



Legislative UPDATE

March 15, 2019
Number 11

Bill Filing Deadline Comes and Goes and Legislative Committees Ramp Up Their Work

In the final three days before last week's March 8 bill-filing deadline, Texas lawmakers went into their usual bill-filing frenzy. The numbers were up from the 2017 session. This time, they introduced roughly 2,400 bills and joint resolutions in the final three days. About half of the city-related bills filed in those last three days are summarized in this edition. The remaining ones will appear in next week's edition.

That brings the 60-day total to an unofficial 7,281 (around 500 more than the 2017 number and the second-highest in history). If divided equally, the total means that legislators filed more than 40 bills each. There will be more: legislators can still file bills if they can persuade their colleagues to suspend the rules on a bill-by-bill basis.

Now is also the time in the legislative session that committee and floor action picks up. City officials should look to the "Significant Committee and Floor Actions" sections of the *Legislative Update* each week to see which bills are moving or, in Capitol parlance, "have gotten legs." Those sections won't include every bill that is moving through the process, but they will include the ones that are most detrimental to all cities.

Legislators Seek to Cut Right-of-Way Compensation in Half: Testimony Needed Next Week

Last session, small cell node legislation unconstitutionally capped city right-of-way rental fees. It is estimated that the legislation, over time, will cause cities to collectively lose hundreds of millions of dollars as companies roll out that new technology.

It gets much worse this session: Cable companies are now seeking to eliminate *existing* rental fees. Senate Bill 1152 by Hancock (the author of last session's preemptive small cell bill) and H.B. 3535 by Phelan are the vehicles that would do so. They are written in a complex way, but the bottom line is that they allow a company to elect to pay either telephone franchise fees under the access line compensation system or cable franchise fees under the state-issued cable franchise system, but not both as they currently must.

For example, if a cable company provides both telephone service and video service, it pays rental fees for both because it benefits financially from both by using public land for a private purpose. The bill would allow the company to simply choose to no longer pay the lesser of the two fees.

To put the monetary loss in perspective, consider that right-of-way rental fees constitute – on average – around six percent of a city's revenue. In some cities, that percentage is much higher. The proposed legislation could cut that revenue almost in half. For example, the City of Houston stands to lose up to \$27 million annually, and the City of Dallas could lose almost \$10 million annually.

All cities should begin immediately to calculate what the fiscal impact would be to cancel the smaller of their cable and phone right-of-way-rental fee.

These bills are very close behind revenue caps as some of the most detrimental bills filed this session, and the authors are motivated to pass them. The time is right now for city officials to explain the impact of this issue to their legislators.

Senate Bill 1152 has been set for a hearing in the Senate Business and Commerce Committee at 8:00 a.m. on Tuesday, March 19, in the Capitol Extension. The hearing notice is available [here](#). City officials in cities that would be harmed by the bill should discuss with their legislators and plan to attend and testify.

Senate Committee Votes Out Unconstitutional Eminent Domain Bill

This week, the Senate State Affairs Committee voted out this session's omnibus eminent domain reform bill, S.B. 421 (Kolkhorst). The as-filed bill applied almost exclusively to gas pipelines, which rural landowners frequently allege to be eminent domain "abusers," though pipelines follow the same in-depth procedural rules as all other users of eminent domain.

However, at a press release earlier this year, Senator Kolkhorst indicated that she would like all condemning entities included in her reform. She made good on that promise this week, substituting a bill that applies to cities and other governmental entities *after* testimony was taken on the bill.

The bill now provides that a city's bona fide offer to acquire the property must include "an offer of compensation in an amount equal to or greater than 145 percent of the market value of the appraised value of the property."

According to that provision, if an appraiser concludes that a parcel is worth \$100,000, the city would have to offer \$145,000 in its initial offer to the owner. The proponent's rationale is simple: many property owners don't want their land taken for any reason, so at the very least they should get more compensation.

Paying more than property is worth is a policy question that's debatable. However, under the current Texas Constitution, cities flat-out can't make the 145 percent offer. Article III, Section 52, provides that "the Legislature shall have no power to authorize any...city...to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever."

Translated, the provision means a city can't pay more than the property is worth. Doing so would be an unconstitutional gift. The constitution can certainly be amended, but that requires approval by the voters. Until that happens, cities are bound by it.

Significant Committee Actions

Lemonade Stands and More: H.B. 234 (Krause), relating to the local regulation of the sale of lemonade or other beverages by children. Reported from the House Committee on State Affairs. As reported, the bill would preempt any type of municipal regulation over any non-alcoholic beverage sold by a child from a stand on private property, such as a farmer's market.

Required Information on Website: H.B. 305 (Paul), relating to the requirement that a political subdivision with authority to impose a tax post certain information on an Internet website. Reported from the House Committee on State Affairs. As reported, the bill would apply to a city that at any time on or after January 1, 2019, maintained a publicly accessible Internet website and require such a city to post the following on the site: (1) the city's contact information, including a mailing address, telephone number, and e-mail address; (2) each elected officer; (3) each candidate for an elected office; (4) the date and location of the next election for officers; (5) the requirements and deadline for filing for candidacy of each elected office, which shall be continuously posted for at least one year before the election day for the office; (6) each notice of a meeting under the Open Meetings Act; and (7) each record of a meeting under the Public Information Act.

Sales Tax for Property Tax Relief: H.B. 705 (Geren), relating to the substitution of a local sales and use tax for maintenance and operations property taxes imposed by certain local governments. Reported from the House Committee on Ways and Means. As reported, the bill would: (1) authorize a city or county to adopt an ordinance to increase the city's sales and use tax by up to two percent provided the increase completely eliminates the city's property tax; (2) authorize a qualifying city or county that imposes a supplemental sales and use tax to, by adoption of an ordinance or order, annually increase or reduce the rate of the tax, so long as the tax does not exceed two percent; (3) authorize a city or county that imposes the supplemental sales and use tax to, by adoption of an ordinance or order, abolish the tax if there is no outstanding debt secured by the tax; (4) provide that at least 20 percent of the registered voters of a city or county may petition the governing body of the city or county to call an election on the

question of adoption by the city or county of the supplemental sales and use tax above; and (5) provide that revenue from a supplemental sales and use tax is for the use and benefit of the city or county imposing the tax and may be used for any purpose for which the general funds of the city or county may be used.

Eminent Domain: S.B. 553 (Schwertner), relating to the acquisition of certain real property in conjunction with the acquisition of real property for a public use through eminent domain procedures. Reported from the Senate State Affairs Committee. As reported, a condemning entity that makes an initial offer that includes real property that the entity does not seek to acquire by condemnation shall in the initial offer: (1) separately identify the real property that the entity does not seek to acquire by condemnation; and (2) make an offer for the real property that the entity does not seek to acquire by condemnation separate from the offer made for the real property sought to be acquired by condemnation.

Eminent Domain: S.B. 554 (Schwertner), relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity. Reported from the Senate State Affairs Committee. As reported, the bill would, in relation tolling a property owner's right of repurchase: (1) eliminate the following as elements establishing "actual progress" on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner's property was acquired; or (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress.

TCEQ: Free Phase II Workshops

The Texas Commission on Environmental Quality (TCEQ) is offering free workshops for owners and operators of Phase II municipal separate storm sewer systems (MS4s). (Most cities under 100,000 and located in an "urbanized area" as defined by the U.S. Census Bureau are required to obtain a [Phase II permit from TCEQ.](#))

These workshops will guide regulated cities as to preparing a stormwater management plan and provide insight on completing the required annual report. Workshops will be held at the following locations:

- **Belton – Tues. April 2, 2019 - 9:00 a.m. - 4:00 p.m. (lunch on your own)**
Central Texas Council of Government
2180 N Main Street
Belton, TX 76513
- **San Marcos – Wed. April 17, 2019 - 9:00 a.m. - 4:00 p.m. (lunch on your own)**
San Marcos Activity Center
501 E Hopkins Street
San Marcos, TX 78666

- **Dallas – Thur. April 25, 2019 - 9:00 a.m. - 4:00 p.m. (lunch on your own)**
Eco Park
5215 Simpson Stuart Road
Dallas, TX 75241
- **Houston – Tues. April 30, 2019 - 9:00 a.m. - 4:00 p.m. (lunch on your own)**
Trini Mendenhall Community Center
1414 Wirt Road
Houston, TX 77055
- **Weslaco – Tues. May 7, 2019 - 9:00 a.m. - 4:00 p.m. (lunch on your own)**
Lower Rio Grande Valley Development Council
301 W Railroad Street
Weslaco, TX 78596

Seating is limited and is expected to fill up quickly. Those who register will be seated first; walk-ins are not guaranteed a seat. The workshop starts promptly at 9:00 a.m.

The Stormwater Program and Small Business and Local Government Assistance staff will be available to answer questions.

To register, visit the [Free Workshops on Developing an MS4 Stormwater Management Plan](#) or call 1-800-447-2827. For more information, contact Brittany Crawford with TCEQ at 806-468-0515.

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 committee hearings held March 5 through March 11, plus late reports from March 4 hearings:

- Karl Mooney, City of College Station
- Bill Kelly, City of Houston
- Skip Blancett, City of Salado
- Shannon Sines, City of San Antonio
- Christopher Mosley, City of Fort Worth
- Karla Nieman, City of El Paso
- Michael Ross, City of Corinth
- LeeAnn Bunselmeyer, City of Corinth
- Ramsey English Cantu, City of Eagle Pass
- Jimmy Spivey, City of Richardson Police Department

- Paul Voelker, City of Richardson
- Andrew Hawkes, City of Jacksonville
- Jamie Dutton, City of Kermit
- Greg Reininger, City of San Antonio
- Jeff Weatherford, City of Houston
- Ann Zadeh, City of Fort Worth
- Micah Grau, City of Buda
- Blake Neffendorf, City of Buda
- Steve Kosub, San Antonio Water System
- Shannon Miller, City of San Antonio
- Greg Smith, City of Corpus Christi
- Gloria McDonaldd, Town of Bartonville
- Richard Boyer, City of The Colony
- Esmeralda Pena Garcia, City of Houston
- Mario Diaz, City of Houston
- Debra Newkirk, City of Midway
- John Bruce, City of Frisco
- Ronnie Morris, City of Grand Prairie
- Jimmy Perdue, City of North Richland Hills
- Terence Holway, City of Plano Police Department
- Jessica Anderson, City of Houston Police Department
- Joel Rivera, City of Weslaco Police Department
- Caleb Breshears, City of Victoria Police Department
- Robert Parker, City of Baytown Police Department
- Darvin Lynn Pearce, City of Aransas Pass Police Department

City-Related Bills Filed

Property Tax

H.B. 3 (Huberty) – Public School Finance: would make numerous changes to the system of school finance in Texas, including increasing the base funding per student to \$6,030 and compressing school district property tax rates by four cents, thereby reducing recapture payments.

H.B. 3234 (J. Gonzalez) – 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. (Companion bill is **S.B. 1280** by **West**.)

H.B. 3241 (Middleton) – Property Tax Appraisal: would, among other things: (1) provide that the chief appraiser has the burden of supporting an increase in the appraised value of property

from the preceding tax year, if the appraised value of property is lowered after a challenge in the preceding tax year; (2) provide that for a chief appraiser using the market data comparison method of appraisal to determine the market value of real property, a sale is not considered to be a comparable sale unless the sale occurred within 24 months of the date as of which the market value of the subject property is to be determined; and (3) provide that an appraisal office's plan for periodic reappraisal shall provide for the reappraisal of all real and personal property in the district not more often than once every two years.

H.B. 3243 (Murphy) – Property Tax Refunds: would, among other things: (1) require a collector or taxing unit required to deliver a refund to a person to send the refund to the person's mailing address as listed on the appraisal roll; and (2) provide that if a person files a written request with the collector or taxing unit that a refund owed to the person be sent to a particular address, the collector or taxing unit shall send the refund to the address stated in the request.

H.B. 3253 (Rodriguez) – Property Tax Circuit Breaker Study: would require the comptroller to conduct a study to examine circuit breaker programs as a means of expanding and protecting the homestead interests of low-income and moderate-income families. (Companion bill is **S.B. 1079** by Watson.)

H.B. 3256 (Dean) – Appraisal Districts: would prohibit a person from being on the appraisal district board or employed by appraisal district if the person is an officer or employee of a taxing unit that participates in the appraisal district.

H.B. 3348 (Guillen) – Property Tax Exemption: would provide that land remains eligible for appraisal for property tax purposes as agricultural or open-space land if the Texas Animal Health Commission has established a temporary quarantine for ticks that applies to the land.

H.B. 3358 (Sanford) – Property Tax Appraisal: would repeal the additional property taxes imposed as a result of certain changes in the use of certain land. (See **H.J.R. 107**, below.)

H.B. 3406 (Rodriguez) – Property Tax Communications: would: (1) exempt from the prohibition on using public funds for political advertising an oral or written communication by an elected official of a political subdivision that advocates passage or defeat of a measure to adopt a property tax rate of the political subdivision at an election to approve a tax rate; and (2) would modify the verbal motion to adopt an ordinance setting a property tax rate that exceeds the effective tax rate to read as follows: "I move that a tax rate of (specify tax rate) be adopted, which will (insert increase/decrease) total property tax revenues in the (insert name of taxing jurisdiction) by (insert the dollar amount of increased property tax collections) and will (insert decrease/increase) the property taxes on the median valued homestead residence by \$(insert the amount of the increase/decrease)."

H.B. 3493 (Talarico) – Sales Price Disclosure: would, among other things: (1) generally provide that not later than the tenth day after the date the deed is recorded in the county real property records, the purchaser or grantee of commercial real property under a recorded deed conveying an interest in the real property shall file a signed sales price disclosure report with the chief appraiser of the appraisal district established for the county in which the property is

located; (2) authorize a chief appraiser to bring an action for an injunction to compel a person to comply with the requirements in (1), above; (3) provide that a sales price disclosure report filed with a chief appraiser is confidential and not open to public inspection; and (4) authorize the chief appraiser to use information contained in a sales price disclosure report in determining the market value of commercial real property, but may not increase the market value of the real property described in the report solely on the basis of the information contained in the report.

H.B. 3520 (Murphy) – Property Tax Exemption: would limit the calculation of a penalty that can be assessed against a property owner who files a late application for certain property tax exemptions and allocations to a maximum penalty of ten percent of the tax imposed with the exemption or allocation. (Companion bill is **S.B. 1013** by **Hughes**.)

H.B. 3822 (Darby) – Property Tax Appraisal: would provide that if the federal government, the state, or a political subdivision takes possession of taxable property under a possession and use agreement or pursuant to pending eminent domain-related litigation, the amount of the tax due on the property is calculated by multiplying the amount of taxes imposed on the property for the entire year by a fraction, the denominator of which is 365 and the numerator of which is the number of days that elapsed prior to the effective date of the possession and use agreement or the date the entity took possession pursuant to pending eminent domain-related litigation. (Companion bill is **S.B. 2083** by **Hinojosa**.)

H.B. 3844 (Smithee) – Property Tax Exemption: would provide that certain property acquired by a charitable organization to provide low-income housing may qualify for an exemption up to the 10th anniversary of the date the organization acquires the property. (Companion bill is **S.B. 547** by **Watson**.)

H.B. 3868 (Sanford) – Property Tax Appraisal: would, among other things, modify the appraisal for property tax purposes of tangible personal property held for sale at retail. (Companion bill is **S.B. 1143** by **Hughes**.)

H.B. 3869 (Sanford) – Property Tax Appraisal: would modify the way that a retailer's tangible personal property held for sale at retail is appraised for property tax purposes. (Companion bill is **S.B. 411** by **Hughes**.)

H.B. 3917 (Wray) – Property Tax Delinquency: would, among other things: (1) authorize a tax collector to adopt a written policy that requires payment of taxes, penalties, interest, attorney's fees, court costs, and other costs and expenses, only with United States currency, a cashier's check, or, under certain circumstances, a certified check; (2) provide that if a tax sale of the property subject to a petition to vacate a judgment has occurred, the court in which the petition is filed must conduct a hearing on the petition unless the purchaser of the property at the tax sale or from the taxing unit to which the property was bid off, as applicable, consents to the court's granting of the petition; (3) authorize a tax sale for real or personal property; and (4) provide that the sale of personal property, including a manufactured home, may be conducted at the same place as the sale of real property or at the location of the personal property.

H.B. 4012 (Perez) – Pollution Control Property Tax Exemption: would, among other things: (1) require the Texas Commission on Environmental Quality (TCEQ) to adopt by rule a list of property that is used wholly as a facility, device, or method for the control of air, water, or land pollution; (2) require TCEQ to consider whether property previously determined by the executive director to be used wholly for the control of air, water, or land pollution continues to be used wholly for that purpose based on changes in the use of the property or changes in environmental regulations; (3) require TCEQ to review the list at least once every five years; (4) provide that the fact that property is included on a list adopted by TCEQ and that the executive director determined in a previous year that the property was used wholly as a facility, device, or method for the control of air, water, or land pollution does not preclude the chief appraiser from canceling the exemption if the chief appraiser determines that the facility, device, or method is no longer installed at the property or is no longer used wholly or partly for pollution control purposes; (5) provide that an exemption other than an exemption for property included on a list adopted by TCEQ under (1), above, expires at the end of the fifth tax year after the year in which the executive director issues a letter stating the executive director’s determination that the facility, device, or method is used wholly or partly to control pollution; and (6) provide that to continue to receive an exemption described by (5), above, after the fifth year, the person seeking to renew the exemption must file a new permit application or permit exemption request with the executive director and file a new application for the exemption with the chief appraiser.

H.B. 4043 (Dominguez) – Property Tax Rate Following Disaster: would, among other things: (1) authorize the governing body of a taxing unit to adopt a tax rate that exceeds the rollback tax rate without being required to hold an election if any part of the taxing unit is located in an area declared a disaster area during the 2017 tax year or a subsequent tax year by the governor or by the president of the United States; and (2) provide that (1), above, applies to the tax rate adopted by the governing body of a taxing unit for the tax year in which the disaster is declared and for the following ten tax years.

H.B. 4135 (Israel) – Property Tax Exemption: would provide that a portion of the structure that is occupied as the individual’s principal residence, or a separate structure located on the same land as, and having common ownership with, the structure that is occupied as the individual’s principal residence, that is used for single-family short-term or long-term residential purpose, regardless of whether it generates rental income for the owner, is considered part of the residence homestead if: (1) there is only one such additional dwelling unit located on the property that constitutes the owner’s residence homestead; (2) the city or county in which the property is located has adopted a program to encourage the construction or addition of such additional dwelling units; and (3) the additional dwelling unit was constructed or added in compliance with the program to encourage the use of such dwelling units.

H.B. 4139 (Capriglione) – Homestead Exemption: would: (1) authorize the governing body of a taxing unit to adopt a local option homestead exemption of a percentage of the appraised value of an individual’s residence homestead or of a fixed dollar amount; (2) provide that if the percentage set by the taxing unit produces an exemption in a tax year of less than \$5,000, or of a greater dollar amount not to exceed \$25,000 adopted by the governing body before July 1 of that tax year in the manner provided by law for official action by the body, the individual is entitled to an exemption of \$5,000 or, if applicable, of the greater dollar amount adopted by the

governing body; and (3) provide that the percentage adopted by the taxing unit may not exceed 30 percent. (See **H.J.R. 129**, below.)

H.J.R. 107 (Sanford) – Property Tax Appraisal: would amend the Texas Constitution to repeal the provision that subjects land designated for agricultural use to an additional tax when the land is diverted to a purpose other than agricultural use or sold. (See **H.B. 3358**, above.)

H.J.R. 110 (Wilson) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to provide that the appraised value of a residence homestead for property tax purposes is the market value of the property for the first year that the owner qualified the property for a homestead exemption, or if the owner purchased the property, the purchase price of the property.

H.J.R. 111 (Wilson) – Delinquent Property Taxes: would amend the Texas Constitution to provide that a residence homestead is not subject to seizure or sale for delinquent property taxes.

H.J.R. 113 (K. King) – 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.

H.J.R. 129 (Capriglione) – Homestead Exemption: would amend the Texas Constitution to authorize the governing body of a political subdivision that adopts an exemption from property taxation of a percentage of the market value of an individual’s residence homestead to set the minimum dollar amount of the exemption to which an individual is entitled in a tax year. (See **H.B. 4139**, above.)

S.B. 1520 (Campbell) – Property Tax Appeals: would provide that a property owner who has paid a portion of the property owner’s property taxes prior to the final determination of an appeal is liable for the penalties and interest on the additional tax included in the supplemental tax bill, but only if the tax is not paid by the delinquency date for the additional tax. (Companion bill is **H.B. 861** by Anchia.)

S.B. 1703 (Lucio) – Property Tax Delinquency: would authorize the governing body of a taxing unit to waive penalties and interest on a delinquent tax if the taxpayer submits evidence showing that at any time during the period beginning on the date of receipt of the tax bill and ending on the delinquency date, the taxpayer was a federal employee who was: (1) considered nonessential or otherwise furloughed during a federal government shutdown; or (2) working without pay during a federal government shutdown as a result of being considered essential or otherwise excepted from a furlough.

S.B. 1772 (Bettencourt) – 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 in an amount determined by Section 4, below;
3. 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;
4. 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;
5. 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 4, 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;
6. 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;
7. 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;
8. 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;
9. provide that no interest is due on an amount refunded under Section 8, above;
10. 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
11. repeal the existing state statute authorizing reappraisal of property damaged in a disaster area.

(See **S.J.R. 57**, below.)

S.B. 1791 (Zaffirini) – Local Option Appraisal Cap: would, among other things, authorize the governing body of a taxing unit all or part of the territory of which is located in a qualifying county in which home prices are appreciating rapidly to provide that an appraisal office may increase the appraised value of a residence homestead located in a qualifying low-income area in the taxing unit to an amount not to exceed the lesser of: (1) the market value of the property for the most recent tax year that the market value was determined by the appraisal office; or (2) the sum of: (a) the greater of: (i) the percentage specified by the governing body, expressed as a decimal, multiplied by the appraised value of the property for the preceding tax year; or (ii) the amount computed by averaging the percentage increase, expressed as a decimal, in the unadjusted median value of the sales price of existing homes in each of the counties in this state for the preceding year as calculated by the United States Department of Housing and Urban Development and multiplying that amount by the appraised value of the property for the preceding tax year; (b) the appraised value of the property for the preceding tax year; and (c) the market value of all new improvements to the property. (See **S.J.R. 58**, below.)

S.B. 1830 (Alvarado) – Property Tax Exemption: would, among other things, provide that, for the purpose of appraising certain nonexempt property used for low-income or moderate-income housing, the chief appraiser shall use the income method of appraisal, applied in such a way to link the annual change in the property’s valuation with the annual change in income of the property. (Companion bill is **H.B. 2993** by **Geren**.)

S.B. 1903 (Fallon) – Property Tax Exemption: would exempt precious metals from property taxation if they are held in a commercial depository in the state. (See **S.J.R. 62**, below.)

S.B. 1943 (Watson) – Property Tax Exemption: would, among other things: (1) require the comptroller to prepare and electronically publish a pamphlet that provides information to assist heir property owners in applying for a residence homestead exemption; and (2) provide that an heir property owner who qualifies heir property as the owner’s residence homestead is considered the sole owner of the property.

S.B. 1962 (Zaffirini) – Property Tax Appraisal: would provide that the additional taxes imposed if the use of land appraised for property tax purposes as open-space land is changed do not apply to land located in a county with a population of less than 25,000.

S.B. 1963 (Zaffirini) – Property Tax Appraisal: would: (1) provide that the production of fruits and vegetables is considered to be an “agricultural use” for purposes of appraisal of qualified open-space land; and (2) require the comptroller to establish appraisal guidelines for uncommon agricultural uses.

S.B. 1986 (Creighton) – Appraisal Review Board: would, among other things, provide that an appraisal review board consists of three members elected by the voters of the county in which the district is established at the general election for state and county officers and serve two-year terms beginning on January 1 of odd-numbered years.

S.B. 2060 (Menendez) – Notice of Appraised Value: would require the chief appraiser to include with a notice of appraised value a brief explanation of each tax preference that is

available to: (1) a disabled veteran or the veteran's surviving spouse or child; (2) an individual who is 65 years of age or older or the individual's surviving spouse; (3) an individual who is disabled or the individual's surviving spouse; (4) the surviving spouse of a member of the armed services of the United States who is killed in action; or (5) the surviving spouse of a first responder who is killed or fatally injured in the line of duty.

S.B. 2083 (Hinojosa) – Property Tax Appraisal: would provide that if the federal government, the state, or a political subdivision takes possession of taxable property under a possession and use agreement or pursuant to pending eminent domain-related litigation, the amount of the tax due on the property is calculated by multiplying the amount of taxes imposed on the property for the entire year by a fraction, the denominator of which is 365 and the numerator of which is the number of days that elapsed prior to the effective date of the possession and use agreement or the date the entity took possession pursuant to pending eminent domain-related litigation. (Companion bill is **H.B. 3822** by **Darby**.)

S.J.R. 57 (Bettencourt) – 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. (See **S.B. 1772**, above.)

S.J.R. 58 (Zaffirini) – Local Option Appraisal Cap: would amend the Texas Constitution to authorize the legislature to permit the governing body of a political subdivision in a county in which home prices are appreciating rapidly to adopt a local option appraisal cap on increases in the appraised value for purposes of property taxation by the political subdivision of residence homesteads in certain low-income areas. (See **S.B. 1791**, above.)

S.J.R. 62 (Fallon) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxation precious metals held in a depository in the state. (See **S.B. 1903**, above.)

S.J.R. 63 (Lucio) – Property Tax Appraisal: would amend the Texas Constitution to prohibit an appraisal district or appraisal review board from requiring a property owner to pay a fee in connection with a protest filed by the owner.

Sales Tax

H.B. 3386 (Geren) – Sales Tax Exemption: would provide that an amusement service is exclusively provided by a nonprofit corporation organized for the purpose of encouraging agriculture by the maintenance of public fairs and exhibitions of livestock if the service is provided at an approved venue project the principal use of which is for rodeos, livestock shows, equestrian events, agricultural expositions, county fairs, or similar events.

H.B. 3491 (Cole) – Sales Tax Exemption: would exempt from sales and use taxes a taxable item used to assist a person with an intellectual or developmental disability with the activities of daily living.

