



# Legislative UPDATE

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June 7, 2019  
Number 23

## **Eighty-Sixth Legislature Adjourns:** **Cities Roll with the Punches**

The 2019 Legislative session concluded May 27, which was none too soon from a local government perspective. Apart from a number of good bills summarized elsewhere in this edition, the best news from the session is that the misguided effort to silence cities, counties, and the organizations that represent them (including TML) was soundly defeated on the House floor.

That bill, S.B. 29, would have limited cities' ability to lobby on certain issues or join organizations that do so on their behalf. It died with a bipartisan 58-85 vote. TML President John Love sends his thanks for your efforts in the days leading up to the vote. Your phone calls to House members in the waning days of the session led to the city victory.

A number of other detrimental bills deservedly died. Among them were:

- the so-called “super-preemption” bills that would have prevented cities from regulating anything to do with business.
- a tree protection preemption bill.
- short term rental preemption bills.
- a bill expanding firefighter civil service.
- employee working conditions preemption legislation.
- a costly disease notice by animal shelters bill.
- confusing financial information on bond ballots bills.
- state or district judge approval of city ballot proposition language bills.
- entitlement to six chickens in every residential backyard bills.
- a bill granting the attorney general authority to settle city environmental lawsuits without city approval.
- a bill mandating eminent domain offers at 145 percent of market value.
- bills limiting the issuance of certificates of obligation.
- a bill requiring complicated email notification of city fees.

There were many more detrimental bills that ended up on “the cutting room floor.” Rest assured, however, that many will return in future sessions.

It was not all good news. The harmful revenue cap bill, S.B. 2, passed. The bill lowers the city property tax rollback rate (now called the “voter-approval rate) to 3.5 percent, with an automatic election required to exceed that percentage. The bill includes some concessions, such as allowing for three-year “banking” of any unused rollback increment and a guaranteed \$500,000 levy increase threshold for most cities under 30,000 population. A much more detailed summary of the bill is included elsewhere in this edition. The tendency to “bracket” legislation to a certain size city, which is typically opposed by the League, is a disturbing trend that warrants further study prior to next session.

One way to put S.B. 2 into perspective is to consider that the state budget passed this session will grow state general revenues, supported by state taxes, by at least 9.5 percent more than the budget passed two years ago (and perhaps higher, depending on how the numbers are calculated). No vote of the people was held to sanction that growth, yet cities must take increases over 3.5 percent to their voters. The only possible explanation for that cognitive dissonance is that the state legislature thinks their decisions are superior to those of local officials.

Other harmful bills include S.B. 1152, which allows cable and phone companies to stop paying the lesser of their state cable franchise or telephone access line fees, and H.B. 347, which eliminates unilateral annexation by any city. Each is summarized elsewhere in this edition, as well as hundreds of other bills, both bad and good.

The best way to encapsulate this session from a city perspective is the possible fallout over S.B. 621, a bill that failed to pass. The bill was the Texas Board of Plumbing Examiners (TBPE) “sunset bill.” It was the culmination of the state’s “sunset review process,” which periodically

evaluates whether or not a state agency is running efficiently and/or should be continued in existence. Because it failed to pass, plumbers may soon be totally unregulated at the state level. Instead, state leaders quickly pointed out that cities will be able to step in and take on the regulatory function (cities are already fast at work figuring out how best to do so). This reliance on cities to take over the state's functions, and do them well, stands in ironic contrast to the effort to limit city revenue and expenditures.

Texas cities will survive, even thrive. We may have to clean up the state's mess, literally, on issues on which they failed to act. City officials will figure out how to do so on less available revenue, and certainly less than the state claims for itself in its growing budget. What we won't get from state legislators is thanks, just reminders that we're regulating in areas they don't think we should. Except when they need us to.

## **City-Related Bills**

The following sections contain summaries of the 338 city-related bills passed by the Eighty-Sixth Legislature. The governor has until June 16 to sign bills, veto them, or let them become law without his signature. The effective date of each bill is noted in a parenthetical following each bill described below. Some of the bills will become effective as soon as they are signed (e.g., "effective immediately"), others (unless vetoed) will become effective on September 1, and a few have special effective dates.

Future issues of the *TML Legislative Update* or *Texas Town & City* magazine will provide additional details on some of the bills described here, may include summaries of "straggler" bills that for various reasons weren't summarized at the time of printing, and will provide other updates as appropriate.

The link for each bill leads to its "landing page" on the Texas Legislature Online website. To read the final version, click on the "text" tab and click on the "enrolled" version on that screen.

### **Property Tax**

**[H.B. 380](#) (Geren/Hancock) – **Property Tax Appeals:** this bill: (1) authorizes a property owner to appeal an order of the appraisal review board determining that the appraisal review board lacks jurisdiction to finally determine a protest by the property owner because the property owner failed to comply with a statutory requirement; (2) provides that a property owner who establishes that the appraisal review board had jurisdiction to issue a final determination of the protest is entitled to a final determination by the court of the protest on any ground, regardless of whether the property owner included the ground in the property owner's notice of protest; and (3) provides that for certain appeals, if a plea to the jurisdiction is filed in the appeal on the basis that the property owner failed to exhaust the property owner's administrative remedies, the court may, in lieu of dismissing the appeal for lack of jurisdiction, remand the action to the appraisal review board with instructions to allow the property owner an opportunity to cure the property owner's failure to exhaust administrative remedies. (Effective September 1, 2019.)**

**H.B. 492 (Shine/Taylor) – Property Tax Exemption:** this bill, among other things:

1. defines “qualified property” for purposes of a property tax exemption under Section 2, below, to mean property that: (a) consists of: (i) tangible personal property used for the production of income; (ii) an improvement to real property; or (iii) a manufactured home that is used as a dwelling, regardless of whether the owner of the manufactured home elects to treat the manufactured home as 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. provides that a person is entitled to an automatic 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 7, below;
3. provides that, notwithstanding Section 2, above, if the governor first declares territory in a taxing unit to be a disaster area as a result of a disaster on or after the date a taxing unit adopts the tax rate for the tax year in which the declaration is issued, a person is not entitled to the exemption for that tax year unless the governing body of the taxing unit adopts the exemption in the manner provided by law for official action by the body;
4. requires an exemption adopted under Section 3, above, to: (a) specify the disaster to which the exemption pertains; and (b) be adopted not later than the 60<sup>th</sup> day after the date the governor first declares territory in the taxing unit to be a disaster area as a result of the disaster;
5. requires the governing body of a taxing unit that adopts an exemption under Section 3, above, to provide notice of the adoption of the exemption to the chief appraiser of each appraisal district in which the taxing unit participates, the assessor for the taxing unit, and the comptroller not later than the seventh day after the date the governing body adopts the exemption;
6. upon receiving an application for the exemption, requires 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;
7. provides 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;
8. provides 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 7, 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;

9. provides 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;
10. provides 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;
11. provides 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;
12. provides that no interest is due on an amount refunded under Section 11, above;
13. provides 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
14. repeals the existing state statute authorizing reappraisal of property damaged in a disaster area.

(Effective January 1, 2020, but only if **H.J.R. 34** is approved at the election on November 5, 2019.) (See **H.J.R. 34**, below.)

**H.B. 639** (Springer/Nichols) – **Property Tax Appraisal**: provides that, in order to qualify as open-space land for property tax purposes, land used principally as an ecological laboratory by a college or university must have been used principally in that manner for five of the preceding seven years.(Effective January 1, 2021.)

**H.B. 1060** (C. Bell/Kolkhorst) – **Appraisal Review Board**: requires the appraisal review board to deliver notice of a protest hearing by email if, in the notice of protest, the property owner requests delivery by email and provides a valid email address. (Effective September 1, 2019.)

**H.B. 1313** (P. King/Birdwell) – **Property Tax Appraisal**: this bill, among other things, provides that the chief appraiser may not increase the appraised value of a property that had the value lowered through challenge in the next tax year in which the property is appraised, unless the increase by the chief appraiser is reasonably supported by clear and convincing evidence. (Effective January 1, 2020.)

**H.B. 1409** (Ashby/Nichols) – **Property Tax Appraisal**: authorizes land qualified as timber land to continue to qualify as timber land even if a portion is being used for oil and gas production. (Effective September 1, 2019.)

**H.B. 1652** (Huberty/Bettencourt) – **Property Tax Sale**: provides that, if directed by the commissioners court of the county, a public resale of property by a taxing unit must be conducted using online bidding and sale. (Effective immediately.)

**H.B. 1815 (Sanford/Fallon) – Property Tax Allocation:** requires a person claiming a property tax allocation to file a completed allocation application form before May 1 and provide the information required by the form. (Effective January 1, 2020.)

**H.B. 1883 (G. Bonnen/Creighton) – Property Tax Deferral:** provides that: (1) an eligible person serving on active duty in any branch of the United States armed forces, regardless of whether the person is serving during a war or national emergency declared in accordance with federal law, may pay delinquent property taxes on property in which the person owns any interest without penalty or interest no later than the 60th day after the date on which the earliest of the following occurs: (a) the person is discharged from active military service; (b) the person returns to the state for more than 10 days; or (c) the person returns to non-active duty status in the reserves; and (2) a delinquent tax for which a person defers payment under (1) that is not paid on or before the date the deferral period prescribed by (1) expires: (a) accrues interest at a rate of six percent for each year or portion of a year the tax remains unpaid; but (b) does not incur a penalty. (Effective September 1, 2019.)

**H.B. 1885 (G. Bonnen/Zaffirini) – Delinquent Property Taxes:** authorizes the governing body of a taxing unit to waive penalties and interest on a delinquent tax if: (1) the property for which the tax is owed is subject to a mortgage that does not require the owner of the property to fund an escrow account for the payment of the taxes on the property; (2) the tax bill was mailed or delivered by electronic means to the mortgagee of the property, but the mortgagee failed to mail a copy of the bill to the owner of the property; and (3) the taxpayer paid the tax not later than the 21st day after the date the taxpayer knew or should have known of the delinquency. (Effective January 1, 2020.)

**H.B. 2159 (Meyer/Paxton) – Property Tax Appraisal:** provides that, at any time prior to the date property taxes become delinquent, a property owner or the chief appraiser may file a motion with the appraisal review board to change the appraisal roll to correct an error, if the error resulted in an appraised value that exceeds: (1) one-fourth the correct appraised value for property that qualifies as the owner's residence homestead; or (2) one-third the correct appraised value for property that does not qualify as the owner's residence homestead. (Effective immediately.)

**H.B. 2179 (Wray/Hughes) – Appraisal Review Boards:** this bill: (1) eliminates the requirement that clear and convincing evidence of repeated bias or misconduct is necessary to remove a member of the appraisal review board; and (2) for an appraisal district located in a county with a population of 120,000 or more, provides that a communication between a property tax consultant or a property owner or an agent of the property owner and the local administrative district judge regarding removal of an appraisal review board member is not an offense. (Effective immediately.)

**H.B. 2650 (Goodwin/Bettencourt) – Property Tax Sale:** includes an auctioneer's commission and fees in the cost of a sale by auction of real property pursuant to foreclosure of a tax lien. (Effective immediately.)

**H.B. 2859 (Capriglione/Fallon) – Property Tax Exemption:** this bill: (1) exempts precious metals from property taxation if they are held in a Texas depository, regardless of whether the precious metals are held or used by the person for the production of income; and (2) prohibits the governing body of a city from providing for the taxation of precious metal exempted from taxation under (1), above. (Effective January 1, 2020, but only if **H.J.R. 95** is approved at the election on November 5, 2019.)

**H.B. 3143 (Murphy/West) – Property Tax Abatement:** this bill: (1) extends the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2029; (2) requires 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 members of the public are given the opportunity to be heard; (3) requires 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; (4) provides 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; (5) provides that the public notice of a meeting at which the governing body of a taxing unit will consider the approval of a tax abatement agreement with a property owner must contain: (a) the name of the property owner and the name of the applicant for the tax abatement agreement; (b) the name and location of the reinvestment zone in which the property subject to the agreement is located; (c) a general description of the nature of the improvements or repairs included in the agreement; and (d) the estimated cost of the improvements or repairs; and (6) requires the notice required under (5), above, to be given in the manner required by the Open Meetings Act, except that the notice must be provided at least 30 days before the scheduled time of the meeting. (Effective September 1, 2019.)

**H.B. 3348 (Guillen/Hinojosa) – Property Tax Exemption:** provides 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. (Effective immediately.)

**H.J.R. 34 (Shine/Bettencourt) – Property Tax Exemption:** amends the Texas Constitution to authorize the legislature to: (1) 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; and (2) provide that, if the governor first declares territory in the political subdivision to be a disaster area as a result of a disaster on or after the date the political subdivision adopts a tax rate for the tax year in which the declaration is issued, a person is entitled to the exemption for that tax year only if the exemption is adopted by the governing body of the political subdivision. (Effective if approved at the election on November 5, 2019.) (See H.B. 492, above.)

**H.J.R. 95 (Capriglione/Fallon) – Property Tax Exemption:** amends the Texas Constitution to authorize the legislature to exempt from property taxation precious metals held in a Texas depository. (Effective if approved at the election on November 5, 2019.)



**S.B. 2 (Bettencourt/Burrows) – Property Tax Reform:** this bill, known as the “Texas Property Tax Reform and Transparency Act of 2019,” makes numerous changes to the process for adopting property tax rates (**Note: The provisions of this bill relating to a city’s tax rate setting process take effect January 1, 2020. In other words, the 2019 budget and tax rate process follows current law**). Of primary importance to cities, the bill:

1. renames the “rollback” tax rate the “voter-approval” tax rate;
2. adjusts the voter-approval tax rate in the following ways:
  - a. defines “special taxing unit” as: (i) a taxing unit, other than a school district, for which the maintenance and operations tax rate proposed for the current tax year is 2.5 cents or less per \$100 of taxable value; (ii) a junior college district; or (iii) a hospital district;
  - b. maintains an eight percent voter-approval rate for all special taxing units;
  - c. for a taxing unit other than a special taxing unit, provide for a voter-approval rate of 3.5 percent;
  - d. for a taxing unit other than a special taxing unit, authorizes the taxing unit to carry forward any unused increment between the adopted maintenance and operations tax rate and the voter-approval tax rate for up to three years; and
  - e. authorize a taxing unit other than a special taxing unit to temporarily use a voter-approval rate of eight percent if any part of the taxing unit is located in an area declared a disaster area by the governor or president of the United States;
3. authorizes a city with a population of less than 30,000 to calculate a “de minimis rate,” which is a rate that, when applied to a taxing unit’s current total value, will impose an amount of taxes equal to \$500,000, plus the taxing unit’s no-new-revenue maintenance and operations rate and the taxing unit’s current debt rate;
4. provides that, in a city with a population of less than 30,000, if the de minimis rate exceeds the city’s voter-approval tax rate and the adopted tax rate is equal to or lower than the city’s de minimis rate but greater than eight percent, three percent of the registered voters of the city may petition for an election to reduce the city’s tax rate to the voter-approval tax rate;
5. requires a mandatory election on the November uniform election date for all special taxing units and cities with populations of 30,000 or more that adopt a tax rate that exceeds the voter-approval rate, whether that rate is 3.5 percent or eight percent (with exceptions for increased expenditures of money by a taxing unit necessary to respond to a disaster);
6. requires a mandatory election on the November uniform election date for all taxing units other than a special taxing unit or a city with a population of less than 30,000 that adopts a tax rate that exceeds the greater of the taxing unit’s voter-approval tax rate or de minimis rate (**Note: the key feature of the de minimus tax rate is that cities under 30,000 population are guaranteed a \$500,000 levy increase without triggering a rollback election**);
7. prohibits the governing body of a taxing unit from adopting a budget or taking any other action in the fiscal year beginning in 2020 that has the effect of decreasing the total compensation to which a first responder employed by the taxing unit was entitled in the preceding fiscal year of the taxing unit; and



8. makes numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date.

Additionally – and more specifically – the bill, among other things:

1. renames the “effective tax rate” and “effective maintenance and operations rate” the “no-new-revenue tax rate” and “no-new-revenue maintenance and operations rate,” respectively;
2. requires the comptroller to appoint a property tax administration advisory board to make recommendations to the comptroller regarding state administration of property taxation and state oversight of appraisal districts;
3. requires the comptroller to prescribe tax rate calculation forms to be used by the designated officer or employee of each taxing unit to calculate and submit the no-new-revenue tax rate and voter-approval tax rate for the taxing unit;
4. requires the forms described in Section 3, above, to be in an electronic format and:
  - a. have blanks that can be filled in electronically;
  - b. be capable of being certified by the designated officer or employee after completion as accurately calculating the applicable tax rates and using values that are the same as the values shown in the taxing unit’s certified appraisal roll or certified estimate of taxable value; and
  - c. be capable of being electronically incorporated into the property tax database maintained by each appraisal district and submitted electronically to the county assessor-collector of each county in which the taxing unit is located;
5. authorizes the comptroller to revise the forms to reflect substantive changes, if approved by the majority of the members of a committee appointed by the comptroller that equally represents taxpayers, taxing units, and assessors;
6. requires the comptroller to prepare an annual list that includes the total tax rate imposed by each taxing unit in the state for the year in which the list is prepared that shall be sorted alphabetically according to:
  - a. the county or counties in which each taxing unit is located; and
  - b. the name of each taxing unit;
7. requires the comptroller to publish on the comptroller’s website the list required in Section 6, above, not later than January 1 of the following year;
8. prohibits an individual from being employed by an appraisal district if the individual is an officer or employee of a taxing unit that participates in the district;
9. provides that a taxing unit may not reduce the amount of or repeal a property tax exemption for historic sites, unless the taxing unit has delivered to the property owner written notice of its intent to reduce the amount of or repeal the exemption at least five years before doing so;
10. creates a tax rate adjustment for eligible county hospital expenditures, which includes the amount paid by a city to maintain and operate an eligible county hospital;
11. makes numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date, including among others:

- a. providing that, if by July 20<sup>th</sup> the appraisal review board for an appraisal district has not approved the appraisal records for the district, the chief appraiser shall prepare and certify to the assessor for each taxing unit participating in the district an estimate of the taxable value of property in that taxing unit;
  - b. by August 7<sup>th</sup> or as soon thereafter as practicable, requiring the designated officer or employee of a taxing unit to submit the rates to the governing body and post the rates and other tax and debt information in a prominent location on the home page of the taxing unit's website; and
  - c. requiring taxing units adopting a tax rate exceeding the voter-approval tax rate to do so not later than the 71<sup>st</sup> day before the next uniform election date that occurs in November of that year (instead of September 30<sup>th</sup> under current law) (Note: this would also require a city that adopts a tax rate exceeding the voter-approval rate to adopt its budget before this mid-August date, as state law provides that property taxes may only be levied in accordance with the city budget);
12. provides that a taxing unit other than a special taxing unit may direct the designated officer or employee to calculate the voter-approval tax rate of the taxing unit in the manner provided for a special taxing unit, if any part of the taxing unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States;
13. provides that the designated officer or employee shall continue calculating the voter-approval tax rate in the manner provided by Section 12, above, until the earlier of:
  - a. the second tax year in which the total taxable value of property taxable by the taxing unit as shown on the appraisal roll for the taxing unit submitted by the assessor for the taxing unit to the governing body exceeds the total taxable value of property taxable by the taxing unit on January 1 of the tax year in which the disaster occurred; or
  - b. the third tax year after the tax year in which the disaster occurred.
14. provides that the designated officer or employee shall use the tax rate calculation forms prescribed by the comptroller in calculating the no-new-revenue tax rate and the voter-approval tax rate;
15. provides that the designated officer or employee of a taxing unit may not submit the no-new-revenue tax rate and the voter-approval tax rate to the governing body of the taxing unit, and the taxing unit may not adopt a tax rate, until the designated officer or employee certifies on the tax rate calculation forms that the designated officer or employee has accurately calculated the tax rates and has used values that are the same as the values shown in the taxing unit's certified appraisal roll in performing the calculations;
16. by August 7<sup>th</sup> or as soon as practicable, requires the chief appraiser of each appraisal district to deliver by regular mail or email to each owner of property located in the appraisal district a notice that the estimated amount of taxes to be imposed on the owner's property by each taxing unit in which the property is located may be found in the property tax database maintained by the appraisal district;
17. provides that, as soon as practicable after the designated officer or employee calculates the no-new-revenue tax rate and the voter-approval tax rate of the taxing unit, the designated officer or employee shall submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the taxing unit is located;

