to use judicial enforcement of the applicable requirements related to the compensation and conditions of employment of firefighters and police officers if the parties fail to agree to arbitrate; (3) require a public employer and a bargaining association to submit to binding interest arbitration if the parties reach an impasse in collective bargaining or are unable to settle after the 61st day after the date the appropriate lawmaking body fails to approve a contract reached through collective bargaining; and (4) eliminate an arbitration board and replace it with a single arbitrator. (Companion bill is **S.B. 797** by **Alvarado**.)

H.B. 2953 (Moody) – Grants for Peace Officer Salaries: would provide that: (1) the governor shall, by rule, establish a grant program to award grants to qualifying local governments to enhance public safety by ensuring that the starting salaries of all peace officers employed by such local government is at least \$32,500 per year; (2) a qualifying local government means a county or municipality in which: (a) the taxable value of property for ad valorem tax purposes is less than the amount established by the governor’s rule; and (b) the average starting salary on September 1, 2019, for a peace officer employed full-time by the county or municipality is less than \$32,500 per year; and (3) the rules adopted by the governor must: (a) provide the maximum taxable value of property that may be located in a county or municipality in order for the county or municipality to be considered a qualifying local government; and (b) prescribe the manner in which a qualifying local government may apply for a grant.

H.B. 2969 (Sanford) – Employment Action Against First Responders: would provide that: (1) except as is necessary to ensure public safety, an employer of certain first responders may not suspend, terminate, or take any other adverse employment action against a first responder solely because the employer knows or believes that the first responder has a mental illness; (2) an aggrieved person may seek compensatory damages, reasonable attorney’s fees and court costs, and other appropriate relief; and (3) sovereign immunity to suit shall be waived and abolished to the extent of any liability.

S.B. 1131 (West) – Military Paid Leave: would modify current law to provide that an officer or employee of a city who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence for not more than 22 workdays in a fiscal year for military service training or duty.

S.B. 1218 (Alvarado) - Police Employment of Legal Permanent Residents: would: (1) allow a political subdivision to employ, as a peace officer, a legal permanent resident of the United States who is an honorably discharged veteran of the armed forces of the United States; and (2) require that the Texas Commission on Law Enforcement issue a peace officer license to a person who is a legal permanent resident of the United States if the person: (a) meets the requirements to be a peace officer; and (b) is an honorably discharged veteran of the armed forces of the United States. (Companion bill is **H.B. 1091** by **Vo**.)

S.B. 1250 (Menendez) – Discrimination: would prohibit discrimination in employment on the basis of gender identity or expression and sexual orientation. (Companion bill is **H.B. 850** by **Johnson**.)

S.B. 1286 (Johnson) – Whistleblower: would, in addition to current law, prohibit a state or local governmental entity from taking an adverse employment action against an employee who in good faith reports a violation of law by the employing governmental entity or another public employee to: (1) the reporting employee’s supervisor; (2) an individual or office designated by the employer, as the appropriate individual or office for reporting a grievance; or (3) a member of the employer’s human resources staff. (Companion bill is **H.B. 1001** by **Israel**.)

S.B. 1335 (Bettencourt) – Retirement Plans: would provide, among other things, that: (1) a municipality that is the sponsoring authority of a public retirement system that was created under and is governed by a state statute, but is not part of a statewide retirement system, may adopt by ordinance or resolution, as applicable, provisions that supplement or supersede the operative provisions of the public retirement system’s governing statute; and (2) the provisions adopted under (1) above: (a) apply only to a person who becomes eligible in the public retirement system after December 31, 2019; (b) may create a defined contribution plan, hybrid retirement plan, or other alternative retirement plan instead of a defined benefit plan required or authorized under the system’s governing statute; and (c) apply to benefits, participation, eligibility requirements, source or amount of funding, and administration of the system.

S.B. 1365 (Kolkhorst) – Workers’ Compensation Death Benefits: would provide that an individual who remarried is eligible for workers’ compensation death benefits for life if the individual’s former spouse was an intrastate fire mutual aid system team member or a regional incident management team member who died in the course and scope of employment or while providing services as a volunteer. (Companion bill is **H.B. 2685** by **Bailes**.)

S.B. 1396 (Flores) – Survivor Benefits: would provide that: (1) as soon as practicable after the death of certain public safety employees that occurs in the line of duty, the employing entity shall furnish the board of trustees of the Employee Retirement System proof of the death in the form and with additional evidence and information as required by the board of trustees; (2) the board of trustees shall consider the proof, evidence, and information provided by the employing entity and determine whether the individual’s death occurred in the line of duty and justifies payment of assistance to the employee’s eligible survivors; and (3) if the employing entity fails to comply with the provisions described in (1), the attorney general may use any means authorized by law, including filing suit for writ of mandamus against the employer, to compel compliance.

Public Safety

H.B. 2300 (Morrison) – Disaster Recovery Loan Program: would, among other things, provide that: (1) a \$60 million fund shall be created with the comptroller, to be administered by the Texas Division of Emergency Management (“Division”), to provide short-term loans for

disaster recovery projects to political subdivisions, including cities, that are located wholly or partly in an area declared to be a disaster area by the governor or the president of the United States; (2) a political subdivision described in (1) may apply for a loan if: (a) before applying for the loan: (i) the political subdivision has submitted to the Division, within 15 days of the date of its adoption by the governing body, the political subdivision's operating budget for the most recent fiscal year; and (ii) an application for a loan from the Federal Emergency Management Agency's ("FEMA") community disaster loan program; (b) an assessment of the damages due to the disaster has been conducted by the political subdivision; and (c) the Division, in consultation with FEMA, determines that the estimated cost to rebuild the political subdivision's infrastructure damages in the disaster is greater than 50 percent of the political subdivision's total revenue for the current year as shown in the most recent operating budget of the political subdivision submitted to the Division; (3) a loan provided from the fund must: (a) be made at or below market interest rates for a term not to exceed 10 years; and (b) be expended solely for disaster recovery projects; (4) if the term of the loan exceeds two years, the state auditor shall, on the second anniversary of the date on which the political subdivision received the loan, conduct a limited audit of the political subdivision to determine whether the political subdivision has the ability to repay; and (5) the Division may forgive a loan made to a political subdivision if the state auditor determines that the political subdivision is unable to repay the loan.