H.B. 3787 (Sanford) – Sales Tax Exemption: would modify the application of sales taxes to certain property and services, including coin-operated machines, sale for resale of tangible personal property for the purpose of transferring the property to a governmental or charitable entity, and environment and conservation services. (Companion bill is **S.B. 1525** by **Watson**.)

H.B. 4072 (Perez) – Street Maintenance Sales Tax: would alter the ballot proposition language for a street maintenance sales tax reauthorization election.

H.B. 4073 (Perez) – Crime Control and Prevention District: would provide that, after a failed continuation referendum or successful dissolution referendum of the crime control and prevention district, the district would dissolve, cease to exist, and the sales and use tax would be abolished on expiration of the period for which the district was authorized to impose taxes for district purposes pursuant to the last successful creation or continuation election.

S.B. 1525 (Watson) – Sales Tax Exemption: would modify the application of sales taxes to certain property and services, including coin-operated machines, sale for resale of tangible personal property for the purpose of transferring the property to a governmental or charitable entity, and environment and conservation services. (Companion bill is **H.B. 3787** by **Sanford**.)

S.B. 1781 (Zaffirini) – Sales Tax Exemption: would, among other things, provide that natural gas delivered into the fuel supply tank of a motor vehicle is exempted from sales and use taxes.

S.B. 1966 (Zaffirini) – 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. (Companion bill is **H.B. 3086** by **Cole**.)

Purchasing

H.B. 3362 (Hernandez) – Historically Underutilized Businesses: would, among other things, provide that persons with a disability as defined by the federal Americans with Disabilities Act are included in the state’s list of historically underutilized businesses.

H.B. 3592 (Zweiner) – P3s: would: (1) add any information technology infrastructure, including broadband or telecommunications infrastructure, installed in a structure or facility owned by a governmental entity, to the list of “qualifying projects” under the state’s public/private partnership law; and (2) prohibit a governmental entity that utilizes the authority in (1) from competing with a private entity in providing telecommunications services.

H.B. 3852 (Longoria) – Purchasing and Contracting: would: (1) provide that an officer or employee of a governmental entity who is engaged in official business may participate in the comptroller’s contract for travel services, and the comptroller may charge a related fee; (2) provide that the governmental entity in (1) must be a party to certain compact, interagency, or cooperative purchasing agreements; and (3) provide that a governmental entity may not award a

governmental contract to a nonresident bidder, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the following: (a) the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located; or (b) the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which a majority of the manufacturing relating to the contract will be performed. (Companion bill is **S.B. 1793** by **Zaffirini**.)

H.B. 4024 (Romero) – Airport Contracting: would: (1) define an “entity” as one that has been determined by a federal court to have misappropriated intellectual property or trade secrets from an entity organized under local, state, or federal laws or is owned in whole or in part by, or is controlled by, or receives subsidies from the government of a country that: (a) is identified as a priority foreign country; or (b) is subject to monitoring by the United States trade representative; and (2) prohibit a local government or a person operating an airport on behalf of the local government from entering into a contract with an entity described by (1) for the acquisition, construction, improvement, or renovation of airport infrastructure or equipment, including a terminal, security system, or passenger boarding bridge, used at the airport or an associated air navigation facility.

S.B. 1866 (Hinojosa) – 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).

S.B. 1917 (Alvarado) – Prevailing Wages: would provide that: (1) the contractor who is awarded a contract by a public body or a subcontractor of the contractor: (a) shall pay not less than the rates determined under the prevailing wage law to a worker employed by it in the execution of the contract; and (b) may not improperly classify a worker employed by it in the execution of the contract as an independent contractor in order to avoid paying the worker under (1); (2) a public body awarding a contract shall specify the penalty provided for in the contract for a violation of (1); and (3) the public body shall audit a public work contract to ensure compliance with the bill. (Companion bill is **H.B. 28** by **Romero**.)

S.B. 1928 (Fallon) – Contracting: would: (1) define “claimant” to mean a party, including a plaintiff or third-party plaintiff, seeking recovery for damages, contribution, or indemnification; (2) provide that, in any action or arbitration proceeding for damages arising out of the provision of professional services by a licensed or registered professional, a claimant shall be required to file with the complaint an affidavit of a third-party licensed architect, licensed professional engineer, registered landscape architect, or registered professional land surveyor who: (a) is competent to testify; (b) holds the same professional license or registration as the defendant; and (c) practices in the area of practice of the defendant and offers testimony based on the person’s knowledge, skill, experience, education, training, and practice; and (3) provide for certain exceptions to (2). (Companion bill is **H.B. 2440** by **Krause**.)

Elections

H.B. 3199 (Calanni) – Early Voting: would provide that a person desiring to cancel the person’s application for a ballot to be voted by mail may submit a request to do so by voting early by personal appearance or by appearing in person to vote on election day if: (1) the polling place at which the applicant seeks to vote by personal appearance uses a signature roster in the form of an electronic device that: (a) is capable of accurately indicating whether the applicant has returned a ballot to be voted by mail; and (b) provides information to the early voting clerk to ensure that any ballot canceled and subsequently received will not be counted; and (2) the early voting clerk, deputy early voting clerk, or presiding election judge, as applicable, determines from the signature roster that the applicant has not returned the applicant’s ballot to be voted by mail.

H.B. 3200 (Calanni) – Early Voting: would, among other things: (1) provide that an application for a ballot to be voted by mail, including an application submitted by telephonic facsimile machine or electronic transmission, shall be considered to be submitted at the time of its receipt by the clerk; and (2) for an application submitted by telephonic facsimile machine or electronic transmission, require the early voting clerk to immediately respond in the format in which the application was submitted to: (a) confirm receipt of the transmission of the application; and (b) issue a statement that the applicant is required to submit the application by mail or common or contract carrier to the address of the early voting clerk by the deadline for returning a marked ballot.

H.B. 3251 (Allen) – Early Voting: would: (1) provide that in making a signature verification determination, the signature verification committee may only determine whether the handwriting on the certificate and application indicates that the same person executed both signatures; and (2) prohibit the committee from determining that two signatures were not executed by the same person on the basis of which version of the same name the person was used, including: (a) the inclusion of a middle name or initial in one signature that is omitted in the other; (b) the use of a common nickname in one signature and a formal name in the other; or (c) a variation between the two signatures of the order of the person’s first, middle, and last name.

H.B. 3313 (Romero, Jr.) – Early Voting Ballot Application: would provide, among other things, that an early voting ballot application shall include: (1) the applicant’s date of birth; and

(2) the following information: (a) the applicant's Texas driver's license number or personal identification card number; (b) if the applicant has not been issued a number described in (2)(a), the last four digits of the applicant's social security number; or (c) a statement by the applicant that the applicant has not been issued a number described in (2)(a) or 2(b).

H.B. 3346 (Bucy) – Provisional and Mail Ballots: would require: (1) the compilation of a list of the name and registration number of a voter who cast a provisional ballot because the voter did not meet the identification requirements; (2) that the early voting ballot board compile a list of voters who voted early by mail that includes: (a) the voter's name; (b) the voter's registration number; (c) whether the voter's ballot by mail was received; (d) whether the signature verification committee has determined the signature is not the voter's signature; and (e) whether the ballot by mail has been accepted or rejected by the early voting ballot board; and (3) that the lists in (1) and (2) be posted daily on the website of the governmental entity conducting the election.

H.B. 3351 (Bucy) – Voting Priority: would provide that an election officer shall: (1) give a person with a mobility problem that substantially impairs a person's ability to ambulate and who is offering to vote priority over others offering to vote at the polling place and who arrived before the person; and (2) post notice of the priority given to persons with a mobility problem that substantially impairs a person's ability to ambulate at each entrance to a polling place where it can be read by persons waiting to vote.

H.B. 3352 (Bucy) – Polling Place Parking: would provide that: (1) a parking space shall, at each polling place, be reserved for a voter unable to enter the polling place; (2) the parking space may not be a parking space designated specifically for persons with disabilities; and (3) the parking space must be clearly marked, with a sign, that it is for use by a voter who is unable to enter the polling place, and such sign must have a telephone number for a voter to request assistance from election officials at the polling place.

H.B. 3354 (Bucy) – Accessible Absentee Mail System: would provide that: (1) a person who has a disability or a person who is a member of the armed forces of the United States, or such member's spouse or dependent, may cast a ballot using an accessible absentee mail system; and (2) such accessible absentee mail system shall be an electronic system, including software, used for the sole purpose of enabling any voter, including a voter who has a disability, to mark the voter's ballot and print and submit the ballot in the manner required by law for a ballot marked by a voter.

H.B. 3376 (Klick) – Ballot Proposition Language: would, for an election held on certain measures and held by a political subdivision located primarily in a county with a population of more than 120,000: (1) require, not later than the 123rd day before an election, a political subdivision to submit to the regional presiding judge of the administrative judicial region that the political subdivision is located in: (a) the ballot proposition language; and (b) a brief statement on the purpose of the proposition; (2) provide that a political subdivision that is located in two or more administrative judicial regions may select the administrative judicial region to which the political subdivision submits the proposition language for review; (3) provide that a judge receiving a submission under (1) must appoint three judges from the administrative judicial

region to serve on a panel to review the ballot proposition language; (4) provide that, not later than the 45th day after the receipt by the presiding judge of the ballot proposition language, the panel shall: (a) approve the ballot proposition language; or (b) disapprove the ballot proposition language and provide the political subdivision with rewritten ballot proposition language; (5) provide that if the panel finds the language of the proposition is clear and understandable to the average voter, the panel shall approve the language of the proposition for the ballot; (6) provide that if the panel finds the language of the proposition is not clear and understandable to the average voter, the language shall be disapproved and not be used on the ballot at the election, and the panel shall provide the political subdivision with rewritten ballot proposition language that is clear and understandable to the average voter for use in the election; and (7) provide that following the disapproval under (6), above, the political subdivision may: (a) hold the election with the rewritten ballot proposition language provided by the panel; or (b) submit revised ballot proposition language for approval by the panel.

H.B. 3432 (Sanford) – Partisan City Elections: would provide that a candidate must declare a party affiliation to run for a city office.

H.B. 3487 (Cole) – Early Voting: would provide that: (1) the early voting ballot board shall verify and count provisional ballots not later than the 10th day after the date of an election; (2) the early voting ballot board shall determine whether to accept mail ballots not later than the 10th day after the date of an election; and (3) the presiding judge of the early voting ballot board shall deliver written notice of the reason for the rejection of a ballot to the voter at the residence address on the ballot application not later than the 10th day after the local canvass.

H.B. 3514 (Fierro) – Preferential Voting: would provide that: (1) the governing body of a city may authorize, by majority vote, the use of a preferential voting system for the election of an officer of the city; and (2) the system must allow a voter to rank each candidate for an office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least.

H.B. 3634 (Meza) – Election Precincts: would: (1) provide that the governing body of a political subdivision, other than a county, may establish the election precincts for an election ordered by an authority of the political subdivision; (2) provide that if a county precinct is divided to follow the city's boundary, the city shall maintain the informational integrity of the county precincts by submitting, to the county elections office, the voter identification numbers of those who cast votes by county precinct as well as the election precinct that was created; and (3) require a political subdivision that changes its boundaries or the boundaries of districts used to elect members to the governing body of the political subdivision to, not later than the 30th day after the date the change is adopted, provide the voter registrar with a corresponding list of voters in each of the county precincts that were divided.

H.B. 3667 (Toth) – Election Dates: would, among other things: (1) eliminate the May uniform election date; (2) require all bond elections be held on the November uniform election; and (3) require the governing bodies of all political subdivisions that hold their general election for officers on a date other than the November uniform election date to, not later than December 31, 2019, change the date on which the political subdivision holds its general election for officers to

the November uniform election date in a manner that does not cause an officer's term to exceed any applicable constitutional limits.

H.B. 3686 (Middleton) – Voter Registration: would, among other things, provide that, not later than the 30th day after receipt of an application for a limited ballot after changing county of residence, the early voting clerk shall notify the secretary of state that the voter has applied for a limited ballot.

H.B. 3909 (Phelan) – Bond Propositions: would: (1) require each single specific purpose for which bonds requiring voter approval are to be issued to be printed on the ballot as a separate proposition; and (2) require a proposition seeking approval of the issuance of bonds to specifically include: (a) a plain language description of the single specific purpose for which the bonds are to be authorized, if approved; and (b) the rate of any tax that will be increased or imposed to pay the principal of and interest on the bonds. (Companion bill is **S.B. 30** by **Birdwell**.)

H.B. 3986 (Lang) – Election Integrity: would, among other things: (1) provide that an election officer commits a Class A misdemeanor if the officer knowingly permits a person to cast a vote in an election precinct other than the precinct 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, beginning on September 1, 2023, a voting system may not be used in an election unless the system: (a) uses a paper record; or (b) produces a paper receipt that can be used to verify the tabulation of electronic voting system results; and (11) generally provide that an election authority may not adopt a voting system that uses direct recording electronic voting machines. (Companion bill is **S.B. 1602** by **Hall**.)

H.B. 4048 (Klick) – Countywide Polling Place Program: would provide that the countywide polling place program applies only to a county with a population of less than 400,000.

H.B. 4129 (Swanson) – Candidate Withdrawal: would provide that if a candidate files a withdrawal request after the prescribed deadline, but in compliance with other requirements, the authority responsible for preparing the ballot may choose to omit the candidate from the ballot if,

at the time of the request: (1) the ballots have not been prepared; and (2) if applicable, the public notice of the test of logic and accuracy has not been published.

H.B. 4130 (Swanson) – Accepting Voters: would require the secretary of state to prescribe specific requirements and standards for the certification of an electronic device used to accept voters.

S.B. 9 (Hughes) – Election Integrity: would make various changes in regard to elections, including:

1. provide a five year statute of limitations for a felony offense under the Election Code;
2. provide that Titles 1 through 4 of the Texas Penal Code apply to offenses prescribed by the Election Code;
3. make it a Class B misdemeanor offense to impede a walkway, sidewalk, parking lot, or roadway within 1,000 feet of a polling place in a manner that hinders a person from entering;
4. make it a state jail felony to unlawfully assist a voter in marking a ballot;
5. provide that it is a defense to prosecution of an offense under the Election Code that a person employed by a law enforcement agency in the commission of the offense is engaged in: (a) the investigation or prosecution of a violation of the Election Code; or (b) official activities investigating a weakness in the electoral process;
6. provide that an election officer is entitled to be present at the voting station when a voter is being assisted by a person who is not a family member, and is entitled to examine the ballot before it is deposited, but prohibit an election officer from being present at the voting station when a voter is preparing the voter's ballot;
7. require a person assisting a voter to provide certain information on a form prescribed by the secretary of state, which in some instances, must be submitted to an election officer;
8. make the statewide computerized voter registration list available to any election official responsible for compliance with the election laws, and require local officials to provide security measures to prevent unauthorized access to the list;
9. require an automatic recount if the results of an election show the number of votes cast in an election precinct exceed the number of registered voters in the precinct;
10. require risk-limiting audits for an election that occurs after August 31, 2025, and in which an auditable voting system (a voting system that uses a paper record or produces a paper receipt) is used;
11. for an election that occurs after September 1, 2024, prohibit the use of a direct recording electronic voting machine unless the system is an auditable voting system (a voting system that uses a paper record or produces a paper receipt);
12. provide that an authority that purchased a voting system that is not auditable after September 1, 2014, and before September 1, 2019, may use federal funding or available state funding to retrofit the system; and
13. repeal current law that prohibits an entity that owns or controls a public building that is being used as a polling place from prohibiting electioneering on the building's premises outside of a 100 foot area.

S.B. 30 (Birdwell) – Bond Propositions: would: (1) require each single specific purpose for which bonds requiring voter approval are to be issued to be printed on the ballot as a separate proposition; and (2) require a proposition seeking approval of the issuance of bonds to specifically include: (a) a plain language description of the single specific purpose for which the bonds are to be authorized, if approved; and (b) the rate of any tax that will be increased or imposed to pay the principal of and interest on the bonds. (Companion bill is **H.B. 3909** by **Phelan**.)

S.B. 1568 (Fallon) – Organized Election Fraud: would provide that, in action by the attorney general, a person who engages in organized election fraud activity in connection with an election is liable to the state for civil penalties.

S.B. 1601 (Hall) – Election Integrity: would, among other things: (1) provide that an election officer commits a Class A misdemeanor if the officer knowingly permits a person to cast a vote in an election precinct other than the precinct in which the person resides; (2) shorten the period for early voting by personal appearance to the 10th 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, 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; and (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.

S.B. 1602 (Hall) – Election Integrity: would, among other things: (1) provide that an election officer commits a Class A misdemeanor if the officer knowingly permits a person to cast a vote in an election precinct other than the precinct in which the person resides; (2) shorten the period for early voting by personal appearance to the 10th 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, 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, beginning on September 1, 2023, a voting system may not be used in an election unless the system: (a) uses a paper record; or (b) produces a paper receipt that can be used to verify the tabulation of electronic voting system results; and (11) generally provide that an election authority may not adopt a voting system that uses direct recording electronic voting machines. (Companion bill is **H.B. 3986** by **Lang**.)

S.B. 1603 (Hall) – Election Integrity: would, among other things: (1) provide that an election officer commits a state jail felony if the officer intentionally indicates a reason for a person voting a provisional ballot other than the actual reason; (2) provide that an election officer commits a state jail felony if the officer accepts a voter for voting under the regular procedure for accepting a voter if the voter is only permitted to vote a provisional ballot; (3) provide that an election officer commits a state jail felony if the officer knowingly accepts or permits the same person to vote more than one ballot in the same election; (4) provide that a person commits a state jail felony if the person knowingly provides assistance, or offers to provide assistance, to a voter who has not requested assistance, indicated that the person is eligible for assistance, or selected the person to assist the voter; (5) shorten the period for early voting by personal appearance to the 10th day before election day through the day before election day; (6) require an election notice state that a voter is only permitted to vote at the main early voting polling place if the main early voting polling place is located within the voter’s election precinct; (7) 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); (8) 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; (9) 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; (10) 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; and (11) provide that a member of an early voting ballot board commits a state jail felony if the person accepts an early voting ballot voted by mail until after all ballots cast in person for the election have been counted.

S.B. 1604 (Hall) – Election Integrity: would, among other things: (1) provide that an election officer commits a Class A misdemeanor if the officer knowingly permits a person to cast a vote in an election precinct other than the precinct in which the person resides; (2) shorten the period for early voting by personal appearance to the 10th day before election day through the day before election day; (3) require an election notice to state that a voter is only permitted to vote at the main early voting polling place if the main early voting polling place 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 be conducted on a Saturday or Sunday during the early voting period; and (6) 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.

S.B. 1605 (Hall) – Election Integrity: would, among other things: (1) authorize the signature verification committee to compare the signatures on the carrier envelope certificate and ballot application with any known signature of the voter on file with the county clerk or voter registrar to determine whether the signatures are those of the voter; (2) provide that an early voting ballot voted by mail may be accepted only if the person determining whether to accept the ballot has confirmed that the voter did not cast a ballot in person for the election; (3) provide that a member of an early voting ballot board commits a state jail felony if the person accepts an early voting ballot voted by mail until after all ballots cast in person for the election have been counted; (4) require ballots voted by mail to be tabulated separately from the ballots voted by personal appearance and shall be separately reported on the returns; (5) require the early voting electronic system ballots counted at a central counting station, the ballots cast at precinct polling places, and the ballots voted by mail to be tabulated separately and separately reported on the returns; (6) provide that if the list of registered voters for the precinct is electronic, a paper copy must be kept at the polling place and must be used to accept voters if the electronic copy malfunctions; (7) provide that an election officer commits a state jail felony if the officer intentionally indicates a reason for a person voting a provisional ballot other than the actual reason on a provisional voting affidavit; (8) provide that an election officer commits a state jail felony if the officer accepts a voter for voting under the regular procedure for accepting a voter if the voter is only permitted to vote a provisional ballot; (9) provide that an election officer commits a state jail felony if the officer knowingly accepts or permits the same person to vote more than one ballot in the same election; (10) provide that a person commits a state jail felony if the person knowingly provides assistance, or offers to provide assistance, to a voter who has not requested assistance, indicated that the person is eligible for assistance, or selected the person to assist the voter; (11) provide that, beginning on September 1, 2023, a voting system may not be used in an election unless the system: (a) uses a paper record; or (b) produces a paper receipt that can be used to verify the tabulation of electronic voting system results; and (12) generally provide that an election authority may not adopt a voting system that uses direct recording electronic voting machines.

S.B. 1609 (Hall) – Election Contests: would provide that in an election contest for which the district court has jurisdiction, the election contest shall have precedence in the court, and the court shall, to the extent reasonably possible, ensure that the contest is brought to final disposition before the expiration of the term of the contested office.

S.B. 1613 (Hall) – Turnout Requirements for Certain Elections: would provide that: (1) the bill does not apply to an election held on the November election date of even-numbered years; and (2) an election by a political subdivision to authorize the issuance of bonds or a tax increase has no effect regarding the issuance of the bonds or the tax increase unless more than 25 percent of the registered voters of the political subdivision in which the election is held whose registrations are effective on the date of the election vote in the election in which the bond or tax proposition is on the ballot.

S.B. 1638 (Zaffirini) – Early Voting: would, among other things: (1) authorize the signature verification committee to compare the signatures on each carrier envelope and ballot application with: (a) any two or more signatures of the voter made within the preceding six years and on file with the county clerk or voter registrar to determine whether the signatures are those of the voter; or (b) the signatures on other carrier envelope certificates received for the same election to determine whether the same voter cast more than one ballot by mail; (2) require the early voting ballot board to place the ballot envelope containing an accepted ballot in a separate ballot box from the ballot box containing the early voting ballots voted by personal appearance; (3) require the early voting votes cast by personal appearance to be tabulated separately from the early voting votes cast by mail and be separately reported on the returns; (4) require the early voting clerk’s report of the total number of early voting votes for each candidate or measure by election precinct to reflect the total for votes by mail and the total for votes by personal appearance; and (5) require the early voting ballots voted by mail to be preserved in a separate container from early voting ballots cast by personal appearance.

S.B. 1926 (Fallon) – Voter Identification: would, among other things: (1) authorize an election officer to make photographic evidence of the voter’s identification documentation before returning it to the voter; (2) require an election officer indicate on the envelope in which the voter’s provisional ballot is placed that the voter was accepted for voting because the voter executed an affidavit swearing the voter has a reasonable impediment to meeting the identification requirement; (3) require an election officer to orally notify the voter that the voter may be prosecuted for a crime if the voter’s claims are not true or the voter has been issued a valid form of identification; and (4) provide that, if the early voting ballot board determines that a voter who was accepted for voting because the voter executed an affidavit swearing the voter has a reasonable impediment to meeting the identification requirement and cast a provisional ballot has been issued valid identification, the board shall notify the county or district attorney and the attorney general for prosecution.

Open Government

H.B. 3175 (Deshotel) – Public Information: would provide that: (1) the following information that is maintained by a governmental body is confidential and not subject to release under the Public Information Act: (a) the name, social security number, house number, street name, and telephone number of an individual or household that applies for state or federal disaster recovery funds; and (b) any other information the disclosure of which would identify or tend to identify an individual or household that applies for state or federal disaster recovery funds; and (2) the street name of and the amount of disaster recovery funds awarded to an individual or household are not confidential after the date on which the disaster funds are awarded to the individual or household.

H.B. 3457 (Smithee) – Attorney Fees: would provide that: (1) in a writ of mandamus, declaratory judgment or injunctive relief lawsuit concerning the public information act, a plaintiff has substantially prevailed if the plaintiff has obtained relief through either: (a) a judicial order, or an enforceable written agreement or consent decree; or (b) a voluntary or unilateral change in position by the governmental body; and (2) a requester who intervenes in a suit by a

governmental body and seeks mandamus shall be subject to the standard for recovery of cost of litigation and attorney fees.

H.B. 3519 (Allison) – Patient Information: would allow a physician or certain medical professional to disclose confidential patient information in certain situations to certain governmental agencies or to certain persons if the physician or professional, in good faith, believes that disclosure is necessary to prevent or mitigate a serious and imminent threat to the health and safety of a person or the public.

H.B. 3631 (Bailes) – E-mail Addresses: would not allow e-mail addresses provided to a governmental body by an applicant for or holder of a license issued by a state agency to be withheld under the Public Information Act.

H.B. 3697 (Toth) – Open Meetings Act: would provide that: (1) 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: (a) an issue within the jurisdiction of the governmental body; or (b) any public business; and (2) if the member, outside of a meeting, knowingly engages in conduct intended to learn or affect the votes of other members of the governmental body, directly or indirectly, in sufficient numbers to constitute a quorum, concerning an issue within the jurisdiction of the governmental body or 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. 3752 (Walle) – Disasters: would provide, among other things and in relation to the Open Meetings Act and Public Information Act during a time of disaster, that:

1. in an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking of action on the emergency or urgent public necessity as an item to the agenda for a meeting, is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened;
2. a governmental body may not deliberate or take action on a matter at a meeting for which notice or supplemental notice is posted under (1), other than: (a) a matter directly related to responding to the emergency or urgent public necessity identified in the notice or supplemental notice of the meeting; or (b) an agenda item listed on a notice of the meeting before the supplemental notice was posted;
3. an emergency or an urgent public necessity exists only if immediate action is required of a governmental body because of: (a) an imminent threat to public health and safety, including a threat described by (b) if imminent; or (b) a reasonably unforeseeable situation, including: (i) fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm; (ii) power failure, transportation failure, or interruption of communication facilities; (iii) epidemic; or (iv) riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence;

4. a city no longer has to provide notice of an emergency meeting or supplemental notice of an emergency item added to the agenda of a meeting for a disaster to the news media;
5. the attorney general may bring an action in Travis County by mandamus or injunction to stop, prevent, or reverse a violation or threatened violation of (b) by members of a governmental body, but it is an affirmative defense to prosecution that the member or group of members met in numbers less than a quorum to deliberate or take action on a matter directly related to responding to an emergency or urgent public necessity;
6. the requirements of the Public Information Act do not apply to a governmental body during a “suspension period” determined by the governmental body, if the governmental body adopts a resolution finding that the governmental body is currently impacted by a catastrophe and complies with the requirements of the bill;
7. a governmental body that elects to suspend the applicability of the requirements of the PIA to the governmental body must submit notice to the office of the attorney general on a form prescribed by that office that the governmental body is currently impacted by a catastrophe and has elected to suspend the applicability of those requirements during the initial suspension period determined under (6);
8. a governmental body may suspend the applicability of the requirements of the PIA to the governmental body for an initial suspension period of seven days and extend for up to seven days.
9. a number of procedural provisions apply to the suspension; and
10. the office of the attorney general shall continuously post on the Internet website of the office each notice submitted to the office from the date the office receives the notice until the first anniversary of that date.