18. requires the governing body of a taxing unit to include as an appendix to the taxing unit's budget for a fiscal year the tax rate calculation forms used by the designated officer or employee of the taxing unit to calculate the no-new-revenue tax rate and the voter-approval tax rate of the taxing unit for the tax year in which the fiscal year begins;
19. authorizes a property owner to seek an injunction prohibiting the taxing unit in which the property is taxable from adopting a tax rate if the assessor or designated officer or employee of the taxing unit, the tax notice officer of the applicable appraisal district, or the taxing unit, as applicable, has not complied with the statutory computation, publication, or posting requirements;
20. provides that it is a defense in an action for an injunction under Section 19, above, that the failure to comply was in good faith;
21. provides that a taxing unit must hold only one public hearing on a proposed tax rate that exceeds the lower of the voter-approval tax rate or the no-new-revenue tax rate (instead of the two public hearings required under current law);
22. prohibits the governing body of a taxing unit other than a school district from holding a public hearing on a proposed tax rate or a public meeting to adopt a tax rate until the fifth business day after the date the chief appraiser of each appraisal district in which the taxing unit participates has delivered its required notice and posted information on the property tax database;
23. prohibits the governing body of a taxing unit other than a school district from adopting a tax rate until the chief appraiser has complied with Section 22, above;
24. authorizes a property owner to seek an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with truth-in-taxation requirements;
25. provides that it is a defense in an action for an injunction under Section 24, above, if the failure to comply was in good faith;
26. provides that an action to enjoin the collection of taxes must be filed not later than the 15th day after the date the taxing unit adopts a tax rate;
27. provides that a property owner is not required to pay the taxes imposed by a taxing unit on the owner's property while an action filed by the property owner to enjoin the collection of taxes imposed by the taxing unit on the owner's property is pending;
28. provides that, if a property owner pays the taxes and subsequently prevails in an action, the property owner is entitled to a refund of the taxes paid, together with reasonable attorney's fees and court costs and is not required to apply to the collector for the taxing unit to receive the refund;
29. prohibits the governing body of a taxing unit that imposes a sales tax for property tax relief from adopting certain components of the tax rate until the chief financial officer or the auditor for the taxing unit submits to the governing body of the taxing unit a written certification relating to the amount of sales tax for property tax relief revenue used to pay debt service;
30. requires a taxing unit with a low tax levy that provides public notice of its proposed tax rate by publication in a newspaper to post notice of the proposed tax rate prominently on the home page of the Internet website maintained by the taxing unit;
31. provides that a public hearing on the tax rate may not be held before the fifth day after the date the notice of the public hearing is given;

32. provides that if a taxing unit publishes notice of the public hearing on the tax rate in the newspaper, the taxing unit must also post the notice prominently on the home page of the taxing unit's Internet website from the date the notice is first published until the public hearing is concluded;
33. provides that the governing body may vote on the proposed tax rate at the public hearing on the tax rate;
34. provides that a meeting to vote on the tax increase may not be held later than the seventh day after the date of the public hearing;
35. requires a taxing unit to provide one of four specific notices on the tax rate, depending on whether the taxing unit:
  - a. is proposing to adopt a tax rate that exceeds the no-new-revenue tax rate and the voter-approval tax rate of the taxing unit;
  - b. is proposing to adopt a tax rate that exceeds the no-new-revenue tax rate but does not exceed the voter-approval tax rate of the taxing unit;
  - c. is proposing to adopt a tax rate that does not exceed the no-new-revenue tax rate but exceeds the voter-approval tax rate of the taxing unit; or
  - d. is proposing to adopt a tax rate that does not exceed the lower of the no-new-revenue tax rate or voter-approval tax rate;
36. requires notice of the tax rate to include a table that compares the taxes imposed on the average residence homestead in the preceding year to the taxes proposed to be imposed on the average residence homestead in the current year;
37. establishes alternate provisions for tax rate notice if a taxing unit's de minimis rate exceeds the voter-approval tax rate;
38. provides that, when an increased expenditure of money by a taxing unit is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not a drought, that has impacted the taxing unit and the governor has declared any part of the area in which the taxing unit is located as a disaster area, an election is not required to approve the tax rate adopted by the governing body for the year following the year in which the disaster occurs;
39. provides that the order calling an election to seek voter approval of the tax rate in a taxing unit other than a school district may not be issued later than the 71<sup>st</sup> day before the date of the election;
40. requires the ballot language used in an election to seek voter approval of the tax rate to include the difference between the adopted tax rate, the voter-approval tax rate, and the taxing unit's tax rate for the preceding year;
41. establishes a petition process to hold an election to reduce the tax rate of a taxing unit other than a special taxing unit, school district, or city with a population of 30,000 or more, but only if the taxing unit's: (a) de minimis rate exceeds the taxing unit's voter-approval tax rate; and (b) adopted rate is: (1) equal to or lower than the taxing unit's de minimis rate; and (2) greater than the greater of the taxing unit's voter-approval tax rate or voter-approval tax rate calculated as if the taxing unit were a special taxing unit (an 8 percent voter-approval tax rate);
42. requires the county-assessor collector to post on the county's website for each taxing unit all or part of the territory of which is located in the county:

- a. the tax rate calculation forms used by the designated officer or employee of each taxing unit to calculate the no-new-revenue and voter-approval tax rates of the taxing unit for the most recent five tax years beginning with the 2020 tax year;
  - b. the name and official contact information for each member of the governing body of the taxing unit; and
  - c. the tax rate calculation forms for the current tax year not later than August 1<sup>st</sup>;
43. requires the chief appraiser of each appraisal district to create and maintain a property tax database that:
- a. is identified by the name of the county in which the appraisal district is established instead of the name of the appraisal district;
  - b. contains information that is provided by designated officers or employees of the taxing units that are located in the appraisal district in the manner required by the comptroller;
  - c. is continuously updated as preliminary and revised data become available to and are provided by the designated officers or employees of taxing units;
  - d. is accessible to the public;
  - e. is searchable by property address and owner; and
  - f. includes the following statement: “The 86<sup>th</sup> Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.”
44. requires the property tax database to include, with respect to each property listed on the appraisal roll for the appraisal district:
- a. the property’s identification number;
  - b. the property’s market value;
  - c. the property’s taxable value;
  - d. the name of the each taxing unit in which the property is located;
  - e. for each taxing unit other than a school district in which the property is located; (i) the no-new-revenue tax rate; and (ii) the voter-approval tax rate;
  - f. for each school district in which the property is located: (i) the tax rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and (ii) the voter-approval tax rate;
  - g. the tax rate proposed by the governing body of each taxing unit in which the property is located;
  - h. for each taxing unit other than a school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to: (i) the no-new-revenue tax rate; and (ii) the proposed tax rate;
  - i. for each school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to: (i) the tax rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and (ii) the proposed tax rate;
  - j. for each taxing unit other than a school district in which the property is located, the difference between the amount calculated for the no new taxes tax rate and the proposed tax rate;

- k. for each school district in which the property is located, the difference between the amount calculated to maintain the same amount of state and local revenue per weighted student the district received in the school year beginning in the preceding year and the proposed tax rate;
  - l. the date, time, and location of each public hearing, if applicable, on the proposed tax rate to be held by the governing body of each taxing unit in which the property is located;
  - m. the date, time, and location of the public meeting in which the tax rate will be adopted to be held by the governing body of each taxing unit in which the property is located; and
  - n. for each taxing unit in which the property is located, an e-mail address at which the taxing unit is capable of receiving written comments regarding the proposed tax rate of the taxing unit;
45. requires the property database to provide a link to the website used by each taxing unit in which the property is located to post the budget and tax rate information required by Section 49, below;
46. provides that the database must allow the property owner to electronically complete and submit to a taxing unit in which the owner's property is located a form on which the owner may provide the owner's opinion as to whether the tax rate proposed by the governing body of the taxing unit should be adopted;
47. requires the officer or employee designated by the governing body of each taxing unit in which the property is located to calculate the no-new-revenue tax rate and the voter-approval tax rate for the taxing unit to electronically incorporate into the database:
- a. the information described by Subsections e, f, g, l, and m of Section 44, above, as the information becomes available; and
  - b. the tax rate calculation forms at the same time the designated officer or employee submits the tax rates to the governing body of the taxing unit;
48. requires each taxing unit to maintain an Internet website or have access to a generally accessible Internet website that may be used for the purposes of posting tax rate and budget information;
49. requires each taxing unit to post on its Internet website the following information in a format prescribed by the comptroller:
- a. the name of each member of the governing body of the taxing unit;
  - b. the mailing address, email address, and telephone number of the taxing unit;
  - c. the official contact information for each member of the governing body of the taxing unit;
  - d. the taxing unit's budget for the preceding two years;
  - e. the taxing unit's proposed or adopted budget for the current year;
  - f. the change in the amount of the taxing unit's budget from the preceding year to the current year, by dollar amount and percentage;
  - g. for a taxing unit other than a school district, the amount of property tax revenue budgeted for both maintenance and operations and debt service, respectively, for:
    - (i) the preceding two years; and
    - (ii) the current year;
  - h. the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for the preceding two years;

- i. the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for current year; and
  - j. the most recent financial audit of the taxing unit;
50. eliminates the ability of a taxing unit to challenge before the appraisal review board the level of appraisals of any category of property in the appraisal district or in any territory in the appraisal district;
51. provides that the appraisal review board may not determine the appraised value of the property that is subject of a protest to be an amount greater than the appraised value of the property as shown in the appraisal records submitted to the board by the chief appraiser; and
52. requires, by September 25, 2019, the designated officer or employee of each taxing unit to submit to the county assessor-collector for each county in which all or part of the territory of the taxing unit is located the worksheets used by the designated officer or employee to calculate the effective and rollback tax rates of the taxing unit for the 2015-2019 tax years to be posted on the county assessor-collector's Internet website.

(Effective January 1, 2020.)

**S.B. 58 (Zaffirini/Bohac) – Property Tax Exemption:** exempts from property taxes: (1) a motor vehicle leased to the state or a political subdivision of the state; or (2) a motor vehicle that: (a) is leased to an organization that is exempt from federal income taxation as a 501(c)(3); and (b) would be exempt from taxation if the vehicle were owned by the organization. (Effective September 1, 2019.)

**S.B. 443 (Hancock/Murphy) – Property Tax Exemption:** lengthens the duration of a residence homestead property tax exemption for property that is rendered uninhabitable or unusable by a casualty or by wind or water damage from two years to five years if: (1) the property is located in an area declared to be a disaster area by the governor following a disaster; and (2) the residential structure located on the property is rendered uninhabitable or unusable as a result of the disaster. (Effective immediately.)

**S.B. 812 (Lucio/S. Thompson) – Property Tax Appraisal:** this bill, for purposes of the value of a replacement structure for the ten percent appraisal cap for a residence homestead, defines “disaster recovery program” as a disaster recovery program administered by the General Land Office or by a political subdivision of the state that is funded with community development block grant disaster recovery money authorized by federal law. (Effective immediately.)

**S.B. 1642 (Miles/Wu) – Right of Redemption:** provides that an owner of real property sold at a tax sale who is entitled to redeem the property may not transfer the owner's right of redemption to another person. (Effective immediately.)

**S.B. 1876 (Fallon/Krause) – Appraisal Review Board:** provides that, if a property owner requests binding arbitration to appeal appraisal review board orders involving two or more contiguous tracts of land that are owned by the property owner, a single arbitration deposit is sufficient. (Effective immediately.)



**S.B. 1943 (Watson/Rodriguez) – Property Tax Exemption:** this bill, among other things: (1) requires the comptroller to prepare and electronically publish a pamphlet that provides information to assist heir property owners in applying for a residence homestead exemption; (2) provides that an heir property owner who qualifies heir property as the owner’s residence homestead is considered the sole recipient of any exemption granted to the owner for the residence homestead; and (3) provides that an heir property owner who qualifies heir property as the owner’s residence homestead is considered the sole owner of the property for purposes of a property tax freeze. (Effective September 1, 2019.)

**S.B. 2060 (Menendez/Guillen) – Notice of Appraised Value:** requires the chief appraiser to include with a notice of appraised value a brief explanation of each total or partial exemption of property from taxation 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. (Effective January 1, 2020.)

**S.B. 2083 (Hinojosa/Darby) – Property Tax Appraisal:** provides 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. (Effective immediately.)

**S.B. 2531 (Creighton/Murphy) – Property Tax Protests:** this bill: (1) authorizes the chief appraiser and a property owner to file a joint motion with the appraisal review board notifying the board that the chief appraiser and the property owner have agreed to a disposition of the protest and request the board to issue an agreed order; and (2) requires the chairman of the appraisal review board to issue the agreed order not later than the fifth day after the date on which the joint motion is filed with the board. (Effective January 1, 2020.)

## **Sales Tax**

**H.B. 1525 (Burrows/Nelson) – Marketplace Providers:** this bill, among other things: (1) defines a “marketplace” as a physical or electronic medium through which persons (other than the owner or operator of the medium) make sales of taxable items, including a store, Internet website, software application, or catalog; (2) provides that a marketplace provider has the rights and duties of a seller or retailer for sales and use tax purposes; and (3) provides that a sale of a taxable item made by a marketplace seller through a marketplace is consummated at the location in the state to which the item is shipped or delivered or at which possession is taken by the purchaser. (Effective October 1, 2019.)

**H.B. 1543 (Springer/Fallon) – Off-Highway Vehicles:** this bill, among other things: (1) requires each off-highway vehicle manufacturer to file with the comptroller a report not later than March 1 of each year listing each warranty issued by the manufacturer for a new off-highway vehicle that was sold to a resident of this state by a retailer located outside this state; (2) requires the comptroller to use information in the report to investigate and collect any unpaid use taxes imposed on an off-highway vehicle described in the report; (3) authorizes the attorney general to prosecute an action to enforce the requirements of (1) and (2), above; and (4) provides that a county assessor-collector may not issue a certificate of title for an off-highway vehicle purchased from a retailer located outside the state and designated by the manufacturer as a model year that is not more than one year before the year in which the application for title is made, unless the applicant delivers satisfactory evidence showing that the applicant paid to the comptroller the applicable use tax imposed on the vehicle. (Effective September 1, 2019.)

**H.B. 2153 (Burrows/Nelson) – Local Sales and Use Taxes on Remote Sales:** this bill, in relation to the collection of sales taxes on remote sales:

1. provides that a remote seller required to collect and remit local use taxes in connection with a sale of a taxable item must compute the amount to collect and remit using either: (a) the combined rate of all applicable local use taxes; or (b) the single local use tax rate;
2. requires a remote seller that elects to use the single local use tax rate to notify the comptroller of the election before using the rate;
3. provides that the single local use tax rate effective in a calendar year is equal to the estimated average rate of local sales and use taxes imposed in the state during the preceding state fiscal year;
4. requires the comptroller to publish in the Texas Register, before the beginning of a calendar year, notice of the single local use tax rate that will be in effect for that calendar year;
5. requires the comptroller, as soon as practicable after the end of a state fiscal year, to determine the estimated average rate of local sales and use taxes imposed in this state during the preceding state fiscal year by: (a) dividing the total amount of net local sales and use taxes remitted to the comptroller during the preceding state fiscal year by the total amount of net state sales and use taxes remitted to the comptroller during that same state fiscal year; (b) multiplying the amount in (a) by the rate provided by the state sales tax rate (6.25); and (c) rounding the amount computed under (b) to the nearest .0025;
6. authorizes a purchaser to apply for a refund of any amount by which the amount of use tax computed using the single local use tax rate and paid by the purchaser exceeds the amount the purchaser would have paid if that tax had been computed using the rate described by Section 1(a), above;
7. provides that a person storing, using, or consuming a taxable item in this state purchased from a remote seller is not liable for any additional amount of local use tax if the remote seller elects to use the single local use tax rate and the person pays to the remote seller the amount of local use tax computed on the purchase using the single local use tax rate;
8. requires the comptroller to administer, collect, and enforce local use taxes computed using the single local use tax rate;

9. requires the comptroller to deposit revenue remitted to the comptroller from taxes computed using the single local use tax rate in the state treasury to be held in trust for the benefit of eligible taxing units;
10. provides that a local taxing unit is an eligible taxing unit if it has adopted a sales and use tax;
11. requires, on a monthly basis, the comptroller to transmit to each eligible taxing unit's treasurer (or the officer performing the functions of that office) the taxing unit's share of money held in trust together with the pro rata share of any penalty or interest on delinquent taxes computed using the single local use tax rate that may be collected;
12. authorizes the comptroller to deduct two percent of each taxing unit's share as a charge by the state for the administration of the tax and deposit that amount in the state treasury to the credit of the comptroller's operating fund;
13. requires the comptroller to retain a portion of each eligible taxing unit's share of money held in trust by the comptroller, not to exceed five percent of the amount eligible to be transmitted to the taxing unit, to make refunds for overpayments of taxes computed using the single local use tax rate, make refunds to purchasers pursuant to Section 6, above, and to redeem dishonored checks and drafts deposited under Section 9, above;
14. requires the comptroller to compute for each calendar month the percentage of the total sales and use tax allocations to each taxing unit under current allocation laws and rules;
15. requires the comptroller to determine each eligible taxing unit's share of the new money held in trust from deposits for a given month by applying the percentage computed for the eligible taxing unit under current laws and rules to the total amount held in trust from deposits for that month; and
16. authorizes the comptroller to combine an eligible taxing unit's share of the money held in trust under Section 9, above, with other money held for that taxing unit.

(Effective October 1, 2019.)

**H.B. 2358 (Guillen/Paxton) – Sales Tax Administration:** this bill provides that: (1) a retailer may directly or indirectly advertise, hold out, or state to a customer or to the public that the retailer will pay the tax for the customer if: (a) the retailer indicates in the advertisement, holding out, or statement that the retailer is paying the tax for the customer; (b) the retailer does not indicate or imply in the advertisement, holding out, or statement that the sale is exempt or excluded from taxation; and (c) any purchaser's receipt or other statement given to the customer listing the sales price paid or to be paid by the customer separately states the amount of the tax and indicates the tax will be paid by the retailer; and (2) a retailer who directly or indirectly advertises, holds out, or states to a customer or to the public that the retailer will pay the sales and use tax for the customer is liable for the tax plus any accrued penalties and interest on the amount. (Effective October 1, 2019.)

**H.B. 2650 (Goodwin/Bettencourt) – Property Tax Sale:** includes an auctioneer's commission and fees in the cost of a sale by auction of real property pursuant to foreclosure of a tax lien. (Effective immediately.)

**H.B. 3086 (Cole/Zaffirini) – Sales Tax Exemption:** exempts 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. (Effective immediately.)

**H.B. 3386 (Geren/Nelson) – Sales Tax Exemption:** provides 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. (Effective October 1, 2019.)

**H.B. 4542 (Guillen/Hinojosa) – Brewpub Reporting:** subjects brewpubs to the sales tax reporting standards applicable to other entities involved in the manufacture and distribution of alcoholic beverages. (Effective September 1, 2019.)

**S.B. 1214 (Schwertner/Wilson) – Sales Tax Exemption:** provides, for purposes of the sales and use tax exemption for certain aircraft, that any travel, regardless of distance, to a location to perform a service in connection with an agricultural use does not disqualify an aircraft from the exemption. (Effective September 1, 2019.)

## **Purchasing**

**H.B. 793 (P. King/Creighton) – Boycotting Israel:** modifies the provisions of H.B. 89 (2017) – which provides that neither a state agency nor a political subdivision may enter into a contract with a company for goods or services, unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract – by providing that: (1) “company” does not include a sole proprietorship; and (2) the law applies only to a contract that: (a) is between a governmental entity and a company with 10 or more full-time employees; and (b) has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity. (Effective immediately.)

**H.B. 985 (Parker/Hancock) – State-Funded Public Works Contracts:** provides that: (1) a governmental entity, including a city, awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, may not: (a) prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or (b) discriminate against a person described by (1) based on the person’s involvement in the agreement, including the person’s: (i) status or lack of status as a party to the agreement; or (ii) willingness or refusal to enter into the agreement; and (2) the bill may not be construed to: (a) prohibit activity protected by the National Labor Relations Act, including entering into an agreement with a collective bargaining organization relating to the project; or (b) permit conduct prohibited under the National Labor Relations Act. (Effective September 1, 2019.)

**H.B. 1999 (Leach/Creighton) – Construction Liability Claims:** this bill: (1) defines the numerous terms in the bill; (2) applies to a claim: (a) for damages arising from damage to or loss

of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work or applicable indemnity or contribution for damages; (b) asserted by a governmental entity, including a city, with an interest in the public building or public work affected by the alleged construction defect; and (c) asserted against a contractor, subcontractor, supplier, or design professional; (3) provides that, before bringing an action asserting a claim to which the bill applies, the governmental entity must provide each party with whom the governmental entity has a contract for the design or construction of an affected structure a written report by certified mail, return receipt requested, that clearly: (a) identifies the specific construction defect on which the claim is based; (b) describes the present physical condition of the affected structure; and (c) describes any modification, maintenance, or repairs to the affected structure made by the governmental entity or others since the affected structure was initially occupied or used; (4) provides that, not later than the fifth day after the date a contractor receives a report under Subsection (a), the contractor must provide a copy of the report to each subcontractor retained on the construction of the affected structure whose work is subject to the claim; (5) provides that, before bringing an action asserting a claim to which the bill applies, the governmental entity must allow each party with whom the governmental entity has a contract for the design or construction of an affected structure and who is subject to the claim and any known subcontractor or supplier who is subject to the claim: (a) a reasonable opportunity to inspect any construction defect or related condition identified in the report for a period of 30 days after sending the report required by (3), above; and (b) at least 120 days after the inspection to correct any construction defect or related condition identified in the report or enter into a separate agreement with the governmental entity to correct any construction defect or related condition identified in the report; (6) provides that the governmental entity is not required to allow a party to make a correction or repair under (5), above, if: (a) the party is a contractor and cannot provide payment and performance bonds to cover the corrective work, cannot provide liability insurance or workers' compensation insurance, has been previously terminated for cause by the governmental entity, or has been convicted of a felony; or (b) the governmental entity previously complied with the process required by (5), above, regarding a construction defect or related condition identified in the report and the defect or condition was not corrected as required by (5)(a) or (b), above, or the attempt to correct the construction defect or related condition identified in the report resulted in a new construction defect or related condition; (7) provides that, if the report and opportunity to correct are provided during the final year of a limitations or repose period applicable to the claim, the limitations or repose period is tolled until the first anniversary of the date on which the report is provided; (8) provides that: (a) if a governmental entity brings an action asserting a claim without complying with the bill, the court, arbitrator, or other adjudicating authority shall dismiss the action without prejudice; and (b) if an action is dismissed without prejudice and the governmental entity brings a second action asserting a claim without complying with the bill, the court, arbitrator, or other adjudicating authority shall dismiss the action with prejudice; (9) provides that, if a report provided by a governmental entity identifies a construction defect that is corrected or for which the governmental entity recovers damages, the party responsible for that construction defect shall pay the reasonable amounts incurred by the governmental entity to obtain the report with respect to identification of that construction defect; (10) provides that the bill does not prohibit or limit a governmental entity from making emergency repairs to the property as necessary to protect the health, safety, and welfare of the public or a building occupant; (11) provides that, if a party, in connection with a potential claim against the party, receives a written notice of an alleged construction defect or a

report identifying a construction defect and provides the notice or report to the party's insurer, the insurer shall treat the provision of the notice or report to the party as the filing of a suit asserting that claim against the party for purposes of the relevant policy terms; and (12) does not apply to: (a) a claim for personal injury, survival, or wrongful death; (b) a claim involving the construction of residential property covered under the Property Code; (c) a contract entered into by the Texas Department of Transportation; (d) a project that receives money from a state or federal highway fund; or (e) a civil works project as defined by the alternative procurement and delivery method chapter in state law. (Effective September 1, 2019, except that (12), above, applies only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2020.)