H.B. 2305 (Morrison) – Emergency Management Training: would provide that the Texas Division of Emergency Management shall establish a work group of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors, emergency management coordinators, and other emergency management personnel on the state or local level.

H.B. 2445 (Parker) – Crime Control and Prevention Districts: would authorize a city to add all or part of the extraterritorial jurisdiction to a crime control and prevention district, and authorize the district to impose a tax if the addition of the territory and the imposition of the tax are approved by a majority of the qualified voters of the territory to be added.

H.B. 2518 (Toth) – Criminal Penalties for Possession of Marihuana: would reduce criminal penalties for possession of two ounces or less of marihuana.

H.B. 2541 (Meza) – No-Knock Entries Reporting and Study: would provide that: (1) a law enforcement agency that executes a no-knock entry shall submit a report to the public safety director, on a form provided by the Department of Public Safety, providing certain information, including whether one or more officers were injured or died as a result of the entry; and (2) the public safety director shall compile the reports and provide a report to the governor, lieutenant governor, and the legislature.

H.B. 2560 (Bailes) – Catastrophic Debris Management Plan: would provide that: (1) the Texas Division of Emergency Management shall develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster that provides for the following: (a) a guide for clearance and disposal of debris caused by a disaster, including information on preparing for debris removal before a disaster; (b) provisions for the use of trench burners and air curtain incinerators of vegetative debris, including identifying sources of

equipment for use immediately following a disaster; and (c) procedures for: (i) vegetative debris burning; (ii) coordination of clearance and disposal of debris; (iii) obtaining equipment necessary for use immediately following a disaster; and (iv) interaction between political subdivisions and state and federal agencies; and (2) the Texas A&M Engineering Extension Services shall establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal.

H.B. 2584 (Cortez) – Code Enforcement Officers: would: (1) exempt a code enforcement officer from the prohibition on carrying a club, if the officer holds a certificate of registration as a code enforcement officer and is carrying the club to deter animal bites while the officer is on duty; and (2) require the Texas Commission of Licensing and Regulation to include educational training requirements regarding the principles and procedures to be followed when possessing or carrying an instrument used for deterring animal bites. (Companion bill **S.B. 764** by **Menendez**.)

H.B. 2607 (K. King) – Vehicle Border Crossing Checkpoints: would provide that: (1) the Texas Department of Public Safety shall establish a program for the purpose of establishing state border crossing checkpoints at each point located on a public highway or street leading directly to a border between Texas and New Mexico or Oklahoma to prevent controlled substances from entering the state and for the prevention and detection of other criminal offenses; (2) the checkpoint shall be operated to only stop a motor vehicle: (a) that is entering this state; and (b) if law enforcement has probable cause to believe the driver or passenger of the vehicle is bringing a controlled substance into the state or has committed another offense; (3) the Department may establish the state border crossing checkpoint program described in (1) in conjunction with local law enforcement authorities, and the department and local law enforcement authorities may share the cost of staffing the checkpoints; and (4) the department shall establish procedures governing the encounter between the driver and the peace officers operating the checkpoint that: (a) minimize any intrusion; (b) ensure that inquiries made are reasonably related to the purpose of the checkpoint; (c) prohibit a peace officer from directing a driver or passenger in a motor vehicle to leave the vehicle or move the vehicle off the roadway unless the officer has reasonable suspicion or probable cause to believe that the person committed or is committing an offense; and (d) provide that a peace officer may require that each motor vehicle passing through the checkpoint be diverted to a location immediately adjacent to the roadway, if desirable, to ensure safety.

H.B. 2613 (Frullo) – Human Smuggling and Trafficking: would: (1) make the operation of a stash house a Class A misdemeanor, and provide that property used in the commission of that and certain other crimes constitutes contraband; and (2) provide that funds from the forfeiture of contraband as described in (1) may only be used by the state or a law enforcement agency for direct victim services or to cover the costs of a contract with a local nonprofit to provide direct services to crime victims.

H.B. 2622 (Phelan) – Drivers Responsibility Program: would: (1) create an annual surcharge for a person that accumulated three or more but fewer than six points on the person's drivers license during the preceding 12-month period; (2) reduce the surcharge for conviction of driving while license invalid or without financial responsibility to \$50; (3) require the Department of Public Safety (DPS) to waive surcharges assessed on or before September 1, 2013 with this

section expiring on September 1, 2020; (4) require DPS to waive all surcharges if DPS determines that the person is indigent; (5) require standing committees in the senate and house to conduct a study of methods to improve automatic data sharing between DPS and other agencies for the purpose of determining whether a person is indigent; and (6) repeal the separate surcharge for driving without financial responsibility and surcharge for conviction of driving without valid license.