H.B. 4213 (Rodriguez) – 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 governmental body’s computer programs support exporting information in that format, and require the governmental 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. (Companion bill is **S.B. 1317** by **Johnson**.)

H.B. 4236 (Anderson) - Body Worn Camera Recordings: would: (1) allow a law enforcement agency to permit a person who is depicted in a body worn camera recording that documents the use of deadly force by a peace officer or otherwise related to an administrative or criminal investigation of an officer, or if the person is deceased, the person’s authorizes representative, to view the recording, provided that the law enforcement agency determines that the viewing furthers a law enforcement purpose and the representative was not a witness to the incident; (2) require a law enforcement agency that allows the viewing to allow a viewing of the full and unedited recording covering the duration of the incident and to not redact the recording; and (3)

prohibit the person viewing the recording from duplicating the recording or capturing video or audio from the recording. (Companion bill is **S.B. 973** by **Birdwell**.)

H.B. 4390 (Capriglione) – Personal Identifying Information: would: (1) define “personal identifying information”; and (2) prohibit a governmental entity from selling or offering to sell personal identifying information that is (a) unique genetic information; (b) precise geolocation data; or (c) unique biometric information, including a fingerprint, voice print, retina or iris image, or any other unique physical representation.

S.B. 1640 (Watson) – Open Meetings Act/Criminal Conspiracy: would provide that a member of a governmental body commits an offense if: (1) the member knowingly engages in at least one among a series of communications that each occur outside of an open meeting concerning any public business of the governmental body where individual communications are among fewer than a quorum of members; and (2) the member knew at the time the member engaged in the series of communications that the series: (a) involved or would involve a quorum; and (b) would constitute a deliberation in violation of the Open Meetings Act if the series of communications had occurred in a single instance among every member involved in the series. (Note: this bill attempts to overturn a recent Court of Criminal Appeals opinion in *Doyal v. State*, which found the existing statute unconstitutional.) (Companion bill is **H.B. 3402** by **Phelan**.)

S.B. 1670 (Taylor) – Public Information: would make information maintained by a governmental body that related to a background investigation of an applicant for a peace officer or firefighter position with the governmental body confidential under the Public Information Act if the information is obtained from another person and concerns the character or suitability of the applicant to be a peace officer or firefighter.

S.B. 1688 (West) – Public Information: would provide that: (1) under the litigation exception of the Public Information Act (PIA), litigation is considered reasonably anticipated only if a person with an alleged claim, or that person’s attorney, has : (a) threatened in writing to take legal action against the governmental body; or (b) made a written demand for compensation as a result of an alleged claim against the governmental body; and (2) under the criminal investigation and prosecution exception of the PIA, (a) information that deals with the detection, investigation, or prosecution of crime; or (b) internal record or notation of a law enforcement agency that are only in relation to an investigation that did not result in conviction or deferred adjudication is not excepted under this exception if the governmental body receives a written request for this information that is made by: (i) a person who is the subject of the information, record or notation; or (ii) if the person described in (i) is deceased, the person’s spouse, child, or parent, an administrator of the person’s estate, or any of their attorneys.

Other Finance and Administration

H.B. 3158 (Raymond) – Advance Directives: would remove the provision that requires the patient to be responsible for any costs incurred in transferring the patient to another facility if the patient, or the person responsible for the health care decisions of the patient, requests life-

sustaining treatment and the attending physician and the ethics or medical committee consider the life-sustaining treatment medically inappropriate.

H.B. 3163 (Springer) – Accessible Parking Spaces: would provide, among other things, that: (1) if an accessible parking space provided is paved: (a) the international symbol of access must be painted on the parking space; and (b) the words “NO PARKING” shall be painted on any access aisle adjacent to the parking space; and (2) a sign identifying an accessible parking space shall include a statement regarding the potential consequences of illegally parking a vehicle in the space, including the towing of the vehicle or the assessment of a fine or other penalty against the vehicle owner or operator.

H.B. 3172 (Krause) – Religious Beliefs: would, in regard to a person’s religious beliefs and moral convictions, including beliefs and convictions regarding marriage:

1. provide that, notwithstanding any other law, a governmental entity may not take any adverse action against any person based wholly or partly on a person’s belief or action in accordance with the person’s sincerely held religious belief or moral conviction, including beliefs or convictions regarding marriage;
2. define “adverse action” in (1) to mean any action taken by a governmental entity to: (a) withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status for or to a person; (b) withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person; (c) alter in any way the tax treatment of a person; (d) cause any tax, penalty, or payment assessment against a person, or deny, delay, or revoke a tax exemption of a person; (e) disallow a tax deduction for any charitable contribution made to or by a person; (f) deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or (g) withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fund-raising campaign from or to a person;
3. except from the term “person” in (1): (a) an employee acting within the scope of employment; (b) a contractor acting within the scope of a contract; or (c) an individual or a medical or residential custodial health care facility while the individual or facility is providing medically necessary services to prevent another’s death or imminent serious physical injury;
4. allow a person in (1) to: (a) assert an actual or threatened violation as a claim or defense in a judicial or administrative proceeding, and obtain compensatory damages, injunctive relief, declaratory relief, and any other appropriate relief, including reasonable attorney’s fees; and (b) commence an action regardless of whether the person has sought or exhausted available administrative remedies;
5. provide that sovereign and governmental immunity is waived and abolished to the extent a governmental entity is liable for a violation of the prohibition described in (1);
6. authorize the attorney general to bring an action for injunctive or declaratory relief against a governmental entity, officer, or employee to enforce the prohibition in (1), and allow the attorney general to recover reasonable expenses, including court costs,

reasonable attorney's fees, reasonable investigative costs, witness fees, and deposition expenses; and

7. provide that the bill may not be construed to preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs and moral convictions of a person, or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs and moral convictions of a person.

(Companion bill is **S.B. 1978** by **Hughes**.)

H.B. 3213 (Collier) – 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. (Companion bill is **S.B. 1270** by **Watson**.)

H.B. 3298 (Dutton) – Tax Preferences: would: (1) require a select commission to review all state and local “tax preferences” and develop a review schedule under which tax preferences are reviewed once during each six-year period; (2) require the commission in (1) to file a final report on tax preferences to the governor and the presiding officers of the Senate Finance Committee and the House Ways and Means Committee not later than September 1 of each even-numbered year; (3) provide that a tax preference included in a final report under (2) expires on the second anniversary of the date the final report is filed, unless reauthorized by law; and (4) provide that each tax preference enacted by the legislature that becomes law on or after September 1, 2020, expires six years after the date it takes effect, unless the legislature provides an earlier or later expiration date. (See **H.J.R. 106**, below.)

H.B. 3364 (Springer) – 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.

H.B. 3371 (Darby) – Battery-Charged Fences: would provide that a city or county may not: (1) adopt or enforce an ordinance, order, or regulation that requires a permit for the installation or use of certain battery-charged fences; (2) impose installation or operational requirements for certain battery-charged fences that are inconsistent with the standards in the bill; or (3) prohibit the installation or use of certain battery-charged fences.

H.B. 3380 (J. Johnson) – Tax Increment Financing: would: (1) authorize tax increment revenue to be used for the costs associated with improvements to fire and police stations; (2) prohibit a city from designating an area as a reinvestment zone unless the area includes: (a) police stations that, in the aggregate, serve a majority of the area included in the reinvestment zone; and (b) fire stations that, in the aggregate, serve a majority of the area included in the zone; and (3) require a project plan for a reinvestment zone to include a plan for making any necessary improvements to the public safety infrastructure in the zone.

H.B. 3381 (J. Johnson) – Day-Care Centers: would require a day-care center to install and use video recording equipment in each vehicle used by the center to transport more than two children who are under seven years of age.

H.B. 3397 (Bailes) – Texas Division of Emergency Management: would appropriate \$23 million from the radio infrastructure account in the general revenue fund to the Texas Division of Emergency Management for the upcoming biennium to be used to plan, develop, and provide an interoperable statewide emergency radio infrastructure.

H.B. 3438 (Kuempel) – Package Store Permits: would provide that after September 1, 2019, no new package store permits may be issued for a premises that is located within 5,000 feet of the premises of another package store permit, with limited exceptions.

H.B. 3547 (Moody) – Texas Anti-SLAPP Lawsuits: would provide that under the Texas Anti-SLAPP statute: (1) a party that is a governmental entity or governmental official or employee acting in an official capacity may not file a motion to dismiss; (2) the right to association does not include a communication that is the basis of a claim asserting a misappropriation of a trade secret or a breach of a covenant not to compete; (3) the court shall award reasonable attorney’s fees and costs to a successful moving party and may award sanctions to a successful moving party; and (4) provide certain exceptions, and specify that certain actions are included under the statute.

H.B. 3629 (Herrero) – Texas Windstorm Insurance Association: would make various changes to the law relating to premium rates for policies issued by TWIA.

H.B. 3632 (Herrero) – Texas Windstorm Insurance Association: would make various changes to the law relating to policyholder approval for certain windstorm and hail insurance rate changes under TWIA.

H.B. 3633 (Herrero) – Texas Windstorm Insurance Association: would make various changes to the law relating to the board of directors of TWIA.

H.B. 3680 (Middleton) – Lobbying: would: (1) allow certain political subdivisions, including cities, to spend money to influence or attempt to influence the outcome of legislation only if the expenditure is authorized by a majority vote of the governing body in an open meeting and the item is voted on as a stand-alone item on the agenda; (2) require a political subdivision in (1) to report to the Texas Ethics Commission and publish on the entity’s website: (a) the amount of money authorized for the purpose of influencing pending legislation; (b) the name of any person retained or employed by the entity who is required to register as a lobbyist, and an electronic copy of any contract for services executed with a lobbyist; and (c) the amount of public money spent for membership fees and dues to any nonprofit association that seeks to influence legislation; and (3) provide that certain parties, including a taxpayer of the entity, may seek injunctive relief if the entity does not comply with the requirements in (1) and (2), above. (Companion bill is **S.B. 702** by **Bettencourt**.)

H.B. 3701 (Miller) – Occupational Licensing: would provide that: (1) a state agency or a political subdivision that issues a license shall adopt rules to exempt an individual who holds a license issued by the agency or political subdivision from any increased fee or other penalty imposed by the agency or political subdivision for failing to renew the license in a timely manner

if the individual establishes to the satisfaction of the agency or political subdivision that the individual failed to renew the license in a timely manner because the individual was serving as a military service member; (2) a military service member who holds a license issued by a state agency or political subdivision is entitled to two years of additional time to complete any continuing education requirements and any other requirement related to the renewal of the military service member's license; (3) a state agency or political subdivision that issues a license shall adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse and: (a) holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state or the political subdivision, as applicable; (b) within the five years preceding the application date held the license in this state or the political subdivision, as applicable; or (c) holds a current license issued by another jurisdiction in the same occupation and at the same practice level; and (4) the executive director of a state agency or the person overseeing licensing of an occupation by a political subdivision may waive any prerequisite to obtaining a license for a military applicant after reviewing the applicant's credentials.

H.B. 3704 (S. Thompson) – Local Health Entities: would allow the Department of State Health Services (DSHS) to enter into a memorandum of understanding and data use agreement with an affiliated local health unit, local health department, or public health district that provides essential public health services to share relevant public health data maintained by DSHS in a manner consistent with federal and state law.

H.B. 3723 (Swanson) – Local Debt: would, among other things: (1) provide that an election held by a political subdivision to authorize the issuance of bonds or a tax increase has no effect regarding the issuance of the bonds or the tax increase unless more than 25 percent of the registered voters of the political subdivision whose registrations are effective on the date the governing body of the political subdivision adopts the election order vote in the election in which the bond or tax proposition is on the ballot; (2) require an election for the issuance of bonds or a tax increase by a political subdivision to be held on the November uniform election date, except for property tax rollback election or tax ratification election; (3) provide that in an election held by a political subdivision for which the ballot includes a proposition seeking voter approval of the issuance of bonds or a tax increase, a temporary branch polling place must: (a) remain at the same location for the entire period during which early voting by personal appearance is conducted in the district; and (b) allow for early voting by personal appearance to be conducted during the same days and hours as voting is conducted at the main early voting polling place; (4) require an election authorizing the issuance of bonds or a tax increase by a political subdivision to be held as a joint election, and provide that a single ballot containing all the offices or propositions stating measures to be voted on at a particular polling place must be used in a joint election; (5) require a political subdivision to hold an election prior to issuing all bonds, including revenue bonds; and (6) provide that refunding bonds and bonds issued in an amount less than \$2,000 to repair a building or structure that may be built using the proceeds of bonds are subject to the election and notice requirements applicable to other bond issuances.

H.B. 3734 (Swanson) – Super-Preemption: would provide that: (1) a city or county may not adopt or enforce a regulation that conflicts with a state law; (2) a city or county regulation that conflicts with a state law is void; (3) for purposes of the bill, a municipal or county regulation

that conflicts with a state law includes a regulation: (a) that is a type of regulation expressly preempted by the state law; (b) that regulates an area in which state law is pervasive and occupies the field; (c) that frustrates the purpose of the state law; (d) for which there is no reasonable construction under which the regulation and the state law can be given full effect; or (e) that regulates an activity performed under a license issued by the state and actually or effectively prohibits a person from performing the licensed activity; and (3) the attorney general shall enforce the bill. (Companion bill is **S.B. 2013** by **Fallon**.)

H.B. 3751 (Walle) – Legal Advice: would allow the attorney general to provide legal counsel to a political subdivision that is subject to a state declared emergency on matters related to disaster mitigation, preparedness, response, and recovery upon request by: (1) the political subdivision’s emergency management director; (2) the county judge or a county commissioner of a county subject to the declaration; or (3) the mayor of a city subject to the declaration. (Companion bill is **S.B. 416** by **Huffman**.)

H.B. 3754 (Burrows) – Alcohol Permit and License Fees: would authorize a city to enter into a contract with the Texas Alcoholic Beverage Commission, a private attorney, a vendor, or another governmental entity for the collection of an unpaid alcohol permit fee or license fee.

H.B. 3759 (Nevárez) – Newspapers: would provide that a city with a population of less than 50,000 may satisfy a requirement of any other law to provide notice by publication in a newspaper by posting the notice in any newspaper that is circulated in the jurisdiction of the city.

H.B. 3779 (Button) – Hotel Occupancy Taxes: 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) require an agreement with a third-party vendor described by (5), above, to be approved by the city council in order to be effective; (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 require the form to 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; and (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 rentals 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. (Companion bill is **S.B. 1472** by **Powell**.)

H.B. 3790 (Swanson) – Judicial Review of Regulations: would: (1) authorize a state licensee to bring a suit to enjoin enforcement of a city regulation when the regulation: (a) establishes requirements for, imposes restrictions on, or otherwise regulates the business activity of the state licensee in a manner that is more stringent than state law; or (b) would result in an adverse economic impact on the state licensee; (2) provide that, if a state licensee shows by a preponderance of the evidence that city regulations are more stringent than state law or have an adverse impact, a city must show by clear and convincing evidence that the city regulation does not conflict with state law and is necessary and narrowly tailored to protect against actual and specific harm to the public health or safety; and (3) require a court to award court costs and attorneys fees to be paid by a city if a state licensee prevails in a suit under (1). (Companion bill is **S.B. 1851** by **Campbell**.)

H.B. 3834 (Capriglione) – Cybersecurity: would provide that: (1) a local government employee that uses a computer to complete at least 25 percent of the employee's required duties shall complete a cybersecurity training certified by the state cybersecurity coordinator and the state's cybersecurity council; (2) the governing body of a local government may select the most appropriate certified cybersecurity training program to comply with (1); and (3) a local governmental body shall: (a) verify and report on the completion of a cybersecurity training program by employees of the local government to the state cybersecurity coordinator or the coordinator's designee; and (b) require periodic audits to ensure compliance with (1).

H.B. 3891 (Martinez Fischer) – Texas Tort Claims Act: would provide that, for purposes of the Texas Tort Claims Act, the definition of a "governmental unit" shall include a unit of political subdivision, including a municipally owned water utility.

H.B. 3899 (Springer) – Commercial Activity: would: (1) prohibit a city from adopting or enforcing an ordinance, rule, or police regulation that imposes a restriction, condition, or regulation on commercial activity; (2) except from the prohibition in (1) an ordinance, rule, or regulation: (a) essential to regulating a uniquely local concern that the governing body determines cannot be of similar concern in another city; (b) essential to the necessary regulation of local land use; (c) essential to protect citizens' physical safety; or (d) that is expressly authorized by state law; (3) provide that a commercial activity that is subject to regulation by Texas or the United States cannot present any uniquely local concern; and (4) provide that a state statute that provides that it does not preempt city regulatory authority may not be construed to expressly authorize an ordinance, rule, or regulation.

H.B. 3918 (Dutton) – Tort Claims Act: would provide that the election of remedies provision in the Tort Claims Act may not be construed to restrict a plaintiff’s ability to bring a suit against an employee of a governmental unit for assault, battery, false imprisonment, or any other intentional tort, including a tort involving disciplinary action by school authorities.

H.B. 3948 (Toth) – Monuments and Memorials: would: (1) provide that a monument or memorial located on city property: (a) for at least 40 years may not be removed, relocated, or altered; (b) for at least 20 years but less than 40 years may be removed, relocated, or altered only by approval of a majority of the voters of the city at an election held for that purpose; or (c) for less than 20 years may be removed, relocated, or altered only by the governing body; and (2) define “monument or memorial” as used in (1) to mean a permanent monument, memorial, or other designation, including a statute, portrait, plaque, seal, symbol, cenotaph, building name, bridge name, park name, area name, or street name, that honors an event or person of historic significance. (Companion bill is **S.B. 1663** by **Creighton**.)

H.B. 3952 (Toth) – Historic Sites: would require the Texas Historic Commission (THC) to identify sites in the state that are historically significant to this state because significant events occurred at the site that shaped the history of this state, and allow THC to seek assistance from other state and local governmental entities in carrying out this duty.

H.B. 3960, 3961, and 3962 (Hunter) – Texas Windstorm Insurance Association: would make various changes to rate filings with TWIA.

H.B. 3968 (C. Turner) – Tax Preferences: would, among other things: (1) require the comptroller to identify all state and local tax preferences and present a schedule to the Legislative Budget Board every odd-numbered year under which each tax preference is reviewed; (2) require the Legislative Budget Board to periodically review each state and local tax preference according to a state and local tax preference review schedule provided by the comptroller; (3) require the Legislative Budget Board to provide the presiding officers of the senate finance committee and the house ways and means committee a preliminary report on the reviews of tax preferences not later than September 1 of each even-numbered year; (4) provide that not later than December 1 of each even-numbered year, the senate finance committee and house ways and means committee shall provide to the governor, lieutenant governor, and speaker of the house a final report on the reviews of tax preferences that makes recommendations for continuing, repealing, or amending each preference; and (5) provide that each tax preference enacted by the legislature that becomes law after September 1, 2020, expires six years after the date it takes effect, unless the legislature provides an earlier or later expiration date. (See **H.J.R. 125**, below.)

H.B. 4008 (Frullo) – Major Events Reimbursement Program: would provide that a listed event may receive funding through the Major Events Reimbursement Program only if, not later than the 30th day before the first day of the event, a site selection organization submits a plan to prevent the trafficking of persons to the human trafficking prevention task force.

H.B. 4013 (Miller) – 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. (Companion bill is **S.B. 1332** by **Johnson**.)

H.B. 4041 (Toth) – Constitutional Rights: would provide that: (1) a governmental entity, including a city, may not adopt a rule, order, ordinance, or policy under which the entity enforces, or, by consistent actions, allows the enforcement of, a federal statute, order, rule, or regulation enacted on or after January 1, 2019, that imposes a prohibition, restriction, or other regulation that does not exist under the laws of this state and that purports to: (a) regulate a firearm, firearm accessory, or firearm ammunition; (b) establish a religion or prohibit the free exercise of a religion; (c) abridge the freedom of speech or of the press; (d) abridge the right of the people to peaceably assemble; or (e) abridge the right of the people to petition the government for a redress of grievances; (2) neither the entity nor a person employed by or otherwise under the direction or control of the entity may enforce or attempt to enforce any federal statute, order, rule, or regulation described by (1); (3) an entity may not receive state grant funds if the entity adopts a rule, order, ordinance, or policy under which the entity enforces any federal laws described by (1) or, by consistent actions, allows the enforcement of any federal laws described by (2); and (4) the attorney general is authorized to enforce the bill.

H.B. 4115 (Sanford) – Tort Claims Act: would provide that if a suit is filed asserting a claim for which the Tort Claims Act waives sovereign or governmental immunity against both a governmental unit and any of its employees, the claim against the employee shall immediately be dismissed on the filing of a motion by the governmental unit.

H.B. 4214 (Capriglione) – Cybersecurity: would, among other things, provide that: (1) a cyber attack is a disaster under the Texas Disaster Act; (2) the state cybersecurity coordinator in collaboration with the cybersecurity council and public and private entities shall develop best practices to be used for the Cyberstar Certificate Program that include: (a) measureable responsibilities, capacities, and policies for public and private entities to adopt to prepare for and respond to cyber incidents that compromise the confidentiality, integrity, and availability of the entities' information systems; (b) minimum training requirements and information for employees or other individuals who are responsible for maintaining security of the information systems; (c) compliance with the National Institute of Standards and Technology standards for cybersecurity and; (d) for cities over 100,000 in population, the multihazard emergency operations plan and safety security audit created under the bill; and (e) public service announcements to encourage cybersecurity awareness; (3) the governor shall establish and administer a cybersecurity matching grant program to award grants to local governmental entities to defray the costs of cybersecurity projects; (4) the cybersecurity coordinator shall provide for the establishment and operation of not more than 20 regional information sharing and analysis centers that shall be located throughout the state; (5) a city of more than 25,000 in population shall join the regional information sharing and analysis center in which the city is predominately located; (6) not later than 48 hours after a city discovers a breach or suspected breach of system security or an unauthorized exposure of sensitive personal information, the city shall notify the regional information sharing and analysis center of the breach; (7) the regional information sharing and analysis center shall report to the Texas Department of Information Services any breach of system security reported by a city in which the person responsible for the breach: (a) obtained

or modified specific critical or sensitive personal information; (b) established access to the city's information systems or infrastructure; or (c) undermined, severely disrupted, or destroyed a core service, program, or function of the city; (8) cities over 100,000 in population shall adopt and implement a multihazard emergency operations plan for use in the city's facilities that must address mitigation, preparedness, response, and recovery as determined by the cybersecurity council and the governor's office of homeland security, and must provide for: (a) city employee training in responding to an emergency; (b) measures to ensure coordination with the Department of State Health Services, Department of Information Resources, local emergency management agencies, law enforcement agencies, local health departments, and fire departments in the event of an emergency; and (c) the implementation of a safety and security audit; and (9) not later than 48 hours after the time a city makes a ransomware payment, the city shall notify the cybersecurity coordinator of the payment.

H.B. 4587 (Smithee) - Cost of Living Adjustments in TMRS: would (1) require the governing body of a city participating in the Texas Municipal Retirement System (TMRS) to notify members and annuitants if an ordinance providing for increased annuities changes or is discontinued; (2) require notice to be mailed to members and annuitants by regular mail not later than the 60th day before the date on which the ordinance described in (1) will cease to be in effect or the increase will be changed or discontinued; and (3) provide as an alternative method for computing an optional increase in a retirement annuity paid by TMRS, the computation of such an increase as the sum of the prior and current service annuities of the person on whose service the annuities are based on the effective date of the annuity increase multiplied by the percentage increase specified in the ordinance.

H.J.R. 106 (Dutton) – Tax Preferences: would amend the Texas Constitution to require the periodic review of state and local tax preferences. (See **H.B. 3298**, above.)

H.J.R. 114 (Coleman) – Disaster General Obligation Bonds: would, among other things, amend the Texas Constitution to authorize the Texas Water Development Board to issue state general obligation bonds in an aggregate amount not to exceed \$10 billion and enter into grant agreements to provide financial assistance to political subdivisions related to disaster recover, disaster mitigation, disaster response or construction, repair, rehabilitation, or reconstruction of state or local infrastructure.

H.J.R. 122 (Burns) – Lobbying: would amend the Texas Constitution to provide, among other things, that: (1) a provision of law enacted by the legislature through a bill that becomes a law on or after January 1, 2020, that requires a political subdivision to establish, expand, or modify a duty or activity that requires the expenditure of revenue by the political subdivision shall provide for one of the following methods for the reimbursement to each political subdivision affected by the requirement to comply with the requirement or the rules adopted under the requirement: (a) by appropriating the total estimated cost to all political subdivisions affected by the requirement for the period that begins on the date the bill takes effect; (b) by authorizing or requiring each political subdivision affected by the requirement to impose a fee, charge, assessment, or similar payment for the express purpose of reimbursing the political subdivision for the estimated cost; (c) by otherwise providing from a source other than the revenue of a political subdivision for the reimbursement of the estimated cost to each affected political subdivision for the period that

begins on the date the bill takes effect; (2) a political subdivision that employs in any capacity a person required to register as a lobbyist shall not be eligible for reimbursement; and (3) a political subdivision entitled to reimbursement may spend public money for membership fees and dues of a nonprofit state association or organization of similar political subdivisions only if: (a) the association or organization exists for the betterment of local government and the benefit of all local officials; and (b) the association or organization does not: (i) employ in any capacity a person required to register as a lobbyist; (ii) directly or indirectly contributes money, services or other thing of value to a political campaign; or (iii) endorse a candidate or group of candidates for public office.

H.J.R. 125 (C. Turner) – Tax Preferences: would amend the Texas Constitution to require the periodic review of state and local tax preferences and provide an expiration date for certain tax preferences. (See **H.B. 3968**, above.)

H.J.R. 128 (Swanson) – Government Regulations: would amend the Texas Constitution to provide that a governmental action establishing or enforcing requirements for, imposing or enforcing restrictions on, or otherwise regulating the business activity of an occupation or profession shall not impose a substantial burden on an individual’s right to engage in a lawful occupation or profession unless the burden is necessary and narrowly tailored to protect against actual and specific harm to the public health or safety.