**VETOED H.B. 2856 (Morrison/Kolkhorst) – Disaster Remediation Contracts:** modifies current law to provide that: (1) a disaster remediation contractor, for purposes of the removal, cleaning, sanitizing, demolition, reconstruction, or other treatment of existing improvements to real property performed because of damage or destruction to that property caused by a natural disaster, does not include a tax exempt entity; (2) the following conduct by a disaster remediation contractor constitutes a criminal penalty: (a) requiring a person to make a full or partial payment under a contract before the contractor begins work; (b) requiring that the amount of any partial payment under the contract exceed an amount reasonably proportionate to the work performed, including any materials delivered; and (3) it is an affirmative defense to prosecution for the offenses described in Item (2), above, if the disaster remediation contractor refunds any payment made in violation of Item (2), above, not later than the 15<sup>th</sup> day following the receipt of a written demand alleging a violation. (Effective September 1, 2019.)

**H.B. 2868 (Phelan) – Interior Design Services:** adds to the Professional Procurement Services Act services provided by a person lawfully engaged in interior design, regardless of whether such person is a registered interior designer under state law, with the result that a city must procure the services based on qualifications. (Effective September 1, 2019.)

**S.B. 300 (Miles/E. Thompson) – Disaster Recovery Contracts:** this bill: (1) requires that the general land office (GLO) enter into indefinite quantity contracts with vendors to provide information management services, construction services, including engineering services, and other services the GLO determines may be necessary to construct, repair, or rebuild property or infrastructure in the event of a natural disaster; (2) provides that such contracts must: (a) provide that the contract is contingent on: (i) the availability of funds; (ii) the occurrence of a natural disaster not later than 48 months after the effective date of the contract; and (iii) delivery of the services to an area declared by the governor or president of the United States to be a disaster area as a result of the natural disaster; and (b) have a term of four years; (3) provides that such contracts may be funded by local, state, and federal agencies and the state disaster contingency fund; (3) provides that if the GLO determines that federal funds may be used for a contract, the GLO shall ensure that the contract complies with the requirements of the Federal Acquisition Regulation; and (4) provides that the GLO shall consider and apply any applicable state law and rules of the GLO relating to contracting with historically underutilized businesses. (Effective September 1, 2019.)



**VETOED S.B. 1793 (Zaffirini/Longoria) – State Travel Services:** applies to a governmental entity that has entered into one or more compacts, interagency agreements, or cooperative purchasing agreements with the Texas Facilities Commission, and provides that: (1) an officer or employee of a governmental entity who is engaged in official business of the governmental entity may participate in the comptroller’s contract for travel services; (2) the comptroller may charge a participating governmental entity a fee not to exceed the costs incurred by the comptroller in providing services; and (3) the comptroller shall periodically review the fees and adjust the fees as necessary to ensure recovery of costs incurred in providing services to governmental entities. (Effective September 1, 2019.)

**S.B. 1928 (Fallon/Krause) – Professional Services:** this bill: (1) defines “claimant” to mean a party, including a plaintiff or third-party plaintiff, seeking recovery for damages, contribution, or indemnification; (2) provides 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) provides for certain exceptions to (2). (Effective immediately.)

## **Elections**

**H.B. 88 (Swanson/Fallon) – Runoff Ballot:** provides that the order of the candidates’ names on the ballot of any runoff election or election held to resolve a tie vote shall be in the relative order of names on the original election ballot. (Effective September 1, 2019.)

**H.B. 273 (Swanson/Zaffirini) – Voting by Mail:** requires that the balloting materials for voting by mail shall be mailed to a voter entitled to vote by mail not later than the seventh calendar day after the later of the date the clerk accepts the voter’s application for a ballot to be voted by mail or the date the ballots become available for mailing, except that if the mailing date is earlier than the 37<sup>th</sup> day before election day, the balloting materials shall be mailed not later than the 30<sup>th</sup> day before election day. (Effective September 1, 2019.)

**H.B. 831 (Huberty/Huffman) – Candidate Residency:** provides, among other things, that: (1) for purposes of satisfying the continuous residency eligibility requirement, a person who claims an intent to return to a residence after a temporary absence may establish that intent only if the person: (a) has made a reasonable and substantive attempt to effectuate that intent; and (b) has a legal right and the practical ability to return to the residence; and (2) the criteria for establishing an intent to return after a temporary absence under (1), above, do not apply to a person displaced from the person’s residence due to a declared local, state, or national disaster. (Effective January 1, 2020.)

**H.B. 1048 (Guillen/Zaffirini) – Early Voting Polling Place:** provides that political subdivisions holding elections in November may not designate as an early voting polling place a



location other than an eligible county polling place, unless each eligible county polling place located in the political subdivision is designated as an early voting polling place for the election. (Effective immediately.)

**H.B. 1067 (Ashby/Schwertner) – Deceased Candidates:** provides that, if a candidate dies on or before the deadline for filing an application for a place on the ballot: (1) the authority responsible for preparing the ballots may choose to omit the candidate from the ballot; and (2) if the authority omits the candidate’s name under (1), the filing deadline for an application for a place on the ballot for the office sought by the candidate is extended until the fifth day after the filing deadline. (Effective immediately.)

**H.B. 1241 (Bucy/Powell) – Election Notice:** requires any notice of a polling place location to include the building name, if any, and the street address, including the suite or room number, if any, of the polling place. (Effective September 1, 2019.)

**H.B. 1421 (Israel) – Election Cybersecurity:** provides that: (1) the secretary of state shall adopt rules defining classes of protected election data and establishing best practices for identifying and reducing risk to the electronic use, storage, and transmission of election data and the security of election systems; and (2) a county election officer shall request an assessment of the cybersecurity of the county’s election system from a provider of cybersecurity assessments if the secretary of state recommends an assessment and the necessary funds are available; and (3) if a county election officer becomes aware of a breach of cybersecurity that impacts election data, the officer shall immediately notify the secretary of state. (Effective September 1, 2019.)

**H.B. 1850 (Klick/Fallon) – Publication of Voter Information:** this bill: (1) requires the early voting clerk to provide, in a downloadable database format, a current copy of the branch daily register for posting on the website of the authority ordering the election, if the authority maintains a website, each day early voting is conducted; (2) provides that, at a minimum, the voter registration number for each voter listed in the branch daily register must be posted; (3) requires information on the roster for a person who votes an early voting ballot by personal appearance or mail to be made available; (a) for an election in which the county clerk is the early voting clerk: (i) on the publicly accessible internet website of the county; or (ii) if the county does not maintain a website, on the bulletin board used for posting notice of meetings of the commissioners court; or (b) for an election in which the county clerk is not the early voting clerk: (i) on the publicly accessible internet website of the authority ordering the election; or (ii) if the authority ordering the election does not maintain a website, on the bulletin board used for posting notice of meetings of the governing body of the authority. (Effective September 1, 2019.)

**H.B. 1888 (G. Bonnen/Huffman) – Temporary Branch Polling Places:** this bill, among other things, requires early voting by personal appearance at each temporary branch polling place to be conducted on the days that voting is required to be conducted at the main early voting polling place and remain open for at least: (1) eight hours each day; or (2) three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters. (Effective September 1, 2019.)

**H.B. 2075 (Neave/Zaffirini) – Ballot Preparation:** provides that a candidate may use any surname acquired by law or marriage for purposes of the form of the candidate’s name on the ballot. (Effective September 1, 2019.)

**H.B. 3100 (Wray/Zaffirini) – Voter Registration Information:** provides that the residence address on the voter registration application of the spouse of a peace officer is confidential. (Effective immediately.)

**H.B. 3965 (Bohac/Huffman) – Countywide Polling Places:** requires: (1) each countywide polling place to post a notice of the four nearest countywide polling place locations by driving distance; and (2) all countywide polling places located in a county to remain open for the length of time required in a court order for any countywide polling place in the county to remain open after 7 p.m. (Effective September 1, 2019.)

**H.B. 4129 (Swanson/Zaffirini) – Candidate Withdrawal:** provides 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. (Effective September 1, 2019.)

**H.B. 4130 (Swanson/Creighton) – Accepting Voters:** requires the secretary of state to prescribe specific requirements and standards for the certification of an electronic device used to accept voters. (Effective September 1, 2019.)

**S.B. 751 (Hughes/Meyer) – Deceptive Video Criminal Penalties:** (1) defines “deep fake video” to mean a video created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality; and (2) creates a criminal offense if a person, with the intent to injure a candidate or influence the result of an election, creates a deep fake video and causes it to be published or distributed within 30 days of an election. (Effective September 1, 2019.)

**S.B. 902 (Hughes/Krause) – Election Records:** this bill, among other things, provides that an election record shall be available, not later than the 15<sup>th</sup> day after election day, in an electronic format for a fee of not more than \$50. (Effective September 1, 2019.)

## **Open Government**

**H.B. 81 (Canales/Hinojosa) – Public Information and Parades, Concerts, and Other Entertainment Events:** provides that: (1) information relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event paid for in whole or part with public funds is subject to the Public Information Act; (2) a person, including a governmental body, may not include a provision in a contract related to an event described by (1) that prohibits or would otherwise prevent the disclosure of information; and (3) a contract provision that violates the bill is void. (Effective immediately.)

**H.B. 305 (Paul/Nelson) – Website Posting:** applies only to a political subdivision with the authority to impose a tax that at any time on or after January 1, 2019, maintained a publicly accessible Internet website and provides that: (1) a political subdivision to which the bill applies shall post on a publicly accessible Internet website the following information: (a) the political subdivision’s contact information, including a mailing address, telephone number, and e-mail address; (b) each elected officer of the political subdivision; (c) the date and location of the next election for officers of the political subdivision; (d) the requirements and deadline for filing for candidacy of each elected office of the political subdivision, which shall be continuously posted for at least one year before the election day for the office; (e) each notice of a meeting of the political subdivision’s governing body under the Open Meetings Act; and (f) the minutes of a meeting of the political subdivision’s governing body; (2) Sections (1)(e) and (f) do not apply to a city with a population of less than 5,000 located in a county with a population of less than 25,000. (Effective September 1, 2019.)

**H.B. 1351 (Cortez/Menendez) – Public Information:** provides that the home address, home telephone number, emergency contact information, social security number, family member information, and date of birth of current and former members of the United States Army, Navy, Air Force, Coast Guard, Marine Corps, or an auxiliary service of one of those branches are confidential under the Public Information Act. (Effective September 1, 2019.)

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

**H.B. 2840 (Canales/Hughes) – Right to Speak at Open Meeting:** applies to local governmental bodies, including cities (but not state agencies), and provides that: (1) a governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body’s consideration of the item; (2) a governmental body may adopt reasonable rules regarding the public’s right to address the body, including rules that limit the total amount of time that a member of the public may address the body on a given item; (3) only if a governmental body does not use simultaneous translation equipment in a manner that allows the body to hear the translated public testimony simultaneously, a rule adopted under (2) that limits the amount of time that a member of the public may address the governmental body must provide that a member of the public who addresses the body through a translator must be given at least twice the amount of time as a member of the public who does not require the assistance of a translator in order to ensure that non-English speakers receive the same opportunity to address the body; and (4) a governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure,

program, or service, unless the public criticism is otherwise prohibited by law. (Effective September 1, 2019.)

**H.B. 3091 (Deshotel/Campbell) – Public Information:** this bill: (1) makes information related to the location or physical layout of a family violence shelter center or victims of trafficking shelter center confidential; and (2) creates a criminal offense for disclosing or publicizing the location or physical layout of shelters with the intent to threaten the safety of any inhabitant of these shelters. (Effective September 1, 2019.)

**H.B. 3175 (Deshotel/Creighton) – Public Information of Disaster Recovery Funds:** provides 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; (b) the name, tax identification number, address, and telephone number of a business entity or an owner of a business entity that applies for state or federal disaster recovery funds; and (c) any other information the disclosure of which would identify or tend to identify a person or household that applies for state or federal disaster recovery funds; and (2) the street name and census block group of and the amount of disaster recovery funds awarded to a person or household are not confidential after the date on which disaster recovery funds are awarded to the person or household. (Effective September 1, 2019.)

**S.B. 494 (Huffman) – Open Government/Emergencies:** this bill:

1. provides that, 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 a supplemental notice is sufficient if it is posted for at least one hour before the meeting is convened;
2. provides that at an emergency meeting for which notice or supplemental notice is posted, a governmental body may deliberate or take action only on: (a) a matter that is directly related to the emergency or urgent public necessity identified in the notice or supplemental notice; or (b) an agenda item listed on a notice of the meeting before the supplemental notice was posted;
3. expands the definition of an emergency or an urgent public necessity to include: (a) a reasonably unforeseen situation, including (i) a fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm; (ii) power failure, transportation failure, or interruption or communication facilities; (iii) an epidemic; or (iv) a riot, civil disturbance, enemy attack or other actual or threatened act of lawlessness or violence; and (b) a threat described in (a) above, if imminent;
4. repeals current law that requires notice be provided to members of the media in instances where the sudden relocation of a large number of residents from the area of declared disaster is required;
5. requires the presiding officer or member of a governing body who calls an emergency meeting to provide notice of the meeting to members of the media at least one hour before the meeting is convened;

6. provides that the attorney general may bring an action in a Travis County district court to stop, prevent, or reverse a violation or threatened violation of the provisions described in item (1), above, by members of the governmental body;
7. provides that when a governmental body is currently impacted by a catastrophe that interferes with the ability of a governmental body to comply with the requirements of the Texas Public Information Act (Act), a governmental body may suspend the applicability of the requirements of the Act for an initial period not to exceed seven consecutive days provided that the governmental body provides notice to the office of the attorney general, in a form prescribed by that office, that the governmental body is currently impacted by a catastrophe and has elected to suspend the applicability of the Act;
8. provides that the initial suspension period begins not earlier than the second day before the date the governmental body submits notice to the office of the attorney general and ends not later than the seventh day after the date the governmental body submits that notice;
9. provides that a governmental body may extend the initial suspension period described in item (7), above, for one period of time not to exceed seven consecutive days, if the governing body determines that the governing body is still impacted by the catastrophe on which the initial suspension period was based and notice of the extension is submitted to the office of the attorney general in a form prescribed by the office;
10. requires that a governmental body that suspends the applicability of the requirements of the Act to: (a) provide notice to the public of the suspension in a place readily accessible to the public and in each other location the governmental body is required to post a notice of a meeting under the Open Meetings Act; and (2) maintain the notice of suspension during the suspension period;
11. provides that a request for public information received by a governmental body during a suspension is considered to have been received by the governmental body on the first business day after the date the suspension period ends;
12. tolls the requirements of the Act related to a request for public information received by a governmental body before the date the initial suspension period begins until the first business day after the date the suspension period ends; and
13. requires the office of the attorney general to continuously post on its website each notice submitted to the office from the date the office receives the notice until the first anniversary of that date.

(Effective September 1, 2019.)

**S.B. 943 (Watson/Capriglione) – Public Information Act:** makes various changes related to “contracting information” in the Public Information Act. Specifically, the bill provides that:

1. an economic development entity whose mission or purpose is to develop and promote the economic growth of a state agency or political subdivision with which the entity contracts is not considered a “governmental body” under the Act if: (i) the entity does not receive \$1 million or more in public funds from a single state agency or political subdivision in the current or preceding state fiscal year; or (ii) the entity: (A) either: (I) does not have

the authority to make decisions or recommendations on behalf of a state agency or political subdivision regarding tax abatements or tax incentives; or (II) does not require an officer of the state agency or political subdivision to hold office as a member of the board of directors of the entity; (B) does not use staff or office space of the state agency or political subdivision for no or nominal consideration, unless the space is available to the public; (C) to a reasonable degree, tracks the entity's receipt and expenditure of public funds separately from the entity's receipt and expenditure of private funds; and (D) provides at least quarterly public reports to the state agency or political subdivision regarding work performed on behalf of the state agency or political subdivision;

2. "contracting information" means the following information maintained by a governmental body or sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor: (a) information in a voucher or contract relating to the receipt or expenditure of public funds by a governmental body; (b) solicitation or bid documents relating to a contract with a governmental body; (c) communications sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract; (d) documents, including bid tabulations, showing the criteria by which a governmental body evaluates each vendor, contractor, potential vendor, or potential contractor responding to a solicitation and, if applicable, an explanation of why the vendor or contractor was selected; and (e) communications and other information sent between a governmental body and a vendor or contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body;
3. contracting information is public and must be released unless excepted from disclosure under this chapter;
4. the exceptions to disclosure provided by the trade secrets and commercial and financial information and proprietary information sections in the Act do not apply to: (a) certain state contracts; (b) the following contract or offer terms or their functional equivalent: (i) any term describing the overall or total price the governmental body will or could potentially pay, including overall or total value, maximum liability, and final price; (ii) a description of the items or services to be delivered with the total price for each if a total price is identified for the item or service in the contract; (iii) the delivery and service deadlines; (iv) the remedies for breach of contract; (v) the identity of all parties to the contract; (vi) the identity of all subcontractors in a contract; (vii) the affiliate overall or total pricing for a vendor, contractor, potential vendor, or potential contractor; (viii) the execution dates; (ix) the effective dates; and (x) the contract duration terms, including any extension options; or (c) information indicating whether a vendor, contractor, potential vendor, or potential contractor performed its duties under a contract, including information regarding: (i) a breach of contract; (ii) a contract variance or exception; (iii) a remedial action; (iv) an amendment to a contract; (v) any assessed or paid liquidated damages; (vi) a key measures report; (vii) a progress report; and (viii) a final payment checklist;
5. information described by (b)(i) and (ii), in (4), above, and relates to a retail electricity contract may not be disclosed until the delivery start date;
6. information is excepted from disclosure if a governmental body demonstrates that release of the information would harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive

situation where the governmental body establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future;

7. "trade secret" means all forms and types of information, including business, scientific, technical, economic, or engineering information, and any formula, design, prototype, pattern, plan, compilation, program device, program, code, device, method, technique, process, procedure, financial data, or list of actual or potential customers or suppliers, whether tangible or intangible and whether or however stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if: (a) the owner of the trade secret has taken reasonable measures under the circumstances to keep the information secret; and (b) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, another person who can obtain economic value from the disclosure or use of the information;
8. except as provided by (3) and (4), above, information is excepted from disclosure if it is demonstrated based on specific factual evidence that the information is a trade secret;
9. except as provided by (3) and (4), above, commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained is excepted from disclosure;
10. except as provided by (3) and (4), above, information submitted to a governmental body by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from disclosure if the vendor, contractor, potential vendor, or potential contractor that the information relates to demonstrates based on specific factual evidence that disclosure of the information would: (a) reveal an individual approach to: (i) work; (ii) organizational structure; (iii) staffing; (iv) internal operations; (v) processes; or (vi) discounts, pricing methodology, pricing per kilowatt hour, cost data, or other pricing information that will be used in future solicitation or bid documents; and (b) give advantage to a competitor;
11. the exception to disclosure provided by (10), above, does not apply to: (a) information in a voucher or contract relating to the receipt or expenditure of public funds by a governmental body; or (b) communications and other information sent between a governmental body and a vendor or contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body;
12. the exception to disclosure provided by (10), above, may be asserted only by a vendor, contractor, potential vendor, or potential contractor for the purpose of protecting the interests of the vendor, contractor, potential vendor, or potential contractor;
13. a governmental body shall decline to release information related to privacy or property interests of a third party to the extent necessary to allow a vendor, contractor, potential vendor, or potential contractor to assert the exception to disclosure provided by (10), above;
14. an economic development entity whose mission or purpose is to develop and promote the economic growth of a state agency or political subdivision with which the entity contracts may assert the economic development exception in current law with a third-party