H.B. 2644 (Martinez) – Vehicle Registration: would, among other things, provide that: (1) an applicant for vehicle registration may list, on an application for vehicle registration, any health condition that may impede communication with a peace officer; (2) the Department of Public Safety shall establish a system to include a health condition described in (1) in the Texas Law Enforcement Telecommunications System for the purpose of alerting a peace officer who makes a traffic stop that the operator of the stopped vehicle may have a health condition that may impede communication; and (3) a license plate may not have visible markings that indicate to the general public that a person voluntarily listed a health condition on an application. (The companion bill is **S.B. 976** by **Hughes**.)

H.B. 2654 (Rosenthal) – School Construction Standards: would mandate certain school construction standards, including locks on all doors and numerous other requirements, to provide for the safety of children in an emergency.

H.B. 2672 (Zwiener) – Sexual Assault Investigations: would provide that the Texas Department of Public Safety shall: (1) conduct a study regarding investigation and prosecution of sexual assault offenses to determine the rate of case attrition for those offenses and the reasons for the case attrition; (2) in compiling the study, compile and analyze information relating to the commission of certain sexual assault offenses, including the number of cases: (a) in which the law enforcement agency investigating the offense forwarded the case to the appropriate local prosecuting agency, including cases that are prosecuted as a different criminal offense; (b) closed or classified as inactive by the law enforcement agency without forwarding the case to the appropriate prosecuting agency; (c) in which the local prosecuting agency did not prosecute the offense, and the reasons for not prosecuting the offense, including whether the offense was referred to a grand jury; and (d) dismissed after an indictment had been filed; and (3) identify the governmental entities that possess the information required under (2) and require each of those entities to report the information to the department in the manner prescribed by the department.

H.B. 2678 (Zwiener) – Sexual Assault Statistics: would, among other things, provide that: (1) the Texas Department of Public Safety shall, each calendar year, compile and maintain statistics on the number of sexual assault victims who receive a forensic medical examination before reporting the assault to law enforcement regardless of the year in which the examination was performed; and (2) the department shall post the compiled statistics on the department's internet website.

H.B. 2681 (Minjarez) – Passing Certain Vehicles Offense: would provide that passing a stationary utility maintenance vehicle not separated from the roadway by traffic control channelizing device and using flashing amber or blue lights is a criminal offense.

H.B. 2711 (Lang) – Failure to Identify: would: (1) provide that a person commits an offense for failure to provide his or her name, residence address, or date of birth to a peace officer who has requested the information and the peace officer (a) has lawfully arrested the person, (b) has lawfully detained the person, or (c) has good cause to believe the person is a witness to a criminal offense; and (2) adjust the criminal penalties for failure to identify.

H.B. 2731 (Miller) - Sex Offender Registration Program: would add convictions for promotion of prostitution and aggravated promotion of prostitution to the sex offender registration program.

H.B. 2749 (Neave) – Pretrial Intervention Grants: would provide that the Community Justice Assistance Division may award grants to a municipality for the development and operation of a pretrial intervention program for defendants who are pregnant at the time of placement into the program.

H.B. 2754 (White) – Misdemeanor Offenses: would: (1) in regard to certain fine-only misdemeanor offenses, require a peace officer to issue a citation instead of taking a person before a magistrate, unless the person refuses to sign the citation or asks to be taken before a magistrate; (2) in regard to certain fine-only misdemeanor offenses, give a peace officer the option to issue a citation instead of taking a person before a magistrate; and (3) with some exceptions, prohibit a judge from issuing an arrest warrant for failure to appear, issuing a *capias pro fine* for failure to satisfy a judgment, or ordering the confinement of a person for failure to pay a fine with respect to a fine-only misdemeanor offense.

H.B. 2837 (Canales) – Vehicle Operation and Equipment: would: (1) provide that the Texas Commercial Driver's License Act does not apply to a covered farm vehicle, or a vehicle used for the purpose of participating in equine activities or attending livestock shows; (2) except a slow-moving vehicle from the general limitations on operating on an improved shoulder of a roadway; (3) require drivers to yield the right of way or pull over when approached by a police vehicle using its lights (not just siren); (4) allow the operator of an emergency vehicle to park or stand the vehicle even when not responding to an emergency, pursuing a violator, directing traffic, or conducting an escort; and (5) repeal the criminal penalty for having a license plate flipper.

H.B. 2906 (Parker) – Criminal History Record Information: would provide that a criminal justice agency may not disclose criminal history record information that is the subject of an order of nondisclosure of criminal history record information concerning victims of trafficking of persons for regulatory licensing purposes or to certain agencies or entities.

H.B. 2952 (Guillen) – Emergency Radio Infrastructure Revolving Loan Program: would, among other things, provide that: (1) the Department of Public Safety shall provide loans to finance interoperable statewide emergency radio infrastructure; and (2) such loans may only be made to: (a) regional councils of government that have entered into interlocal agreements authorized under state law; and (b) state agencies requiring emergency radio infrastructure.

H.B. 3016 (Schaefer) – Licensed Carry: would provide that a person who holds a license to carry can do so in a motor vehicle if the handgun is in a holster and the handgun and license holder are in a motor vehicle.

H.B. 3022 (Miller) – Local Emergency Warning System: would provide, among other things, that: (1) a person who applies for or renews a drivers' license may consent to disclosure of the person's contact information to the municipality or county, or both, in which the person resides for the purpose of participating in an emergency warning system operated by a municipality or county; and (2) for purposes of operating an emergency warning system for residents of a political subdivision, the political subdivision may contract with the Texas Department of Public Safety for disclosure by the department of the contact information of a resident of the political subdivision who consents to the disclosure for purposes of participating in the system.

H.B. 3024 (Deshotel) – Coastal Barrier System: would require a study to determine the feasibility of a coastal barrier system.