S.B. 13 (Creighton) – Lobbyists: would impose various restrictions on lobbying, including: (1) providing that a registered lobbyist is not eligible to be a candidate for, or elected or appointed to, a public elective office; and (2) excepting 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.

S.B. 22 (Campbell) – Abortion Providers: would: (1) provide, with certain exceptions, that a governmental entity may not enter into a taxpayer resource transaction or contract with an abortion provider or an affiliate of an abortion provider; and (2) provide that the attorney general may bring an action in the name of the state to enjoin a violation of (1) and may recover reasonable attorney’s fees and costs in bringing that action.

S.B. 29 (Hall) – Lobbying: would provide that: (1) an entity that receives funds from a political subdivision or public entity for the purpose of representing the political subdivision or public entity before a legislative body may not pay lobbying expenses incurred by the political subdivision or the entity; (2) a political subdivision may not pay lobbying expenses incurred by the political subdivision or the entity described in (1); and (3) a private entity that receives state funds may not use those funds to pay any lobbying expenses incurred by a political subdivision or the entity described in (1), and shall not be eligible to receive state funds if it does so.

S.B. 1495 (Paxton) – Amusement Rides: would: (1) transfer the regulation of amusement rides from the Texas Department of Insurance to the Texas Department of Licensing and Regulation (TDLR); and (2) expand the authority of TDLR’s executive director to bring enforcement actions

against and prohibit the operation of amusement rides. (Companion bill is **H.B. 2289** by **Ortega**.)

S.B. 1569 (Fallon) – Political Advertising: would: (1) define “political advertising” to include a communication supporting or opposing a candidate or measure that: (a) appears on any social media platform, including any electronic communication; or (b) is directed to an individual person or multiple persons through any form of communication; and (2) repeal the authority of a political subdivision to use resources for a communication that factually describes the purpose of a measure.

S.B. 1572 (Alvarado) – Vacant Building Registration: would allow any city to adopt an ordinance requiring owners of vacant buildings to register their buildings by filing a registration form with a designated city official.

S.B. 1575 (Alvarado) – Governmental Immunity: would provide that a city that, after the declaration of a state disaster, enters into a contract for a purpose related to disaster recovery or takes any action under that contract performs a governmental function and has governmental immunity to suit and from liability for a cause of action arising from the performance of such governmental function.

S.B. 1578 (Alvarado) – 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. (Companion bill is **H.B. 2872** by **Burrows**.)

S.B. 1614 (Hall) – Lobbying: would: (1) require any public entity that receives public money or revenue from the state to prepare and submit to the Texas Ethics Commission and post on the entity’s website a written report disclosing: (a) the total amount spent by during the preceding year to directly or indirectly influence the outcome of legislation; (b) the name of each registered lobbyist (and that person’s employer) who was compensated by the entity to influence legislation; and (c) each line item in the entity’s budget that indicates the amount of money spent to compensate a person described in (b); (2) require the governing body of an entity described in (1) to vote by line item on whether to spend money to influence legislation, and require that certain information be included in the minutes of the meeting at which the vote is held; and (3) provide that a person designated by a public entity commits a criminal offense by failing to disclose or record information on the use of money to influence legislation as required in (1) and (2).

S.B. 1615 (Hall) – Legislative Testimony: would require a witness that testifies before a legislative committee to disclose whether the witness or any organization the witness represents is a recipient of any public money or revenue.

S.B. 1616 (Hall) – Official Language: would designate English as the official language of Texas.

S.B. 1663 (Creighton) – Monuments and Memorials: this bill is the same as **H.B. 3948**, above.

S.B. 1689 (West) – Public Facilities Corporations: would make various beneficial changes relating to the creation and use of public facilities corporations.

S.B. 1761 (West) – Payday and Auto Title Lending: would, among other things: (1) provide that a city ordinance regulating credit access businesses is not preempted by state law if the ordinance is compatible with and equal to or more stringent than state law; (2) provide that evasion of a city ordinance described in (1) is prohibited; (3) require the contract and other documents provided by a credit access business to be written wholly in both English and Spanish, written in plain language designed to be easily understood by the average consumer, and printed in an easily readable font and type size; (4) provide that a credit access business may assess fees as agreed to between the parties for services performed to obtain an extension of consumer credit for a consumer or assist a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or motor vehicle title loan or a refinance of such an extension of consumer credit; (5) prohibit an extension of consumer credit obtained for a military borrower by a credit access business from exceeding: (a) 90 days, if the debt is a deferred presentment transaction or single-payment motor vehicle title loan; or (b) 180 days, if the debt is a multiple-payment motor vehicle title loan; (6) provide that the general limitations on consumer credit applicable to a credit access business apply to any consumer physically located in the state at the time the extension of consumer credit is made, regardless of whether the extension of consumer credit was made in person in the state; (7) provide that the term of an extension of consumer credit obtained for a consumer by a credit access business or that a credit access business assists a consumer in obtaining may not exceed 180 days; (8) provide that a consumer may not have more than two outstanding debts from extensions of consumer credit that a credit access business obtained for the consumer or assisted the consumer in obtaining; (9) provide that a single-payment payday loan: (a) may have a term that is not less than 10 days or longer than 35 days; and (b) may not be refinanced more than three times; (10) provide that a multiple-payment payday loan may not be refinanced, may not be payable by the consumer in more than 12 installments or have an original term of more than 180 days, and the loan agreement must specify the number, date, and total amount due with regard to each installment; (11) provide that a single-payment auto title loan: (a) may not have a term that is less than 30 days or longer than 35 days; and (b) may not be refinanced more than three times; (12) provide that a multiple-payment auto title loan: (a) must be payable on a fully amortizing, declining-principal-balance basis with substantially equal payments; (b) may not be payable in more than six installments, with the loan agreement specifying the number, date, and total amount due with regard to each installment; and (c) may not be refinanced and may not generally have a loan term that exceeds 180 days; (13) provide that an extended payment plan must provide for payment in at least: (a) four substantially equal installments, after which the outstanding balance will be paid in full, with respect to a single-payment payday loan or single-payment auto title loan; or (b) two substantially equal installments added to the original and refinanced term of the extension of consumer credit, after which the outstanding balance, including only the fees that would have been due under the original extension of consumer credit, will be paid in full, with respect to a multiple-payment payday loan or multiple-payment auto title loan; (14) prohibit a credit access business from assessing additional fees or assisting a consumer in obtaining additional extensions of consumer credit if the consumer is paying an extension of credit under an extended payment plan; (15) authorize a consumer to pay in full a debt subject to an extended payment plan at any time without prepayment penalties; and (16) prohibit a person from engaging in debt

collection or vehicle repossession activities for a debt subject to an extended payment plan if the consumer is in compliance with the extended payment plan.

S.B. 1779 (Paxton) – Cybersecurity: would, among other things, provide that: (1) the Texas Department of Information Resources shall establish an information sharing and analysis organization to provide a forum for state agencies, local governments, public and private institutions of higher education, and the private sector to share information regarding cybersecurity threats, best practices, and remediation strategies; and (2) a participant in the information and analysis organization established in (1) shall assert any exception available under state or federal law in response to a request for public disclosure of information shared through the organization.

S.B. 1805 (Rodriguez) – Ungraded Eggs: would provide, among other things, that: (1) a person may sell eggs produced by the person’s flock directly to a consumer or at wholesale if the eggs are clearly labeled as “ungraded;” and (2) a state agency or political subdivision may not prohibit a person from purchasing, reselling, or using the eggs in (1). (Companion bill is **H.B. 1284** by **Lambert**.)

S.B. 1832 (Alvarado) – 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. (Companion bill is **H.B. 2806** by **Morrison**.)

S.B. 1855 (Paxton) – Microchip Scans of Animals: would require an animal shelter or releasing agency to scan an animal placed in its custody as soon as practicable to determine whether a microchip is implanted in the animal. (Companion bill is **H.B. 2347** by **Noble**.)

S.B. 1901 (Fallon) – Commercial Activity: would: (1) prohibit a city from adopting or enforcing an ordinance, rule, or police regulation that imposes a restriction, condition, or regulation on commercial activity; (2) except from the prohibition in (1) an ordinance, rule, or regulation: (a) essential to regulating a uniquely local concern that the governing body determines cannot be of similar concern in another city; (b) essential to the necessary regulation of local land use; (c) essential to protect citizens’ physical safety; or (d) that is expressly authorized by state law; (3) provide that a commercial activity that is subject to regulation by Texas or the United States cannot present any uniquely local concern; and (4) provide that a state statute that provides that it does not preempt city regulatory authority may not be construed to expressly authorize an ordinance, rule, or regulation.

S.B. 1952 (Zaffirini) – Cybersecurity: would provide that: (1) a cyber attack is defined as an attempt to damage, disrupt, or gain unauthorized access to a computer, computer network, or computer system; and (2) a cyber attack is added to the list of disasters under the Texas Disaster Act. (Companion bill is **H.B. 351** by **Blanco**.)

S.B. 1978 (Hughes) – Religious Beliefs: this bill is the same as **H.B. 3172**, above.

S.B. 1981 (Hughes) – Constitutional Rights: would provide that, on the motion of a party, a court shall dismiss a legal action against the moving party if the moving party shows by a preponderance of the evidence that the legal action is based on, relates to, or is in response to the party's exercise of the constitutional right to petition, speak freely, or associate freely in a place or context that is open to the public.

S.B. 2021 (Miles) – Local Health Departments: this bill is the same as **H.B. 3695**, above.

S.B. 2050 (Schwertner) – Aviation Development Account: would provide that: (1) the aviation development account is a separate account in the general revenue fund; (2) the account consists of transfers made to the account; and (3) money in the account may be appropriated only to the Texas Department of Transportation for making grants to political subdivisions.

S.B. 2097 (Birdwell) – 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. (Companion bill is **H.B. 3001** by Morrison.)

S.B. 2100 (Birdwell) – 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 priorities regarding who may receive a law enforcement animal under (1); (3) that a contract for the transfer of a law enforcement animal under (1) may be without charge to the transferee, but may impose requirements on the transferee in caring for the animal; and (4) that a county or city that transfers a law enforcement animal under (1) is not liable for damages arising from the transfer and does not waive sovereign immunity. (Companion bill is **H.B. 3063** by Paul.)

S.B. 2118 (Bettencourt) – School District Campuses: would provide that the board of trustees of a school district may not partner with a city to operate a district campus.

S.B. 2131 (Powell) – Defense Communities: would provide that: (1) the Texas Military Preparedness Commission may request that the Texas Public Finance Authority issue and sell obligations, including obligations in the form of commercial paper notes to fund loans that will: (a) enhance the military or defense value of a military base; (b) minimize the negative effects of a defense base reduction on the defense community as a result of a United States Department of Defense base realignment process; or (c) facilitate an infrastructure project to accommodate new or expanded military missions assigned to a military base or defense facility located in, near, or adjacent to the defense community as a result of a United States Department of Defense base realignment process; and (2) the Defense Economic Adjustment Assistance (DEAAG) panel shall consider the eligibility of the local government entity to receive a loan for economic development purposes, including the entity's creditworthiness and ability to repay the loan, when evaluating a DEAAG grant application.

S.B. 2358 (Fallon) – Local Mental Health Authorities: would require the Health and Human Services Commission to execute contracts with local mental health authorities in a manner that ensures funding of services per capita of the population served by a local mental health authority is equal to the funding of services per capita of the population served by other local mental health authorities.

S.J.R. 66 (Hinojosa) – Public Funds: would amend the Texas Constitution to provide that: (1) the state, a city, or a county may unconditionally donate to the United States to promote border crossing security or international bridge trade corridors: (a) real property acquired by and improvements to that property acquired or constructed by the state, city, or county, and (b) technology or equipment acquired by the state, city, or county; (2) for the purposes of (1), the state, the city, or the county may issue public securities as provided by the general law for financing public works to: (a) finance the acquisition of property described by (1); or (b) refund or refinance existing debt incurred by the state, the city, or the county to acquire property described by (1) or to construct improvements described by (1); and (3) the state, a city, or a county may use public money to pay lease payments, service payments, user fees, debt services, or other costs associated with a public-private partnership.

S.J.R. 68 (Hall) – Government Interference: would provide that no governmental action establishing or enforcing requirements for, imposing or enforcing restrictions on, or otherwise regulating the business activity of an occupation or profession may impose a substantial burden on an individual’s right to engage in a lawful occupation or profession unless the burden is necessary and narrowly tailored or protect against actual and specific harm to the public health or safety.

Municipal Courts

H.B. 3136 (Cain) – Firearms: would provide that, in relation to the authority of the judge of a court to issue written authorization to a person to carry a firearm on the premises of a court or offices utilized by the court, the judge of any court located on the premises may do so.

H.B. 3206 (J. Gonzalez) – Prostitution: would: (1) reduce the offense of prostitution to a Class C misdemeanor in certain situations; and (2) provide that a person may not be prosecuted for prostitution that the person committed when younger than 18 years of age.

H.B. 3281 (Hinojosa) – Defense Limitations: would: (1) provide a definition of “gender identity” and “sexual orientation”; (2) limit the defense of: (a) use of force; (b) a lower degree of culpability; or (c) influence of sudden passion if the defense is based on the actor’s or defendant’s discovery or knowledge of, or the victim’s disclosure or potential disclosure of, the gender identity or sexual orientation of the victim or a nonviolent romantic or sexual advance made by the victim toward the actor; and (3) apply regardless of whether a defendant’s knowledge, discovery, or belief regarding the victim’s gender identity or sexual orientation was accurate.

H.B. 3305 (Smithee) – Political Reports: would require, in certain circumstances, the Texas Ethics Commission to remove or redact the residence address of a municipal court judge or the spouse of a municipal court judge from a political report before permitting a person to inspect the report or making the report available on the Internet. (Companion bill is **S.B. 489** by **Zaffirini**.)

H.B. 3570 (Ramos) – Judicial Training: would require magistrates to have at least one hour of training dedicated to the dynamics and effects of being a victim of family violence.

H.B. 3589 (Sanford) – Credit for Time Served: would, among other things: (1) require a municipal court judge, before an arrest warrant can be issued for failure to appear, to add to the court appearance notice a statement that the defendant may be entitled to a credit toward any fine or costs owed by the defendant if the defendant was confined in jail or prison after the commission of the offense for which the notice is given; (2) require a municipal judge, in addition to credit for time served in jail between an arrest and sentencing or while a case is pending appeal, to credit the defendant \$200 for each day of confinement in jail or prison while serving a sentence for another offense if that confinement occurred after the commission of a misdemeanor; and (3) require a municipal court to provide a notice to the Texas Department of Public Safety not later than 15th day after the date a municipal judge imposes a sentence in a case in which the defendant is entitled to receive a credit toward the payment of a fine and costs described in (1).

H.B. 3594 (S. Thompson) – Evidence: would provide that if at any time before, during, or after trial, the attorney representing the state discovers any exculpatory, impeachment, or mitigating document, item, or information in the possession, custody, or control of the state that tends to negate the guilt of the defendant or would tend to reduce the punishment for the offense charged, the attorney representing the state shall promptly disclose the existence of the document, item, or information to the defendant or the court.

H.B. 3627 (Reynolds) – Court Interpreters: would require a court interpreter appointed by the court for an individual who can hear, but does not comprehend or communicate in English, to hold a license issued by the director of the Office of Court Administration of the Texas Judicial System. (Companion bill is **S.B. 2176** by **Miles**.)

H.B. 3637 (Guillen) – Order for Emergency Protection: would: (1) allow a court issuing certain emergency protection orders to keep the address of the person protected by the order confidential; and (2) provide that a magistrate issuing orders to a defendant who is charged with an offense involving family violence may prohibit the defendant from going in a general geographic area that is of a sufficient size that it would be difficult for the defendant to locate the victim. (Companion bill is **S.B. 2390** by **Powell**.)

H.B. 3647 (Guillen) – Criminal Record of a Child: would provide that all records, files, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a criminal case for a fine-only misdemeanor other than a traffic offense, that is committed by a child and that is appealed are confidential and may not be disclosed to the public except under limited circumstances.

H.B. 3919 (Dutton) – Prosecutorial Transparency: would, among other things: (1) require a prosecutor’s office to: (a) collect and disclose certain information for each case prosecuted by the office; (b) maintain this information until at least the 10th anniversary of the date of the alleged offense that is subject of the case; (c) collect and publish all office policies including specified policies and affirmatively disclose if the prosecutor’s office does not have some of the specified policies; (d) collect and publish certain information for each attorney employed in the office, redacting the names and other personally identifying information or otherwise ensuring the anonymity of each attorney; (e) collect and publish the number of employees by titles and number of cases handled by an attorney each year; (f) make the information mentioned above publicly available by posting the information on the office’s Internet website and making the information available on request; and (g) report the information in (1)(a) to the Office of Court Administration of the Texas Judicial System (OCA) and have the OCA implement a schedule and plan for all prosecutor’s office in the state to report the information in (1)(a); (2) establish an advisory board to advise the OCA concerning prosecutorial transparency; (3) make a prosecutor’s office ineligible to receive funding from the state’s general revenue fund or other fund or any state grant program administered by the attorney general or other entity controlling grants to the prosecutors if OCA determines the prosecutor’s office is in noncompliance; (4) report noncompliant prosecutor’s office to comptrollers and the Legislative Budget Board; and (5) allow prosecutor’s office to refer requestor under the Public Information Act to the OCA’s website in response to a Public Information Act request. (Companion bill is **S.B. 2174** by **Miles**.)

H.B. 3992 (Hefner) – Courthouse Security Fund: would increase the security fee on a misdemeanor offense from \$3 to \$5.

H.B. 4009 (Toth) – Pretrial Victim-Offender Mediation Programs: would allow the governing body of a city to establish a pretrial victim-offender mediation program for certain persons.

H.B. 4023 (Dominguez) – Supplemental Court Security Fee: would provide that a person whose sentence, upon conviction of a misdemeanor, includes the imposition of a fine shall pay a \$1 supplemental security fee as a cost of court.

H.B. 4028 (Dominguez) – Expunction of Arrest Records: would, among other things, entitle a person who has been placed under a custodial or noncustodial arrest for certain misdemeanors to have all records and files related to the arrest expunged if certain criteria are met and verified by an ex-parte petition submitted by the person.

H.B. 4133 (Bowers) – Expunction: would, among other things, provide that: (1) a court may not order the expunction of records and files relating to an arrest if the offense for which the person was arrested arose out of a criminal episode and the person was convicted of, or remains subject to prosecution for, at least one other offense occurring during the criminal episode; (2) in the case of a person who is the subject of an expunction order on the basis of actual innocence, a court shall provide in the expunction order that the law enforcement agency and the prosecuting attorney must retain the records and files; (3) records and files retained under (2) may be used for the purpose of training attorneys and criminal justice agencies with respect to the identification

and prevention of wrongful convictions; and (4) the term “complaint” be added to various sections of the expunction statute. (Companion bill is **S.B. 2113** by **West**.)

H.B. 4143 (Dutton) – Failure to Pay: would provide that a defendant placed in jail on account of failure to pay a fine and costs shall be discharged on habeas corpus by showing that the defendant has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of not less than \$200 for each period served, as specified by the convicting court in the judgment in the case.

H.B. 4268 (Wu) – Juveniles: would, among other things and with certain exceptions, change the age of a child, for criminal responsibility purposes, from 17 years of age to 18 years of age.

H.B. 4292 (Y. Davis) – Drivers Responsibility Surcharges: would provide that: (1) a person that received a notice of drivers responsibility surcharge as a result of one or more convictions may file a petition with a convicting court for a waiver of the surcharge if each offense that was the basis of the surcharge was punishable by a fine only and the petition includes the required information; (2) a court receiving a petition described in (1) shall set a hearing not later than the 14th day after the date the court receives the petition, and notify the Texas Department of Public Safety (DPS) of the hearing date; (3) a court may issue an order granting a waiver described in (1), and must notify DPS of the order; and (4) DPS shall waive drivers responsibility surcharges not later than the 30th day after the date DPS receives a court order granting the waiver.

H.B. 4294 (Y. Davis) – Time Payment Fee: would allow a time payment fee to be charged on or after the 61st day (instead of the 31st) after the date on which a judgment is entered assessing the fine, court costs, or restitution.

H.B. 4354 (Phelan) – Prevention and Early Intervention Services: would, among other things, provide that: (1) the Department of Family and Protective Services (DFPS) shall award grants, subject to availability, to increase the availability of prevention and early intervention services in all communities in this state based on community needs assessment and the division’s strategic plan; and (2) the child abuse and neglect primary prevention programs are renamed to the children’s trust fund; DFPS may designate a municipal or county official to operate a regional children’s trust fund who has the same rights and duties provided to DFPS with respect to the trust; and the designated municipal or county official shall establish an advisory coalition to oversee trust fund.

H.B. 4474 (Moody) – Arraignment Records: would require arraignment records to be retained in compliance with the applicable records retention schedule prepared by the Texas State Library and Archives Commission. (Companion bill is **S.B. 815** by **Rodriguez**.)

H.B. 4606 (White) – Youth Diversion Program: would, among other things: (1) create a youth diversion program for Class C misdemeanors (other than a traffic offense) for certain children; (2) require each justice and municipal court to adopt a youth diversion plan; (3) allow local governments to enter into interlocal agreements with other local governments to create a regional youth diversion plan; (4) require each justice and municipal court, including courts that collaborate with one or more counties or cities, to maintain a youth diversion plan on file for

public inspection; (5) allow a court or local government to adopt rules necessary to coordinate services under a youth diversion plan; (6) allow a court to designate a youth diversion coordinator to assist the court in implementing and administering a youth diversion plan; (7) allow a commissioners court or city council to establish a youth diversion advisory council to facilitate community input, suggest improvements to a youth diversion plan, and make recommendations to accomplish certain objectives; (8) provide that in lieu of taking a child into custody, issuing a citation, or filing a complaint for an offense, a peace officer may issue a warning notice to the child if the youth diversion plan includes guidelines for disposition or diversion of a child's case by law enforcement and other warning notice requirements; (9) provide that in lieu of issuing a citation to a child or filing a complaint in a justice or municipal court, a peace officer may dispose of a case if guidelines for disposition have been adopted and are included in a youth diversion plan and other requirements are met; (10) allow a commissioners court or city council to establish a first offense diversion program; (11) require a youth diversion coordinator, juvenile case manager, or other designated officer of the court to advise a child and the child's parent before a case is filed that the case may be diverted to a youth diversion program if intermediate diversion from court is provided in the youth diversion plan; (12) require a justice or judge to divert a case if a child is eligible for the youth diversion program; (13) allow the clerk of a justice or municipal court to collect a local youth diversion administrative fee of \$30 to defray the costs of the diversion of a child's case; (14) require a justice and municipal court to maintain statistics for each diversion strategy authorized and utilized by a youth diversion program; (15) provide that all records generated under a youth diversion program are confidential except for statistical records; (16) provide that all records and files and information stored by electronic means, or otherwise, relating to a criminal case for a fine-only misdemeanor offense (other than a traffic offense) committed by a child and that is appealed are confidential and may not be disclosed to the public except in certain situations; (17) allow the following to inspect confidential records related to charges against or conviction of child in fine-only misdemeanors (other than a traffic offense): (a) prosecutors; (b) staff of the judges or prosecutors; (c) certain governmental agencies; (d) certain individuals or entities to whom a child is referred for treatment or services; or (e) with leave of a court, any other person having a legitimate interest in the proceeding or the work of the court; (18) provide that if a child is found guilty at trial without entering a judgment, sentence or conviction, a justice or judge shall order a child into a youth diversion program; (19) allow the child safety fund and youth diversion fund to be used to defray the costs of a youth diversion program; (20) include municipal courts in the juvenile delinquency prevention fund, and allow this fund to be used to defray the costs of a youth diversion program; (21) create a juvenile delinquency prevention and graffiti eradication fee of \$50 that a municipal court clerk shall collect from a defendant who is convicted of a graffiti offense; (22) repeal provisions of state law that allow community service in satisfaction of fines or costs for certain juvenile defendants; and (23) make several conforming changes related to the youth diversion program and the repeal described in (22). (Companion bill is **S.B. 2242** by **Whitmire**.)

S.B. 1580 (West) – Judicial Investigations and Proceedings: would allow the State Commission on Judicial Conduct to disclose information relating to an investigation or proceeding to the State Bar of Texas, and allow the State Bar of Texas to use this information only to investigate and dispose of a disciplinary complaint.

S.B. 1637 (Zaffirini) – Undue Hardship: would provide that: (1) a court shall consider only a defendant’s present ability to pay when determining a defendant’s ability to pay for any purpose; (2) a magistrate may require the accused to give a bond or release the accused without bond where the accused is charged with a fine-only misdemeanor; (3) a court shall hold a hearing to determine whether a judgment imposes an undue hardship on the defendant if the defendant notifies the court, by the required methods, that the defendant is having difficulty paying the fine and costs in compliance with the judgment; (4) a court shall consider whether fine and costs should be satisfied through certain allowable methods if the court determines at a hearing that the judgement imposes an undue hardship on a defendant; (5) a court may decline to hold a hearing to determine undue hardship if the court: (a) previously held a hearing with respect to the case and the court is able to determine without holding a hearing that the judgment does not impose an undue hardship on a defendant; or (b) is able to determine without holding a hearing that the judgement does impose an undue hardship on a defendant and that the fine and costs should be satisfied through an allowable method; (6) a court may not issue a *capias pro fine* for a defendant’s failure to satisfy a judgment unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant and the defendant fails to: (a) appear at the hearing; or (b) comply with an order to comply with the judgment not later than the 30th day after the date the court determined that the judgement does not impose a hardship on the defendant; (7) a court must recall a *capias pro fine* if, before the *capias pro fine* is executed: (a) the defendant provides notice of undue hardship to the court and a hearing is set; or (b) the defendant voluntarily appears and makes a good faith effort to resolve the *capias pro fine*; (8) at a hearing to determine undue hardship concerning the issuance of a *capias pro fine*, the court shall: (a) determine whether the fine and costs should be satisfied by the allowable methods, if the court determines the judgement does impose an undue hardship; or (b) order a defendant to comply with the judgment not later than the 30th day after the date the determination is made; (9) a municipal judge shall allow a defendant to perform community service required to discharge all or part of a fine or costs in the county in which the defendant resides; (10) a court may consider certain factors when determining whether the fines and costs imposed on a defendant impose an undue hardship; (11) a court may waive payment of all or part of the costs imposed on a defendant if the court determines that the defendant: (a) is indigent or does not have sufficient resources or income to pay all or part of the costs; or (b) was, at the time the offense was committed, a child; (12) a municipal judge may allow a defendant to appear by telephone or videoconference if the judge determines that requiring the defendant to appear before the judge in person for a hearing to determine undue hardship when reconsidering fine and costs in compliance with a judgment imposes an undue hardship on the defendant; (13) information that is provided to make a determination to register a motor vehicle and that concerns an outstanding warrant from a city for failure to pay a fine expires on the second anniversary of the date the information was provided and may not be used to refuse registration after that date; (14) subsequent information about other warrants for failure to pay a fine that are issued before the second anniversary of the date of the initial information was provided may not be used, either before or after the second anniversary of that date, to refuse registration of a motor vehicle unless the vehicle is no longer subject to refusal of registration because of notice received from a city concerning discharge of the judgment, including waiver of the fine and costs; (15) a municipal court judge who has jurisdiction over an underlying offense concerning an outstanding warrant may waive the additional \$20 fee if the judge makes a finding that the defendant is unable to pay the fee or that good cause exists for the waiver; and (16) a city may

not impose an additional \$20 fee on a defendant if the court having jurisdiction over the underlying offense concerning the outstanding warrant notifies the city of the waiver of the fine because of defendant's indigency.