- submission with respect to information that is in the economic development entity's custody or control;
15. a requestor may file suit for a writ of mandamus compelling a governmental body or an entity to comply with the requirements of (16)-(21), below;
  16. an entity that is not a governmental body that executes a contract with a governmental body that has a stated expenditure of at least \$1 million in public funds for the purchase of goods or services by the governmental body or that results in the expenditure of at least \$1 million in public funds for the purchase of goods or services by the governmental body in a fiscal year of the governmental body is subject to the following in relation to a written request for public information received by a governmental body for contracting information related to the contract that is in the custody or possession of the entity and not maintained by the governmental body: (a) a governmental body that receives a written request for information shall request that the entity provide the information to the governmental body; (b) the governmental body must send the request in writing to the entity not later than the third business day after the date the governmental body receives the written request; (c) notwithstanding other provisions in the Act: (i) a request for an attorney general's decision to determine whether contracting information subject to a written request falls within an exception to disclosure is considered timely if made not later than the 13th business day after the date the governmental body receives the written request; (ii) the statement and copy is considered timely if provided to the requestor not later than the 13th business day after the date the governmental body receives the written request; (iii) a submission is considered timely if submitted to the attorney general not later than the 18th business day after the date the governmental body receives the written request; and (iv) a copy is considered timely if sent to the requestor not later than the 18th business day after the date the governmental body receives the written request; (d) the presumption in current law that information is considered public if a deadline is missed does not apply if a governmental body: (i) makes a good faith effort to obtain the information from the contracting entity; (ii) is unable to meet a deadline because the contracting entity failed to provide the information to the governmental body not later than the 13th business day after the date the governmental body received the written request for the information; and (iii) if applicable, complies with the requirements of existing law relating to its request for an attorney general's decision not later than the eighth business day after the date the governmental body receives the information from the contracting entity;
  17. a contract described by (16), above, must require a contracting entity to: (a) preserve all contracting information related to the contract as provided by the records retention requirements applicable to the governmental body for the duration of the contract; (b) promptly provide to the governmental body any contracting information related to the contract that is in the custody or possession of the entity on request of the governmental body; and (c) on completion of the contract, either: (i) provide at no cost to the governmental body all contracting information related to the contract that is in the custody or possession of the entity; or (ii) preserve the contracting information related to the contract as provided by the records retention requirements applicable to the governmental body;
  18. a bid for a contract described by (16), above, and the contract must include the following statement: "The requirements of Subchapter J, Chapter 552, Government Code, may

apply to this (include “bid” or “contract” as applicable) and the contractor or vendor agrees that the contract can be terminated if the contractor or vendor knowingly or intentionally fails to comply with a requirement of that subchapter”;

19. a governmental body may not accept a bid for a contract described by (16), above, or award the contract to an entity that the governmental body has determined has knowingly or intentionally failed to comply with the bill in a previous bid or contract unless the governmental body determines and documents that the entity has taken adequate steps to ensure future compliance with the requirements of the bill;
20. a governmental body that is the party to a contract described by (16), above, shall provide notice to the entity that is a party to the contract if the entity fails to comply with a requirement of the bill applicable to the entity;
21. a governmental body may terminate a contract described by (16), above, if: (a) the governmental body provides notice to the entity that is party to the contract; (b) the contracting entity does not cure the violation; (c) the governmental body determines that the contracting entity has intentionally or knowingly failed to comply with a requirement of the bill; and (d) the governmental body determines that the entity has not taken adequate steps, as defined by the bill, to ensure future compliance with the bill;
22. nothing in the bill prevents a governmental body from including and enforcing more stringent requirements in a contract to increase accountability or transparency; and
23. the bill does not create a cause of action to contest a bid for or the award of a contract with a governmental body.

(Effective January 1, 2020.)

**S.B. 944 (Watson/Capriglione) – Public Information Act/Temporary Custodians:** makes various changes to the Public Information Act. With regard to information held by a “temporary custodian,” the bill provides that

1. “temporary custodian” is defined to: (a) mean an officer or employee of a governmental body who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information of the governmental body or the officer’s agent; and (b) include a former officer or employee of a governmental body who created or received public information in their official capacity that has not been provided to the officer for public information of the governmental body or the officer’s agent;
2. a current or former officer or employee of a governmental body who maintains public information on a privately owned device shall: (a) forward or transfer the public information to the governmental body or a governmental body server to be preserved as other public information; or (b) preserve the public information in its original form in a backup or archive and on the privately owned device for the time required by current law;
3. laws governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian;
4. each officer for public information shall, in addition to the requirements in current law, make reasonable efforts to obtain public information from a temporary custodian if: (a) the information has been requested from the governmental body; (b) the officer for public information is aware of facts sufficient to warrant a reasonable belief that the temporary

custodian has possession, custody, or control of the information; (c) the officer for public information is unable to comply with their duties in obtaining the information from the temporary custodian; and (d) the temporary custodian has not provided the information to the officer for public information or the officer's agent;

5. a current or former officer or employee of a governmental body does not have, by virtue of the officer's or employee's position or former position, a personal or property right to public information the officer or employee created or received while acting in an official capacity;
6. a temporary custodian with possession, custody, or control of public information shall surrender or return the information to the governmental body not later than the 10th day after the date the officer for public information of the governmental body or the officer's agent requests the temporary custodian to surrender or return the information;
7. a temporary custodian's failure to surrender or return public information is grounds for disciplinary action by the governmental body that employs the temporary custodian or any other applicable penalties provided by the PIA or other law; and
8. for purposes of deadlines related to information surrendered or returned to a governmental body by a temporary custodian, the governmental body is considered to receive the request for that information on the date the information is surrendered or returned to the governmental body.

With regard to general changes to the Act, the bill provides that:

1. information obtained by a governmental body that was provided by an out-of-state health care provider in connection with a quality management, peer review, or best practices program that the out-of-state health care provider pays for is confidential;
2. "protected health information" as defined by the Health and Safety Code is not public information and is not subject to disclosure;
3. a person may make a written request for public information under this chapter only by delivering the request by one of the following methods to the applicable officer for public information or a person designated by that officer: (a) United States mail; (b) electronic mail; (c) hand delivery; or (d) any other appropriate method approved by the governmental body, including facsimile transmission and electronic submission through the governmental body's website;
4. for the purpose of (3)(d), above, a governmental body is considered to have approved a method only if the governmental body includes a statement that a request for public information may be made by that method on the sign required to be displayed by the governmental body or the governmental body's website;
5. a governmental body may designate one mailing address and one electronic mail address for receiving written requests for public information and shall provide the designated mailing address and electronic mailing address to any person on request;
6. a governmental body that provides the information in (5), above, is not required to respond to a written request for public information unless the request is received: (a) at one of those addresses; (b) by hand delivery; or (c) by a method described by (3)(d), above, that has been approved by the governmental body;
7. the attorney general shall create a public information request form that provides a requestor the option of excluding from a request information that the governmental body

- determines is: (a) confidential; or (b) subject to an exception to disclosure that the governmental body would assert if the information were subject to the request; and
8. a governmental body that allows requestors to use the form described by (7), above, and maintains a website shall post the form on its website.

(Effective September 1, 2019.)

**S.B. 988 (Watson/Capriglione) – Public Information:** provides that, in a suit by a governmental body to withhold information from a requestor, the court may assess costs of litigation or reasonable attorney’s fees incurred by a plaintiff or defendant who substantially prevails only if the court finds the action or the defense of the action was groundless in fact or law. (Effective September 1, 2019.)

**S.B. 1494 (Paxton/Wu) – Public Information:** provides that: (1) the home address, home telephone number, emergency contact information, social security number, date of birth and family member information of the following are considered confidential under the personnel exceptions of the Public Information Act: (a) current or former child protective services caseworker, adult protective services caseworker, or investigator for the Department of Family and Protective Services (DFPS) and DFPS contractor’s current or former employees performing these functions, and (b) state officers elected statewide and members of the legislature; and (2) the home address of the individuals named in (1)(a) and (1)(b), above, is considered confidential in appraisal records if the individuals chooses to restrict public access on the prescribed form. (Effective Immediately.)

**S.B. 1640 (Watson/Phelan) – Open Meetings Act Criminal Conspiracy:** this bill addresses the Texas Court of Criminal Appeals opinion in *Doyal v. State*, which found the “criminal conspiracy” provision in the Open Meetings Act unconstitutional. Specifically, the bill: (1) redefines “deliberation” to include a verbal or written exchange between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body; (2) retitles the criminal conspiracy provision from “conspiracy to circumvent chapter” to “prohibited series of communications;” and (3) provides that a member of a governmental body commits an offense if the member: (a) knowingly engages in at least one communication among a series of communications that each occur outside of a meeting and that concern an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and (b) knew at the time the member engaged in the communication that the series of communications: (i) involved or would involve a quorum; and (ii) would constitute a deliberation once a quorum of members engaged in the series of communications. (Effective Immediately.)

### **Other Finance and Administration Bills**

**H.B. 5 (Phelan) – Disaster Recovery:** provides that: (1) the Texas Division of Emergency Management (Division) shall, in consultation with any other state agencies selected by the

Division, develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster; (2) the Texas A&M Engineering Extension Service shall establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal; (3) the Division, in consultation with the Federal Emergency Management Agency, shall develop and publish a model contract for debris removal services to be used by political subdivisions following a disaster; (4) the Division shall consult with comptroller to establish appropriate contracting standards and contractor requirements to include in the model contract and include a contract for debris removal services on the schedule of multiple award contracts or in another cooperative purchasing program administered by the comptroller; (5) a wet debris study group consisting of representatives of the Division, any other selected state agencies, and local and federal governmental entities shall be established for the purpose of studying issues related to removal of wet debris, including best practices for clearing wet debris following a disaster and determining responsibility for that removal; and (6) a work group consisting of representatives of the Division, any other selected agencies, and local governmental entities shall be established for the purpose of conducting a study on local restrictions that impede disaster recovery efforts, including efforts to remove debris and erect short-term housing; and (7) the work study described in Item (6) above must include: (a) an overview of official actions by governing bodies of political subdivisions and requirements imposed by deed restrictions or property owners' associations that impede state and federal disaster recovery efforts in the state; and (b) recommendations for minimizing the effect of the official actions and said requirements on state and federal disaster recovery efforts in this state. (Effective September 1, 2019.)

**H.B. 6 (Morrison) – Disaster Recovery:** this bill:

1. requires a person who is designated as an emergency management coordinator by the presiding officer of a county with a population of 500,000 or more to complete mandated emergency management training not later than March 1, 2020;
2. provides that the Texas Division of Emergency Management shall develop 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;
3. provides that the disaster recovery task force shall develop procedures for preparing and issuing a report listing each project related to a disaster that qualifies for federal assistance, and such report must be submitted to the appropriate federal agencies as soon as practicable after any disaster;
4. provides that, no later than January 1, 2020, the emergency management program that a county is required to maintain, or participate in, must provide for catastrophic debris management;
5. provides that beginning with the state fiscal year beginning on September 1, 2021, and ending on September 1, 2031, the comptroller shall, not later than September 30 of each state fiscal year: (a) compute, with limited exceptions, the amount of revenue derived from the collection of hotel occupancy taxes at a rate of two percent and received from hotels located in any county adjacent to the Gulf of Mexico or the

- Corpus Christi Bay; and (b) transfer that amount to the coastal erosion response account (Account) created under the Natural Resources Code; and
6. provides that revenue transferred to the Account may be appropriated only to the General Land Office for a purpose that is consistent with Chapter 33 of the Natural Resources Code, that benefits a coastal county described in Item (5), above. (Effective September 1, 2019.)

**H.B. 7 (Morrison) – Disaster Preparation:** provides 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) on request by the governor’s office, a state agency that would be impacted by the suspension of a statute or rule on the list compiled shall review the list for accuracy and shall advise the governor’s office regarding statutes or rules that should be added to the list; (3) the Texas Division on Emergency Management (Division), in consultation with other state agencies, shall develop a plan to assist political subdivisions with executing contracts for services that political subdivisions are likely to need following a disaster; (4) the plan must include: (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 such services and executing contracts with those persons in advance of a disaster; and (5) 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 agreement administered by the comptroller. (Effective September 1, 2019.)

**H.B. 234 (Krause/Nelson) – Sale of Lemonade:** provides that a city, county, or other local public health authority may not adopt or enforce an ordinance, order, or rule that prohibits – including by requiring a license, permit, or fee – the occasional sale of lemonade or other nonalcoholic beverages from a stand on private property or in a public park by an individual younger than 18 years of age. (Effective September 1, 2019.)

**H.B. 410 (White/Johnson) – Rabbit Meat/Poultry:** this bill: (1) defines a “low-volume livestock processing establishment” as one that: (a) processes fewer than 10,000 domestic rabbits or more than 1,000 but fewer than 10,000 poultry in a calendar year; and (b) does not include an establishment that processes 1,000 or fewer poultry raised by the operator of the establishment in a calendar year; and (2) provides that a low-volume livestock processing establishment that is exempt from federal inspection and processes fewer than 500 domestic rabbits in a calendar year is not required register with the state or develop a sanitary procedures plan and: (a) is not subject to additional state regulation; and (c) may sell poultry products directly to consumers. (Effective September 1, 2019.)

**H.B. 440 (Murphy/Lucio) – Local Debt:** this bill, among other things: (1) requires a political subdivision that maintains a website to include any sample ballot prepared for a general obligation bond election to be prominently posted on the political subdivision’s website during the 21 days before the election, along with the election order, notice of the election, and contents

of the proposition; (2) provides that a political subdivision may not issue a general obligation bond to purchase, improve, or construct improvements or to purchase personal property if the weighted average maturity of the issue of bonds to finance the improvements or personal property exceeds 120 percent of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds; (4) provides that a political subdivision other than a school may use the unspent proceeds of issued general obligation bonds only: (a) for the specific purpose for which the bonds were authorized; (b) to retire the bonds; or (c) for a purpose other than the specific purpose for which the bonds were issued if: (i) the specific purpose is accomplished or abandoned; and (ii) a majority of the votes cast in an election held in the political subdivision approve the use of the proceeds for the proposed purpose; (5) requires the election order and the notice of the election for an election authorized to be held under (4)(c), above, to state the proposed purpose for which the bond proceeds are to be used; and (6) requires a political subdivision to hold the election under (4)(c), above, in the same manner as an election to issue bonds in the political subdivision. (Effective September 1, 2019.)

**H.B. 477 (Murphy/Bettencourt) – Local Debt:** this bill:

1. requires the document ordering an election to authorize a political subdivision to issue debt obligations to distinctly state the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the date the election is ordered, which may be based on the political subdivision's expectations relative to variable rate debt obligations;
2. requires the ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision to specifically state: (a) a general description of the purposes for which the debt obligations are to be authorized; (b) the total principal amount of the debt obligations to be authorized; and (c) that taxes sufficient to pay the principal of and interest on the debt obligations will be imposed;
3. requires a political subdivision with at least 250 registered voters to prepare a voter information document for each proposition to be voted on at the election;
4. requires the voter information document to be posted: (a) on election day and during early voting in a prominent location at each polling place; (b) not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election; and (c) during the 21 days before the election, on the political subdivision's website;
5. authorizes a political subdivision to include the voter information document in the debt obligation election order;
6. requires the voter information document to distinctly state: (a) the language that will appear on the ballot; (b) the following information formatted as a table: (i) the principal of the debt obligations to be authorized; (ii) the estimated interest for the debt obligations to be authorized; (iii) the estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and (iv) as of the date the political subdivision adopts the debt election order: (A) the principal of all outstanding debt obligations of the political subdivision; (B) the estimated remaining interest on all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt



obligations; and (C) the estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations; (c) the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead with an appraised value of \$100,000 to repay the debt obligations (based upon assumptions made by the governing body of the political subdivision); and (d) any other information that the political subdivision considers relevant or necessary to explain the information required to be included in the voter information document;

7. requires the political subdivision to identify in the debt obligation order the major assumptions made in connection with the statement in Section 6(c), above, including: (a) the amortization of the political subdivision's debt obligations, including outstanding debt obligations and the proposed debt obligations; (b) changes in estimated future appraised values within the political subdivision; and (c) the assumed interest rate on the proposed debt obligations;
8. requires a political subdivision that maintains a website to provide the information in Section 6, above, on its website in an easily accessible manner beginning not later than the 21<sup>st</sup> day before election day and ending on the day after the date of the debt obligation election;
9. extends the timeframe to publish newspaper notice of intention to issue a certificate of obligation (CO) from 30 to 45 days before the passage of the ordinance;
10. requires an issuer of COs that maintains a website to continuously post notice of intention to issue a CO on its website for at least 45 days before the passage of the CO issuance ordinance; and
11. requires that the notice of intention to issue a CO include the following information: (a) the then-current principal of all outstanding debt obligations of the issuer; (b) the then-current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full, which may be based on the issuer's expectations relative to the interest due on any variable rate debt obligations; (c) the maximum principal amount of the COs to be authorized; (d) the estimated combined principal and interest required to pay the COs to be authorized on time and in full; (e) the estimated interest rate for the COs to be authorized or that the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (f) the maximum maturity date of the COs to be authorized.

(Effective September 1, 2019.)

**H.B. 541 (Gonzalez/Zaffirini) – Breast Milk Expressing:** provides that a mother is entitled to express breast milk in any location in which the mother's presence is otherwise authorized. (Effective September 1, 2019.)

**H.B. 687 (Guillen/Perry) – Rock Climbing:** includes rock climbing in the definition of the term "recreation" in the recreational use statute for tort liability purposes. (Effective immediately.)

**H.B. 791 (Huberty/Flores) – Motor Fuels Tax:** defines a volunteer fire department, for purposes of certain motor fuel tax exemptions, as a fire department operated by its members,

including a part-paid fire department composed of at least 50 percent volunteer firefighters, that is operated on a not-for-profit basis, including a department that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt organization in Section 501(c)(3) or (4) of that code. (Effective immediately.)

**H.B. 914 (S. Thompson/Zaffirini) – Bingo Prize Fees:** revises the regulation of bingo games to: (1) provide that the Texas Lottery Commission (rather than the licensee) must give a city and a city police department notice of issuance of a license; (2) require that a licensed organization collect from a person who wins a cash bingo prize of more than \$5 a fee in the amount of 5 percent of the amount of the prize (current law is not limited to cash prizes); (3) provide that a licensee that collects a bingo prize fee in a county or city that was entitled to receive a portion of the fee as of January 1, 2019 must: (a) remit 50 percent of the prize fee to the Texas Lottery Commission; and (b) remit 50 percent to: (i) the county that votes to impose the fee before November 1, 2019; (ii) the city that votes to impose the fee before November 1, 2019; (iii) the county and city, in equal shares, provided that each votes to impose the fee before November 1, 2019; or (iv) if neither the county nor city votes before November 1, 2019, to impose the prize fee, deposit the money in the organization's funds; (4) authorize a city or county to vote to discontinue the imposition of a bingo prize fee; (5) provide that a county or city may receive a portion of the bingo prize fee only if: (a) the county or city was entitled to receive a portion of the fee as of January 1, 2019; and (b) the governing body of the county or city: (i) by majority vote of the governing body approves the continued receipt of funds and notifies the Texas Lottery Commission of that decision not later than November 1, 2019; and (ii) notifies each licensed organization within the county or city's jurisdiction, as applicable, of the continued imposition of the fee; and (6) require the Texas Lottery Commission to notify the governing body of a city or county of the requirement for continued receipt of the prize fee not later than October 1, 2019. (Effective January 1, 2020, except that (4), above, is effective September 1, 2019.)

**H.B. 1070 (Price/Watson) – Local Mental Health Authorities:** provides that a local mental health authority, as part of a report that is required to be provided to the Health and Human Service Commission, is required to also include: (1) the number of trainers who left the mental health first aid trainer program for any reason during the preceding fiscal year, and the number of active trainers; and (2) the number of university employees, school district employees, and school resources officers who completed a mental health first aid training program offered by the local mental health authority during the preceding fiscal year categorized by local mental health authority region, university or school district, as applicable, and category of personnel. (Effective December 1, 2019.)

**H.B. 1140 (T. King/Zaffirini) – Governmental Vehicle Storage Facility:** this bill: (1) allows the Texas Commission on Licensing and Regulation to, each odd-numbered year (and not later than November 1), adjust the impoundment fee charged by a governmental vehicle storage facility to an amount equal to the amount of the fee on December 31 of the preceding year multiplied by the percentage increase or decrease in the consumer price index during the preceding state fiscal biennium; and (2) provides that, if the fee is decreased under (1), a governmental vehicle storage facility must begin charging the adjusted fee on the effective date

of the decrease, and if the fee is increased, the facility may begin charging the adjusted fee any time on or after the effective date of the increase. (Effective immediately.)