H.B. 3057 (Harris) – Special Texas Constable: would, among other things: (1) allow the governor to appoint special Texas constables; (2) allow a special Texas constable to arrest an individual and as soon as possible notify local law enforcement agency with jurisdiction over the location where the arrest was made; and (3) require local law enforcement to take custody of the arrested person, take that person before a magistrate, and take custody of any property seized during or after the arrest.

H.B. 3070 (K. King) – Volunteer Fire Department Emergency Assistance: would, among other things, provide that a volunteer fire department whose equipment is damaged or lost while responding to a declared state of disaster in an area subject to the declaration may submit a request for emergency assistance from the volunteer fire department assistance fund for: (1) the replacement or repair of damaged or lost personal protective equipment or other firefighting equipment; and (2) the purchase of a machine to clean personal protective equipment.

H.B. 3076 (K. King) – Texas Tornado and Wildfire Insurance Association: would: (1) establish the Texas Tornado and Wildlife Insurance Association to provide coverage for losses from tornado and wildfire in the state; and (2) provide for implementing provisions.

H.B. 3082 (Murphy) – Unmanned Aircraft: would: (1) provide that a person commits the criminal offense of operating an unmanned aircraft over or near a correctional facility, detention facility, or critical infrastructure facility if the person acts with criminal negligence (current law provides that a person must act intentionally or knowingly); and (2) require a peace officer who investigates an offense described in (1) to notify the Department of Public Safety of the investigation, and provide other information as the department determines necessary.

H.B. 3106 (Goldman) – Sexual Assault Offenses: would: (1) require a law enforcement agency that identifies a person as a suspect in the investigation of a sexual assault or other sex offense to enter into the Texas Data Exchange database the following information: (a) the suspect's name and date of birth; (b) the sex offense being investigated; (c) the concurrent physical offenses being investigated; and (d) the law enforcement agency investigating the offense; and (2) provide

that the information described in (1) be removed from the database by the agency on the earlier of: (a) the date the person is no longer a suspect; (b) the date the person is charged; or (c) the fifth anniversary of the date the information was entered into the database.

H.B. 3112 (Reynolds) – Private Security Companies: would authorize a city, county, or other political subdivision to regulate the time and manner of solicitations by a licensed private security company or employee of a licensed private security company.

H.B. 3116 (White) – Disabled Prisoners: would establish a task force to conduct a comprehensive study on best practice standards for the detention of persons with intellectual and developmental disabilities.

H.B. 3191 (Ramos) – Firearms: would, among other things, require a person convicted of an offense involving family violence or a felony, or a person who is the subject of a protective order, to surrender firearms owned by the person.

H.B. 3231 (Clardy) – Firearms: would provide that: (1) a city may not adopt regulations relating to: (a) the transfer, possession, carrying, ownership, storage, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories; (b) commerce in firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories; or (c) the discharge of a firearm or air gun at a sport shooting range; (2) an ordinance, resolution, rule, or policy adopted or enforced by a city, or an official action, including in any legislative, police power, or proprietary capacity, taken by an employee or agent of a city in violation of the bill is void; (3) the bill does not affect the authority a city has under another law to adopt or enforce a generally applicable zoning ordinance, land use regulation, fire code, or business ordinance to: (a) regulate the carrying of a firearm by a person licensed to carry a handgun in accordance with the law relating to appropriate signage, unless the ordinance or regulation is designed or enforced to effectively restrict or prohibit the manufacture, sale, purchase, transfer, or display of firearms, firearm accessories, or ammunition that is otherwise lawful in this state; or (c) regulate or prohibit an employee's carrying or possession of a firearm, firearm accessory, or ammunition in the course of the employee's official duties, so long as that regulation doesn't violate current law relating to the possession of a firearm in a parking lot; and (4) a person adversely affected by a violation of the bill may file suit against the city in an appropriate court, which shall award to a plaintiff who prevails: (a) actual damages; (b) equitable relief as determined by the court to be necessary, including declarative or injunctive relief; and (c) reasonable expenses, including attorney's fees, court costs, and expert witness fees.

S.B. 11 (Taylor) – School Safety: would, among other things, provide that: (1) a local mental health authority shall employ a non-physical mental health professional to serve as a mental health and substance use resource for school districts located in the region served by a regional education service center and in which the local mental health authority provides services, shall collaborate with the regional education service center, and may enter a memorandum of understanding with regional education service center; (2) the multihazard emergency operations plan adopted by a school district must provide measures to ensure district employees, including substitute teachers, have classroom access to a telephone or another electronic communication device allowing for immediate contact with district emergency services or emergency services

agencies, law enforcement agencies, health departments, and fire departments; (3) the school district's school safety and security committee must include: (a) one or more representatives of office of emergency management of a county or city in which the district is located; (b) one or more representatives of the local police department or sheriff's office; and (c) one or more representatives of a municipality with territory included within the boundaries or the district; (4) the safety and security committee must consult with local law enforcement agencies on methods to increase law enforcement presence near district campuses; (5) the school district shall create threat assessment teams for each campus and the superintendent of the district shall appoint members to the threat assessment teams with expertise in counseling, classroom instruction, school administration and law enforcement; and (6) the school safety allotment must be used to improve school safety and security, including cost associated with collaborating with local law enforcement agencies, such as entering into a memorandum or understanding for the assignment of school resource officers to schools in the district.

S.B. 1112 (Lucio) – Opioid Study: would require the Department of State Health Services to: (1) require vital statistics information and any other relevant data maintained by the department to conduct an ongoing study on opioid overdoses occurring in this state; and (2) make statistics concerning opioid misuse available to affected local governments and shall, to the extent appropriate, share with those governments information concerning community approaches and best practices for reducing opioid misuse and opioid-related deaths.