S.B. 1774 (Bettencourt) – Uncollectible Court Fees: would allow all courts, if requested by an officer designated to collect criminal trial court fees or items of cost, to order the officer to designate those fees or items of cost as uncollectible in the fee records and attach a copy of the order to the fee record.

S.B. 1804 (Kolkhorst) – Family Violence Bond Conditions: would, among other things, provide that: (1) as soon as possible, but not later than the next business day after the date a magistrate issues an order imposing a condition of bond or modifying or removing a condition concerning a defendant charged with an offense involving family violence, a magistrate shall send a copy of the order to the chief of police in the city where the victim of the offense resides, if the victim resides in a city; (2) a court clerk shall send a copy of the order in (1) to the victim at the victim's last known address as soon as possible, but not later than the next business day after the date the order is issued; (3) if a victim is not present when an order is issued under (1), the magistrate shall order a peace officer to make a good faith effort to provide notice of the order to the victim within 24 hours by calling the victim's last known phone number; and (4) not later than the third business day after the date of receipt of the copy of an order issued under (1), the law enforcement agency shall enter, modify or remove the following information into the statewide law enforcement information system maintained by the Department of Public Safety (DPS).

S.B. 2094 (Hughes) – Court Reporters: would exempt from the Uniform Electronic Transactions Act the transmission, preparation, completion, enforceability, or admissibility of a document in any form used in the state or federal judicial system that is produced by a court reporter appointed to a court of record, a certified court reporter, or a registered shorthand reporting firm. (Companion bill is **H.B. 1619** by **Leach**.)

Community and Economic Development

H.B. 5 (Phelan) – Disaster Recovery: would provide that: (1) the Texas Division on Emergency Management shall: (a) develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster; (b) develop and publish a model contract for debris removal services to be used by political subdivisions following a disaster; and (c) consult with the comptroller to establish appropriate contract standards and contractor requirements to include in the model contract, and include a contract for debris removal on the state schedule of multiple award contracts or another cooperative purchasing program administered by the comptroller; (2) the Texas A&M Engineering Extension Service shall establish a training a program for state agencies and political subdivisions on the use of trench burners in debris removal; (3) a wet debris study group shall be established consisting of representatives of local, state, and federal governmental entities to study issues related to removal of wet debris; and (4) a work group on local restrictions that impede disaster recovery efforts shall be established consisting of representatives of local, state, and federal entities and private entities to conduct a

study on local restrictions that impede disaster recovery efforts, including efforts to remove debris and erect short-term housing.

H.B. 6 (Morrison) – Disaster Recovery: would create a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters by providing specialized assistance for communities and individuals to address financial issues, available federal assistance programs, and recovery and resiliency planning to speed recovery efforts at the local level.

H.B. 13 (Phelan) – Flood Mitigation: would provide that: (1) the Texas Water Development Board may enter into contracts with political subdivisions to pay from the research and planning fund all or part of the cost of flood control planning for the political subdivision; (2) the board shall adopt rules establishing criteria of eligibility for flood control planning money that considers, among other criteria, the relative need of the political subdivision for the money, giving greater importance to a county that has a median household income that is not greater than 85 percent of the median state household income; (3) the flood infrastructure fund is a special fund in the state treasury outside the general revenue fund; (4) the board may use the fund only: (a) to make a loan to an eligible political subdivision at or below market interest rates for a flood project; (b) to make a grant, low interest loan, or zero interest loan to an eligible political subdivision for a flood project to serve an area outside of a metropolitan statistical area in order to ensure that the flood project is implemented or a flood project to serve an economically distressed area; (c) to make a loan at or below market interest rates for planning and design costs, permitting costs, and other costs associated with state or federal regulatory activities with respect to a flood project; (d) to make a grant to an eligible political subdivision to provide matching funds to enable the eligible political subdivision to participate in a federal program for a flood project; (e) as a source of revenue or security for the payment of principal and interest on bonds issued by the board if the proceeds of the sale of the bonds will be deposited in the fund; and (f) to pay the necessary and reasonable expenses of the board in administering the fund; (5) principal and interest payments on loans made under the bill may be deferred for not more than 10 years or until construction of the flood project is completed, whichever is earlier; (6) detailed application and approval criteria are necessary; (7) the board may sell or dispose of political subdivision bonds at the price and under the terms that the board determines to be reasonable, and also provides for various limitations related to the bonds; (8) the board shall act as a clearinghouse for information about state and federal flood planning, mitigation, and control programs that may serve as a source of funding for flood projects; (9) not later than September 1, 2024, and before the end of each successive five-year period after that date, the board shall prepare and adopt a comprehensive state flood plan that incorporates regional flood plans approved by the board as provided by rule; and (10) the board shall prepare and adopt a plan describing the repair and maintenance needs of flood control dams as provided by rule and prepare and adopt a new plan before the end of the 10th year following the adoption of a plan.

H.B. 2315 (E. Thompson) – Manufactured Homes: would provide that: (1) certain state requirements related to the issuance of a title and statements of ownership shall not apply to the purchase of a manufactured home by a federal governmental agency for the purpose of providing temporary housing in response to a natural disaster or other declared emergency; (2) the Texas Department of Motor Vehicles shall establish a process to automatically issue a title to a

government agency for a travel trailer used by the government agency to provide temporary housing in response to a natural disaster or other declared emergency; and (3) the Department may provide for the issuance of a title for a travel trailer described in (2) that is owned or operated by the United States or transferred to a state agency from the United States.

H.B. 3143 (Murphy) – Property Tax Abatement: would: (1) require the governing body of a taxing unit, before it adopts, amends, repeals, or reauthorizes property tax abatement guidelines and criteria, to hold a public hearing regarding the proposed adoption, amendment, repeal, or reauthorization at which member so the public are given the opportunity to be heard; (2) require a taxing unit that maintains an Internet website to post the current version of the guidelines and criteria governing tax abatement agreements on the website; (3) provide that, for the first three years following the expiration of a tax abatement agreement, the chief appraiser shall deliver to the comptroller a report containing the appraised value of the property that was the subject of the agreement; and (4) eliminate the ability of a taxing unit to designate a reinvestment zone solely on the grounds that an area must be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the city. (Companion bill is **S.B. 1838** by **West**.)

H.B. 3155 (Deshotel) – Charter Schools: would: (1) require a city to consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development, including land development standards in territory that a city has annexed for limited purposes; (2) prohibit a city from enacting or enforcing an ordinance or regulation that prohibits an open-enrollment charter school from operating at any location or within a zoning district in the city; (3) provide that an open-enrollment charter school is not required to pay impact fees unless the school’s governing body consents to the payment; and (4) provide that an open-enrollment charter school may be exempt from utility drainage ordinances and regulations, and that any such exemption granted to a school district before the effective date of the bill automatically extends to all open-enrollment charter schools located in a city. (Companion bill is **S.B. 968** by **Hancock**.)

H.B. 3167 (Oliverson) – Subdivision Platting/Permit Vesting: this bill would modify the law relating to subdivision platting and permit vesting. With regard to subdivision platting, the bill would provide that:

1. the municipal authority responsible for approving plats shall approve or disapprove a plat within 30 days after the date the plat is filed, and a plat is considered approved by the municipal authority unless it is disapproved within that period and in accordance with (3)(a), below;
2. if an ordinance requires that a plat be approved by the governing body of the city in addition to the planning commission, the governing body shall approve or the plat within 30 days after the date the plat is approved by the planning commission or is considered approved by the inaction of the commission, and a plat is considered approved by the governing body unless it is disapproved within that period and in accordance with (3)(a), below;

3. if a plat is disapproved: (a) the municipal authority or governing body of the city, as applicable, shall provide the applicant a written statement of the reasons for disapproval that: (i) is provided with the notice of disapproval; and (ii) lists each reason for the disapproval, which must: (A) be related to the requirements in the subdivision platting law; and (B) not be arbitrary or intended to delay approval; and (b) the applicant may submit a written response to the municipal authority or governing body of the city, as applicable, that remedies each reason for disapproval;
4. a municipal authority or the governing body of a city, as applicable, shall determine whether to approve an applicant's previously disapproved plat application not later than the 30th day after the date the municipal authority or governing body, as applicable, receives the applicant's response;
5. a municipal authority or the governing body of a city, as applicable, shall approve a previously disapproved plat application if the applicant's response adequately addresses each reason for the disapproval, and – if the authority or governing body disapproves a response – the authority or governing body: (a) must comply with (3)(a), above and may disapprove only for a reason provided to the applicant for the original application under Subsection (3)(a), above;
6. a previously disapproved plat application is considered approved if: (a) the applicant filed a response that meets the requirements of the subdivision platting law; and (b) the municipal authority or governing body does not disapprove the application on or before the date required by (4), above; and
7. the bill applies to a city regardless of whether it has entered into an interlocal agreement.

With regard to permit vesting, the bill would provide that:

1. a political subdivision that adopts a permit regulation requiring regulatory agency approval for proposed land development shall determine whether to approve or disapprove the development application not later than the 60th day after the date the application is filed with the agency, and an application is considered approved by the agency unless the agency disapproves of the application in that period and in accordance with (2)(a), below;
2. if a land development application under (1), above, is disapproved: (a) the regulatory agency shall provide the applicant a written statement of the reasons for disapproval that: (i) is provided with the notice of disapproval; and (ii) lists each reason for the disapproval, which must: (A) be related to the requirements of the permit regulation; and (B) not be arbitrary or intended to delay approval; and (b) the applicant may submit a written response to the agency that remedies each reason for disapproval;
3. a regulatory agency shall determine whether to approve an applicant's previously disapproved development application not later than the 30th day after the date the application was filed and – if the agency disapproves a response – the agency: (a) must comply with (2)(a), above; and (b) may disapprove only for a reason provided to the applicant for the original application under (2)(a), above;
4. a regulatory agency shall approve a previously disapproved development application if the applicant's response adequately addresses each reason for the disapproval;
5. a previously disapproved development application is considered approved if: (a) the applicant filed a response that meets the requirements of (4), above; and (b) the

regulatory agency does not disapprove the application on or before the date required by (3), above, and in accordance with (4), above; and

6. the bill applies to a political subdivision regardless of whether the political subdivision has entered into an interlocal agreement.

H.B. 3254 (Rodriguez) – Affordable Housing: would, among other things: (1) require the Texas Department of Housing and Community Affairs to set aside for eligible supportive housing developments not less than five percent of the housing tax credits available for allocation in the calendar year; (2) prohibit the department from allocating to an individual development more than \$1 million in a single application round; and (3) provide that any amount of housing tax credits set aside under (1), above, that remain after the initial allocation of housing tax credits is available for allocation to any eligible applicant as provided by the qualified allocation plan.

H.B. 3314 (Romero) – Subdivision Platting: would provide that: (1) the requirement to have a public hearing on a replat of a subdivision or part of a subdivision, unless the replat requires a variance or exception, is eliminated; and (2) if a proposed replat does not require a variance or exception, the city shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipal or county tax roll.

H.B. 3315 (Romero) – Subdivision Platting: would provide that the governing body of a city may delegate to one or more officers or employees of the municipality or of a utility owned or operated by the municipality the ability to approve: (1) minor plats or replats involving lots fronting on an existing street, including replats establishing or modifying the location of a public right-of-way or public access; or (2) a replat involving lots fronting on an existing street, including replats establishing or modifying the location of a public right-of-way or public access.

H.B. 3368 (Morrison) – Billboards: would provide that: (1) a billboard may not be higher than 42-1/2 feet, excluding a cutout that extends above the rectangular border of the sign; and (2) a billboard may exceed the height limit in (1) if: (a) it was higher than 42-1/2 feet on March 1, 2017; and (b) under an agreement with TxDOT, is authorized to be higher than 42-1/2 feet.

H.B. 3417 (Toth) – ETJ Subdivision Regulation: would appear to attempt to clarify that a city can't regulate certain land development standards in its extraterritorial jurisdiction.

H.B. 3454 (Toth) – 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. (Companion bill is **S.B. 1326** by **Campbell**.)

H.B. 3455 (Toth) – 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. (Companion bill is **S.B. 1327** by **Campbell**.)

H.B. 3477 (Paul) – Building Regulations: would apply only to a single-family residential structure and provide that a city that issues a permit to improve a part of a residential structure may not require the owner of the structure to comply with a municipal requirement that is: (1) applicable to another part of the structure that is not being improved; and (2) not necessary for the permitted improvement.

H.B. 3513 (Martinez Fischer) – Affordable Housing: would authorize the owner of a development subject to a right of first refusal to negotiate or enter into a purchase agreement with a public housing authority or a public facility corporation created by a public housing authority during the first 60-day period after notice regarding owner’s intent to sell is provided by the Texas Department of Housing and Community Affairs. (Companion bill is **S.B. 958** by **Johnson**.)

H.B. 3611 (Y. Davis) – Assisted Living Facilities: would provide that the limit on the number of persons who may reside in a community home (not more than six persons with disabilities and two supervisors) does not apply to certain assisted living facilities.

H.B. 3622 (Paddie) – Plumbing Codes: would provide that: (1) the Texas Board of Plumbing Examiners shall adopt the 2015 edition of the International Plumbing Code; and (2) in adopting a code for the design, installation, and maintenance of a plumbing system, a city may amend any provisions of the code to conform to local concerns that do not substantially vary from board rules or other rules of this state. (Companion bill is **S.B. 1106** by **Buckingham**.)

H.B. 3731 (Swanson) – Flood Mitigation: would appropriate \$2.5 billion to the General Land Office for flood mitigation projects.

H.B. 3756 (Coleman) – P3s: would add affordable housing projects to the current list of qualified projects in the state’s public/private partnership law.

H.B. 3758 (Coleman) – Low Income Housing Tax Credits: would authorize the Texas Department of Housing and Community Affairs to adopt amendments to a qualified allocation plan at any time in response to a change in the need for low income housing tax credits following a natural or man-made disaster.

H.B. 3773 (Button) – Short-Term Rental Preemption: would severely limit a city’s authority to regulate short-term rentals. Specifically, the bill would provide that:

1. “short-term rental unit” means a dwelling that is: (a) used or designed to be used as the home of a person, family, or household, including a single-family dwelling or a unit in a

- multi-unit building, including an apartment, condominium, cooperative, or timeshare; and (b) rented wholly or partly for a fee and for a period of less than 30 consecutive days;
2. the bill does not require a city to regulate a short-term rental unit, but does require a city that elects to regulate a unit to comply with the bill;
 3. except as provided by the bill, a city may not: (a) adopt or enforce an ordinance, rule, or other measure that: (i) prohibits or limits the use of property as a short-term rental unit; or (ii) is applicable solely to short-term rental units, or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units; or (b) apply a municipal law, including a noise restriction, parking requirement, or building code requirement, or other law to short-term rental units or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units in a manner that is more restrictive or otherwise inconsistent with the application of the law to other similarly situated property or persons;
 4. in regard to a short-term rental unit, a city may prohibit: (a) the use of the unit to promote activities that are illegal under municipal or other law; (b) the provision or management of the unit by a registered sex offender or any person having been convicted of a felony; (c) the serving of food to a tenant unless the serving of food at the unit is otherwise authorized by municipal law; (d) the rental of the unit to a person younger than 18 years of age; or (e) the rental of the unit for less than 24 hours;
 5. in regard to a short-term rental unit, a city may require: (a) a unit provider (an undefined term) to: (i) register the unit; (ii) designate an emergency contact responsible for responding to complaints regarding the unit; (iii) have the unit inspected on an annual basis by the local building code department or fire marshal, as applicable, to verify that the unit meets state and municipal requirements; and (iv) post the number of a permit issued by the city for the unit on every listing advertising the unit on a short-term rental unit listing service; and (b) either: (i) a unit provider or property manager on the provider's behalf to maintain property and liability insurance for the unit in an amount required by the city; or (ii) the unit provider to provide proof that the short-term rental unit listing service that lists the unit is maintaining property and liability insurance for the unit in an amount required by the municipality;
 6. "bedroom" means an area of a residential dwelling intended and used as sleeping quarters, and the term does not include a kitchen, dining room, bathroom, living room, utility room, closet, or storage area;
 7. a city may limit the maximum occupancy of individuals 18 years of age or older in a unit to a number that is not less than two individuals multiplied by the number of bedrooms in the unit plus two additional individuals;
 8. with regard to registration, a city that adopts a registration requirement: (a) shall approve or deny a registration application not later than the 45th calendar day after the date the city receives the application, or the application is deemed approved; (b) if the municipality approves a registration application, shall issue a permit valid for at least one year following the date of the issuance of the permit; (c) may suspend a permit only in accordance with the bill; and (d) may not charge a registration fee in an amount greater than the lesser of an amount to cover the administrative costs of enforcing the registration requirement or \$450; (e) may require the short-term rental unit provider to affirm that the unit does not violate any rules or bylaws of any condominium, cooperative, property owners' association, or other similar entity that has jurisdiction over the property in

which the unit is located; (f) may maintain an Internet website or telephone hotline that enables a member of the public to file a complaint regarding a short-term rental unit; (g) may deny renewal of a permit if the short-term rental unit provider did not provide the city with a renewal application before midnight on the date in which the permit expires; (g) may prohibit transfer of registration permits; (h) may not restrict the number of permits issued for short-term rental units, including units in multi-family dwellings, located in a commercial area or another area outside of a residential area of the city regardless of whether a unit is the primary residence of the unit owner; (i) may not restrict the number of permits issued for short-term rental units that are located within a residential area of the city and are the primary residence of the unit owner; (j) may restrict the number of permits issued for short-term rental units that are located in a residential area and not the primary residence of the owner if the city: (i) finds that active enforcement of the city's noise restrictions, parking requirements, building code requirements, or other laws is insufficient to protect the health and safety of municipal residents in the residential area; and (ii) does not prohibit more than 12.5 percent of the total number of residential properties in the city from being eligible for a permit; and (k) a registration requirement adopted by a city that is more stringent than requirements in effect immediately before the new requirement takes effect applies only to a permit issued or renewed on or after the effective date of the new requirement;

9. with regard to registration suspension: (a) a city may suspend the registration of a short-term rental unit for a period not to exceed one year if: (i) as a direct result of the operation of the unit, the unit has been in violation of a municipal law related to noise, parking, or habitability standards at least three times during one calendar year; ii) the unit provider is delinquent in the remittance of a local hotel occupancy tax by more than 90 days and the city has provided sufficient notice and opportunity for the provider to remit the tax; or (iii) the unit provider is in violation of a municipal requirement enacted in accordance with the bill; and (b) the city has the burden of proof of demonstrating that the violation was a direct result of the short-term rental unit's operation and the unit provider failed to make reasonable attempts to abate the violation;
10. in addition to any penalty provided for an underlying offense or violation, a city may assess a civil penalty against a unit provider not to exceed \$200 per day for a violation of the bill;
11. if a short-term rental unit provider knowingly tolerates a violation of the bill, fails to make reasonable attempts to abate a violation, and has violated a municipal law related to unsanitary conditions, noise, over-occupancy, parking, or solid waste five times or more in a calendar year, the city may assess a civil penalty against the unit provider in an amount not to exceed \$2,000 per day for the violation; and
12. the bill does not prohibit a city from contracting with a third party, which may be a short-term rental listing service (defined as a person who facilitates, including by listing short-term rental units on an Internet website, the rental of a short-term rental unit), to provide services that assist in ensuring compliance with municipal requirements imposed in accordance with the bill.

(Companion bill is **S.B. 1888** by **Fallon**.)

H.B. 3810 (Paul) – Building Codes: would, in regard to the provision in current law making the International Residential Code the residential building code for this state: (1) update the version from 2001 to 2012; (2) provide that a city may establish procedures to adopt local amendments “that may add, modify, or remove requirements set by the code,” but only if the city: (1) holds a public hearing on the local amendment before adopting the local amendment; and (2) adopts the local amendment by ordinance.

H.B. 3821 (Goodwin) – 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). (Companion bill is **S.B. 1468** by **Campbell**.)

H.B. 3839 (Murphy) – 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. (Companion bill is **S.B. 1220** by **Bettencourt**.)

H.B. 3969 (Murr) – Sober Living Homes: would: (1) authorize a city to adopt standards for sober living homes that comply with state and federal fair housing laws and the Americans with Disabilities Act; and (2) provide that the standards in (1) may require a sober living home to: (a) give certain information to residents and potential residents; (b) supervise residents during all hours of operation; and (c) establish and maintain an operation plan to address the rehabilitative process, the maintenance of the property on which the home is operated, and compliance with city noise abatement requirements.

H.B. 4069 (Wilson) – Eminent Domain: would apply to property being acquired through eminent domain that is located outside the territorial boundaries of a city and provide that: (1) in lieu of filing an objection to the special commissioners’ findings, the property owner, not later than the 14th day after the date the special commissioners file their findings with the trial court, may file a petition with the commissioners court of the county in which a majority of the property to be condemned is located for the disapproval of the condemnation; (2) if the property owner files the petition with the commissioners court, the commissioners court shall hold a hearing to determine whether to approve the condemnation of the property; (3) the commissioners court may disapprove the condemnation entirely or disapprove a term of the condemnation, including the property to be condemned, proposed use of the property, or amount of damages for the property; (4) the city may not condemn the property unless a majority of the commissioners court approves the condemnation of the property; and (4) if the commissioners court disapproves a term of the condemnation, the entity may revise the final offer to the property owner.

S.B. 7 (Creighton) – Flood Planning: would create the Texas Infrastructure Resiliency Fund to be administered by the Texas Water Development Board and used to make a grant, low-interest

loan, or zero-interest loan to a political subdivision for a flood project. More specifically, the bill would provide that:

1. the Texas Water Development Board may use the fund to provide financing for activities related to: (a) the collection and analysis of flood-related information; (b) flood planning, protection, mitigation, or adaptation; (c) the provision of flood-related information to the public through educational or outreach programs; or (d) evaluating the response to and mitigation of flood incidents affecting residential property located in floodplains;
2. the Hurricane Harvey account is an account in the resiliency fund designed to be used for flood projects related to Hurricane Harvey, including: (a) a grant, low-interest loan, or zero-interest loan to an eligible political subdivision for a flood project or to provide matching funds to enable the subdivision to participate in a federal program for a flood project; (b) a loan to an eligible political subdivision at or below market interest rates for the subdivision's planning or design costs, permitting costs, or other costs associated with state or federal regulatory activities with respect to a flood project; and (c) a grant to an eligible political subdivision to provide matching funds to enable the subdivision to participate in a federal program for the development of a hazard mitigation plan, under guidelines issued by the Federal Emergency Management Agency or the Texas Division of Emergency Management or the successor in function to those entities;
3. the TWDB shall establish a point system for prioritizing flood projects for which money from the Hurricane Harvey account is sought, using various criteria in the bill;
4. principal and interest payments on loans may be deferred for not more than 10 years or until construction of the flood project is completed, whichever is later;
5. the flood plan implementation and federal matching accounts are accounts in the resiliency fund, which can be used in a manner similar to the Hurricane Harvey Account;
6. the Texas Infrastructure Resiliency Fund Advisory Committee is composed of the seven members that serve on the State Water Implementation Fund for Texas Advisory Committee;
7. the advisory committee shall review the overall operation, function, and structure of the resiliency fund at least semiannually and may provide comments and recommendations to the TWDB; and
8. the TWDB shall adopt rules necessary to carry out the bill, including rules: (a) that establish procedures for an application for and for the award of financial assistance; (b) that establish the prioritization system for flood projects that receive money from the resiliency fund; (c) for the repayment of a loan from the resiliency fund; and (d) for the administration of the resiliency fund.

S.B. 8 (Perry) – Flood Planning: would provide that: (1) the Texas Water Development shall: (a) prepare and adopt a comprehensive state flood plan that incorporates approved regional flood plans; (b) adopt guidance principles for the state flood plan that reflect the public interest of the entire state; and (2) the State Soil and Water Conservation Board shall prepare and adopt a 10-year dam repair, rehabilitation, and maintenance plan describing the repair and maintenance needs of certain flood control dams and prepare and adopt a new plan before the end of the 10th year following the adopting of the plan.

S.B. 26 (Kolkhorst) – Parks Funding: would, among other things, require the legislature to allocate sporting goods sales tax revenue credited to the Parks and Wildlife Department to department accounts specified in the Parks and Wildlife Code in specific amounts provided in the General Appropriations Act, and those amounts may be used only for the following purposes: (1) to acquire, operate, maintain, and make capital improvements to parks; (2) for assistance to local parks; (3) to pay debt service of bonds issued by the department; (4) to fund the state contributions for benefits and benefit-related costs attributable to the salaries and wages of department employees paid from sporting goods sales tax receipts; and (5) to fund the state contributions for annuitant group coverages under the group benefits program operated by the Employees Retirement System of Texas. (Companion bill is **H.B. 1214** by **Cyrier**.)