**H.B. 1307 (Hinojosa/Huffman) – Disaster Case Management:** provides that: (1) the Texas Division of Emergency Management (Division) shall, subject to the availability of funds, contract with a vendor to develop and maintain an electronic disaster case management system; (2) the system may be used for case management during and after a disaster by persons selected by the Division, including, among others, persons affected by a disaster and a municipality or county affected by the disaster; (3) the system may include the capability for a person affected by a disaster to apply for assistance from multiple sources and allow the person to control which other users of the system have access to information submitted by the person to the system; and (4) information collected or maintained by the system that could identify a person affected by a disaster is confidential and not subject to disclosure under the Texas Public Information Act, but may be disclosed to a governmental body for the purpose of disaster relief or recovery. (Effective September 1, 2019.)

**H.B. 1325 (T. King/Perry) – Hemp Production:** (1) regulates the production of hemp and the products made from hemp; (2) gives the state primary regulatory authority over the production of hemp; (3) provides that an application to participate in the state hemp program as a hemp grower or hemp product manufacturer must include written consent allowing local law enforcement agencies, as well as other agencies, to enter onto all premises where hemp is cultivated, processed, or stored to conduct a physical inspection or to ensure compliance with the bill and rules adopted under the bill; and (4) prohibits a city, county, or other political subdivision of this state from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, handling, transportation, or sale of hemp as authorized by the bill. (Effective immediately.)

**H.B. 1342 (Leach/Hinojosa) – Occupational Licensing:** provides that: (1) if a licensing authority determines that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision in determining whether to revoke, suspend, or deny a license; (2) a licensing authority may not deny a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense unless the licensing authority: (a) provides written notice to the person of the reason for the intended denial; and (b) allows the person not less than 30 days to submit any relevant information to the licensing authority; (3) a notice required under (2) must contain, as applicable: (a) a statement that the person is disqualified from receiving the license or being examined for the license because of the person's prior conviction of an offense specified in the notice; or (b) a statement that: (i) the final decision of the licensing authority to deny the person a license or the opportunity to be examined for the license will be based on factors authorized by state law; and (ii) it is the person's responsibility to obtain and provide to the licensing authority evidence regarding the factors; (4) the state auditor shall, in collaboration with licensing authorities, develop a guide of best practices for an applicant with a prior conviction to use when applying for a license; and (5) the state auditor shall publish the guide on the state auditor's Internet website and a licensing authority shall include a link to the guide in notices and letters required by the bill. (Note: It isn't clear whether these provisions apply to

cities that act as a licensing authority. Each city should consult local legal counsel regarding the applicability of this bill.)(Effective September 1, 2019.)

**H.B. 1442 (Paddie/Hall) – Office of Consumer Credit Commissioner:** this bill, among other things, continues the functions of the Office of Consumer Credit Commissioner and the licensing and registration of persons regulated by that state agency until September 1, 2031. (Effective September 1, 2019.)

**H.B. 1495 (Toth/Creighton) – Lobby Reporting/Budgeting:** provides, among other things, that: (1) the contracts disclosure requirements from H.B. 1295 (2015) apply to a contract for services that would require a person to register as a lobbyist under state law, regardless of whether such contract: (a) requires an action or vote by the governing body of the city before the contract may be signed; or (b) has a value of at least \$1 million; and (2) the proposed budget of a political subdivision must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for: (a) notices required by law to be published in a newspaper by the political subdivision or a representative of the political subdivision; and (b) directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in the state’s lobby law. (Effective immediately.)

**H.B. 1694 (Lambert/Johnson) – Farmer’s Markets:** this bill: (1) prohibits a local government authority, including a local health department, from: (a) requiring a person to obtain a permit in order to provide samples of food at a farm or farmers’ market; (b) regulating the provision of samples of food at a farm or farmers’ market except as expressly provided in certain state law; and (c) adopting a rule requiring a farmers’ market to pay a permit fee for conducting a cooking demonstration for educational purposes or providing samples of food; (2) provides that a local government authority may: (a) perform an inspection to enforce the requirements of the bill for preparing and distributing samples of food at a farm or farmers’ market; and (b) require a person to obtain a permit under the chapter to offer for sale or distribution to consumers food cooked at a farm or farmers’ market; (3) provides that a cottage food production operation may only provide samples of food if an individual, operating out of the individual’s home, produces certain foods; and (4) provides that the provisions above do not apply to a person who provides samples of food at a farm or farmers’ market and does not sell food directly to consumers at the farm or farmers’ market. (Effective September 1, 2019.)

**H.B. 1960 (Price/Perry) – Broadband Development Council:** provides for the creation of the Governor’s Broadband Development Council to: (1) research the progress of broadband development in unserved areas; (2) identify barriers to residential and commercial broadband deployment in unserved areas; (3) study technology-neutral solutions to overcome barriers identified; (4) analyze how statewide access to broadband would benefit economic development, the delivery of educational opportunities in higher and public education, state and local law enforcement, state emergency preparedness, and the delivery of health care services, including telemedicine and telehealth; and (5) to report its findings and recommendations to the governor, the lieutenant governor, and each member of the legislator. (Effective immediately.)

**H.B. 1962 (Lambert/Hall) – TSLAC/Record Retention:** this bill: (1) continues the functions of the Texas State Library and Archives Commission (TSLAC) until September 1, 2031; (2) provides that a local government must: (a) submit to the TSLAC director and librarian the name of the records management officer; (b) file a plan or ordinance establishing a records management program with the TSLAC director and librarian; (c) notify TSLAC at least 10 days before destroying a local government record that does not appear on a records retention schedule issued by TSLAC; and (d) file with the TSLAC director and librarian a written certification that the local government has prepared a records control schedule that establishes a retention period for each local government record and complies with the TSLAC schedules and any other state or federal requirements; and (3) repeals various state laws that require TSLAC involvement in city record retention, including requirements in current law that a local records control schedule be filed with the TSLAC director and librarian, that the director and librarian approve a list of obsolete records, and that an electronic storage authorization request be approved by TSLAC. (Effective September 1, 2019.)

**H.B. 2059 (Blanco/Taylor) – Human Trafficking Prevention Training:** requires human trafficking prevention training as a condition of registration of a permit or license renewal for certain health care practitioners, including: (1) individuals (other than physicians and nurses) who hold a license, certificate, permit, or other authorization issued under Title 3, Occupations Code, and who provide direct patient care (e.g., midwives, dieticians); (2) physicians who submit an application for renewal of a registration permit and who designate a direct patient care practice; and (3) nurses who submit an application for renewal of a license to practice nursing and provide direct patient care. (Effective September 1, 2019.)

**H.B. 2119 (Cortez/Campbell) – Defense Communities:** provides that a defense community awarded a loan of financial assistance from the Texas military value revolving loan account for an eligible project may use a portion of the loan proceeds to pay off other debt, including commercial debt, that the defense community incurred for purposes of financing the project. (Effective September 1, 2019.)

**H.B. 2315 (E. Thompson/Kolkhorst) – Manufactured Homes:** provides that: (1) state law 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 (Department) 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 item (2) above that is owned or operated by the United States or transferred to a state agency from the United States. (Effective September 1, 2019.)

**H.B. 2325 (Metcalf/Hancock) – Communications During Disaster:** this bill provides that:

1. the Texas Division of Emergency Management (Division), in consultation with the Texas A&M AgriLife Extension Service, shall 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;
2. the Division, in consultation with any state agency or private entity the Division determines is appropriate, shall develop standards for the use of social media as a communication tool by governmental entities during and after a disaster;
  3. such standards must: (a) require state agencies, political subdivisions, first responders, and volunteers that use social media during and after a disaster to post consistent and clear information; (b) optimize the effectiveness of social media use during and after a disaster; and (c) require that certain official social media accounts be used during and after a disaster only for providing credible sources of information;
  4. the Division shall develop a mobile application for wireless communication devices to communicate critical information during a disaster directly to disaster victims and first responders;
  5. the mobile application may provide information on: (a) road and weather conditions during a disaster; and (b) disaster response and recovery activities;
  6. the Division shall develop a comprehensive disaster web portal that must: (a) provide disaster information to the public, including information on programs and services available to disaster victims and funding for and expenditures of disaster assistance programs; (b) provide information on disaster response and recovery activities; and (c) provide information on obtaining assistance from the Federal Emergency Management Agency, state agencies, organized volunteer groups, and any other entities providing disaster assistance;
  7. to the extent feasible, the Division shall use data analytics software to integrate data from federal, state, local and nongovernmental sources to more effectively manage disaster response and recovery;
  8. the Division shall conduct a study on the use of a standard communication format by first responders to create a common interoperable operating framework during a disaster;
  9. to the extent practicable, municipalities, among other entities, shall conduct community outreach, including public awareness campaigns, and education activities on disaster preparedness each year;
  10. a public safety entity, including a city, may purchase information technology commodity items through the Department of Information Resources (DIR) if the entity finds the purchase of those commodities will assist the entity in providing disaster education or preparing for a disaster;
  11. a public safety entity may contract with DIR for use of state consolidated telecommunications system if the entity finds that use of the system will assist the entity in providing disaster education or preparing for a disaster; and
  12. the Texas Information and Referral Network must: (a) be capable of assisting with statewide disaster response and emergency management, including through the use of interstate agreements with out-of-state call centers to ensure preparedness and responsiveness; (b) include technology capable of communicating with clients of state and local agencies using electronic text messaging; and (c) include a publicly accessible Internet-based system to provide real-time, searchable data about the location and number of clients of state and local agencies using the system and the types of requests made by the clients.



(Effective September 1, 2019.)

**H.B. 2330 (Walle/Lucio) – Disaster Case Management:** requires that the Health and Human Services Commission and the Texas Division of Emergency Management conduct a study to determine the feasibility of developing an intake system and case management system for state and federal disaster assistance. (Effective immediately.)

**H.B. 2340 (Dominguez/Johnson) – Emergency and Disaster Management:** this bill: (1) provides that one of the purpose of Texas Disaster Act of 1975 is to encourage the adoption of the goals of the strategic plan of the Federal Emergency Management Agency for preparing for, responding to, and recovering from a disaster that emphasizes cooperation among federal agencies, state agencies, local governments, and other nonprofit and private entities; (2) establishes the unmanned aircraft study group to study issues related to the appropriate use of unmanned aircraft in responding to and recovering from a disaster; (3) establishes a work group of state agencies involved in disaster management to develop recommendations for improving the manner in which electronic information is stored by and shared among stated agencies and between state agencies and federal agencies; (4) establishes a permitting task force comprised of various state agencies to be activated if a state of disaster is declared because of weather conditions for the purpose of expediting environmental permitting and access to funds from federal disaster relief programs following the disaster; and (5) provides that the Office of State-Federal Relations Advisory Policy Board, in consultation with the Texas Division of Emergency Management, shall: (a) study federal law and policies related to issues affecting the ability of federal agencies, state agencies, and local governments to cooperate in responding to a disaster, including procurement issues, housing assistance, information sharing, personnel, and federal disaster programs; and (b) make recommendations to improve federal laws and policies related to such issues. (Effective September 1, 2019.)

**H.B. 2345 (Walle/Hinojosa) – Disaster Mitigation:** creates the Institute for Disaster Resilient Texas as a component of Texas A&M University to: (1) develop data analytic tools to support disaster planning, mitigation, response, and recovery by the state, political subdivisions, and the public; (2) create and maintain web-based analytical and visual tools to communicate disaster risks and ways to reduce those risks, including tools that work on the level of individual parcels of land; (3) provide evidence-based information and solutions to aid in the formation of state and local partnerships to support disaster planning, mitigation, response, and recovery; (4) collect, display, and communicate comprehensive flood-related information, including applicable updated inundation maps, for use by decision-makers and the public; and (5) collaborate with institutions of higher education, state agencies, local governments, and other political subdivisions to accomplish the purposes of the bill. (Effective immediately.)

**H.B. 2364 (Darby/Perry) – Statewide Technology Centers:** applies state law governing the provision of information resources by the Department of Information Resources through statewide technology centers (i.e., Government Code Chapter 2054, Subchapter L) to electronic messaging services and outsourced managed services that are: (1) obtained by a state agency using state funds; (2) used by a state agency; or (3) used by a participating local government. (Effective September 1, 2019.)

**H.B. 2617 (Cole/Alvarado) – Fiscal Year:** provides that political subdivisions, other than certain special districts, created on or after September 1, 2019, and that have the authority to impose a tax, must have the same fiscal year as the county in which the political subdivision is wholly or primarily located. (Effective September 1, 2019.)

**H.B. 2634 (Flynn/Hughes) – Cemetery Location:** provides that, when determining the distance from the boundaries of a city where an individual, corporation, partnership, firm, trust, or association may establish or operate a cemetery, the boundary of an annexed area is not considered to be a boundary of the city if the annexed area cannot be developed as residential or commercial property and is primarily used for flood control. (Effective September 1, 2019.)

**H.B. 2730 (Leach/Hughes) – Texas Citizens Participation Act (anti-SLAPP law):** this bill: (1) revises various definitions in the Texas Citizens Participation Act (TCPA), including the definition of “legal action” and “matter of public concern”; (2) revises various provisions related to motions to dismiss legal actions under the TCPA, including prohibiting a governmental entity or an official or employee acting in an official capacity from filing certain such motions; (3) adds legal actions that are exempt from the TCPA, including a legal action brought under the Texas Whistleblower Act; and (4) specifies that the TCPA applies in cases involving the free speech rights of persons involved in media and artistic endeavors, consumer reviews of businesses, and victims of certain criminal acts. (Effective September 1, 2019.)

**H.B. 2755 (Price/Alvarado) – Public Health District Fees:** provides that: (1) a public health district can charge fees for issuing and renewing permits that do not exceed the amount necessary to recover the district’s cost to conduct inspections and issue and renew permits; (2) a public health district in which at least part of the district is in a county with a population of at least 2.8 million shall set the fees for issuing and renewing various permits or for performing inspections in an amount that does not exceed the amount necessary to recover the annual expenditures by the district for permitting, inspecting facilities, and administering permits, inspections, and rules adopted for those purposes; and (3) a public health district is required to establish a fee schedule for any fee collected and revise fee schedule as necessary. (Effective September 1, 2019.)

**H.B. 2794 (Morrison/Kolkhorst) – Emergency Management:** provides that, on September 1, 2019, the administration of the Texas Division of Emergency Management shall transfer from the Department of Public Safety to the Texas A&M University System. (Effective immediately.)

**H.B. 2826 (G. Bonnen/Huffman) – Contingent Fee Legal Contracts:** in regard to a political subdivision’s procurement of legal services under a contingent fee contract:

1. requires the political subdivision to attempt to negotiate a contract: (a) with a well-qualified attorney or law firm on the basis of demonstrated competence, qualifications, and experience; and (b) at a fair and reasonable price;
2. allows the political subdivision to require an attorney or law firm to indemnify or hold harmless the political subdivision from claims and liabilities resulting from negligent acts or omissions of the attorney or firm, but not negligent acts or omissions of the political subdivision (this does not prevent an attorney or firm from defending a political



- subdivision in accordance with a contract for the defense of negligent acts or omissions of the political subdivision);
3. requires the political subdivision to give written notice to the public of: (a) the reasons for pursuing the matter; (b) the competence, qualifications, and experience of the attorney or firm; (c) the nature of the relationship between the political subdivision and the attorney or firm; (d) the reason the legal services cannot be adequately performed by attorneys and personnel of the political subdivision; (e) the reason the contract cannot be based on the payment of hourly fees without contingency; and (f) the reason the contingent fee contract is in the best interest of the residents;
  4. requires the contract be approved at an open meeting called for the purpose of considering the matters described in (3), above, and requires the political subdivision to make certain written findings in regard to those matters;
  5. provides that the contract: (a) is public information and may not be withheld under any exception to disclosure; and (b) must be submitted to and approved by the attorney general before it is effective and enforceable (and repeals the requirement that such a contract must be approved by the comptroller);
  6. allows a political subdivision to contest the attorney general's refusal to approve a contract in a State Office of Administrative Hearings contested case proceeding;
  7. allows a political subdivision or its auditor to inspect or obtain copies of the time and expense records;
  8. requires, at the conclusion of the matter, the contracting attorney or law firm to provide a public written statement describing the outcome of the matter, the amount of any recovery, the computation of the contingent fee, and final time and expense records;
  9. provides that litigation and other expenses payable under the contract may be reimbursed only if the political subdivision's auditor makes certain determinations;
  10. provides that a contract entered into or an arrangement made in violation of the procurement requirements for contingent fee contracts is void as against public policy and no fees may be paid to any person under the contract or any theory of recovery for work performed in connection with the void contract; and,
  11. provides that a contract that is approved by the attorney general cannot later be declared void.

(Effective September 1, 2019.)

**H.B. 3001 (Morrison/Birdwell) – Special District Reporting:** this bill, among other things, authorizes the comptroller to include in the debt reporting database a direct link to, or a clear statement describing the location of, any information posted separately on an Internet website that a state agency, the comptroller, or a political subdivision maintains or causes to be maintained instead or in addition to reproducing the required information on the comptroller's website. (Effective September 1, 2019.) BL

**H.B. 3163 (Springer/Zaffirini) – Accessible Parking Spaces:** this bill provides that: (1) Texas Commission on Licensing and Regulation standards and specifications must provide the following: (a) if an accessible parking space is paved: (i) the international symbol of access must be painted on the parking space; and (ii) the words "NO PARKING" shall be painted on any access aisle adjacent to the parking space; and (b) 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; and (2) any accessible parking space or area designated by a political subdivision must conform with the standards and specifications described in Item (1), above. (Effective September 1, 2019.)

**H.B. 3365 (Paul/Alvarado) – Disaster Assistance Liability:** this bill clarifies that: (1) notwithstanding the provisions of the Texas Tort Claims Act, an entity and the authorized representative of the entity are not liable for the act or omission of a person providing care, assistance, or advice on request of an authorized representative of a local, state, or federal agency, including a fire department, a police department, an emergency management agency, and a disaster response agency; and (2) such immunity from liability is in addition to any other immunity or limitations of liability provided by law. (Effective immediately.)

**H.B. 3371 (Darby/Taylor) – Battery-Charged Fences:** provides 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 battery-charged fences that are inconsistent with the standards in the bill or those set by the International Electrotechnical Commission; or (3) prohibit the installation or use of battery-charged fences. (Effective September 1, 2019.)

**H.B. 3616 (Hunter/Lucio) – Faith-Based Disaster Response Task Force:** establishes a task force on faith-based disaster response to: (1) develop and implement a plan for improving data collection regarding faith-based organizations that participate in disaster response; (2) develop best practices for communicating, cooperating, and collaborating with faith-based organizations to strengthen disaster response in the state; (3) identify and address inefficiencies in disaster response provided by the state and faith-based organizations; and (4) identify and address gaps in state services that could be provided by faith-based organizations. (Effective immediately.)

**H.B. 3704 (S.Thompson/Zaffirini) – Public Health Data:** provides that: (1) the Department of State Health Services (DSHS) may enter into an agreement with a local public health entity that provides essential public health services to provide the entity access to: (a) identified public health data relating to entity’s jurisdiction and any public health data relating to a jurisdiction contiguous to the entity; and (b) deidentified public health data maintained by the department relating to the jurisdiction of any other local public health entity; (2) public health data obtained through the agreement may be used only in the provision of essential public health services; (3) public health data includes necessary identified public health data required for an infectious disease investigation; (4) DSHS must establish a review process for the consideration of public health data requests relating to essential public health service or public health research that is not related to (1), (2) and (3), above; (5) a local public health entity seeking public health data for human subject research purpose must submit a request to DSHS’ institutional review board for review and consideration; and (5) a local public health entity receiving public health data from DSHS must maintain the integrity and security of the data and comply with state and federal privacy laws. (Effective September 1, 2019.)

**H.B. 3754 (Burrows/West) – Local Alcohol Permit and License Fees:** authorizes a city to: (1) enter into a contract with a private attorney or a public or private vendor for the collection of an unpaid local permit or license fee that is more than 60 days past due; and (2) enter into an interlocal agreement with another entity authorized to levy a local permit or license fee for the collection of an unpaid fee that is more than 60 days past due. (Effective September 1, 2019.)

**H.B. 3834 (Caprigilone/Paxton) – Cybersecurity Training:** provides that: (1) the Department of Information Resources (DIR) with the cybersecurity council and industry stakeholders shall annually: (a) certify at least five cybersecurity training programs for state and local government employees; and (b) update standards for maintenance of certification by the cybersecurity training programs; (2) a certified training program must: (a) focus on forming information security habits and procedures that protect and procedures that protect information resources; (b) teach best practices for detecting, assessing, reporting, and addressing information security threats; (3) DIR may identify and certify training programs provided by state agencies and local governments that satisfy the above requirements; (4) DIR shall annually publish on the its website the list of certified cybersecurity training programs; (5) a local government that employs a dedicated information resources cybersecurity officer may offer to its employees a cybersecurity training program that satisfies the certified requirements described in (2); (6) at least once a year, a local government shall identify employees who have access to a local government computer system or database and require those employees and elected officials of the local government to complete a certified cybersecurity training program; and (6) the governing body of the local government may select the most appropriate certified cybersecurity training program for employees to complete and shall: (a) verify and report on the completion of a cybersecurity training program by employees of the local government to DIR; and (b) require periodic audits to ensure compliance. (Effective immediately.)

**H.B. 4347 (Anchia/Nelson) – Hotel Occupancy Taxes:** this bill, among other changes affecting the eligibility of certain cities to use tax revenue for hotel and convention center projects and other qualified projects, provides that a city may authorize a nonprofit corporation to act on behalf of the city for any purposes related to the use or allocation of the city's hotel occupancy tax revenue. (Effective September 1, 2019.)