S.B. 1113 (Lucio) – Mosquito Control: would provide that: (1) a municipality or county health department may apply for a waiver from the Department of Agriculture (“Department”) authorizing the application of pesticides for mosquito control if: (a) the municipality or county is in a state declared state of disaster; or (b) the municipality or county health department determines that immediate action is needed to control the threat of mosquito-borne disease; (2) the Department may grant a waiver authorizing unlicensed employees of the municipality or county to apply pesticides for mosquito control under the direct supervision of a licensed applicator employed by the municipality or county, a nearby political subdivision, the state, or the federal government; and (3) an unlicensed employee of the municipality or county may apply pesticide as authorized under (2) if the unlicensed employee and the licensed applicator supervising the employee executes an affidavit promulgated by the Department describing the supervision arrangement and submit the affidavit to the Department.

S.B. 1201 (Miles) – Driver Responsibility Program: would require the Department of Public Safety to waive all unpaid surcharges for a person who commits to enlist in the United States armed forces that were assessed on or before the date a person commits to enlist.

S.B. 1237 (Hall) – Department of Motor Vehicles: would transfer the duties relating to driver's licenses, personal identification cards, the driver responsibility program and other related powers and duties from the Department of Public Safety to the Department of Motor Vehicles.

S.B. 1269 (Watson) – Search Warrants: would extend the length of time for which an affidavit establishing probable cause for a search warrant may be sealed, and provide for an interested person to file with the court a motion to reconsider an order sealing the affidavit.

S.B. 1331 (Hinojosa) – Forensic Evidence: would provide for the regulation of individuals and entities who conduct forensic analyses, examinations, and tests.

S.B. 1353 (Powell) – Strategic Plan: would require the Health and Human Services Commission, in collaboration with other state agencies, to develop a five-year strategic plan to address adverse childhood experiences and may collaborate with local agencies that work directly with children and families and law enforcement.

S.B. 1363 (Nichols) – Passing Certain Vehicles Offense: would add highway maintenance vehicles operated under a contract with Department of Transportation and service vehicles used in the maintenance of an electrical power line and using required visual signals to the offense of passing certain vehicles.

S.B. 1366 (Nelson) – Airport Police Officers: would provide that: (1) airport security officers employed by a political subdivision that operates an airport are peace officers; and (2) the governing body of a political subdivision may establish an airport police force and commission and employ a peace officer, subject to the chapter on peace officers in the Occupations Code, if the employee takes and files the oath required of peace officers. (Companion bill **H.B. 2801** by **Goldman**.)

S.B. 1447 (Johnson) – Search Warrants: would provide that a search warrant for taking a blood specimen from certain persons suspected of committing certain intoxication offenses may be executed: (1) in any county adjacent to the county in which the warrant was issued; and (2) by any law enforcement officer authorized to make an arrest in the county of execution.

Transportation

H.B. 2696 (Schaefer) – Motor Vehicle Registration: would: (1) eliminate the annual motor vehicle registration of non-commercial motor vehicles; (2) replace registration fees with an annual fee of \$7.50, \$3.50 of which goes to the Texas Mobility Fund, \$2.00 of which goes to the state's trauma facility and emergency medical services account, and \$2.00 of which goes to the state's clean air account.

H.B. 2715 (Rodriguez) – Scooters: would require Texas A&M Transportation Institute, in consultation with the Texas Department of Transportation, to conduct a study on the use of motor-assisted scooters, including an examination of local regulations.

H.B. 2814 (Goodwin) – Highway Safety Corridor: would provide that the Texas Department of Transportation may designate highway safety corridors on portions of roadways, including sites with a high number of traffic fatalities, and increase fines for certain traffic violations in the corridors.

H.B. 3090 (Martinez) – State Highway Fund: would provide that revenue generated from the Texas Department of Transportation’s federal rail safety fee be deposited to the credit of the state highway fund.

H.B. 3196 (Landgraf) – Transportation Infrastructure Fund: would provide that, to be eligible to receive a grant under the Transportation Infrastructure Fund program, matching funds may include in-kind contributions.

S.B. 1135 (Watson) – Vehicles with Automated Braking Systems: would: (1) define a “public transit vehicle” as a bus or other vehicle used to provide transit services to the public by a political subdivision or a private entity operating under a contract with a political subdivision; (2) provide that a public transit vehicle equipped with a connected braking system that is following another public transit vehicle equipped with that system may be assisted by the system to maintain any desired distance between the vehicles; (3) provide that an operator of a public transit vehicle that is following one or more other public transit vehicle may not be assisted by the system to maintain an assured clear distance of safe space if the public transit vehicles are equipped with a connected braking system and the speed of each public transit vehicle is coordinated through the connected braking system; and (4) provide that an operator of a public transit vehicle that is following one or more other public transit vehicle does not have to leave sufficient space between the operator and the vehicle preceding the operator so that another vehicle can safely enter and occupy the space in a business, residential, or non-business or residential area if the public transit vehicles are equipped with a connected braking system and the speed of each public transit vehicle is coordinated through the connected braking system. (Companion Bill **H.B. 2219** by Israel.)

S.B. 1183 (Campbell) – Speed Limit: would: (1) expand those schools that can require a city to hold a public hearing to consider the prima facie speed limits in the city to include an open-enrollment charter school; (2) prohibit a city from rejecting a request for a prima facie speed limit by a public or private elementary or secondary school, an open-enrollment charter school, or an institution of higher education without first making a written finding stating a reasonable basis for the rejection; (3) allow the schools in (2) to appeal a rejection of a request for a prima facie speed limit to the district court; and (4) allow the schools in (2) to consult with various state and local transportation authorities on the feasibility of a prima facie speed limit during the acquisition and design of the school property.