S.B. 1488 (Buckingham) – 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. (Companion bill is **H.B. 2496** by **Cyrier**.)

S.B. 1489 (Buckingham) – Building Regulations: would provide that a city that issues a permit to improve part of a single-family residential structure may not require the owner of the structure to comply with a requirement that is: (1) applicable to another part of the structure that is not being improved; and (2) not necessary for the permitted improvement. (Companion bill is **H.B. 3477** by **Paul**.)

S.B. 1521 (Hinojosa) – Flood Planning: would provide, among other things, that: (1) the Texas Water Development Board (Board) may enter into contracts with political subdivisions to pay, from the research and planning fund, all or part of the cost of the political subdivision's flood control planning, including: (a) planning flood protection; (b) preparing application for and obtaining regulatory approvals at the local, state or federal level; (c) activities associated with administrative or legal proceedings by regulatory agencies; and (d) preparing engineering plans and specifications to provide structural or nonstructural flood mitigation and drainage; (2) the Board, in establishing criteria of eligibility for flood control planning, shall consider the relative need of the political subdivision for money, giving greater importance to a county that has a median household income that is not greater than 85 percent of the median state household income; (3) a flood infrastructure fund shall be established, with funds in the amount of \$3.2 billion appropriated from the economic stabilization fund, to be administered by the Board; (4) the fund described in (3) shall be funded with, among other things, proceeds from the sale of bonds or other obligations issued by a political subdivision to fund an eligible flood project; and (5) the fund may use the fund described in (3) to make loans or grants for eligible flood projects and as a source of revenue or security for the payment of principal and interest on certain bonds issued by the Board.

S.B. 1610 (Hall) – Solar Facilities: would prohibit the governing body of a taxing unit from entering into a property tax abatement agreement in regard to real property on which certain solar facilities are located or planned, or for tangible personal property located on such real

property, unless the landowner has executed an agreement with the county in which the facility is located providing that the landowner is responsible for decommissioning the facility.

S.B. 1617 (Hall) – Property Tax Abatement: would, among other things, prohibit an owner or lessee of a parcel of real property that is located wholly or partly in a reinvestment zone to receive an exemption from property taxation of any portion of the value of the parcel of real property or of tangible personal property located on the parcel of real property under a tax abatement agreement that is entered into on or after September 1, 2019, if, on or after that date, a solar energy device or wind-powered energy device is installed or constructed on the same parcel of real property.

S.B. 1838 (West) – Property Tax Abatement: would: (1) require the governing body of a taxing unit, before it adopts, amends, repeals, or reauthorizes property tax abatement guidelines and criteria, to hold a public hearing regarding the proposed adoption, amendment, repeal, or reauthorization at which member so the public are given the opportunity to be heard; (2) require a taxing unit that maintains an Internet website to post the current version of the guidelines and criteria governing tax abatement agreements on the website; (3) provide that for the first three years following the expiration of a tax abatement agreement, the chief appraiser shall deliver to the comptroller a report containing the appraised value of the property that was the subject of the agreement; and (4) would eliminate the ability of a taxing unit to designate a reinvestment zone solely on the grounds that an area must be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the city. (Companion bill is **H.B. 3143** by **Murphy**.)

S.B. 1841 (Hinojosa) – State Enterprise Zones: would, among other things: (1) provide that a “new permanent job” or a “retained job” created or retained by a business in a state enterprise means any employment position, regardless of title; and (2) provide that a person is a qualified business if the nominating body of a project or activity of the person, for the purpose of local incentives, certifies that at least 25 percent of the person’s new permanent jobs in the enterprise zone are held by residents of any area in the state designated by the federal government as an opportunity zone.

S.B. 1858 (Menendez) – Private Activity Bonds: would, among other things: (1) provide that a housing finance corporation may not receive an allocation for the issuance of qualified mortgage bonds in an amount that exceeds the greater of \$50 million or 1.70 percent of the state ceiling; and (2) alter the amount of a reservation the Bond Review Board may grant for a single project in a year for certain issuances of private activity bonds.

S.B. 1861 (Menendez) – Public Facilities Corporations: would provide, among other things, that certain public facilities corporation sponsors may finance, own, and operate certain multifamily residential developments. (Companion bill is **H.B. 1716** by **Flynn**.)

S.B. 1870 (Hinojosa) – Annexation: would make beneficial changes to the provisions of S.B. 6 (2017) by eliminating the tiered county system and replacing it with a tiered city system in which a Tier 1 city is one with a population of less than 500,000.

S.B. 1890 (Fallon) – Economic Development Corporation: would allow an economic development corporation to do a project for: (1) general infrastructure, limited to the development, improvement, maintenance, or expansion of streets and roads, water supply facilities, or sewage facilities; and/or (2) improving, enhancing, or supporting public safety, including: (a) expenditures for improving public safety facilities; (b) expenditures for public safety equipment and for first responders and other personnel; and (c) other expenditures that enhance the level of services provided by public safety facilities; by an election ordered by either: (i) a majority of the city council or (ii) a petition of 10% of the number of voters participating in the last general election held by the city. (Companion Bill is **H.B. 1221** by **Patterson**.)

S.B. 2078 (Campbell) – Extraterritorial Jurisdiction: would provide that, notwithstanding any other law, in an area in which residents are ineligible or have only limited eligibility to vote in city elections, a city may not regulate an activity or structure that is regulated by this state.

S.B. 2092 (Hughes) – Game Rooms: would remove the bracket so that all counties may regulate the operation of game rooms by restricting the location of game rooms to specified areas of the county, including the unincorporated area of the county; prohibiting game rooms within a certain distance of a school, church, or residential neighborhood; or restricting the number of game rooms that may operate in a specified area of the county. (Companion bill is **H.B. 892** by **Kuempel**.)

S.J.R. 51 (Hinojosa) - Flood Infrastructure Fund: would amend the Texas Constitution to create a flood infrastructure fund as a special fund in the state treasury, to be administered and used, without further appropriation, by the Texas Water Development Board to assist in providing financing for drainage, flood mitigation, or flood control projects. (Companion bill is **H.J.R. 81** by **Phelan**.)

S.J.R. 61 (Fallon) – Eminent Domain: would amend the Texas Constitution by providing that “public use” does not include the taking of property for transfer to a private entity. (Note: the current constitutional provision provides that property may not be taken to transfer to a private entity “for the primary purpose of economic development or enhancement of tax revenues.”)

Personnel

H.B. 3247 (Martinez) – Texas Emergency Services Retirement: would make various changes to the Texas Emergency Services Retirement System, including adding emergency service personnel to the system.

H.B. 3273 (J. Gonzalez) – Minimum Wage: would increase the minimum wage to not less than the greater of \$15 an hour or the federal minimum wage (currently at \$7.25).

H.B. 3349 (Bucy) – Employee Drug Testing: would, among other things provide that: (1) a political subdivision, including a city, shall not establish a drug testing policy or administer a

drug test that requires an employee, other than a peace officer, or an independent contractor to submit to a drug test, as a condition of employment or contract, to screen for the presence of tetrahydrocannabinols or cannabidiol indicating the use of marijuana or low-THC cannabis; (2) a person may assert an actual or threatened violation of the provisions described in (1) as a claim or defense in a judicial or administrative proceeding and obtain: (a) compensatory damages; (b) injunctive relief; (c) declaratory relief; and (d) other appropriate relief, including reasonable attorney's fees; and (3) governmental immunity from suit and liability shall be waived.

H.B. 3410 (Reynolds) – Paid Sick Leave: would: (1) require that certain employers provide paid sick leave to their employees; and (2) provide for implementing provisions.

H.B. 3439 (Patterson) – Labor Peace Agreements: would: (1) define a “labor peace agreement” as any agreement between a person and the employees of the person that limits or otherwise interferes with the rights of the person under federal labor law; and (2) provide that a city and a county shall not adopt or enforce an ordinance, order, or other measure that requires a person to enter into a labor peace agreement with the employees of the person or to waive or limit any right of the person under federal labor law as a condition of: (a) being considered for or awarded a contract; or (b) otherwise engaging in a commercial transaction with the city or county. (Companion bill is **S.B. 1634** by **Campbell**.)

H.B. 3448 (Bernal) – Whistleblower Protection: would provide that an appointed officer who is an independent contractor paid to perform services for a general-law city shall be a public employee for purposes of whistleblower protection.

H.B. 3449 (Smithee) – Jury Service: would: (1) prohibit an employer, including a city, from discharging, threatening to discharge, intimidating, or coercing any permanent employee because the employee serves as a juror, attends, or has a scheduled attendance in connection with the jury service in any court in the United States; and (2) provide that such employee is entitled to return to the same employment that the employee held when summoned for jury service if the employee, as soon as practical after release from jury service, provides the employer actual notice that the employee intends to return. (Companion Bill is **S.B. 370** by **Watson**.)

H.B. 3464 (Hinojosa) – Police Labor Agreements and Civil Service: would, among other things, modify current law to provide that: (1) in an appeal to a civil service commission: (a) an appeal by a police officer for a charge for an incident that involves an individual who is a member of the public must also include the name and address of each involved individual; (b) not later than the 30th day before the date of a commission hearing, the commission shall notify each individual listed in an appeal by a police officer of the date and time of the hearing, the individual's right to attend, and instructions for exercising the individual's rights related to the hearing; (c) not later than the fifth day before the date of the commission hearing, a member of the public, whether listed in the appeal or not, may provide evidence to the commission, including in support of an allegation against a peace officer that is basis of a disciplinary action; (d) an individual named by an affected police officer as directly involved in the incident that is the basis of the disciplinary action may request the commission to subpoena records or witnesses the individual considers pertinent to the case; and (e) the commission may consider evidence submitted by a member of the public and any evidence produced in response to that evidence; (2)

before a civil service commission may refuse to grant a request by the police chief to demote a police officer, the commission: (a) shall request from the department the contact information for any individual involved in any incident leading the department to recommend demotion, including a member of the public or another police officer; (b) shall notify the individual described in (2)(a) that such individual may request a public hearing and present reasons why the commission should grant the department's request for demotion of the police officer; (c) may refuse to grant the request for demotion, if there are no involved individuals or the commission does not receive a request for a public hearing from an individual before the 10th day after the date notice was provided to the individual; and (d) shall, if probable cause exists to demote the police officer, provide notice of the public hearing to consider the recommendation to demote the officer to a member of the public who has knowledge of the specific incident that is the basis for the recommendation to demote the officer; (3) a meet and confer agreement may not conflict with and does not supersede the provisions described in (1); and (4) a collective bargaining agreement may not conflict with the provisions described in (1) and must implement those provisions.

H.B. 3492 (Cole) – Workers' Compensation: would provide that it is presumed that post-traumatic stress disorder suffered by a first responder is a compensable injury under the workers' compensation system, unless it is shown by a preponderance of the evidence that: (1) the disorder is caused by an event occurring outside the course and scope of the first responder's employment; or (2) no event that occurred in the course and scope of the first responder's employment was a substantial contributing factor of the disorder.

H.B. 3504 (Martinez Fischer) – Minimum Wage: would increase the minimum wage to not less than the greater of: (1) \$10.10 an hour; or (2) federal minimum wage (currently at \$7.25 an hour).

H.B. 3635 (J. Turner) – Survivor Benefits: would modify current law to provide that the eligible survivors of certain peace officers who die in the line of duty shall be entitled to, beginning September 1, 2020, an adjustment to the lump sum amount required to be paid by the Employees Retirement System under current law in an amount equal to the percentage change in the consumer price index for the preceding year.

H.B. 3676 (Capriglione) – Workers Compensation: would provide that lifetime income benefits are paid until the death of the employee for, among other things: (1) a physically traumatic injury to the brain resulting in permanent cognitive defects that: (a) render the employee permanently unemployable without significant accommodations; or (b) affect the non-vocational quality of the employee's life so as to eliminate the employee's ability to engage in a range of usual cognitive processes; (2) third degree burns that cover at least 40 percent of the body and require grafting, or third degree burns covering the majority of: (a) both hands; (b) both feet; (c) one hand and one foot; or (d) one hand or foot and the face; or (3) permanent and total disability in certain circumstances if the employee is: (a) a first responder; and (b) employed by a political subdivision that self-insures, either individually or collectively. (Companion bill is **S.B. 2181** by Nelson.)

H.B. 3813 (Martinez Fischer) – Immigration Enforcement: would remove the provisions of S.B. 4 (2017) relating to the enforcement of immigration laws by local governments, which allow the attorney general to seek to remove an officer who allegedly violates the terms of that law.

H.B. 3847 (Calanni) – Pregnancy Discrimination: would: (1) require reasonable workplace accommodations for employees or applicants for employment with limitations related to pregnancy, childbirth, or a related medical condition; and (2) prohibit discrimination against employees and applicants for employment described in (1).

H.B. 3922 (Martinez Fisher) – Minimum Wage: would provide for a phased-in minimum wage that will result in the following higher wages by 2026: (1) for the 2020 calendar year, not less than the greater of \$9.25 an hour or the federal minimum wage (currently at \$7.25); (2) for the 2021 calendar year, not less than the greater of \$10 an hour or the federal minimum wage; (3) for the 2022 calendar year, not less than the greater of \$12 an hour or the federal minimum wage; (4) for the 2023 calendar year, not less than the greater of \$13 an hour or the federal minimum wage; (5) for the 2024 calendar year, not less than the greater of \$14 an hour or the federal minimum wage; and (6) for the calendar year 2025 and thereafter, not less than the greater of \$15 an hour or the federal minimum wage.

H.B. 3996 (Burrows) – Disease Presumption/Workers’ Compensation: would: (1) add 24 listed cancers to the firefighter workers’ compensation disease presumption statute; (2) provide that, in addition to any sanctions, administrative penalty, or other remedy, the insurance commissioner may assess an administrative penalty against a political subdivision that self-insures either individually or collectively that commits an administrative violation in connection with a workers’ compensation claim filed by an individual elected, appointed, or employed as a peace officer or firefighter; and (3) the amount of the administrative penalty shall not be less than two times the total amount of medical benefits and temporary income benefits in connection with the employee’s claim.

H.B. 3999 (C. Turner) – Medicare Reimbursement Rate: would provide that a hospital, outpatient facility, or clinic that provides healthcare services to a first-responder who is employed full-time by a political subdivision or the state, a retired first-responder who is younger than 65 years of age, or a qualified dependent of a first responder shall accept as payment in full an amount equal to the Medicare reimbursement rate for the service provided, regardless of whether the individual, a health benefit issuer, a third-party administrator, the state, or a political subdivision is responsible for the claim.

S.B. 1486 (Hinojosa) – Meal and Rest Breaks: would, among other things, provide that: (1) an employer shall provide to each employee, other than an employee who is the only employee on duty or who is covered by a collective bargaining agreement: (a) a paid rest break of at least 10 minutes for every 3.5 hours of work that is not a part of a separate meal break; and (b) a meal break of at least 30 minutes for every 7.5 hours of work; and (2) an employer who violates the provisions described in (1) shall be liable for an assessment in an amount equal to the employee’s hourly wage rate multiplied by the number of rest breaks or meal breaks to which the employee was entitled.

S.B. 1582 (Lucio) – Peace Officer Disease Presumption: would: (1) provide that a peace officer shall be entitled to preventative immunization for any disease to which the peace officer may be exposed in performing official duties and for which immunization is possible; and (2) add peace officers, for purposes of workers’ compensation coverage, to the firefighters’ disease presumption statute for certain illnesses.

S.B. 1634 (Campbell) – Labor Peace Agreements: would: (1) define a “labor peace agreement” as any agreement between a person and the employees of the person that limits or otherwise interferes with the rights of the person under federal labor law; and (2) provide that a city and a county shall not adopt or enforce an ordinance, order, or other measure that requires a person to enter into a labor peace agreement with the employees of the person or to waive or limit any right of the person under federal labor law as a condition of: (a) being considered for or awarded a contract; or (b) otherwise engaging in a commercial transaction with the city or county. (Companion bill is **H.B. 3439** by **Patterson**.)

S.B. 2088 (Flores) – Survivor Health Insurance Benefits: would, among other things, provide that: (1) upon the request of an eligible surviving spouse or surviving dependent of a public safety employee of a political subdivision, including a city, who died in the line of duty, the political subdivision that employed the deceased employee shall provide health insurance benefits to the eligible survivor at no cost to the survivor until the earlier of the date state death benefits are approved or six months after the date of the employee’s death; and (2) health insurance benefits coverage in place on the date of the decedent’s death under which the decedent covered a person shall not lapse for failure to pay the premium before final payment of state death benefits to such person.

Public Safety

H.B. 7 (Morrison) – Disaster Preparation: would, among other things, provide that: (1) the governor’s office, using existing resources, shall compile and maintain a comprehensive list of regulatory statutes and rules that may require suspension during a disaster; (2) the Texas Division on Emergency Management (Division) shall develop a plan to assist political subdivisions with executing contracts for services that political subdivisions are likely to need following a disaster that includes: (a) training on the benefits to a political subdivision of executing disaster preparation contracts in advance of a disaster; (b) recommendations on the services political subdivisions are likely to need following a disaster, including debris management and infrastructure repair; and (c) assistance to political subdivisions with finding persons capable of providing the services described in (2)(b) and executing contracts with those persons in advance of a disaster; and (3) the Division shall consult with the comptroller regarding including a contract for services a political subdivision is likely to need following a disaster, including debris management and infrastructure repair, on the schedule of multiple award contracts or as part of another cooperative purchasing program administered by the comptroller.

H.B. 2325 (Metcalf) – Communications During a Disaster: would provide that: (1) the Texas Division on Emergency Management shall: (a) coordinate state and local government efforts to make 9-1-1 emergency service capable of receiving text messages from a cellular telephone or other wireless communication device; (b) develop standards for the use of social media as a communication tool by governmental entities during and after a disaster, that require: (i) state agencies, political subdivisions, first responders, and volunteers that use social media during and after a disaster to post consistent and clear information; (ii) optimizing the effectiveness of social media use during and after a disaster; and (iii) certain official social media accounts be used during and after a disaster only for providing credible sources of information; (c) develop a mobile application for wireless communication devices to communicate critical information during a disaster directly to disaster victims and first responders; (d) use data analytics software to integrate data from federal, state, local, and nongovernmental sources to more effectively manage disaster response and recovery; and (e) conduct a study on the use of standard communication format by first responders to create a common operating framework during a disaster; (2) municipalities, among other entities, shall conduct community outreach, including public awareness campaigns, and education activities on disaster preparedness every year; and (3) the Texas A&M University System shall develop a comprehensive disaster web portal.

H.B. 2345 (Walle) – Disaster Mitigation: would require the Texas Water Development Board to create an inventory of flood mitigation and resiliency projects, develop a method of prioritizing projects in that inventory, and coordinate with the Institute for a Disaster Resilient Texas, which is created as a component of Texas A&M University to collaborate with other components of The Texas A&M University System, institutions of higher education, state agencies, local governments, and other political subdivisions to provide disaster mitigation solutions.

H.B. 3129 (Middleton) – Emergency Vehicle Safety Inspections: would provide that compulsory vehicle safety inspection requirements do not apply to an authorized emergency vehicle.

H.B. 3154 (Parker) – Human Trafficking and Child Pornography Unit: would create a human trafficking and child pornography unit within the Department of Public Safety and require the unit to collaborate with federal and local law enforcement agencies to investigate human trafficking and child pornography and arrest persons determined to engage in human trafficking or child pornography.

H.B. 3164 (Clardy) – Unmanned Aircraft: would provide that: (1) it is lawful to capture an image using an unmanned aircraft if the image is captured by a governmental entity, or a person contracted by or under the direction of a governmental entity, for the purpose of: (a) the provision of 9-1-1 service; or (b) a mapping project or service other than a project or service for a law enforcement purpose; and (2) an incidental image of an unidentifiable individual captured in (1) may be used and shared by and between governmental entities and the public and is not prohibited from disclosure, inspecting, or copying under the Public Information Act. (Companion bill is **S.B. 2034** by **Hall**.)

H.B. 3180 (Bowers) – Centralized Homelessness Crisis Response Data System: would provide that the Texas Interagency Council for the Homeless shall collaborate with a state agency designated by the council to establish a centralized homelessness crisis response data system through which state agencies, local governmental entities, including law enforcement agencies, court systems, school districts, and emergency service providers, and related to individuals who experience chronic homelessness in order to connect or refer those individuals to service, including affordable housing opportunities.

H.B. 3262 (Buckley) – Passing Vehicles: would require a driver to either change lanes or slow down when passing a stationary vehicle used for and being operated in connection with transporting municipal solid waste or recyclable material from a location adjacent to the highway. (Companion bill is **S.B. 780** by **Rodriguez**.)

H.B. 3285 (Sheffield) – Opioid Antagonist Program: would require the executive commissioner of Health and Human Services to establish a program to provide opioid antagonists for the prevention of opioid overdoses and provide opioid antagonists under the program to emergency medical services personnel, first responders, law enforcement agencies, public schools, community centers, and other persons likely to be in a position to respond to an opioid overdose.

H.B. 3290 (Toth) – Public School Campus Special Threat Response Plans: would: (1) require school districts in coordination with law enforcement agencies, emergency medical service providers, and fire departments, to establish a policy using uniform nomenclature to be included in each school district’s multihazard emergency operations plan for coordinating with law enforcement agencies, emergency medical service providers, and fire departments when responding to a special threat on a school’s campus; (2) require a school district to conduct a special threat drill with law enforcement agencies, emergency medical service providers, and fire departments in accordance with the policy in (1); and (3) require law enforcement agencies, emergency medical service providers, and fire departments serving a school district to adopt a response policy incorporating the policy established under (1) and include any additional information necessary for the law enforcement agencies, emergency medical service providers, and fire departments to perform their duties under the school district’s response policy.

H.B. 3294 (Raymond) – Asset Forfeiture Funds: would allow a commissioner’s court to apply to the attorney representing the state or the head of a law enforcement agency for reimbursement from civil asset forfeiture funds for the reasonable cost of transporting a body for the purpose of an autopsy. (Companion bill is **S.B. 1150** by **Zaffirini**.)

H.B. 3307 (White) – Emergency Services District: would allow an emergency services district to provide public health services, contract with a local government to provide those services, and charge a reasonable fee for performing those services for or on behalf of a person or entity.

H.B. 3316 (White) – Crime Stoppers: would, among other things, provide that a person who is a member or employee of a law enforcement agency or who otherwise accepts a report of criminal activity or conduct or threatened conduct that constitutes a danger to public safety commits an offense if the person intentionally or knowingly discloses to a person not a member

of or employed by a crime stoppers organization, a law enforcement agency, a school district, or an open enrollment charter school the entity of a person who made a report or the content of the report that reveals the identity of a person who made a report without the person's consent, with certain exceptions.

H.B. 3335 (Moody) – 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. (Companion bill is **S.B. 1269** by **Watson**.)

H.B. 3340 (Johnson of Dallas) – Medical Cannabis for Post-Traumatic Stress Disorder: would (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by patients with post-traumatic stress disorder; (2) authorize the licensing of dispensing organizations; (3) authorize an application fee for licenses to operate a dispensing organization; and (4) prevent cities from enacting, adopting, or enforcing a rule, ordinance, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of medical cannabis as authorized by the bill.

H.B. 3367 (E. Thompson) - Disaster Recovery: would: (1) create a business advisory council on disaster recovery and mitigation to advise the Commissioner of the General Land Office on various issues, including disaster recovery mitigation and resilience related to housing, issues faced by local governments, and solutions to address inefficiencies or problems in local governmental disaster response; and (2) provide that the council in (1) consist of representatives of banking and insurance, construction, manufacturing, oil and gas, tourism and hospitality, and small business. (Companion bill is **S.B. 594** by **Kolkhorst**.)

H.B. 3409 (Reynolds) – Trauma Training: would require the Court of Criminal Appeals to provide to prosecuting attorneys and Texas Commission on Law Enforcement to require law enforcement officers to take training related to trauma and the impact of trauma to enable prosecuting attorneys and law enforcement officers to identify individuals who have experienced traumatic events, minimize re-traumatization, and refer those individuals to the appropriate medical or mental health care professional for treatment.

H.B. 3416 (Geren) – Police Employment of Legal Permanent Residents: would provide that: (1) a political subdivision, including a city, that commissions and employs peace officers may commission and employ as a peace officer a legal permanent resident of the United States; and (2) the Texas Commission on Law Enforcement shall issue a peace officer license to a person who is a legal permanent resident of the United States if the person meets the requirements to be a peace officer.

H.B. 3418 (E. Thompson) – Hurricane Preparedness: would, among other things, require: (1) the governor to issue a proclamation each year before hurricane season instructing: (a) individuals, including residential and commercial property owners, to prepare their property and communities for the upcoming hurricane season; and (b) cities and other agencies, to the extent practicable, to conduct community outreach and education activities on hurricane preparedness between May 25 and 31 of each year; and (2) the General Land Office to conduct a public

information campaign each year before and during hurricane season to provide local officials and the public with information regarding housing assistance that may be available under state and federal law in the event of a major hurricane or flooding event, including information about types of assistance unavailable under the law. (Companion bill is **S.B. 285** by **Miles**.)

H.B. 3453 (Clardy) – Location Information Subpoenas: would provide that: (1) that a peace officer is authorized to install, operate, and monitor a pen register or trap and trace device if, among other things, another peace officer is designated to approve for the authorized officer’s agency the emergency required for disclosure of location information and approves the installation and use of a pen register or trap and trace device by reasonably determining that an emergency exists in the territorial jurisdiction of the authorized officer; (2) a district judge may, in certain circumstances, issue a warrant authorizing the use of a cell site simulator to obtain location information from a cellular telephone or other wireless communication device or requiring the disclosure of location information by a service provider; (3) a district judge may issue a warrant requiring the disclosure of location information by a provider of an electronic communications service or a remote computing service based on the location where an offense occurred in certain circumstances; and (4) a person commits an offense if the person knowingly uses a cell site simulator to locate or identify a wireless communications device or intercept the content of an electronic communication with certain exceptions. (Companion bill is **S.B. 2093** by **Hughes**.)

H.B. 3470 (Allen) – School Police Officers: would: (1) authorize the governing board of the Texas School for the Deaf and board of trustees of any school district to enter into a memorandum of understanding with a local law enforcement agency to provide school resource officers (SROs); and (2) require the board of trustees of a school district to determine the law enforcement duties of peace officers, SROs, and security personnel, but prohibit the board from assigning duties that are routine student discipline or school administrative tasks or involve contact with students unrelated to law enforcement duties. (Companion bill is **S.B. 1707** by **Lucio**.)