**H.J.R. 4 (Phelan/Creighton) – Flood Infrastructure Funds:** Amends the Texas Constitution to provide that: (1) the flood infrastructure fund is created as a special fund in the state treasury outside the general revenue fund; and (2) as provided by general law, money in the flood infrastructure fund may be administered and used, without further appropriation, by the Texas Water Development Board or that board's successor in function to provide financing for a drainage, flood mitigation, or flood control project, including: (a) planning and design activities; (b) work to obtain regulatory approval to provide nonstructural and structural flood mitigation and drainage; or (c) construction of structural flood mitigation and drainage infrastructure. (See S.B. 7, below.)(Effective if approved at the election on November 5, 2019.)

**S.B. 6 (Kolkhorst/Morrison) – Emergency Management:** this bill provides that:

1. no later than January 1, 2020, the Texas Division of Emergency Management (Division) shall develop a model guide for local officials regarding disaster response and recovery

that must provide a comprehensive approach to disaster recovery by local officials and include 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 management training required by current law must include training based on the disaster response guide described in Item (1) above;
3. the Division, in consultation with any other state agencies selected by the Division, shall develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster, and such plan must: (a) provide a guide for clearance and disposal of debris caused by a disaster, including information on preparing for debris removal before 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 in another cooperative purchasing program administered by the comptroller;
5. the Texas A&M Engineering Extension Service, in coordination with the Texas Commission on Environmental Quality, shall establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal;
6. a wet debris study group shall be established and be composed of representatives of the Division, any other state agencies selected by the Division, and local and federal governmental entities for the purpose of studying issues related to preventing the creation of wet debris and best practices for clearing wet debris following a disaster, including: (a) creation of maintenance programs for bodies of water in the state; (b) issues related to the clearance of wet debris on private property following a disaster; and (c) potential sources of funding for the clearance of wet debris following a disaster;
7. the Division shall establish an emergency management work group composed of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors, emergency management coordinators, and any other emergency management personnel;
8. subject to appropriation of funds by the legislature, the Disaster Recovery Loan Account (Account) shall be created as an account in the general revenue fund to be administered by the Division, and the Division shall by rule, establish a loan program to use money from the Account to provide short-term loans for disaster recovery projects to eligible political subdivisions;
9. a political subdivision may apply to the Division for a loan through the loan program described in Item (8) above, if: (a) the political subdivision: (i) is located wholly or partly in an area declared to be a disaster area by the governor or the president of the United States; and (ii) before applying to the Division for a loan, has submitted to the Division, within 15 days of the date of its adoption by the governing body of the political subdivision, the political subdivision's operating budget for the most recent fiscal year; and (iii) has submitted an application for a loan from the Federal Emergency Management Agency's community disaster loan program; (b) an assessment of damages due to the disaster for which the declaration was made has been conducted in the political

subdivision; and (c) the Division, in consultation with the Federal Emergency Management Agency, determines that the estimated cost to rebuild the political subdivision's infrastructure damaged in the disaster is greater than 50 percent of the political subdivision's total revenue for the current year as shown in the political subdivision's most recent operating budget submitted to the Division;

10. a loan made from the Account must be subject to the following conditions: (a) the loan must be made at or below market interest rates for a term not to exceed 10 years; and (b) the loan proceeds must be expended by the eligible political subdivision solely for disaster recovery projects;
11. if the term of a loan from the Account exceeds two years, the state auditor shall, on the second anniversary of the date on which the eligible political subdivision received the loan, conduct a limited audit of the political subdivision to determine whether the political subdivision has the ability to repay the loan under the terms of the loan, and may forgive a loan made to a political subdivision if the state auditor determines that the political subdivision is unable to repay the loan; and
12. the Health and Human Services Commission shall conduct a study to determine the feasibility of developing: (a) a single intake form that would compile all information needed to obtain disaster assistance from multiple state and federal programs for an individual who needs assistance as a result of a disaster; and (b) an automated intake system for collecting the information.

(Effective September 1, 2019.)

**S.B. 7 (Creighton/Phelan) – Flood Planning:** this bill:

1. defines the term “flood control planning” for purposes of the types of activities that the Texas Water Development Board may provide funding from the Research and Planning Fund to political subdivisions, to mean any work related to: (a) planning for flood protection; (b) preparing applications 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 and nonstructural flood mitigation and drainage;
2. modifies current law to provide that the Board, in establishing the criteria of eligibility for flood control planning funds from the Research and Planning Fund, shall consider 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. creates the state Infrastructure Fund to provide funding for flood projects, which are defined as drainage, flood mitigation, or flood control project, including: (a) planning and design activities; (b) work to obtain regulatory approval to provide nonstructural and structural flood mitigation and drainage; (c) construction of structural flood mitigation and drainage infrastructure; and (d) construction and implementation of nonstructural projects, including projects that use nature-based features to protect, mitigate, or reduce flood risk;
4. provides that the Infrastructure Fund may only be used for the following purposes: (a) to make a loan to an eligible political subdivision, including a city, at or below market

- interest rates for a flood project; (b) to make a grant or loan at or below market interest rates to an eligible political subdivision, including a city, for a flood project to serve an area outside of a metropolitan statistical area in order to ensure that the flood project is implemented; (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, including a city, to provide matching funds to enable the eligible political subdivision to participate in a federal program for a flood project; (e) to make a grant to an eligible political subdivision, including a city, for a flood project if the Board determines that the eligible political subdivision does not have the ability to repay a loan; (f) 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 Infrastructure Fund; (g) to pay the necessary and reasonable expenses of the Board in administering the Infrastructure Fund; and (h) to make transfers to the Research and Planning Fund;
5. provides that principal and interest payments on loans described under Item 4(c) may be deferred for not more than 10 years or until construction of the flood project is completed, whichever is earlier;
  6. provides that the provisions described in Items (4) and (5) above related to the Infrastructure Fund are contingent on legislation that requires the creation of a state flood plan ([S.B. 8](#)) passing and becoming law, and on the date that the Board adopts the initial state flood plan: (a) these provisions expire; (b) the Board may use the Infrastructure Fund only to provide financing for flood projects in the state flood plan; and (c) money from the Infrastructure Fund may be awarded to several eligible political subdivisions, including cities, for a single flood project;
  7. requires an eligible political subdivision, including a city, applying for financial assistance from the Infrastructure Fund for a proposed flood project to demonstrate in the application: (a) that the eligible political subdivision has acted cooperatively with other political subdivisions to address flood control needs in the area in which the eligible political subdivisions are located; (b) that all eligible political subdivisions substantially affected by the proposed flood project have participated in the process of developing the proposed flood project; (c) that the eligible political subdivisions, separately or in cooperation, have held public meetings to accept comment on proposed flood projects from interested parties; (d) with the exception of eligible political subdivisions described in Item 4(b) above, that the technical requirements for the proposed flood project have been completed and compared against any other potential flood projects in the same area; and (e) an analysis of whether the proposed flood project could use floodwater capture techniques for water supply purposes, including floodwater harvesting, detention or retention basins, or other methods of capturing storm flow or unappropriated flood flow;
  8. provides that the Board may approve an application for funding under the Infrastructure Fund only if: (a) the application and the assistance applied for meet the requirements of the bill and Board rules; (b) the application demonstrates a sufficient level of cooperation among eligible political subdivisions and includes all of the eligible political subdivisions substantially affected by the flood project; and (c) the taxes or other revenue, or both the taxes and other revenue, pledged by the applicant



- will be sufficient to meet all the obligations assumed by the eligible political subdivisions;
9. provides that 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;
  10. provides that participating in cooperative flood planning for purposes of obtaining funding under the Infrastructure Fund does not subject the state or an eligible political subdivision to civil liability in regard to a flood project;
  11. creates the state Texas Infrastructure Resiliency Fund (“Resiliency Fund”) to be administered by the Board that constitutes of three separate accounts: (a) the Floodplain Management Account; (b) the Hurricane Harvey Fund; and (c) the Federal Matching Account;
  12. defines the term “flood project” for purposes of the Resiliency Fund to mean a drainage, flood mitigation, or flood control project, including: (a) planning and design activities; (b) work to obtain regulatory approval to provide structural and nonstructural flood mitigation and drainage; (c) construction of structural flood mitigation and drainage infrastructure; (d) nonstructural or natural flood control strategies; and (e) a federally authorized project to deepen a ship channel affected by a flooding event;
  13. provides that the Floodplain Management Account shall be funded by state insurance maintenance taxes, money directly appropriated to the Board, and from gifts or grants from the federal, local or regional governments or private or other sources, and that such funds may be used to provide financing for activities related to: (a) 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, including multifamily units, located in floodplains;
  14. provides that the Board may use funds in the Hurricane Harvey Account only to provide funds to the Texas Division of Emergency Management (Division) for the Division to provide financing for projects related to Hurricane Harvey, including making: (a) a grant to an eligible political subdivision to provide nonfederal matching funds to enable the political subdivision to participate in a federal program for the participation in or development of: (i) a hazard mitigation project, under guidelines issued by the Federal Emergency Management Agency (FEMA) or the Division; (ii) a public assistance project, under guidelines issued by FEMA or the Division; (iii) assistance under guidelines issued by the Natural Resources Conservation Service, the United States Economic Development Administration, or the United States Department of Housing and Urban Development; and (b) loan to an eligible political subdivision at or below market interest rates for the political subdivision’s planning or design costs, permitting costs, construction costs, or other costs associated with state or federal regulatory activities with respect to a flood project;
  15. provides that a grant or loan awarded from the Hurricane Harvey Account may not provide more than 75 percent of the portion of the cost of the project that is paid with money other than money from a federal program;



16. provides that: (a) the Board, in collaboration with the Division, shall establish a point system for prioritizing flood projects other than public assistance grants for which funds from the Hurricane Harvey Account is sought; (b) such point system must include a standard for the Board to apply in determining whether a flood project qualifies for funding at the time the application for funding is filed with the Board; and (c) in awarding points, the Division shall give highest consideration to a flood project that that will have a substantial effect, including a flood project that: (i) is recommended or approved by the director of the Division; and (ii) meets an emergency need in a county where the governor has declared a state of emergency;
17. provides that the Division may approve an application for financial assistance from the Hurricane Harvey Account only if the Division finds that: (a) the application and assistance applied for meet the requirements of this bill and Division rules; (b) the application demonstrates sufficient level of cooperation among applicable political subdivisions and includes all of the political subdivisions substantially affected by the flood project; and (c) the taxes or other revenue, or both the taxes and other revenue, pledged by the applicant, if applicable, will be sufficient to meet all the obligations assumed by the applicant;
18. provides that: (a) principal and interest payments on loans described under Item 14(b) may be deferred for not more than 10 years or until construction of the flood project is completed, whichever is the shorter period; (b) money from the Hurricane Harvey Account may be awarded to several eligible political subdivisions for a single flood project; and an eligible political subdivision that receives a grant for a flood project may also receive a loan from the account;
19. provides that the Hurricane Harvey Account shall expire on September 1, 2031, and the remaining balance of the account on that date shall be transferred to the Floodplain Implementation Account;
20. provides that the Board may only use funds in the Federal Matching Account to: (a) meet matching requirements for projects funded partially by federal money, including projects funded by the United States Army Corps of Engineers; and (b) make a loan to an eligible political subdivision below market interest rates and under flexible repayment terms, including a line of credit or loan obligation with early prepayment terms, to provide financing for the local share of a federally authorized ship channel improvement project;
21. requires a state agency that uses or disburses federal money for flood research, planning or mitigation projects to submit a report to the Board on a quarterly basis that includes the following information about federal money used or disbursed for flood research, planning or mitigation projects: (a) the original total of federal money received; (b) the amount of the federal money spent or disbursed to date; and (c) the eligibility requirements for receiving the federal money;
22. requires the Board to post the following information on the Board's internet website regarding the use of the Resiliency Fund and regularly update the posted information: (a) the progress made in developing flood projects statewide; (b) a description of each flood project that receives money from the resiliency fund, (c) a description of the point system for prioritizing flood projects and the number of points awarded by the Board for each flood project; (d) any non-confidential information submitted to the Board as part of an application for funding that is approved by the Board; (e) the

- administrative and operating expenses incurred by the Board in administering the Resiliency Fund; and (f) any information required by Board rule;
23. provides that contingent on legislation that requires the creation of a state flood plan ([S.B. 8](#)) passing and becoming law, on the date that the Board adopts the initial state flood plan: (a) the Flood Plan Implementation Account shall be created as an account in the Resiliency Fund; (b) the Board may use the account only to provide financing for projects included in the state flood plan; and (c) funds from the account may be awarded to several eligible political subdivisions for a single flood project; and
  24. provides that the Board may use funds from the state Texas Water Resources Fund to: (a) fund flood projects described under under Item (3) and (12); (b) provide funds to the Flood Infrastructure Fund; and (c) provide funds to the Resiliency Fund.

(Effective immediately, except that the provisions related to the Flood Infrastructure Fund take effect on January 1, 2020, but only if **H.J.R. 4** is approved by the voters.)(See H.J.R. 4, above.)

**[S.B. 8](#) (Perry/Larson) – Flood Planning:** this bill provides that:

1. not later than September 1, 2024, and before the end of each successive five-year period after that date, the Texas Water Development Board (Board) shall prepare and adopt a comprehensive state flood plan that incorporates approved regional flood plans;
2. the state flood plan must: (a) provide for orderly preparation for and response to flood conditions to protect against the loss of life and property; (b) be a guide to state and local flood control policy; (c) contribute to water development where possible; and (d) include: (i) an evaluation of the condition and adequacy of flood control infrastructure on a regional basis; (ii) a statewide, ranked list of ongoing and proposed flood control and mitigation projects and strategies necessary to protect against the loss of life and property from flooding and a discussion of how those projects and strategies might further water development, where applicable; (iii) an analysis of completed, ongoing, and proposed flood control projects included in previous state flood plans, including which projects received funding; (iv) an analysis of development in the 100-year floodplain areas as defined by the Federal Emergency Management Agency; and (v) legislative recommendations the Board considers necessary to facilitate flood control planning and project construction;
3. the Board, in coordination with other state agencies shall adopt guidance principles for the state flood plan that reflect the public interest of the entire state, and shall review and revise the guidance principles, with input from other state agencies as necessary and at least every fifth year to coincide with the five-year cycle for adoption of a new state flood plan;
4. the Board shall, not later than September 1, 2021: (a) designate flood planning regions corresponding to each river basin; (b) adopt guidance principals for the regional flood plans, including procedures for amending adopted plans; and (c) designate representatives from each flood planning region to serve as the initial flood planning group;
5. the: (a) initial flood planning group may designate additional representatives to serve on the flood planning group and shall designate additional representatives if

- necessary to ensure adequate representation from the interests in its region, including the public, counties, cities, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, river authorities, water districts, and water utilities; and (b) Board, the Texas Commission on Environmental Quality, the General Land Office, the Parks and Wildlife Department, the Department of Agriculture, the State Soil and Water Conservation Board, and the Texas Division of Emergency Management shall each appoint a representative to serve as an ex officio member of each flood planning group;
6. each regional flood planning group shall: (a) hold public meetings to gather from interested persons, including members of the public and other political subdivisions located in that county, suggestions and recommendations as to issues, provisions, projects, and strategies that should be considered for inclusion in a regional flood plan; and (b) consider information collected from the public meetings in creating a regional flood plan;
  7. a regional flood plan must: (a) use information based on scientific data and updated mapping; and (b) include: (i) a general description of the condition and functionality of flood control infrastructure in the flood planning region; (ii) flood control projects under construction or in the planning stage; (iii) an identification of the areas in the flood planning region that are prone to flood and flood control solutions for those areas; and (iv) an indication of whether a particular flood control solution meets an emergency need; uses federal money as a funding component; and may also serve as a water supply source;
  8. after a flood planning group prepares a regional flood plan the group shall hold at least one public meeting in a central location in the flood planning region to accept comments on the regional flood, and after consideration of the comments received, the group shall adopt the regional flood plan and submit the plan to the Board not later than January 10, 2023;
  9. the Board shall approve a regional flood plan if the plan: (a) satisfies the requirements for regional flood plans adopted in the guidelines described in Item 4(b) above; (b) adequately provides for the preservation of life and property and the development of water supply sources, where applicable; and (c) does not negatively affect a neighboring area;
  10. the State Soil and Water Conservation Board shall (State Board) : (a) prepare and adopt a 10-year dam repair, rehabilitation, and maintenance plan that describes the repair and maintenance needs of flood control dams; (b) prepare and adopt a new plan before the end of the 10<sup>th</sup> year following the adoption of the initial plan; and (c) deliver the adopted plan to the Board;
  11. the Board, in coordination with the State Board and the Texas Commission on Environmental Quality shall prepare a report of the repair and maintenance needs of all dams that: (a) are not licensed by the Federal Energy Regulatory Commission; (b) do not have flood storage; (c) are required to pass floodwaters; and (d) have failed; and
  12. the State Board shall deliver to the Board, each year, a report regarding progress made on items listed in the plan.

(Effective immediately.)

**S.B. 21 (Huffman/Zerwas) – Cigarettes, E-Cigarettes, and Tobacco Products:** provides that: (1) the legal age to purchase tobacco products is raised from 18 to 21 years (with an exception for military members); and (2) a political subdivision may not adopt or enforce an ordinance or requirement relating to the lawful age to sell, distribute, or use cigarettes, e-cigarettes, or tobacco products that is more stringent than a requirement prescribed by state law. (Effective September 1, 2019.)

**S.B. 22 (Campbell/Noble) – Abortion Providers:** provides that: (1) a governmental entity may not enter into a “taxpayer resource transaction” (which is defined in a way to exclude provision of basic services such as police, fire, or utilities) with an abortion provider or an affiliate of an abortion provider; (2) the attorney general may bring an action in the name of the state to enjoin a violation of (1); (3) the attorney general may recover reasonable attorney’s fees and costs in bringing an action in (2); (4) sovereign or governmental immunity, as applicable, of a governmental entity to suit and from liability is waived to the extent the liability is created by (1); and (5) the bill may not be construed to restrict a city or county from prohibiting abortion. (Effective September 1, 2019.)

**S.B. 30 (Birdwell/Phelan) – Bond Propositions:** this bill, among other things: (1) requires each single specific purpose for which bonds requiring voter approval are to be issued to be printed on the ballot as a separate proposition; (2) provides that a proposition may include as a specific purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the specific purpose; and (3) requires a proposition seeking approval of the issuance of bonds to specifically include a plain language description of the single specific purpose for which the bonds are to be authorized. (Effective September 1, 2019.)

**S.B. 64 (Nelson/Phelan) – Cybersecurity:** provides that: (1) a cybersecurity event is added to the definition of disaster under the Texas Disaster Act; (2) the Department of Information Resources (DIR) shall submit to the governor, the lieutenant governor, and speaker of the house of representatives a report identifying preventative and recovery efforts the state can undertake to improve cybersecurity in this state, including an evaluation of a program that provides an information security officer to assist small state agencies and local governments that are unable to justify hiring a full-time information security officer; (3) DIR 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; (4) the state cybersecurity coordinator shall establish a cyberstar certificate program to recognize public and private entities that implement the best practices for cybersecurity developed including: (a) measurable, flexible, and voluntary cybersecurity risk management programs 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) appropriate training and information for employees or other individuals who are most responsible for maintaining security of the entities’ information systems; (c) consistency with the National Institute of Standards and Technology standards for information systems; (d) public service announcements to encourage cybersecurity awareness; and (e) coordination with local and state

governmental entities; (5) each state agency and local government shall, in the administration of the agency or local government, consider using next generation technologies, including cryptocurrency, blockchain technology, and artificial intelligence; and (6) the Public Utility Commission shall establish a program to monitor cybersecurity efforts among utilities, including a municipally owned electric utility, and the program shall: (a) provide guidance on best practices in cybersecurity and facilitate the sharing of cybersecurity information between utilities; (b) provide guidance on best practices for cybersecurity controls for supply chain risk management of cybersecurity systems used by utilities, which may include, best practices related to: (i) software integrity and authenticity; (ii) vendor risk management and procurement controls, including notification by vendors of incidents related to the vendor's products and services; and (iii) vendor remote access. (Effective September 1, 2019.)

**S.B. 65 (Nelson/Geren) – Lobby Reporting/Budgeting:** provides, among other things, that: (1) the contracts disclosure requirements from H.B. 1295 (2015) apply to a contract for services that would require a person to register as a lobbyist under state law, regardless of whether such contract: (a) requires an action or vote by the governing body of the city before the contract may be signed; or (b) has a value of at least \$1 million; and (2) “consulting service” means “the service of studying or advising a state agency under a contract that does not involve the traditional relationship of employer and employee;” (3) a political subdivision that enters or has entered into a contract for consulting services with a state agency, regardless of whether the term of the contract has expired, shall prominently display on its website the following regarding contracts for services that would require a person to register as a lobbyist under state law: (a) the execution dates; (b) the contract duration terms, including any extension options; (c) the effective dates; (d) the final amount of money the political subdivision paid in the previous fiscal year; and (e) a list of all legislation advocated for, on, or against by all parties and subcontractors to the contract, including the position taken on each piece of legislation in the prior fiscal year; (5) in lieu of displaying the items described by (4), above, a political subdivision may post on its website the contract for those services; and (6) the proposed budget of a political subdivision described by (3), above, must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in the state lobby law. (Effective September 1, 2019.)