S.B. 1216 (Schwertner) – Alternately Fueled Vehicles: would provide that: (1) at the time of application for registration or renewal of registration of an alternately fueled vehicle, the applicant shall pay an additional fee in an amount equal to the product of: (a) the number of miles driven by the alternately fueled vehicle in the preceding year; and (b) the amount calculated under (2) for that class of vehicle; (2) the Department of Motor Vehicles shall, for each class of registered vehicle, calculate the average amount of motor fuel taxes that a vehicle operating only on gasoline or diesel fuel pays for each mile driven; and (3) fees collected under the bill shall be deposited to the credit of the state highway fund.

S.B. 1471 (Powell) – Electric/Hybrid Vehicles: would add an additional annual vehicle registration fee on an electric or hybrid vehicle based on the amount of gas taxes the vehicle would have incurred had it run on gas.

S.B. 1526 (Watson) – Transportation Funding: would authorize a county with a population of one million or more, by election, to adopt an additional sales tax for certain transportation and transit projects. (Companion bill is **H.B. 3255** by **Rodriguez**.)

Utilities and Environment

H.B. 2591 (Holland) – Cybersecurity: would provide that: (1) the Public Utility Commission and ERCOT shall contract with an entity selected by the commission to act as the commission's cybersecurity monitor to: (a) manage a comprehensive cybersecurity outreach program for monitored utilities; (b) meet regularly with monitored utilities to discuss emerging threats, best business practices, and training opportunities; (c) review self-assessments by monitored utilities of cybersecurity efforts; (d) research and develop best business practices regarding cybersecurity; (e) report to the commission on monitored utility cybersecurity preparedness; and (2) a municipally owned utility may elect to participate and share in costs associated with the cybersecurity monitor program or to discontinue participation. (Companion bill is **S.B. 936** by **Hancock**.)

H.B. 2710 (Murr) – Aggregate Production Operations: would: (1) provide that the Texas Commission on Environmental Quality may regulate aggregate productions that are first required to be registered on or after September 1, 2019, occupy at least 10 acres, and are located inside the boundaries or extraterritorial jurisdiction (ETJ) of a city; (2) provide that an initial application or the first renewal application for an aggregate production operation must contain a reclamation plan that, among other things, specifies which parts of the aggregate production operation will be reclaimed for forest, pasture, crop, horticultural, homesite, recreation, industrial, or other uses, including use by wildlife for food, shelter, or ground cover; and (3) require a city with an aggregation production in its ETJ as described in (1) to consider and possibly approve amendments to a reclamation plan under certain circumstances.

H.B. 2723 (Darby) – Municipal Solid Waste Facilities: would provide that: (1) a municipal solid waste facility is not required to obtain a permit for the siting, construction, or operation of the facility; (2) a local government may not adopt a rule or ordinance that conflicts with or is inconsistent with the requirements for municipal solid waste facilities as specified by the rules of the Texas Commission on Environmental Quality or by a permit issued by the commission; and (3) a rule or ordinance of a local government that improperly regulates a municipal solid waste facility can be challenged in an action for a declaratory judgment.

H.B. 2771 (Lozano) – Discharge of Water from Certain Oil and Gas Activities: would provide that: (1) the Texas Commission on Environmental Quality may issue permits for the discharge of produced water, hydrostatic test water, and gas plant effluent resulting from certain oil and gas activities into water of Texas; (2) the discharge of produced water, hydrostatic test

water, and gas plant effluent into water in Texas must meet water quality standards established by the TCEQ.

H.B. 2860 (Raymond) – On-Site Distributed Energy Systems: would provide that: (1) a seller or lessor who enters into a purchase, lease, or power purchase agreement with a residential or small commercial customer for the operation of an on-site distributed generation resource shall provide to the customer various information in writing; (2) a city may prohibit a residential or small commercial customer from installing a solar energy device only for a purpose for which a property owners' association may do so, which generally includes a regulation that, as adjudicated by a court, threatens the public health or safety or violates a law or a system that: (a) is located on property owned or maintained by the city; (b) is located in an area on the property owner's property other than on the roof of the home or of another structure allowed under a dedicatory instrument in a fenced yard or patio owned and maintained by the property owner; (c) a system that, if mounted on the roof of the home, extends higher than or beyond the roofline, is located in an area other than an area designated by the city, unless the alternate location increases the estimated annual energy production of the device by more than 10 percent above the energy production of the device if located in an area designated by the property owners' association, does not conform to the slope of the roof and has a top edge that is not parallel to the roofline, or has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace; (d) if located in a fenced yard or patio, is taller than the fence line; (e) as installed, voids material warranties; or (f) was installed without prior approval by the city; and (3) investor-owned electric utilities are subject to several new provisions related to a system.

H.B. 2871 (Biedermann) – Aggregate Production Operations: would:

1. apply only to an aggregate production operation that includes a facility for which a permit is required under the Clean Air Act;
2. transfer regulation of an aggregate production operation under the Clean Air Act to the Railroad Commission instead of the Texas Commission on Environmental Quality;
3. provide that the Railroad Commission shall provide an annual report to the governor, lieutenant governor, and speaker of the house with certain information, including the number and general location of the registered aggregate production operations;
4. create an aggregate production operation regulation account that may be used only by the commission or its employees or agents for the purposes of the bill;
5. provide that the Railroad Commission can enter into a memorandum of understand with the TCEQ for enforcing the bill;
6. grant the Railroad Commission authority to enforce the bill, adopting rules, hiring employees, and issuing orders requiring a person to take actions necessary to comply with the bill;
7. provide that the Railroad Commission may require monitoring and reporting;
8. provide that the Railroad Commission or authorized representative, without advance notice and on presentation of appropriate credentials, has the right to enter an aggregate production operation or premises on which records required to be maintained are located and may, at reasonable times and without delay, have access to and copy records required or inspect any monitoring equipment or method of operation required;