H.B. 3494 (Cole) – Unmanned Aircraft: would: (1) include certain airports that serve commercial air carriers in the definition of “critical infrastructure” for purposes of regulating unmanned aircraft; and (2) repeal the limited authority a county or city currently has to adopt or enforce any ordinance, order, or similar measure regarding the operation of an unmanned aircraft.

H.B. 3501 (Gonzalez of Dallas) – Toxicological Evidence: would: (1) change how the court would determine the appropriate retention and preservation period of toxicological evidence in certain intoxication offenses; (2) require the court to notify the defendant or the child or the child’s guardian and the entity or individual charged with storage of the toxicological evidence that the applicable retention period has expired; (3) prescribe which method these notices are required to be sent; and (4) allow the entity or individual charged with storing the toxicological evidence to destroy the evidence on the expiration of the period provided by the notice most recently issued by the court.

H.B. 3526 (Rose) – Peace Officer Curriculum: would, among other things, require peace officers and reserve law enforcement officers, as part of the minimum curriculum training, to complete an education and training program related to the Texas Crime Information Center’s child safety check alert list.

H.B. 3527 (Rose) – Peace Officer Curriculum: would require all officers, as part of the minimum curriculum training, to complete a basic education and training program on the trafficking of persons. (This bill is identical to **H.B. 292** by **S. Thompson**.)

H.B. 3532 (Rose) – Alert System for Missing Adults: would: (1) provide for a system to issue a countywide alert for a missing adult to be administered by the Department of Public Safety; and (2) requires a local law enforcement agency with jurisdiction over a missing adult to notify DPS in certain circumstances so that DPS may issue an alert.

H.B. 3534 (Shine) – Ethics Complaint: would: (1) allow the Texas Ethics Commission (TEC) to disclose certain confidential information related to a complaint filed with TEC to a law enforcement agency; and (2) require a law enforcement agency to take measures to prevent the disclosure of confidential information received under (1), and provide that a person who impermissibly discloses the confidential information commits a Class C misdemeanor offense.

H.B. 3540 (Burns) – Peace Officer’s Authority: would provide that: (1) before a peace officer arrests a certain person with intellectual or developmental disability, the officer shall: (a) consider whether it is in the best interest of the person to arrest the person or to release the person in lieu of arrest to the person’s residence; and (b) make reasonable efforts to consult with the person’s legal guardian or representative and the staff at the person’s residence regarding that decision; and (2) a peace officer is not required to comply with (1) if the officer has probable cause to believe that there is a continuing threat of violence by or against the person with intellectual or developmental disability.

H.B. 3554 (Farrar) – Forensic Analysis and Testimony: would provide that: (1) a forensic analysis of physical evidence and expert testimony presented by the state would not be admissible in a criminal action if the crime laboratory at the time it conducted the analysis was not accredited by the Texas Forensic Science Commission (TFSC); and (2) evidence that a crime laboratory holds a certificate of accreditation issued by the TFSC is not admissible in a criminal action for the purpose of establishing the validity of a forensic analysis performed by the laboratory.

H.B. 3558 (Farrar) – Tow Trucks: would: (1) allow a tow truck operator to install and operate a system, that is capable of taking photographic, video, or digital images of vehicles that pass the tow truck in violations of the offense of passing certain vehicles; and (2) allow law enforcement to use the evidence collected in (1) to notify the registered owner of the vehicle of the possible violation of passing certain vehicle or enforcement of this offense.

H.B. 3566 (Farrar) – Strangulation Assault: would, among other things: (1) require a law enforcement agency to request a forensic medical examination of a victim of an alleged strangulation assault for use in the investigation or prosecution of the offense if a strangulation

assault is reported to a law enforcement agency within 120 hours of the assault and with consent of the victim, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services; (2) allow a law enforcement agency to decline requesting a forensic medical examination of the victim if the person has made one or more false reports of offense involving family violence to any law enforcement agency and if there is no other evidence to corroborate the current allegations; (3) allow law enforcement agency, if the agency considered it appropriate, to request a forensic medical examination of the victim if the strangulation assault is not reported within 120 hours, but the law enforcement agency receives consent as described in (1); and (4) require a law enforcement agency to pay the cost of the forensic portion of the examination and of the strangulation assault evidence collection kit less any amount to be paid directly to the health care facility by the attorney general on the application from the health care facility.

H.B. 3584 (Metcalf) – Emergency Management Training: would provide that the emergency training related to emergency management responsibilities of officers of political subdivisions that is developed and provided by the Texas Division of Emergency Management shall include information on using the 9-1-1 system and internet websites, including social media websites, for communicating effectively with the public during and after a disaster.

H.B. 3616 (Hunter) – Faith-Based Disaster Response Taskforce: would establish a task force on faith-based disaster response to assist the Texas Division of Emergency Management with issues related to participation of faith-based organizations in disaster relief.

H.B. 3688 (White) – Arrest of Juveniles: would modify current law to provide that if a child who has been committed to the Texas Juvenile Justice Department and placed by the department in any institution or facility and such child escapes or breaks any conditions of a supervised release, a special investigator and a peace officer may, without a warrant, arrest the child.

H.B. 3711 (Bucy) – Peace Officers: would provide that: (1) a peace officer may prevent an individual from engaging in an activity under (2) if necessary to enforce a criminal statute or a reasonable restriction on the time, place, or manner of the activity; (2) except as provided in (1), a peace officer or private party may not prevent an individual from knocking on the front door of a residential unit, ringing the doorbell of the unit, or leaving a pamphlet, flier, or other form of written communication for the purpose of assisting an occupant of the unit with registering to vote or communicating to an occupant of the unit support or opposition for: (a) a candidate for nomination or election to public office or office of a political party; (b) a political party; or (c) a measure.

H.B. 3736 (Klick) – Emergency Detention: would require a peace officer who takes a person into custody for emergency detention because of mental illness to inform the person orally in simple, nontechnical terms that a staff member of the facility will inform the person of the person's right before questioning, assessing, or examining the person.

H.B. 3742 (Klick) – Emergency Detention Notifications: would require a notification of emergency detention to include: (1) a description of the place and setting where the detention

was initiated; and (2) the age, race, gender, and other demographic information required by rule of the executive commissioner of the Health and Human Services.

H.B. 3757 (J. Gonzalez) – Body Worn Cameras: would delete the requirement that a body worn camera policy include a provision that entitles an officer to access any recording of an incident involving the officer before the officer is required to make a statement about the incident.

H.B. 3800 (Thompson of Harris) – Human Trafficking Reporting: would: (1) require a peace officer who investigates the alleged commission of human trafficking to prepare and submit to a university designated by the attorney general a written report that includes, among other things, the offense being investigated and certain information regarding each person suspected of the offense and each victim of the offense; and (2) provide that the attorney general may prescribe the form and manner of submission of a report and additional information to include in the report. (Companion bill is **S.B. 1920** by **Alvarado**.)

H.B. 3811 (Martinez Fischer) – Immigration Enforcement: would provide that a local entity, including the governing body of a city, a police officer, or a city attorney, does not violate the provisions of S.B. 4 (2017), relating to the enforcement of immigration laws by local governments, by endorsing a policy under which they prohibit or materially limit the enforcement of immigration laws.

H.B. 3826 (Julie Johnson) – Medical Cannabis in Lieu of Opioids: would (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use in lieu of opioids by patients with acute or chronic pain; (2) authorize the licensing of dispensing organizations; (3) authorize an application fee for licenses to operate a dispensing organization; and (4) prevent cities from enacting, adopting, or enforcing a rule, ordinance, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of medical cannabis as authorized by the bill.

H.B. 3858 (Jarvis Johnson) – F-5 Separation Report: would provide that: (1) an F-5 separation report that is provided by the police chief or the police chief's designee to the Texas Commission on Law Enforcement (Commission) shall include an explanation of the circumstances under which a peace officer separated employment and, if applicable, a description of any violation of a rule or policy committed by the peace officer and a copy of the rule or policy; (2) at any time after the police chief or the police chief's designee submits the separation report, the police chief or his designee may amend the report, on a form prescribed by the Commission, if amending the initial report is necessary based on a reconsideration of the circumstances for the separation; and (3) not later than the seventh business day after the date the amended report is submitted to the Commission, the police chief or the police chief's designee shall provide a copy of the amended report to the license holder or if the license holder is deceased, the license holder's next of kin.

H.B. 3895 (Oliverson) – Disaster Area Offenses: would increase the criminal penalties for certain offenses committed in a disaster area or an evacuated area. (Companion bill is **S.B. 201** by **Huffman**.)

H.B. 3914 (Sherman) – Warrants for Location Information: would provide that: (1) a search warrant may be issued to search for and seize location information, which means information that reveals the location of a wireless communications device using certain methods; (2) “electronic customer data” is information of an electronic communications service or provider of a remote computing service that reveals the identify of customers, information about a customer’s use of applicable services, information that identifies the recipient or destination of a wire or electronic communication sent to or by a customer, and location information; (3) a prosecutor may file a warrant for electronic customer data under state or federal law on the prosecutor’s own motion or the request of an authorized peace officer; and (4) a district judge may issue a search warrant for electronic customer data regardless of whether the customer data is held at a location in Texas.

H.B. 3953 (Murr) – Motor Vehicle Accident Reports: would require a law enforcement officer who in the regular course of duty investigates a motor vehicle accident shall make a written report of the accident of the accident resulted in injury to or the death of a person or damages to the property of any one person to the apparent extent of \$5,000 or more.

H.B. 4021 (Dominguez) – Firearms: would provide that a person is prohibited from carrying a firearm within 100 feet of the premises of any government court or offices used by the court, unless pursuant to written regulations or written authorization of the court.

H.B. 4045 (Dominguez) – Medical Cannabis: would: (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by patients for whom a physician determines medical cannabis is a medically necessary treatment; (2) authorize the licensing of dispensing organizations; (3) authorize an application fee not to exceed \$30,000 for licenses to operate a dispensing organization; and (4) prevent cities from enacting, adopting, or enforcing a rule, ordinance, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of medical cannabis as authorized by the bill.

H.B. 4046 (Lozano) – Communication Regarding Disaster: would provide that: (1) the Texas Division of Emergency Management (Division) shall: (a) coordinate state and local government efforts to make 9-1-1 emergency service capable of receiving text messages from a cellular telephone or other wireless communication device; (b) develop a mobile application for wireless communication devices to communicate critical information during a disaster directly to disaster victims and first responders; and (c) conduct a study on improving communication during a disaster; and (2) the Texas A&M University System, in conjunction with the governor and the Division shall develop a comprehensive disaster web portal that provides disaster information to the public, disaster response and recovery efforts, and information on obtaining assistance from entities providing disaster assistances.

H.B. 4074 (Blanco) – Local Public Safety Entities: would provide that: (1) local public safety entities that provide safety services to protect the safety of life, health, or property may purchase commodity items from the Department of Information Resources and be charged a reasonable administrative fee for the purchase; and (2) the DIR may contract for use of the consolidated

telecommunications system with local public safety entities that provide safety services to protect the safety of life, health, or property.

H.B. 4084 (Walle) – Unmanned Aircraft: would make the operation of an unmanned aircraft over or within 1,000 feet of school facilities a criminal offense, but make exceptions for conduct by a governmental entity, a person under contract with or on behalf of a governmental entity, a law enforcement agency that gives the school prior notice, and a person under contract with a law enforcement agency that gives the school prior notice. (Companion bill is **S.B. 1701** by **Whitmire**.)

H.B. 4118 (Burns) – Family Violence Incident: would impose additional duties and reporting requirements on a peace officer when investigating a family violence allegation or responding to a disturbance call that may involve family violence and the peace officer has reason to believe that strangulation occurred.

H.J.R. 108 (Canales) – Cannabis: would amend the Texas Constitution to provide that the legislature by law shall authorize and regulate the possession, cultivation, and sale of cannabis in Texas.

S.B. 6 (Kolkhorst) – Emergency Management: would provide, among other things, that: (1) the Texas Division of Emergency Management (Division) shall develop a model guide for local officials regarding disaster response and recovery that includes information on: (a) contracting for debris removal; (b) obtaining federal disaster funding; (c) coordinating the availability and construction of short-term and long-term housing; and (d) obtaining assistance from local, state, and federal volunteer organizations; (2) the emergency training related to emergency management responsibilities of officers of political subdivisions shall include training based on the disaster response guide described in (1); (3) the Division, in consultation with other entities, including political subdivisions, shall develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster that must: (a) provide a guide for clearance and disposal of debris caused by a disaster; and (b) include: (i) 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 (ii) contracting standards and a model contract for use in procuring debris removal services following a disaster; (4) the Division shall consult with the comptroller about including a contract for debris removal services on the schedule of multiple award contracts or another cooperative purchasing program administered by the comptroller; (5) for the establishment of a wet debris study group to study issues related to preventing the creation of wet debris and best practices for clearing wet debris following a disaster; and (6) for the establishment of an emergency management workgroup of persons knowledgeable in emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors and emergency management coordinators.

S.B. 20 (Huffman) – Prostitution and Trafficking: would: (1) make numerous changes to the law related to the prosecution of, penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses; (2) provide that, notwithstanding a provision in a commercial lease to the contrary, a tenant's right of possession terminates if the

tenant is using the premises or allowing the premises to be used to operate, maintain, or advertise a massage establishment that is not in compliance with a local ordinance relating to the licensing or regulation of a massage establishment; and (3) provide that a landlord of a multiunit commercial property is in breach of a lease with a tenant if: (a) the tenant reasonably believes that another tenant is engaging in certain unlawful activity, including prostitution, human trafficking, or operating, maintaining, or advertising a massage establishment that is not in compliance with a local ordinance relating to the licensing or regulation of a massage establishment; (b) the tenant gives the landlord certain notice of the unlawful activity; and (c) the landlord does not take certain action against the offending tenant. (Companion bill is **H.B. 15** by **S. Thompson**.)

S.B. 1479 (Johnson) – Criminal Penalties for Possession of Marihuana: would reduce criminal penalties for possession of one ounce or less of marihuana.

S.B. 1579 (Alvarado) – Emergency Services District: would allow an emergency services district created to perform both fire prevention and emergency medical services to separate into two completely overlapping districts.

S.B. 1581 (West) – Cannabis: would: (1) authorize the possession, use, cultivation, manufacture, distribution, sale, and testing of cannabis and cannabis products; (2) authorize the licensing of dispensing organizations; (3) authorize an application fee for licenses to operate a dispensing organization; (4) prevent cities from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation that prohibits or unreasonably restricts the cultivation, production, processing, dispensing, transportation, or possession of cannabis or cannabis products or the operation of a cannabis grower, cannabis establishment, cannabis secure transporter, or cannabis testing facility as authorized by the bill; (5) provide that cities may adopt regulations consistent with the bill governing the hours of operation, location, manner of conducting business, and number of cannabis growers, cannabis establishments, or cannabis testing facilities; (6) provide for certain criminal penalties; and (7) provide for a tax on cannabis or cannabis products, 10% of which would go to cities in which cannabis establishments are located in proportion to number of cannabis establishments.

S.B. 1766 (West) – Firearms/Protective Orders: would provide that: (1) each county commissioners court shall establish a task force for the surrender and return of firearms due to family violence, including among others the police chief from the largest city in the county or his or her designee; (2) the task force shall develop policy recommendations, model forms, and guidelines for best practices related to the surrender, receipt, storage, return, and disposal of firearms due to an order prohibiting a person from possessing a firearm following a finding of family violence entered by a court or an arrest or charge for an offense involving family violence; (3) the task force shall make available all recommendations, forms, and guidelines developed to all judges with jurisdiction over cases involving family violence in the county and all law enforcement agencies with jurisdiction in the county; and (4) a court may also order an alleged family violence offender to surrender all firearms owned by the offender, with numerous conditions and criteria for doing so.

S.B. 1799 (Zaffirini) – Driving with Invalid License: would provide that a peace officer may, instead of arresting a person charged with driving with an invalid license, issue the person a citation and written notice to appear and allow a passenger in the motor vehicle with a driver's license to operate the vehicle following the issuance of the citation.

S.B. 1801 (Huffman) – Nondisclosure of Criminal History Record Information: would require a commercially sexually exploited person court program to provide to each program participant with information related to the right to petition for an order of nondisclosure of criminal history record information.

S.B. 1816 (Whitmire) – 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. (Companion bill is **H.B. 3112** by Reynolds.)

S.B. 1827 (Menendez) - Administration of Epinephrine by Peace Officer: would: (1) allow a peace officer to possess and administer an epinephrine auto-injector device to a person in an emergency situation if the peace officer has successfully completed training in the use of the device in a course approved by the Texas Commission on Law Enforcement; and (2) provide that the administration by a peace officer of epinephrine auto injector device in the situation described in (1), would not: (a) constitute the unlawful practice of any health care profession; (b) create a civil, criminal, or administrative cause of action or liability; (c) create a standard of care, obligation, or duty that provides a basis for a cause of action for an act or omission; and (d) waive governmental immunity from suit or liability. (Companion bill is **H.B. 2413** by Lambert.)

S.B. 1837 (Alvarado) – Medical Cannabis: would: (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by patients for whom a physician determines medical cannabis is the best available treatment for the patient's medical condition or symptoms; (2) authorize the licensing of dispensing organizations; (3) authorize an application fee for licenses to operate a dispensing organization; and (4) prevent cities from enacting, adopting, or enforcing a rule, ordinance, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of medical cannabis as authorized by the bill.

S.B. 1847 (Miles) – Marihuana Possession: would reduce the penalty for the possession of marijuana to a Class C misdemeanor if the amount of marihuana possessed is one ounce or less, with some exceptions.

S.B. 1849 (Miles) – School Safety: this is a voluminous school safety bill. Of interest to cities, it would: (1) require a school safety committee to consult with local law enforcement agencies on methods to increase law enforcement presence near district campuses; (2) provide that the Health and Human Services Commission, in cooperation with local mental health authorities, shall identify behavioral health professionals to serve as volunteer emergency response team members of a local emergency response network to: (a) expand local emergency response networks that provide critical incident stress management services and crisis response services to emergency service providers; and (b) establish local emergency response networks to provide

crisis response services to victims of a crisis, disaster, or emergency and family members of those victims; (3) create a statewide case management system related to domestic violence and cases and protective orders; and (4) provide that a person commits a Class C offense if the person: (a) owns a firearm that is subsequently stolen from the person; and (b) fails to report the theft to a peace officer or law enforcement agency on or before the 10th day after the date the person became aware the firearm was stolen.

S.B. 1900 (Fallon) – Licensed Carry: would provide that a state agency or a political subdivision of the state may not prohibit or attempt to prohibit a license holder who is carrying a handgun from entering or remaining on a premises or other place owned or leased by the governmental entity by taking any action, including an action consisting of the provision of notice by a communication described by the so-called “30.06 or 30.07” signs, unless license holders are prohibited from carrying a handgun on the premises or other place by state law.

S.B. 1920 (Alvarado) – Human Trafficking Report: would require a municipal police department in a county with a population of more than 50,000 whose peace officers investigate the alleged commission of human trafficking to prepare and submit to a university designated by the attorney general a written report that includes certain information concerning human trafficking investigations. (Companion bill is **H.B. 3800** by **S. Thompson**.)

S.B. 1927 (Fallon) – 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. (Companion bill is **H.B. 3231** by **Clardy**.)

S.B. 1945 (Watson) – Mental Health/Firearms: would, among other things, provide that if the clerk of court informs a law enforcement agency holding a firearm that the person is subject to a temporary firearm restriction, the law enforcement agency shall hold the firearm until the expiration of the 90-day period of the restriction.

S.B. 1996 (Birdwell) – 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. (Companion bill is **H.B. 3082** by **Murphy**.)

S.B. 2045 (Fallon) - Mutual Aid: would modify current law to allow a county, city, or joint airport to enter into an agreement with any city or county, regardless of whether the city is a neighboring city or the county is contiguous, to form a mutual aid law enforcement task force to cooperate in criminal investigations and law enforcement. (Companion bill is **H.B. 1789** by **Tinderholt**.)

S.B. 2076 (Paxton) – Digital License Plates: would: (1) allow the issuance of digital license plates in lieu of physical license plates for motor vehicles; (2) require the Texas Department of Motor Vehicles to consult with law enforcement agencies when considering whether to approve the design of a digital license plate; and (3) allow the DMV to contract with a digital license plate provider for the issuance of digital license plates, including any services relating to the issuance of digital license plates. (Companion bill is **H.B. 1711** by **Paddie**.)

S.B. 2093 (Hughes) – Location Information Subpoenas: would provide that: (1) that a peace officer is authorized to install, operate, and monitor a pen register or trap and trace device if, among other things, another peace officer is designated to approve for the authorized officer's agency the emergency required for disclosure of location information and approves the installation and use of a pen register or trap and trace device by reasonably determining that an emergency exists in the territorial jurisdiction of the authorized officer; (2) a district judge may, in certain circumstances, issue a warrant authorizing the use of a cell site simulator to obtain location information from a cellular telephone or other wireless communication device or requiring the disclosure of location information by a service provider; (3) a district judge may issue a warrant requiring the disclosure of location information by a provider of an electronic communications service or a remote computing service based on the location where an offense occurred in certain circumstances; and (4) a person commits an offense if the person knowingly uses a cell site simulator to locate or identify a wireless communications device or intercept the content of an electronic communication with certain exceptions. (Companion bill is **H.B. 3453** by **Clardy**.)

S.B. 2114 (West) – Exculpatory Evidence: would: (1) require a law enforcement agency filing a case with the attorney representing the state to submit to the attorney representing the state a written statement by a peace officer employed by the agency acknowledging that all documents, items, and information in the possession of the agency that are required to be disclosed to the defendant in the case have been transmitted to the attorney representing the state; (2) provide that, if at any time after the case is filed with an attorney representing the state, the law enforcement agency discovers or acquires any additional information, item, or document required to be disclosed, a peace officer employed by the agency shall promptly submit it to the

attorney representing the state; (3) provide that a law enforcement agency shall promptly disclose to each attorney representing the state the identity of each peace officer or other employee of the agency for whom a finding of misconduct has been sustained if that finding would be required to be disclosed to a defendant; and (4) provide that the Texas Commission on Law Enforcement shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of (1), (2), or (3).

S.B. 2127 (Creighton) – Border Volunteer Training Program: would provide that, the Texas Department of Public Safety, in coordination with local law enforcement agencies shall establish and administer a voluntary training program for peace officers employed by local law enforcement agencies that will prepare the officers to: (1) collaborate and cooperate with and assist any law enforcement agency in the interdiction, investigation, and prosecution of criminal activity in the Texas-Mexico border region; and (2) collaborate and cooperate with prosecutors in the investigation and prosecution of allegations of criminal activity in the Texas-Mexico border region.

S.B. 2113 (West) – Expunction: would, among other things, provide that: (1) a court may not order the expunction of records and files relating to an arrest if the offense for which the person was arrested arose out of a criminal episode and the person was convicted of or remains subject to prosecution for at least one other offense occurring during the criminal episode; (2) in the case of a person who is the subject of an expunction order on the basis of actual innocence, a court shall provide in the expunction order that the law enforcement agency and the prosecuting attorney must retain the records and files; (3) records and files retained under (2) may be used for the purpose of training attorneys and criminal justice agencies with respect to the identification and prevention of wrongful convictions; and (4) the term “complaint” is add to various sections of the expunction statute. (Companion bill is **H.B. 4133** by **Bowers**.)

S.B. 2135 (Powell) - Law Enforcement: would: (1) require a law enforcement agency to provide the superintendent or superintendent’s designee information related to a student that has been arrested for certain felony or misdemeanor offenses when requested for the purpose of conducting a threat assessment or preparing a safety plan relating to that student; (2) allow the school board to enter into a memorandum of understanding with a law enforcement agency regarding the exchange of information relevant to conducting a threat assessment or preparing a safety plan; and (3) allow law enforcement records concerning a child to be inspected or copied by a superintendent or superintendent’s designee of a public primary or secondary school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child. (Companion bill is **H.B. 1825** by **Cortez**.)

S.B. 2148 (Zaffirini) – Clemency Review Panel: would provide that the Board of Pardons and Paroles, in consultation with the governor, shall appoint a panel of experts to review an application for clemency from a person who was convicted of an offense committed while under duress or coercion as a result of being a victim of human trafficking or family violence assault and the panel must have a representative of a local law enforcement agency that has specialized intervention policies for identifying survivors of human trafficking or family violence. (Companion bill is **H.B. 3078** by **S. Thompson**.)

S.B. 2189 (Whitmire) – Driver’s Licenses: would: (1) eliminate the administrative fee for failure to pay or satisfy certain judgments; (2) eliminate failure to pay or satisfy certain judgments as a reason to deny the renewal of a driver’s license; (3) allow the Texas Department of Public Safety to waive the driver’s license reinstatement fees or administrative fees for those persons determined to be indigent; and (4) create a period of time the Department of Public Safety can deny renewal of a driver’s license. (Companion is **H.B. 1372** by **White**.)

S.B. 2213 (Schwertner) – Crime Stoppers: would, among other things, subject members and employees of law enforcement agencies to the criminal penalties for the misuse of crime stoppers information.

Transportation

H.B. 3171 (Krause) – Mopeds and Motorcycles: would change the classification and operational requirements for mopeds and certain motorcycles, including: (1) allowing a person under 18 years to operate a moped after midnight and before 5 a.m. if the person is in sight of the person’s parent or guardian; and (2) repealing the current law that requires the driver of a moped be licensed. (Companion bill is **S.B. 1942** by **Watson**.)

H.B. 3434 (Oliverson) – Vehicle Towing and Storage: would: (1) require a vehicle storage facility to allow a person to remove personal property and commercial cargo stored at the facility in certain circumstances; (2) allow a vehicle storage facility to transfer a vehicle involved in an incident management tow from the facility to an auto repair shop only in certain circumstances; (3) prohibit certain activity between a vehicle storage facility license holder and a repair shop; (4) allow a licensed towing company to tow a vehicle involved in an incident management tow to an auto repair shop only in certain circumstances; (5) prohibit certain activity between a licensed towing company and a repair shop; and (6) allow the Texas Department of Licensing and Regulation to request the removal of a towing company from a sheriff’s tow rotation list because of violations committed by the towing company. (Companion bill is **S.B. 1671** by **Taylor**.)