**S.B. 230 (Perry/Guillen) – Rock Climbing:** includes rock climbing in the definition of the term “recreation” in the recreational use statute for tort liability purposes. (Effective immediately.)

**S.B. 285 (Miles/E. Thompson) – Hurricane Preparedness and Mitigation:** provides, among other things, that: (1) the governor shall issue a proclamation each year before hurricane season instructing, among other things, that municipalities and other entities conduct, to the extent practicable, community outreach and education activities on hurricane preparedness between May 25 and May 31 of each year; and (2) the General Land Office shall 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 types of assistance unavailable under that law. (Effective September 1, 2019.)

**S.B. 289 (Lucio/Morrison) – Natural Disasters:** the bill: (1) requires the Texas Division of Emergency Management to develop 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; (2) authorizes the General Land Office (or other state agency designated by the governor) to receive and administer federal and state funds appropriated for long-term disaster recovery; (3) authorizes a local government, including a city, that is located in certain coastal counties to develop local housing recovery plans to provide for the rapid and efficient construction of permanent replacement housing following a disaster and to seek certification of such plan from the Hazard Reduction and Recovery Center at Texas A&M University; and (4) require the General Land Office (or other state agency designated by the governor) to seek approval from certain federal agencies for the immediate post-disaster implementation of local housing recovery plans. (Effective September 1, 2019.)

**S.B. 322 (Huffman/Murphy) – Public Retirement Systems:** provides that: (1) a public retirement system, including the Texas Municipal Retirement System, shall select an independent firm with substantial experience in evaluating institutional investment practices and performance to evaluate the appropriateness, adequacy, and effectiveness of the system's investment practices and performance and to make recommendations for improving the system's investment policies, procedures, and practices; (2) each evaluation must include: (a) an analysis of any investment policy or strategic investment plan adopted by the retirement system and the retirement system's compliance with that policy or plan; (b) a detailed review of the retirement system's investment asset allocation, including: (i) the process for determining target allocations; (ii) the expected risk and expected rate of return; (iii) the appropriateness of selection and valuations methodologies of alternative and illiquid assets; and (iv) future cash flow and liquidity needs; (3) a review of appropriateness of investment fees and commissions paid by the retirement system; (4) a review of the retirement system's governance process related to investment activities, including investment decision-making processes, delegation of investment authority, and board investment expertise and education; and (5) a review of the retirement system's investment manager selection and monitoring process. (Effective immediately.)

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

**S.B. 476 (Hancock/Menendez) – Dogs at Restaurants:** provides that: (1) a food service establishment may permit a customer to be accompanied by a dog in an outdoor dining area if: (a) the establishment posts a sign in a conspicuous location in the area stating that dogs are permitted; (b) the customer and dog access the area directly from the exterior of the establishment; (c) the dog does not enter the interior of the establishment; (d) the customer keeps the dog on a leash and controls the dog; (e) the customer does not allow the dog on a seat, table,



countertop, or similar surface; and (f) in the area, the establishment does not prepare food or permit open food other than food that is being served to a customer; and (2) a city may not adopt or enforce an ordinance, rule, or similar measure that imposes a requirement on a food service establishment for a dog in an outdoor dining area that is more stringent than the requirements in (1). (Effective September 1, 2019.)

**S.B. 496 (Perry/Murr) – Historic Courthouse Preservation Program:** requires the Historical Commission to consider the county’s or city’s local funding capacity, as measured by the total taxable value of properties in the county or city, as applicable, when considering whether to grant an application for a grant or loan for a historic courthouse project. (Effective September 1, 2019.)

**S.B. 568 (Huffman/G. Bonnen) – Child-Care Facilities and Family Homes:** this bill: (1) transfers some regulatory authority over childcare facilities and family homes from the Department of Family and Protective Services to the Health and Human Services Commission (commission) and modifies certain requirements and penalties that apply to these facilities and homes; (2) requires the executive commissioner to establish safe sleeping standards; (3) requires licensed child-care facilities and registered family homes to comply with the safe sleeping standards in (2), and to provide written notice to parents and legal guardians if the commission determines the facility or home did not comply; (4) requires a license or registration holder to notify parents and guardians if they don’t have certain liability insurance coverage, and requires the commission to post the information on its website; (5) gives the commission authority to add restrictions and conditions to a certification or registration if the facility or home has repeated violations, and prohibits the commission from renewing the license of a facility cited for a violation that is not corrected by the required compliance date unless the violation is pending an administrative review or in a contested case proceeding; (6) requires licensees and registrants to report serious incidents involving children to the commission and the affected children’s parents or guardians; and (7) allows the commission to impose administrative penalties without first imposing nonmonetary administrative sanctions for violations of certain high-risk standards, and requires the commission to recommend specified penalties for certain violations by facilities or family homes. (Effective September 1, 2019.)

**S.B. 572 (Kolkhorst/Rodriguez) – Cottage Food:** this bill: (1) expands the definition of “cottage food production operation” to include pickled vegetables, plant-based acidified canned goods, fermented vegetable products, frozen raw and uncut fruit or vegetables, or any food that is not a time and temperature control for safety food; (2) removes the limits on the locations from which cottage food production operations may sell food; (3) requires a cottage food production operation to: (a) comply with certain labeling, storage, and delivery requirements in regard to frozen raw and uncut fruit or vegetables; and (b) provide certain information to consumers when selling food through the Internet or by mail order; and (4) requires a cottage food production operation that sells pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods to use certain approved recipes or test the food, and comply with certain labeling and recordkeeping requirements. (Effective September 1, 2019.)

**S.B. 632 (Kolkhorst/Price) – Local Mental Health Authorities:** provides that: (1) a local mental health authority’s governing body must include: (a) if serving only one county, the sheriff



of the county or the sheriff's representative as an ex officio nonvoting member; and (b) if serving two or more counties and after the local authority takes the median population size of each of the counties in which it serves, one sheriff of a county or sheriff's representative with a population above the median population size and one sheriff of a county or sheriff's representative with a population below the median population size to serve as ex officio nonvoting members; (2) a local mental health authority that serves two or more counties may rotate the positions of ex officio nonvoting members and must consult with each sheriff of the counties served in rotating the positions of ex officio nonvoting members; (3) a local mental health authority may not bar or restrict a sheriff who serves as an ex officio nonvoting member from speaking or providing input at a meeting of the local authority's governing body; (4) a local mental health authority without a governing body must consult with: (a) the sheriff of the county or sheriff's representative regarding the use of funds received from Department of State Health Services if the local authority only serves one county; and (b) if serving two or more counties and after the local authority takes the median population size of each of the counties in which it serves, one sheriff of a county or sheriff's representative with a population above the median population size and one sheriff of a county or sheriff's representative with a population below the median population size regarding the use of funds received from DSHS; (5) a local mental health authority must solicit information regarding community needs from local law enforcement agencies when developing the local service area plan; (6) a board of trustee of a community center established by one local agency must include a sheriff of a county or sheriff's representative in the region served by the community center who is appointed by the local agency's governing body to serve as an ex officio nonvoting member; and (7) a board of trustees for a community center established by at least two local agencies must include: (a) if the region served consists of only one county, the sheriff of that county or the sheriff's representative serves as an ex officio nonvoting member; or (b) if the region served consists of more than one county, sheriffs from at least two of the counties in the region served or sheriff's representatives serves as ex officio nonvoting members. (Effective September 1, 2019.)

**S.B. 633 (Kolkhorst/Lambert) – Local Mental Health Authorities:** provides that: (1) the Health and Human Service Commission (HHSC), not later than January 1, 2020: (a) is required to identify each local mental health authority that is located in a county with a population of 250,000 or less or that the commission determines provides services predominately in a county with a population of 250,000 or less; (b) shall assign these identified authorities to regional groups of at least two authorities; (c) shall notify these authorities that HHSC has identified the authority for the initiative to increase mental health services in its area; and (d) shall develop a mental health service development plan for each local mental health authority group that will increase the capacity of the authorities in the group to provide access to needed services; and (2) the initiative in (1) expires September 1, 2021. (Effective Immediately.)

**S.B. 799 (Alvarado/Murphy) – Disaster Recovery:** the bill: (1) provides that, on September 1, 2019, the administration of the Texas Division of Emergency Management (Division) shall transfer from the Department of Public Safety to the Texas A&M University System; (2) creates a business advisory council that consists of 12 members who represent business in the state and are appointed by the governor, lieutenant governor, and speaker of the house of representatives to: (a) advise the Division on policies, rules, and program operations to assist businesses in recovering from a disaster; (b) advise the Division on the state resources and services needed to

assist businesses in recovering from a catastrophic loss of electric power; and (c) proposed solutions to address inefficiencies or problems in the state or local governmental disaster response with respect to impact on businesses and the economy; (3) creates a wet debris work group composed of representatives of the Division, any other state agencies selected by the Division, and local and federal governmental entities for the purpose of conducting a study to: (a) identify: (i) wet debris removal categories for bodies of water in the state and the applicable laws for each category; (ii) current jurisdictions of local, state, federal, and private entities responsible for wet debris removal, including any concurrent, joint or overlapping roles and responsibilities of those entities; (iii) funding sources applicable to each wet debris; and (iv) issues that impede wet debris removal; and (b) provide recommendations for: (i) minimizing impediments to wet debris removal; (ii) clarifying local, state, federal, and private entities' roles and responsibilities for wet debris removal; and (iii) educating interested persons on the results of the study; (4) creates 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. (The provision described in Item 1 is effective immediately; the remaining provisions are effective on September 1, 2019.)

**S.B. 986 (Kolkhorst/Phelan) – Statewide Emergency Management Contracts:** provides: (1) that the comptroller shall update the state contract management guide to include contract management standards and information for contracts related to emergency management; and (2) the guide shall include: (a) preferred contracting standards; (b) information on contracts for services that may be necessary to respond to a natural disaster or to construct, repair, or rebuild property or infrastructure after a natural disaster, including clearing debris and providing information management services and construction services; and (c) advice on preparing for a natural disaster, including procedures to assist a state agency with contracting for services described in Item (2)(b) before a natural disaster occurs. (Effective September 1, 2019.)

**S.B. 932 (Hughes/Wilson) – Farmers' Markets:** provides that certain food permits (including temporary food establishment permits issued by a local health department) issued to a farmer for the sale of food directly to consumers at a farmers' market, a farm stand, or the farmer's farm, and an individual who prepares food for sale at a farmers' market: (1) must be valid for a term of not less than one year; (2) may impose an annual fee not to exceed \$100; and (3) must cover sales at all locations within the jurisdiction of the permitting authority. (Effective September 1, 2019.)

**S.B. 982 (Kolkhorst/Zerwas) – Disaster Emergency Services:** provides that: (1) the Texas Division of Emergency Management (Division), in consultation with the Department of State Health Services (DSHS) and local governmental entities that have established emergency management plans, shall develop a plan to increase the capabilities of local emergency shelters in the provision of shelter and care for specialty care populations during a disaster; (2) the Division, in consultation with DSHS, shall increase awareness of and encourage local government emergency management response teams to utilize services provided by local volunteer networks that are available in the area to respond during a disaster or emergency; (3) the Division shall develop a plan to create and manage state-controlled volunteer mobile medical

units in each public health region to assist counties that lack access to a local volunteer network; (4) DSHS shall collaborate with local medical organizations that represent licensed physicians who practice in a county or public health region to, among other things, ensure that physicians are informed about local government emergency response teams and those teams are aware of physician resources in the county or region, as applicable; (5) the task force on disaster issues affecting persons who are elderly and persons with disabilities is establishing consisting of 11 members appointed by the governor, including, among others, one member who represents municipalities; and (6) such task force shall study methods to more effectively accommodate persons who are elderly and persons with disabilities during a disaster or emergency evacuation. (Effective September 1, 2019.)

**S.B. 1083 (Zaffirini/E. Rodriguez) – Emergency Services Districts:** this bill: (1) requires a city to factor in sales tax revenue, in addition to property tax revenue, in the amount that must be paid to an emergency services district when the city seeks to remove territory from the district; and (2) generally requires a city to compensate the district using whichever method of compensation yields the greater amount. (Effective September 1, 2019.)

**S.B. 1217 (Alvarado/Morales) – Occupational Licensing:** provides that, for purposes of determining a person’s fitness to perform the duties and discharge the responsibilities of the licensed occupation, a licensing authority may not consider an arrest that did not result in the person’s conviction or placement on deferred adjudication community supervision. (Note: It isn’t clear whether these provisions apply to cities that act as a licensing authority. Each city should consult local legal counsel regarding the applicability of this bill.) (Effective immediately.)

**S.B. 1337 (Huffman/Flynn) – Texas Municipal Retirement System:** amends the Texas Municipal Retirement System (TMRS) statute to: (1) modify current board meeting requirements by: (a) removing month-specific meeting requirements; (b) allowing the Board to determine when to hold those meetings; (c) allowing Board members to participate via video or conference call; and (d) during meetings called in accordance with the Texas Open Meetings Act, permitting Board members to discuss specific matters in executive session; (2) incorporate common law liability protections for the Board, staff, and members of Board-appointed committees or the TMRS medical board; (3) expressly provide protection for acts or omissions made in good faith in the performance of duties for the retirement system; (4) remove the requirement that the Board-appointed attorney (i.e., the General Counsel) represent the System in all litigation; (5) clarify that the System may hire additional legal counsel to represent the System in litigation and provide advice on fiduciary and legal matters; (6) maintain existing confidentiality provisions for member and retiree personal information, but supplement them with provisions in the Texas Public Information Act; (7) add protection for audit working papers; (8) provide that final audit reports, unless otherwise protected, are open records; (9) update the definition of security to better reflect the diversification of TMRS’ investment portfolio; (10) provide explicit authority to distribute member and retiree annual statements and other information electronically to members and retirees in addition to the current paper and mail formats; (11) specify that the maximum amortization period for a city’s actuarial accrued liability is 30 years and clarifies the Board’s authority to set amortization periods; (12) remove the ability of cities to request an amortization period up to 40 years; (13) establish statutory consistency with Pension Review Board (PRB)

guidelines and other Texas statewide retirement systems; (14) amend prior service credit (PSC) to apply to cities that join TMRS to provide recognition of service performed before the city joins TMRS; (15) allow a city to choose a PSC rate of zero percent to comply with the Texas Constitution; (16) eliminate the excluded prior service credit from the calculation of updated service credit (USC); (17 ) allow for the recalculation of USC when a person buys-back service and retires in the same year; (18) remove statutory references to the obsolete disability retirement program; (19) modernize TMRS' occupational disability provisions; and (20) provide TMRS with the authority to request a subsequent medical determination to verify a retiree's occupational disability and removes the earnings test. (Effective January 1, 2020.)

**S.B. 1443 (Campbell/Flynn) – Defense Economic Adjustment Assistant Grants:** modifies certain criteria used by the Texas Military Preparedness Commission to evaluate and score Defense Economic Adjustment Assistant Grants (DEAAG) applications. (Effective September 1, 2019.)

**VETOED S.B. 1575 (Alvarado/Krause) – Disaster Contracts Liability:** provides that a city performs a governmental function if, after a declaration of a state disaster, Government Code, the city enters into a contract for a purpose related to disaster recovery or takes an action under that contract.

**VETOED S.B. 1861 (Menendez/Flynn) – Public Facilities Corporations:** provides, among other things, that certain public facilities corporation sponsors may finance, own, and operate certain multifamily residential developments. (Effective immediately.)

**S.B. 1978 (Hughes/Krause) – Religious Beliefs:** this bill:

1. prohibits a governmental entity (including a city) from taking any adverse action against a person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization;
2. defines "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. excepts 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. allows a person to assert an actual or threatened violation of the prohibition in (1) as a claim or defense in a judicial or administrative proceeding and obtain injunctive relief, declaratory relief, court costs, and reasonable attorney's fees, and provides that governmental and sovereign immunity is waived and abolished to the extent of liability for such relief; and
5. allows a person to commence an action described in (4) regardless of whether the person has sought or exhausted available administrative remedies.

(Effective September 1, 2019.)

**S.B. 2100 (Birdwell/Smithee) Law Enforcement Animals:** provides: (1) that a 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 priority list of those who may receive a law enforcement animal; (3) that a contract for the transfer may be without charge to the transferee, but may impose requirements on the transferee in caring for the animal; and (4) that a city that transfers a law enforcement animal is not liable for damages arising from the transfer, including damages arising from the animal's law enforcement training or for veterinary expenses. (Effective September 1, 2019.)

**S.B. 2224 (Huffman/Murphy) – Public Retirement Systems:** would provide that a governing body of a public retirement system shall: (1) adopt a written funding policy that details the governing body's plan for achieving a funded ratio of the system that is equal to or greater than 100 percent; (2) maintain for public review at its main office a copy of the policy; (3) file a copy of the policy and each change to the policy with the board not later than the 31<sup>st</sup> day after the date the policy or change, as applicable, is adopted; (4) submit a copy of the policy and each change to the policy to the system's associated governmental entity not later than the 31<sup>st</sup> day after the date the policy or change is adopted; and (5) each public retirement system shall adopt a funding policy no later than January 1, 2020. (Effective September 1, 2019.)

**S.J.R. 32 (Birdwell/Tinderholt) – Law Enforcement Animals:** proposes an amendment to the Texas Constitution to allow a city to transfer a law enforcement dog, horse, or other animal to the animal's handler or another qualified caretaker for no consideration on the animal's retirement or at another time if the transfer is in the animal's best interest. (Effective if approved at the election on November 5, 2019.)

### **Municipal Courts**

**VETOED H.B. 51 (Canales/Zaffirini) – Municipal Court:** provides that: (1) the Office of Court Administration must create, promulgate, and update standard forms for use in criminal actions for: (a) waiving a jury trial and entering a plea guilty or nolo contendere in a misdemeanor case; (b) a trial court to admonish a defendant; and (c) a defendant who receives admonitions in writing to acknowledge that the defendant understands the admonitions and is aware of the consequences of the defendant's plea; and (2) provide that the Texas Supreme Court



by rule shall set the date by which all courts must adopt and use the forms. (Effective September 1, 2019.)

**VETOED [H.B. 93](#) (Canales/Hinojosa) – Magistrates:** provides that any signed order pertaining to criminal matters under various statutes that is issued by a magistrate must include, with the magistrate’s signature, the magistrate’s name in legible handwriting, legible typewritten form, or legible stamp print. (Effective September 1, 2019.)

**[H.B. 435](#) (Shaneen/Zaffirini) – Uncollectible Fees and Cost:** this bill allows the trial court in a criminal action or proceeding to enter an order forgiving an outstanding fee or item of cost and close the case when request by the officer authorized to collect fees or items of cost and: (1) the defendant is deceased; (2) the defendant is serving a sentence for imprisonment for life or life without parole; or (3) the fee has been unpaid for at least 15 years. (Effective September 1, 2019.)

**[H.B. 685](#) (Clardy/Hughes) – Court Clerk Liability:** provides that a court clerk (including a municipal court clerk): (1) is not responsible for the management or removal of a document from a state court document database and is not liable for damages resulting from the release of a document in the database, if the clerk in good faith performs the duties as clerk as provided by law and the Texas Rules of Civil Procedure; and (2) is not liable for the release of a sealed or confidential document in the clerk’s custody, unless the clerk acts intentionally, or with malice, reckless disregard, or gross negligence in the release of the document. (Effective immediately.)

**VETOED [H.B. 929](#) (Anchia/Watson) – Magistrates:** provides that a magistrate must inform the person arrested that a plea of guilty or nolo contendere for the offense charged may affect the person’s eligibility for enlistment or reenlistment in the United States armed forces or may result in the person’s discharge from the United States armed forces if the person is a member of the armed forces. (Effective September 1, 2019.)

**[H.B. 1717](#) (White/Huffman) – Municipal Judges:** confirms that one person may hold more than one office as an elected or appointed municipal judge in more than one city at the same time. (Effective January 1, 2020 if H.J.R 72 is approved at an election on November 5, 2019.) (See **H.J.R. 72**, below.)