9. provide that the Railroad Commission shall inspect each active aggregate production operation at least once every three years;
10. require that the responsible third party for an aggregate production operation must register the operation with the Railroad Commission;
11. require that the Railroad Commission annually conduct a physical survey of the state to identify all active aggregate production operations and ensure they are registered with the state;
12. provide that the Railroad Commission shall set an aggregate production operation fee not to exceed \$1,000;
13. provide that a person may not conduct an aggregate production operation without first obtaining a reclamation permit for that operation from the Railroad Commission;
14. provide that the reclamation process may require contouring, terracing, grading, backfilling, resoiling, revegetation, compaction and stabilization and settling ponds, water, impoundments, diversion ditches, and other water treatment facilities in order to minimize water diminution to existing water sources, pollution, soil and wind erosion, or flooding resulting from extraction or any other activity that may be considered necessary to accomplish the reclamation of the affected land to a substantially beneficial condition; and
15. provide for administrative, civil, and criminal enforcement and penalties.

H.B. 2880 (Zwiener) – Water Conservation Technology: would provide that the Texas State University Meadows Center for Water and the Environment shall: (1) study whether state and local building codes and other requirements hinder the use of water conservation technology, including xeriscaping, greywater use, reclaimed water use, and rainwater harvesting; and (2) submit to the governor, lieutenant governor, and the speaker of the house a report on the findings of the study.

H.B. 2882 (White) – Call Before You Dig: would provide that: (1) person may file a civil action against an excavator, including a city, that violates the state’s “Call Before You Dig” law for the reasonable and expected costs of damages and repair to the operator of an underground facility, including a city; (2) in assessing the damages, a trier of fact shall consider the actual damages to the facility, the reasonable costs of repair, the loss of revenue to the operator, the effect of the excavator’s actions on the public health and safety, and whether the violation was intentional or reckless; (3) in a civil action filed under the bill, the operator of an underground facility may seek to recover also necessary and reasonable attorney’s fees incurred in the action; and (4) if the excavator was found to have caused the damages intentionally or recklessly, the operator may seek to recover also treble the actual damages.

H.B. 2920 (C. Turner) – Oil and Gas Wells: would provide that: (1) the Railroad Commission of Texas must require an applicant for a permit to drill a new oil or gas well to indicate in the application whether the proposed well site is located within 1,500 feet of the property line of a child-care facility, private school, or primary or secondary public school; (2) the Railroad Commission may not grant an application for a permit to drill a new oil or gas well that is located within 1,500 feet of the property line of a child-care facility, private school, or primary or secondary public school unless: (a) the commission holds a public hearing in the county in which the proposed well site is located to receive public comments on whether granting the permit

application is in the public interest; and (b) the commission considers the comments received when determining whether to grant the application; and (3) the bill does not affect the authority of a political subdivision to enact, amend, or enforce an ordinance or other measure related to the drilling of new oil or gas wells.

H.B. 2939 (Zwiener) – Aggregate Production: would provide that an aggregate production operation located within one-half mile of a single-family residence or hospital may operate only between the hours of 7:00 a.m. or 9:00 p.m.

H.B. 2948 (Guillen) – Litter: would: (1) create an advisory panel, including one member from a city, to study and compile a report on best management practices and funding mechanisms for the prevention, mitigation, and abatement of windblown and waterborne litter in communities; and (2) provide that the panel shall provide a report to the lieutenant governor, speaker of the house, and the legislative committees with primary jurisdiction over the issues described in the report.

H.B. 2957 (Zwiener) – Texas Water Development Board Funding: would: (1) require certain projects, including a municipal water supply project in an amount that exceeds \$500,000 to an entity that is a retail public utility or a public entity, seeking financial assistance from the Texas Water Development Board have a water conservation program in place that includes mandatory time-of-day limitations on outdoor watering by its customers; (2) that the requirements in (1) may be waived to meet an emergency need; and (3) require the TWDB to adopt rules to implement the bill and provide guidance to recipients of financial assistance. (Companion bill is **S.B. 1379** by **Rodriguez**.)

H.B. 2998 (Talarico) – Lead Service Lines: would require a public water system, which includes a city, to replace lead service lines in each public school, private school, or child care facility that is served by the system.

H.B. 2999 (Talarico) – Air Filtration: would require each child care facility to periodically test and, as necessary, replace a heating, ventilation, and air conditioning system or component of the system to meet air filtration efficiency standards established by the Texas Commission on Environmental Quality.

H.B. 3034 (Zwiener) – Aggregate Production Permitting: would provide that the Texas Commission on Environmental Quality may not issue an air permit to an aggregate production operation unless the operation demonstrates that the Texas Department of Transportation and the commissioners court of the county in which the proposed aggregate production operation is located have established load limits on each road on which the operation expects to operate vehicles.

H.B. 3035 (Zwiener) – Environmental Violations: would: (1) require the Texas Commission on Environmental Quality to ensure the amount of a penalty for a violation is at least equal to the value of any economic benefit gained by the violator through the violation; and (2) allow a city to defer payment on any portion of the penalty attributable to the consideration of economic

benefit on the condition that the city complies with the schedule and terms of the enforcement order associated with the violation.