H.B. 3469 (Wilson) – Transportation Funding: would establish a state “pavement consumption fee” on certain commercial motor vehicles and require the comptroller to remit a proportional share of the fee to TxDOT and cities and counties.

H.B. 3473 (Perez) – Intermodal Shipping Containers: would increase the percentage of a city’s share of the permit fee for a vehicle carrying an intermodal shipping container.

H.B. 3474 (Perez) – Intermodal Shipping Containers: would increase the fee for a permit authorizing the transport of a vehicle carrying an intermodal shipping container, the proceeds of which go to the state highway fund and each city designated in the permit application.

H.B. 3476 (Perez) – Intermodal Shipping Containers: would provide that certain vehicles transporting an intermodal shipping container on a road or bridge must comply with a maximum weight or load that has been established by a city.

H.B. 3665 (Toth) – Vehicle Inspections: would, among other things: (1) eliminate the annual motor vehicle registration of non-commercial motor vehicles; and (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. 3762 (Burrows) – Oversize Vehicles: would increase the permissible size of certain vehicles that carry certain agricultural products on certain roadways.

H.B. 3871 (Krause) – Speed Limits: would: (1) expand the 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. (Companion bill is **S.B. 1183** by **Campbell**.)

H.B. 3901 (Farrar) – Speed Limits: would authorize the governing body a city, for a highway or part of a highway in the city that is not an officially designated or marked highway or road of the state highway system, to declare a speed limit lower than the prima facie speed limit, but not less than: (1) 25 miles per hour for a two-lane, undivided highway, if the prima facie speed limit is determined to be unreasonable or unsafe; or (2) 10 miles per hour in a residence district, unless the roadway has been designated as a major thoroughfare by a city planning commission.

H.B. 4053 (Kacal) – Electric Railways: would: (1) apply to a corporation chartered for the purpose of constructing, acquiring, maintaining, or operating lines of electric railway between cities in this state for the transportation of freight, passengers, or both freight and passengers; and (2) provide that the corporation may not construct an electric railway on or across a road, street, alley, square, or property of a county or city unless the construction is approved by the governing body of the county or city, as applicable.

S.B. 1553 (Lucio) – Speed Limits: would: (1) provide that an open-enrollment charter school (among other schools) can require a city to hold a public hearing to consider the prima facie speed limits in the city; and (2) provide that after a public hearing on prima facie speed limits, a school or institution of higher education may request the city council to conduct an engineering and traffic investigation.

S.B. 1599 (Toth) – Vehicle Inspections: would, among other things: (1) eliminate the annual motor vehicle registration of non-commercial motor vehicles; and (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.

S.B. 1713 (Lucio) – Booting: would provide that a boot operator may install a boot on a vehicle located on a parking facility between 8 a.m. and 5 p.m. on a weekday only if the parking facility owner requests the same in writing.

S.B. 1716 (Lucio) – Transportation Planning: would provide that: (1) the Texas Transportation Commission shall appoint an advisory committee to develop an independent assessment of the state’s transportation infrastructure and mobility needs for the years 2020 to 2050, including assessments of needs in the areas of: (a) pavement maintenance; (b) bridge maintenance; (c) urban mobility; (d) rural mobility and safety; and (e) non-highway modes of transportation; and (2) not later than September 1, 2020, the advisory committee shall report the findings of the study and any recommendations to the commission and to the members of the legislature.

S.B. 1875 (Fallon) – Fee for Dropping Off or Picking Up Passenger at Airport: would provide that a joint board or local government operating an airport or another person operating an airport of a joint board or local government may not charge a person a fee for picking up or dropping off a passenger at the airport.

S.B. 1942 (Watson) – Mopeds and Motorcycles: would change the classification and operational requirements for mopeds and certain motorcycles, including: (1) allowing a person under 18 years to operate a moped after midnight and before 5 a.m. if the person is in sight of the person’s parent or guardian; and (2) repealing the current law that requires the driver of a moped be licensed. (Companion bill is **H.B. 3171** by **Krause**.)

Utilities and Environment

H.B. 2320 (Paul) – Utility Services During Disasters: would provide that: (1) Texas Division of Emergency Management (Division0 shall identify methods for hardening utility facilities and critical infrastructure in order to maintain operations of essential services during disasters; (2) not later than November 1, 2020, the Division shall submit a report to members of the legislature on improving the oversight, accountability, and availability of building trade services following disasters; and (3) the Public Utility Commission in cooperation with the Division shall: (a) promote public awareness of bill payment assistance available during a disaster for electric, water, and wastewater services, including assistance for consumers on level billing plans; and (b) provide the public with information about billing practices during a disaster to ensure that consumers of electric, water, and wastewater services have an adequate understanding of their rights.

H.B. 3142 (Guillen) – Public Drinking Water: would provide that the Texas Commission on Environmental Quality shall establish a system to provide automatic reminders to operators of public drinking water supply systems of regular reporting requirements applicable to the systems under the federal Safe Drinking Water Act and rules adopted under that law.

H.B. 3224 (Lozano) – Recyclable Material: would provide that a person who arranges for recycling of recyclable material is not responsible for the recyclable material if the person can

establish by a preponderance of the evidence that the person would not be liable with respect to the recyclable material under federal law.

H.B. 3318 (Burns) – Domestic Septage: would make various changes to the permit requirement for the land application of domestic septage.

H.B. 3319 (Burns) – Sewage Sludge and Domestic Septage Soil Monitoring: would provide that soil monitoring samples required by the Texas Commission on Environmental Quality for a land application unit at which sewage sludge or domestic septage is applied must be collected by a TCEQ inspector.

H.B. 3326 (Zweiner) – Intrastate Pipelines: would provide that the governing body of a city may require an intrastate pipeline that transports hazardous liquid, carbon dioxide, or natural gas be buried to a depth of not more than 12 feet.

H.B. 3339 (Dominguez) – Texas Water Development Board Loan Programs: would: (1) clean up the statutes for the programs that provide for financial assistance from the Texas Water Development Board to, with certain exceptions, consistently require water conservation plans as part of the application process; and (2) require all entities applying for SWIFT assistance, not just those with surface water rights, to submit a water conservation plan. (Companion bill is **S.B. 2331** by **Creighton**.)

H.B. 3347 (Bucy) – Drainage Fees: would allow a city to exempt from drainage service charges, property owned by an individual who is significantly disabled, 65 years or older, a veteran of the armed forces, or a member of the armed forces on active deployment.

H.B. 3377 (Hernandez) – 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. 3378 (Hernandez) – Electric Grid: would create the Texas Electric Grid Security Council as an advisory body to facilitate the creation, aggregation, coordination, and dissemination of best security practices for the electric industry, including the generation, transmission, and delivery of electricity. (Companion bill is **S.B.475** by **Hancock**.)

H.B. 3404 (Johnson) – Concrete Plants: would provide that: (1) the Texas Commission on Environmental Quality may issue a permit for a concrete plant located in an incorporated area of a municipality that is not subject to zoning regulations only if it follows the standard permit requirements in current law; and (2) an applicant for a permit issued for a concrete plant located

in an incorporated area of a municipality that is not subject to zoning regulations must comply with the notice requirements in current law.

H.B. 3495 (Cole) – Wet Debris Study Group: would create a wet debris study group consisting of representatives of local, state, and federal governmental entities who are appointed by the lieutenant governor and speaker of the house to study issues related to removal of wet debris, including best practices for clearing wet debris following a disaster and determining responsibility for that removal.

H.B. 3535 (Phelan) – Right-of-Way Franchise Fees: would provide that: (1) an “affiliated group” means a group of one or more entities in which a controlling interest is owned by a common owner or owners, either corporate or noncorporate, or by one or more of the member entities; (2) provide that a certificated telecommunications provider is not required to pay any right-of-way access line fee compensation for a given year if the provider determines that the sum of the access line compensation due from the provider and any member of the provider’s affiliated group to all cities in this state is less than the sum of the fees due from the provider and any member of the provider’s affiliated group to all cities in this state under the state cable franchise law; (3) the determination under (2) for a given year must be based on amounts actually paid, or amounts that would have been paid, during the immediately preceding calendar year by the provider and any member of the provider’s affiliated group; (4) the holder of a state-issued certificate of franchise authority to provide video service is not subject to the right-of-way rental fee for a given year if the holder determines that the sum of fees due from the holder and any member of the holder’s affiliated group to all cities in this state is less than the sum of the compensation due from the holder and any member of the holder’s affiliated group to all cities in this state under the telecommunications access line fee law; (5) the determination under (4) for a given year must be based on amounts actually paid, or amounts that would have been paid, during the immediately preceding calendar year by the provider and any member of the provider’s affiliated group. (Note: this bill would essentially allow a company to elect to pay either access line fees or state cable franchise fees.) (Companion bill is **S.B. 1152** by **Hancock**.)

H.B. 3552 (Sheffield) – Fluoride in Drinking Water: would provide that a public water supply system that furnishes, for public or private use, drinking water containing added fluoride may not permanently reduce the amount of fluoride in the water or permanently terminate the fluoridation of the water unless the system provides written notice to the customers and the Health and Human Services Commission of the reduction or termination at least 60 days before the reduction or termination.

H.B. 3557 (Paddie) – Critical Infrastructure: would provide, among other things, that a defendant who engages in criminal trespass and who also damages, destroys, vandalizes, defaces, or tampers with a critical infrastructure facility is liable to the property owner for civil damages arising from that conduct.

H.B. 3586 (Metcalf) – Federal Funding for Disaster Projects: would provide that not later than 90 days after the declaration of a disaster, the emergency management council or the governor shall prepare and submit to the governor, lieutenant governor, comptroller, and legislature a report identifying all projects related to the disaster that require federal funding.

H.B. 3600 (White) – Aggregate Production Operations: would require the Texas Commission on Environmental Quality to adopt a program to offer streamlined requirements for small aggregate production operations, including allowing the responsible party of a small aggregate production operation to register less frequently than annually.

H.B. 3615 (Murphy) – Expedited Permitting Following Natural Disasters: would provide that the Texas Division of Emergency Management shall form a task force with representatives from the General Land Office, Texas Commission on Environmental Quality, Parks and Wildlife Department, and Texas Historical Commission to be activated if a state of disaster is declared because of weather conditions and to expedite environmental permitting and access to funds from federal disaster relief programs following the disaster.

H.B. 3673 (Capriglione) – Call Before You Dig: would, among other things, authorize an operator of an underground facility that is exempted from the Call Before You Dig law to voluntarily convert that facility to a Class A or Class B underground facility, depending on how the facility is used, by sending written communication from a competent authority of the operator to the Texas Underground Facility Notification Corporation advising of the status change.

H.B. 3750 (Kuempel) – City Ordinances: would provide that a city may not extend into its extraterritorial jurisdiction a city ordinance that imposes cut and fill depth requirements or other water quality regulations on a project that are more stringent than the applicable minimum state and federal water quality requirements unless the project is located in an area that is an aquifer recharge or contributing zone.

H.B. 3798 (Biedermann) – Aggregate Production: would: (1) require that on receiving an application from an aggregate production operation, the Texas Commission on Environmental Quality shall send notice of the application to each school district in which the operation is located and any other school district located less than five miles from the site of the proposed facility; (2) provide that TCEQ shall prohibit the operation of a concrete crushing facility within one mile, instead of 440 yards as currently required, of a building in use as a single or multifamily residence, school, or place of worship at the time of the application for a permit to operate the facility; (3) require TCEQ to adopt a policy to grant an aggregate production operation that is a permit holder under the Texas Clean Air Act the privileges established by the Environmental, Health, and Safety Audit Privilege Act if the permit holder chooses to comply with the requirements of the Environmental, Health, and Safety Audit Privilege Act; (4) provide that TCEQ may not grant an aggregate production operation a permit under the Texas Clean Air Act unless the applicant provides to the commission documentation of any required permit issued by: (a) each groundwater conservation district in which the proposed facility will be located; and (b) the Railroad Commission; (5) provide that a person may not conduct an aggregate production operation that includes a facility for which a permit is required under the Texas Clean Air Act without first obtaining a reclamation permit for that operation from the Railroad Commission; (6) provide for criminal penalties for violations of the bill's requirements for a reclamation permit; and (7) provide that TCEQ shall conduct an assessment of the effects on air quality created by the aggregate production industry in Texas to determine whether air

quality models used by the TCEQ to evaluate emissions from the production of aggregates are contravening the Texas Clean Air Act and submit a report on the results to the legislature.

H.B. 3802 (Kacal) – Zero Emissions Vehicle Program: would provide that: (1) the Texas Commission on Environmental Quality shall establish and administer a zero-emissions vehicle program designed to reduce the total volume of emissions expelled from vehicle tailpipes in Texas; and (2) a government entity, including a city, that operates one or more vehicles may apply for and receive a grant under the program.

H.B. 3817 (Kacal) – Concrete Plants: would extend the distance within which a concrete plant or crushing facility must be from a single- or multi-family residence, school, or place of worship from 440 yards to 880 yards. (Companion bill is **S.B. 208** by **Campbell**.)

H.B. 3921 (Bernal) – Broadband: would provide, among other things, that a governmental entity (including a city) may not contract with a broadband Internet access service provider, unless the contract contains a written verification from the provider that the provider does not: (a) block lawful content, applications, or services or the use of non-harmful devices; (b) impair or degrade lawful Internet traffic for the purpose of discriminating against or favoring certain Internet content, applications, or services or the use of non-harmful devices; or (c) engage in paid prioritization.

H.B. 3929 (Wilson) – Aggregate Production Operations: would provide that the Railroad Commission may enforce a provision of regulations applicable to blasting at an aggregate production operation adopted by the Mine Safety and Health Administration if the enforcement program is approved by the Mine Safety and Health Administration.

H.B. 3930 (Morrison) – Grease and Grit Trap Waste: would provide that the Texas Commission on Environmental Quality may not, with certain exceptions, issue a permit, registration, or other authorization for land application of grease trap waste or grit trap waste. (Companion bill is **S.B. 2070** by **Menendez**.)

H.B. 3944 (Lozano) – Solid Waste Facility Inspections: would provide that the Texas Commission on Environmental Quality shall inspect a solid waste facility used or proposed to be used to store, process, or dispose of solid waste at least once every three years.

H.B. 3981 (Leach) – Municipal Pollution Civil Lawsuits: would essentially eliminate the ability of a city to utilize current Water Code provisions allowing civil suits against polluters in the city by: (1) providing that the attorney general may settle in full satisfaction, without the consent or approval of the local government, the claims asserted in a civil suit brought by a local government: (a) for an amount that it determines appropriate; or (b) at the direction of TCEQ; and (2) giving the state veto power over a contingent fee contract for such a lawsuit.

H.B. 3998 (Wilson) – Regulation of Groundwater and Surface Water: would transfer the administration of surface water rights permitting and the regulation of groundwater from the Texas Commission on Environmental Quality to the Texas Water Development Board. Specifically, the bill would:

1. give TWDB jurisdiction over water and water rights, including the issuance of water rights permits, water rights adjudication, cancellation of water rights, and enforcement of water rights;
2. provide for fees for, among other things, a water permit application;
3. provide that uses of water not specifically named in the bill are \$1 per acre-foot, except that a political subdivision may not be required to pay fees to use water for recharge of underground freshwater-bearing sands and aquifers or for abatement of natural pollution;
4. provide fees of \$1.60 per acre-foot for wholesale water sold in a year and water sold in a water market;
5. create water markets;
6. provide that the state's policy is to monetize surface water and groundwater through water trading free markets that establish true market value without unjustified governmental regulation, other than regulation necessary to conserve the state's natural and ecological resources, and to ensure environmental sustainability;
7. provide that notwithstanding any provision of the bill for a water development project that is fully funded or partially funded by private capital, an agency or political subdivision may not require the project to be listed on the state water plan or approved by a regional planning group as a condition to receive a permit or other authorization for the use of water;
8. provide that a retail public utility shall, for its retail water rates, adopt a progressive pricing scheme to encourage water conservation;
9. create groundwater management authorities to assist TWDB in determining future conditions and groundwater availability of the state's aquifers and may: (a) limit groundwater production based on tract size or the spacing of wells; (b) conserve, preserve, protect, and recharge groundwater; (c) control subsidence; (d) prevent degradation of water quality, and (e) prevent waste of groundwater;
10. provide for penalties by a groundwater management authority against a governmental entity with certain limits, but also provide that the groundwater management authority may recover fees and costs in an action against any person that is a governmental entity;
11. provide that a conservation district may only add conditions to a permit to transfer groundwater outside of a district's boundaries or to any person other than the owner of land on which the well is located;
12. provide that a district may grant a portion of its fee revenue to a county located within the district for use in public capital improvements relating to water development, including necessary road improvements related to the water development activity;
13. provide that, notwithstanding any special law governing a district, a district may not discriminate in any permitting decision, rule, or other action using historic or existing use as a criteria or prevent or limit exportation of water from a district;
14. repeal the provision that allows an appropriator of water for municipal purposes in the basis of origin to be a party in any hearings when a person diverts water from a river basin to another river basin without receiving a permit; and
15. repeal, among other things, a large portion of the Water Rights Adjudication Act that allows for TCEQ to make a determination of water rights that can be appealed to district court.

(Note: Any city that uses groundwater or surface water should carefully review and monitor the above bill.)

H.B. 4078 (Reynolds) – Permits: would require: (1) the Texas Commission on Environmental Quality to hold a public hearing in a neighborhood where either: (a) 30 percent or more of the population lives below the federal poverty level; or (b) 50 percent or more of the population consists of minority groups, if an applicant for a permit plans to locate a facility in the neighborhood; and (2) such applicant to provide newspaper notice and written notice of the hearing to the neighborhood affected, environmental groups, and local and state elected officials who represent the community. (Companion bill is **S.B. 180** by **Miles**.)

H.B. 4089 (Blanco) – Radioactive Waste: would: (1) require each shipper and carrier of radioactive waste to: (a) adopt an emergency plan approved by the Department of State Health Services for responding to transportation accidents; and (b) provide notice of shipping to the DSHS and the local emergency planning committee for each county through which the waste will travel; and (2) provide that the state auditor shall review the potential economic and health effects of a radiation release to businesses and residents in communities near a site with radioactive materials and other sources of radiation, and along transportation routes for radioactive waste.

H.B. 4114 (C. Bell) – Municipal Water Rates: would provide that a municipality or a municipally owned utility may not establish a rate, applicable only to entities that qualify for a sales tax or ad valorem tax exemption, that is higher than a rate established for entities that receive comparable utility services.

H.B. 4116 (Zweiner) – Effluent Waste Escrow Account: would provide that: (1) the Texas Commission on Environmental Quality shall establish a program to allow a permit holder who holds a permit to discharge effluent into any body of water under the National Pollutant Discharge Elimination System (NPDES) to deposit, with TCEQ, an amount of money or evidence of equivalent financial assurance to be held in escrow by TCEQ; (2) TCEQ shall adopt rules necessary to implement the program in (1); (3) the terms of the standard escrow agreement must allow for an agreement to be for the same term as the discharge permit held by the permit holder; and (4) TCEQ shall hold a public meeting in the city in which a permit holder chooses to participate in the program to present information about the program and the permit holder's participation.

S.B. 1498 (Zaffirini) – On-Site Sewage Disposal Systems: would: (1) increase the maximum amount of waste each day under the definition for an "on-site sewage disposal system" from 5,000 to 10,000; (2) increase the minimum number of acres where an on-site sewage disposal system is subject to permits from 10 acres to 1,000 acres; and (3) require a person who pumps an on-site sewage disposal system or any part of it to hold a license. (Companion bill is **H.B. 2426** by **Reynolds**.)

S.B. 1585 (Hughes) – Discharge Permits: would provide that the Texas Commission on Environmental Quality may issue permits for the discharge, into the water of this state, of certain

produced water, hydrostatic test water, and gas plant effluent, so long as the discharge meets the water quality standards established by the commission.

S.B. 1694 (Johnson) – Water Rates: would provide that a regulatory authority, including a city, may establish reduced investor owned water and sewer utility rates for certain low-income customers, and allow the utility to establish a fund to receive donations to recover the costs of providing the reduced rates.

S.B. 1696 (Campbell) – Aggregate Production Operations: would: (1) require aggregate production operations to obtain a permit to operate instead of only registering under Water Code, Chapter 28A; (2) provide that the public hearing for a permit application or permit renewal application for an aggregate production operation must be held in city located closest to the proposed or existing aggregate production operation; (3) remove the requirement that the Texas Commission on Environmental Quality conduct a survey of the state to identify all active aggregate production operations and ensure that each active aggregate production operation is registered with the state; and (4) remove the requirement that TCEQ provide an annual report regarding aggregate production operations.

S.B. 1836 (Alvarado) – Brackish Groundwater: would make various changes relating to the authorization by the Texas Commission on Environmental Quality for the discharge, diversion, and transfer or other reuse of treated brackish groundwater and return flows derived from treated brackish groundwater.

S.B. 1885 (Kolkhorst) – Notice of Radioactive Substance Release: would provide that, notwithstanding any law requiring confidentiality, a person who accidentally releases a radioactive substance into the environment shall immediately notify each political subdivision of this state into which the substance was released. (Companion bill is **H.B. 2203** by **Miller**.)

S.B. 1925 (Fallon) – Municipally Owned Water Utilities: would provide that: (1) a city may not charge a late payment fee that is more than the greater of \$5 or two percent of the amount past due, not to exceed \$500; (2) notwithstanding the provisions of a resolution or ordinance, a customer charged a late fee may appeal the charge by filing a petition with the utility commission; and (3) the utility commission shall hear the appeal described in (2) de novo and the city charging the fee has the burden of proof to establish the fee complies with (1).

S.B. 1976 (Zaffirini) – Municipal Solid Waste Permit Fees: would, among other things, increase the fee to \$5,000 for an application for a municipal solid waste facility plus the cost of required notice.

S.B. 1990 (Zaffirini) – Environmental Permit Application: would, among other things, provide that an applicant whose environmental permit application has been referred for a contested case hearing to be held in accordance with the bill may not request or make changes to the application, other than changes to correct clerical errors or update other non-technical information in the application, after the 31st day before the date scheduled for the preliminary hearing on the application.

S.B. 1993 (Birdwell) – Critical Infrastructure: would provide, among other things, that a defendant who engages in criminal trespass and who also damages, destroys, vandalizes, defaces, or tampers with a critical infrastructure facility is liable to the property owner for civil damages arising from that conduct.

S.B. 1994 (Birdwell) – Reporting of Accidental Discharge or Spill: would provide that, with certain exceptions, whenever an accidental discharge or spill occurs at or from an activity or facility which causes or may cause pollution, the individual operating, in charge of, or responsible for the activity or facility shall notify the Texas Commission on Environmental Quality and the appropriate local governmental officials as soon as possible and not later than 24 hours after the occurrence.

S.B. 2026 (Perry) – Groundwater Conservation Districts: would apply only to a district that regulates production based on tract size or acreage, and would provide that: (1) a retail public utility, including a city, may petition a district to authorize the retail public utility to produce groundwater based on: (a) the aggregate acreage owned or leased by the retail public utility; and (b) the acreage of the landowners served by the retail public utility; (2) a district may only base a retail public utility's authorized production amount in a manner consistent with district rules and based on acreage of landowners served by the retail public utility if: (a) the utility has acquired from the landowner a real property interest in the groundwater beneath the land; or (b) the landowner has provided written permission for the retail public utility to exercise the utility's real property interest in the groundwater beneath the landowner's land until the landowner: (i) drills a well and produces water from the land; or (ii) transfers title to the land or real property interest in the groundwater to another person; (3) the district shall hold a public hearing to consider approval of a petition submitted under the bill; and (4) the district shall require the retail public utility submitting the petition to provide written notice of the hearing not later than the 60th day before the date of the hearing to: (a) the landowners served by the retail public utility; (b) persons with permitted or registered wells in the district; and (c) other persons who have a property interest in groundwater under land that is within one mile of the utility's wells in the district. (Companion bill is **H.B. 2122** by **Harris**.)

S.B. 2066 (Menendez) – 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. (Companion bill is **H.B. 2860** by **Raymond**.)

S.B. 2067 (Menendez) – State Water Plan: would: (1) require that the state water plan include, among other things, an assessment of the best available science related to trends in factors affecting: (a) future water availability, including precipitation, evaporation, storage capacity, and environmental flow needs; and (b) future water use, including technologies for water conservation, purification, and reuse; and (2) provide when the Texas Water Development Board adopts guidance principles for the state water plan, due consideration shall be given to, among other things, the best available science related to forecasting future water availability, the environmental flow standards and environmental flow set-asides adopted by the Texas Commission on Environmental Quality, and the construction and improvement of surface water and groundwater resources.

S.B. 2068 (Menendez) – Solar Energy: would mandate that the State Energy Conservation Office adopt rules to implement the solar-ready provisions of the 2015 International Energy Conservation Code.

S.B. 2070 (Menendez) – Grease and Grit Trap Waste: would provide that the Texas Commission on Environmental Quality may not issue, with certain exceptions, a permit, registration, or other authorization for land application of grease trap waste or grit trap waste. (Companion bill is **H.B. 3930** by **Morrison**.)

S.B. 2123 (Creighton) – Aggregate Production Penalties: would increase the penalties for aggregate production operations operating without being registered to: (1) in a year, to a range of \$10,000 to \$20,000; and (2) in three or more years, to \$50,000. (Companion bill is **H.B. 907** by **Huberty**.)

S.B. 2124 (Creighton) – Aggregate Production Best Management Practices: would require the Texas Commission on Environmental Quality adopt and make available best management practices for aggregate production operations so as to comply with applicable environmental law and rules. (Companion bill is **H.B. 909** by **Huberty**.)

S.B. 2125 (Creighton) – Aggregate Production Penalties: would provide that: (1) the amount of the penalty against a facility operator for operating an aggregate production operation in violation of a permit issued by the Texas Commission on Environmental Quality may not exceed \$50,000 a day for each day a violation continues; and (2) the penalty shall be deposited to the credit of the water resources management account only to implement Chapter 28A of the Water Code. (Companion bill is **H.B. 908** by **Huberty**.)

TML member cities may use the material herein for any purpose. No other person or entity may reproduce, duplicate, or distribute any part of this document without the written authorization of the Texas Municipal League.