H.B. 3089 (Martinez) – Utility Relocation: would provide a utility, including any type of municipal utility, shall make a relocation of a utility facility required by improvement of the state highway system at the expense of this state if the Transportation Commission determines that: (1) the utility is a political subdivision or is owned or operated by a political subdivision; (2) a financial condition would prevent the utility from being able to pay the cost of relocation in full or in part at the time of relocation or, if paid at that time, the payment would adversely affect the utility's ability to operate or provide essential services to its customers; and (3) the utility is ineligible for a state infrastructure bank loan or is otherwise unable to finance the cost of the relocation. (Companion bill is **S.B. 1512** by Flores.)

H.B. 3114 (Kacal) – TCEQ Contested Case Hearings: would make numerous changes to the law relating to contest case hearings before the Texas Commission on Environmental Quality, such as: (1) those relating to administrative law judges and technical advisors; (2) hearing timelines; (3) the scope of hearings; (4) evidentiary rules; (5) sanctions against parties; and (6) proposals for decision.

S.B. 1206 (Perry) – Broadband Council: would provide that the governor's broadband council, which includes a municipal official who serves in a city with a population of less than 20,000 that is located in a county with a population of less than 60,000, is established in the office of the governor

S.B. 1247 (Miles) – Concrete Plant Public Hearing: would provide that only a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

S.B. 1249 (Miles) – Solid Waste Facility Permitting: would require applicants for solid waste facilities to: (1) mail an explanation of the site's proposed operations and a questionnaire to each resident living within one mile or less from the site and each community organization, nonprofit organization, or civic club located three miles or less from the site; and (2) include any comments made by residents, organizations, or clubs in response in the application. (Companion bill is **H.B. 523** by Allen.)

S.B. 1310 (Hinojosa) – Certificates of Public Convenience and Necessity: would provide, among other things, that: (1) when a retail public utility proposes to provide services in a decertified area and the certificate holder has not agreed to the decertification, the public utility commission shall issue an initial order to revoke or amend the certificate and follow the procedure in the bill; (2) a landowner who meets certain requirements may petition the utility commission for a release of a certificate of public convenience and necessity and must provide notice of the landowner's intent to file the petition to the certificate holder at least 30 days before filing the petition; (3) for certain orders, including orders under (1), the utility commission shall require the certificate holder to submit certain information to the utility commission and, as applicable, the utility commission may require the petitioner and any retail public utility that

intends to provide services to the decertified area to submit certain information; (4) based on the information provided in (3), the utility commission shall issue an order requiring that just and adequate compensation be paid to the certificate holder and establishing the amount of compensation; and (5) before the order in (4), the retail public utility or petitioner may request a hearing on the issue of compensation. (Companion bill is **H.B. 1826** by **T. King**.)

S.B. 1338 (Zaffirini) – Solid Waste Landfill Facilities: would: (1) define “special flood hazard area” as the land in a floodplain subject to not less than one percent chance of flooding in a year as designated by the director or administrator of the Federal Emergency Management Agency; (2) provide that the Texas Commission on Environmental Quality may not issue a permit for a new municipal solid waste landfill facility or a lateral expansion of an existing municipal solid waste landfill facility that is contingent on the removal of the facility from a special flood hazard area; (3) provide that TCEQ may not issue a permit for a new municipal solid waste landfill facility or a lateral expansion of an existing municipal solid waste landfill facility if a part of the facility is or will be located in a special flood hazard area unless the applicant has obtained a letter from FEMA of map change demonstrating the entire facility has been removed from the special flood hazard area; and (4) require that TCEQ coordinate with all applicable regional and local governments to verify that all required map changes to the flood Insurance Rate Map have been acquired from FEMA and that all necessary permits have been issued for the facility by the governmental entities or agencies with jurisdiction over the facility.

S.B. 1339 (Zaffirini) – Solid Waste Facilities: would: (1) require the Texas Commission on Environmental Quality to adopt specific, uniform road specifications and safety standards for access to solid waste facilities that accept or process municipal or hazardous waste; and (2) provide that the rules adopted under (1) must require the permit holder to be financially responsible for access route improvements and maintenance and to reimburse a local governmental entity for any costs incurred by that entity for improvements made to and maintenance of the access routes.

S.B. 1372 (Campbell) – Wind-Powered Generation Facilities: would provide that the Public Utility Commission by rule shall require a person who is issued a certificate that includes a wind-powered generation facility, or an amendment of a certificate that includes a wind-powered generation facility, to maintain and decommission the wind-powered generation facility in a manner that protects the environment and the interests of the owner of the property on which the facility is located.

S.B. 1381 (Rodriguez) – Stormwater Infrastructure Reporting: would: (1) define “green stormwater infrastructure” and “low impact development;” (2) create a Green Stormwater Infrastructure and Low Impact Development Report Group to be appointed by the Texas Commission on Environmental Quality, including one member from a city; and (3) require the Group to prepare a biennial report on the use of green stormwater infrastructure and low impact development in the state to be submitted to the members of the Texas Commission on Environmental Quality, the governor, the lieutenant governor, the speaker of the house, and each member of the legislature. (Companion bill is **H.B. 1059** by **Lucio**.)

S.B. 1435 (Taylor) – Electric Transmission Lines: would impose new notice and public hearing requirements relating to a major modification of an existing transmission line by an electric utility or other person.

S.B. 1513 (Birdwell) – Gas Utility Rates: would: (1) define “employee compensation and benefits” to include base salaries, wages, incentive compensation, and benefits, but not pension and other postemployment benefits; and (2) provide that, when establishing an electric utility’s rates, the regulatory authority – including a city – shall presume that employee compensation and benefits expenses are reasonable and necessary, if the expenses are consistent with recent market compensation studies. (Companion bill is **H.B. 1767** by **Murphy**.)

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