**[H.B. 2048](#) (Zerwas/Huffman) – Drivers Responsibility Program:** provides that:

1. the driver responsibility program is repealed;
2. the trauma facility and emergency medical services account is composed of money from various funds including state traffic fines, miscellaneous traffic fines, and fees authorized under the automobile burglary and theft prevention authority;
3. the commissioner of the Department of State Health Services (DSHS) must use in each fiscal year, minus the required reserve of \$500,000 for extraordinary emergencies: (a) at least 94 percent of the money appropriated from the trauma facility and emergency medical services account to fund a portion of the uncompensated trauma care provided at facilities designated as state trauma facilities by DSHS or an undesignated facility in active pursuit of designation; (b) three percent in connection with an effort to provide

coordination with the appropriate trauma service area, the cost of supplies, operational expenses, education and training, equipment, vehicles, and communication systems for local emergency medical services; and (c) two percent for operation of the 22 trauma service areas and for equipment, communications, and education and training for the areas;

4. the fee authorized under the automobile burglary and theft prevention authority is increased to \$4;
5. out of each fee collected under (5), above: (a) 20 percent must be appropriated to the authority; (b) 20 percent must be deposited to the credit of the general revenue fund, to be used only for criminal justice purposes; and (c) 60 percent must be deposited to the credit of the designated trauma facility and emergency medical services account to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide trauma care and emergency medical services to victims of accidents resulting from traffic offenses;
6. the Department of Public Safety by rule must designate the offenses involving the operation of a motor vehicle that constitute a moving violation of the traffic law for the purpose of: (a) costs on conviction to fund statewide repository for data related to civil justice; (b) parent-taught drivers education; (c) criminal history record information obtained by DSHS for certain license or employment applicants; and (d) revocation, suspension, disqualification or denial of certification of emergency medical services personnel and emergency medical service provider license;
7. a person who enters a plea of guilty or nolo contendere to or is convicted of a traffic offense shall pay \$50 as a state traffic fine and the city or county may retain four percent of the state traffic fine collected as a service fee for collection if the city or county remits the funds to the comptroller within a prescribed period;
8. the state traffic fines as received by the comptroller must be deposited: (a) 70 percent to the credit of the undedicated portion of the general revenue fund; and (b) 30 percent to the credit of the designated trauma facility and emergency medical services account;
9. the comptroller must deposit 70 percent of the state traffic fines collected from the cities and counties credit to the general revenue fund only until the total amount of the money deposited equals \$250 million for that fiscal year and any money that exceeds \$250 million must be deposited to the Texas mobility fund;
10. a person who has been finally convicted of an offense related to the operating of a motor vehicle while intoxicated, in addition to the specific fine, must pay a fine of: (a) \$3,000 for the first conviction within a 36-month period; (b) \$4,500 for a second or subsequent conviction within a 36-month period; and (c) \$6,000 for a first or subsequent conviction of it is shown on the trial of the offenses that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed;
11. the court must waive all fines and cost if a person is required to pay the fine under (10), above, is found by the court to be indigent;
12. a person is considered indigent under (11), above, if the person provides: (a) a copy of the person's most recent federal income tax return that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines; (b) a copy of the person's most recent statement of wages that shows that the person's income or the person's household income



- does not exceed 125 percent of the applicable income level established by the federal poverty guidelines; or (c) documentation from a federal agency, state agency, or school district that indicated that the person, or if the person is a dependent as defined by the IRS, the taxpayer claiming the person as a dependent, receives assistance from: (i) food program or the financial assistance program; (ii) the federal women, infant, and children supplemental nutrition program; (iii) medical assistance program; (iv) child health plan program; or (v) national school free or reduced-price lunch program;
13. the custodian of money in a city treasury may deposit money collected under (10), above, in an interest-bearing account and must keep record of the amount of money that is on deposit in the treasury, and remit the money to the comptroller not later than the last day of the month following each calendar quarter;
  14. a city or county may retain four percent of the money collected under (10), above, as a service fee for the collection if the county remits the funds to the comptroller within a prescribed period, and retain the interest accrued if the custodian of the money keeps records of the amount of money collected that is on deposit in the treasury and remits the funds to the comptroller within the prescribed period;
  15. the money received by the comptroller under (10), above, must be deposited: (a) 80 percent to the credit of the undedicated portion of the general revenue fund, to be used only for criminal justice purposes; and (b) 20 percent to the credit of the designated trauma facility and emergency medical services account to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide trauma care and emergency medical services to victims of accidents resulting from traffic offenses; and
  16. (16) money collected under (10), above, is subject to audit by the comptroller and money spent is subject to audit by the state auditor.

(Effective September 1, 2019.)

**VETOED [H.B. 2475](#) (Guillen/Zaffirini) – Driver Responsibility Program:** provides that a person may provide information to the court to establish indigent status to reduce or waive surcharges under the driver responsibility program at any time during a period the person is enrolled in an installment plan to pay these surcharges. (Effective September 1, 2019.)

**[H.B. 2955](#) (Price/Zaffirini) – Specialty Court Programs:** provides that the Office of Court Administration of the Texas Judicial System: (1) will have oversight over approving specialty court programs; (2) provide technical assistance to specialty court programs upon request; (3) coordinate with an entity funded by the criminal justice division of the governor’s office that provides service to specialty court programs; (4) monitor compliance of the specialty court program with the required programmatic best practices; (5) notify the criminal justice division about each specialty program that is not in compliance with required programmatic best practices; and (5) coordinate with and provide information to the criminal justice division on request of the divisions. (Effective September 1, 2019)

**[H.J.R. 72](#) (White/Huffman) – Municipal Judges:** amends the Texas Constitution to confirm that one person may hold more than one office as an elected or appointed municipal judge in

more than one city at the same time. (Effective if approved at the election on November 5, 2019.) (See **H.B. 1717**, above.)

**S.B. 20** (Huffman/S. Thompson) – **Human Trafficking**: provides that: (1) a person may petition the court that convicted the person or placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information (CHRI) on the grounds that the person committed the offense solely as a victim of human trafficking, continuous human trafficking, or compelling prostitution, if the person: (a) is convicted or placed on deferred adjudication community supervision for certain offenses, including a Class C theft; and (b) if requested by the applicable law enforcement agency or prosecuting attorney to provide assistance in the investigation or prosecution of human trafficking, continuous human trafficking, or compelling prostitution, or a federal offense containing elements that are substantially similar to the elements of human trafficking, continuous human trafficking, or compelling prostitution, and: (i) provided assistance in the investigation or prosecution of the above offenses; or (ii) did not provide assistance in the investigation or prosecution of the above offenses due to the person’s age or a physical or mental disability resulting from being a victim of the above offenses; (2) the petition under (1), above, must: (a) be in writing; (b) allege specific facts that, if proved, would establish that the petitioner committed the certain offenses solely as a victim of human trafficking, continuous human trafficking or compelling prostitution; and (c) assert that if the person has previously submitted a petition for an order of nondisclosure under (1), above, the person has not committed the certain offenses on or after the date on which the person’s first petition was submitted; (3) the court clerk must promptly serve a copy of the petition and any supporting document on the appropriate office of attorney representing the state and any response to the petition by the attorney representing the state must be filed not later than the 20<sup>th</sup> business day after date of service; (4) a person convicted or placed on deferred adjudication community supervision for certain offenses that the person committed solely as a victim of human trafficking, continuous human trafficking or compelling prostitution may file a petition for an order of nondisclosure of CHRI with respect of each offense, and may request consolidation of those petitions, in a district court of the county in which the person was convicted; (5) after notice to the state and opportunity for a hearing, the court with jurisdiction over the petition must issue an order prohibiting criminal justice agencies from disclosing the public CHRI relating the offense if the court determines: (a) the person committed the certain offenses solely as a victim of human trafficking, continuous human trafficking or compelling prostitution; (b) if applicable, the person did not commit another certain offenses on or after the date in which the person’s first petition for an order of nondisclosure was submitted; and (c) issuance of the order is in the best interests of justice; (6) the person may petition the applicable court only on or after the first anniversary of the date the person: (a) completed the sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed; or (b) received a dismissal and discharge if the person was placed on deferred adjudication community supervision; (7) a victim of human trafficking, continuous human trafficking or compelling prostitution, is entitled to be informed that the victim may petition for an order of nondisclosure of CHRI if (1), above, applies; (8) a commercially sexually exploited persons court program must provide each program participant with information related to the right to petition for an order of nondisclosure of CHRI under (1), above; (9) the Health and Human Services Commission must establish a matching grant program to award to a city a grant in an amount equal to the amount committed by the city for the

development of a sex trafficking prevention needs assessment which must outline: (a) the prevalence of sex trafficking crimes in the city; (b) strategies for reducing the number of sex trafficking crimes in the city; and (c) the city's need for additional funding for sex trafficking prevention programs and initiatives; and (10) the office of the governor, in collaboration with the Child Sex Trafficking Prevention Unit, must establish and administer a grant program to train local law enforcement officers to recognize signs of sex trafficking. (Effective September 1, 2019.)

**S.B. 40 (Zaffirini/Lucio) – Municipal Courts:** provides, among other things, that: (1) if a disaster precludes a municipal court (or municipal court of record) from conducting its proceedings at the location assigned for the proceedings, the presiding judge of the administrative judicial region, with the approval of the judge of the affected municipal court, may designate an alternate location for the proceedings: (a) in the corporate limits of the city; or (b) outside the corporate limits of the city at the location the presiding judge of the administrative judicial region determines is closest in proximity to the city that allows the court to safely and practicably conduct its proceedings; and (2) if a disaster precludes a municipal court (or municipal court of record) from holding its terms, the presiding judge of the administrative judicial region, with the approval of the judge of the affected municipal court (or municipal court of record), may designate the terms and sessions of court. (Effective immediately.)

**S.B. 325 (Huffman/Landgraf) – Protective Order Registry:** provides that: (1) the Office of Court Administration (OCA), in consultation with the Department of Public Safety and the courts of the state, shall establish and maintain a centralized Internet-based registry for certain applications for a protective order filed and certain protective orders issued in this state; (2) the OCA shall establish and maintain the registry to allow city and county case management systems to easily interface with the registry; and (3) the clerk of the court shall enter: (a) a copy of the application for a protective order into the registry as soon as possible but not later than 24 hours after the time an application is filed; and (b) a copy of the protective order and, if applicable, a notation regarding modification or extension of the order, into the registry as soon as possible but not later than 24 hours after the time the court issues the original, modified, or extended protective order. (Effective September 1, 2019.)

**S.B. 346 (Zaffirini/Leach) – Municipal Court Costs, Fines, and Fees/Indigent Defendants:** this bill completely updates municipal court costs, fines, and fees, and makes numerous changes to a determination of a defendant's ability to pay. With regard to court costs, fines, and fees, the bill provides, among other things, that:

1. a person convicted of an offense shall pay: (a) \$62 (up from \$40) as a court cost, in addition to all other costs, on conviction of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle; and (b) \$14 as a court cost, in addition to all other costs, on conviction;
2. the money collected under (1) as court costs imposed on offenses committed on or after January 1, 2020, shall be allocated according to the percentages provided in (3), below;
3. the comptroller shall allocate the court costs received under (1), above, to the following accounts and funds so that each receives to the extent practicable, utilizing historical data

as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages: (a) crime stoppers assistance account 0.2427 (down from 0.2581) percent; (b) breath alcohol testing account 0.3900 (down from 0.5507) percent; (c) Bill Blackwood Law Enforcement Management Institute account 1.4741 (down from 2.1683) percent; (d) Texas Commission on Law Enforcement account 3.4418 (renamed from the former law enforcement officers standards and education account and down from 5.0034) percent; (e) law enforcement and custodial officer supplement retirement trust fund 7.2674 (down from 11.1426) percent; (f) criminal justice planning account 8.5748 (down from 12.5537) percent; (g) an account in the state treasury to be used only for the establishment and operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University 0.8540 (down from 1.2090) percent; (h) compensation to victims of crime account 24.6704 (down from 37.6338) percent; (i) emergency radio infrastructure account 3.6913 (down from 5.5904) percent; (j) judicial and court personnel training account 3.3224 (down from 4.8362) percent; (k) an account in the state treasury to be used for the establishment and operation of the Correctional Management Institute of Texas and Criminal Justice Center Account 0.8522 (down from 1.2090) percent; (l) fair defense account 17.8857 (down from 17.8448) percent; (m) a new judicial fund 12.2667 percent; (n) a new DNA testing account 0.1394 percent; (o) a new specialty court account 1.0377 percent; (p) a new statewide electronic filing system account 0.5485 percent; (q) a new jury service fund 6.4090 percent; (r) a new truancy prevention and diversion account 2.5956 percent; and (s) a new transportation administrative fee account 4.3363 percent;

4. the following new accounts are created: (a) the specialty court account is an account in the general revenue fund that may be used only to fund specialty court programs; (b) the jury service fund is created in the state treasury and may be appropriated only to provide juror reimbursements to counties, and if, at any time, the unexpended balance of the jury service fund exceeds \$10 million, the comptroller shall transfer the amount in excess of \$10 million to the fair defense account; (c) the DNA testing account is an account in the general revenue fund and may be appropriated only to the Department of Public Safety to help defray the cost of collecting or analyzing DNA samples provided by defendants who are required to pay a court cost; (d) the transportation administrative fee account is an account in the general revenue fund that may be appropriated only to the Department of Public Safety to defray the administrative costs associated with denying a driver's license renewal for failure to appear; and (e) the truancy prevention and diversion account is a dedicated account in the general revenue fund funded by fees under (3)(q), above, and the legislature may appropriate money from the account only to the criminal justice division of the governor's office for distribution to local governmental entities for truancy prevention and intervention services;
5. a new chapter governing local criminal fees paid to local governments is created, and for purpose of that chapter provides that: (a) a person is considered to have been convicted in a case if: (i) a judgment, a sentence, or both a judgment and a sentence are imposed on the person; (ii) the person receives community supervision, deferred adjudication, or deferred disposition; or (iii) the court defers final disposition of the case or imposition of the judgment and sentence; and (2) money collected under Subchapter C as court costs

imposed on offenses committed on or after January 1, 2020, shall be allocated according to the percentages provided by the bill;

6. the treasurer shall allocate the court costs received under Section (5), above, to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages: (a) the municipal court building security fund 35 percent; (b) the local truancy prevention and diversion fund 35.7143 percent; (c) the municipal court technology fund 28.5714 percent; and (d) the municipal jury fund 0.7143 percent;
7. money allocated under Section (6)(d), above, to the municipal jury fund maintained in the municipal treasury may be used by a municipality only to fund juror reimbursements and otherwise finance jury services;
8. money allocated under (6)(b), above, to the local truancy prevention and diversion fund maintained in the municipal treasury may be used by a municipality to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager, and – if there is money in the fund after those costs are paid – subject to the direction of the governing body of the municipality and on approval by the employing court, a juvenile case manager may direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court, however money in the fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager;
9. the current \$3 jury fee, \$5 juvenile case manager fee; \$6 support of the judiciary fee, and \$2 indigent defense fee are repealed; and
10. a number of existing “fees” or “administrative fees” are renamed as “reimbursement fees” or “fines,” such as the time payment fee is renamed a “reimbursement” fee and reduced from \$25 to \$15, with a municipality keeping the entire fee (as opposed to sending 50 percent to the comptroller) for the purpose of improving the collection of outstanding court costs, fines, reimbursement fees, or restitution or improving the efficiency of the administration of justice in the municipality.

With regard to a defendant’s ability to pay, the bill provides, among other things, that:

1. except as otherwise specifically provided, in determining a defendant’s ability to pay for any purpose, the court shall consider only the defendant’s present ability to pay;
2. if a defendant notifies the court that the defendant has difficulty paying the fine and costs in compliance with the judgment, the court shall hold a hearing to determine whether that portion of the judgment imposes an undue hardship on the defendant;
3. for purposes of Section (2), above, a defendant may notify the court by: (a) voluntarily appearing and informing the court or the clerk of the court in the manner established by the court for that purpose; (b) filing a motion with the court; (c) mailing a letter to the court; or (d) any other method established by the court for that purpose;
4. if the court determines at the hearing under Section (2) that the portion of the judgment regarding the fine and costs imposes an undue hardship on the defendant, the court shall

- consider whether the fine and costs should be satisfied through one or more methods under current law, such as payment at a later date or community service;
5. the court may decline to hold a hearing under Section (2) if the court: (a) previously held a hearing with respect to the case and is able to determine without holding a hearing that the portion of the judgment regarding the fine and costs does not impose an undue hardship on the defendant; or (b) is able to determine without holding a hearing that: (i) the applicable portion of the judgment imposes an undue hardship on the defendant; and (ii) the fine and costs should be satisfied through one or more methods listed under current law, such as payment at a later date or community service;
  6. a court may not issue a *capias pro fine* for the defendant's failure to satisfy the judgment according to its terms 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 issued as a result of the hearing;
  7. if the court determines at the hearing under Section (2) that the judgment imposes an undue hardship on the defendant, the court shall determine whether the fine and costs should be satisfied through one or more methods listed under current law, such as payment at a later date or community service;
  8. if the court determines at the hearing under Section (2) that the judgment does not impose an undue hardship on the defendant, the court shall order the defendant to comply with the judgment not later than the 30th day after the date the determination is made;
  9. a determination of undue hardship is in the court's discretion, and in making that determination, the court may consider, as applicable, the defendant's: (a) significant physical or mental impairment or disability; (b) pregnancy and childbirth; (c) substantial family commitments or responsibilities, including child or dependent care; (d) work responsibilities and hours; (e) transportation limitations; (f) homelessness or housing insecurity; and (g) any other factor the court determines relevant;
  10. 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;
  11. a defendant placed on community supervision, including deferred adjudication community supervision, whose fine or costs are wholly or partly waived: (a) at any time during the defendant's period of community supervision, the court, on the court's own motion or by motion of the attorney representing the state, may reconsider the waiver of the fine or costs; and (b) after providing written notice to the defendant and an opportunity for the defendant to present information relevant to the defendant's ability to pay, the court may order the defendant to pay all or part of the waived amount of the fine or costs only if the court determines that the defendant has sufficient resources or income to pay that amount;
  12. if the judge determines that requiring a defendant to appear before the judge in person for a hearing related to ability to pay would impose an undue hardship on the defendant, the judge may allow the defendant to appear by telephone or videoconference;
  13. if the defendant notifies the justice or judge that the defendant has difficulty paying the fine and costs in compliance with the judgment, the justice or judge shall hold a hearing to determine whether the judgment imposes an undue hardship on the defendant.

14. for purposes of Section (13), above, a defendant may notify the judge by: (a) voluntarily appearing and informing the judge or the clerk of the court in the manner established by the judge for that purpose; (b) filing a motion with the judge; (c) mailing a letter to the judge; or (d) any other method established by the judge for that purpose;
15. if the judge determines at the hearing that the judgment imposes an undue hardship on the defendant, the justice or judge shall consider whether to allow the defendant to satisfy the fine and costs through one or more methods under current law, such as payment at a later date or community service; and
16. the judge may decline to hold a hearing if the judge: (a) previously held a hearing with respect to the case and is able to determine without holding a hearing that the judgment does not impose an undue hardship on the defendant; or (b) is able to determine without holding a hearing that the judgment imposes an undue hardship on the defendant and the fine and costs should be satisfied through one or more methods under current law, such as payment at a later date or community service.

(Effective January 1, 2020.)

**S.B. 489 (Zaffirini/Smithee) – Municipal Judge’s Residence Address:** provides that: (1) the Texas Ethics Commission must remove or redact the residence address of a municipal judge or the spouse of a municipal judge from any report filed by the judge in the judge’s capacity or made available on the Internet on receiving notice from the Office of Court Administration of a judge’s qualification for office or on receipt of a written request from the municipal judge or spouse of the municipal judge; and (2) the city secretary must remove or redact the residence address of the municipal judge, municipal judge’s spouse, or candidate for the office of municipal judge, from a financial statement filed before the financial statement is made available to a member of the public on the written request of a municipal judge or candidate for municipal judge. (Effective September 1, 2019.)

**S.B. 562 (Zaffirini/Price) – Competency Restoration:** revises various procedures for sending defendants for competency restoration, and provides that a person who has been placed under a custodial or noncustodial arrest for commission of a misdemeanor is entitled to have all records and files relating to the arrest expunged (and related fees waived) if the person completes a mental health court program and meets certain other requirements. (Effective immediately).

**S.B. 891 (Huffman/Leach) – Judicial Administration:** provides that: (1) the Uniform Electronic Transactions Act does not apply to the transmission, preparation, completion, enforceability, or admissibility of a document in any form that is: (a) produced by a court reporter appointed by a judge of a court of record, a certified court reporter, or registered shorthand reporting firm for use in the state or federal judicial system; or (b) governed by rules adopted by the supreme court, including rules governing the electronic filing system established by the supreme court; (2) the Office of Court Administration: (a) must identify each law enacted by the legislature following each regular legislative session that imposes or changes the amount of a court cost or fee collected by the clerk of a district, county, statutory county, municipal, or justice court from a party to a civil case or a defendant in a criminal case, including a filing or docketing fee, jury fee, cost on conviction, or fee or charge for services or to cover the expenses of a public official or agency; (b) must prepare a list of each court cost or fee to be imposed or



changed and publish the list in the Texas Register not later than August 1st after the end of the regular legislative session at which the law imposing or changing the amount of the cost or fee was enacted; (c) must develop and maintain a public Internet website that allows a person to easily publish certain public information on the Internet website or the office to post certain public information on the Internet website on receipt from the person; (d) must allow the public to easily access, search, and sort the information on the Internet website; (e) will have oversight over approving specialty court programs; and (f) must: (i) provide technical assistance to specialty court programs upon request; (ii) coordinate with an entity funded by the criminal justice division of the governor's office that provides service to specialty court programs; (iii) monitor compliance of the specialty court program with the required programmatic best practices; and (iv) notify the criminal justice division about each specialty program that is not in compliance with required programmatic best practices; and (3) the collection improvement program and corresponding statutes are repealed. (Effective September 1, 2019, unless otherwise provided.)

**S.B. 2390 (Powell/Guillen) – Order for Emergency Protection:** this bill: (1) allows the court issuing certain emergency protection orders to make confidential the mailing address of the person protected by the order upon the request of the person protected by the order or if determined necessary by the magistrate; and (2) requires the court clerk to: (a) strike the mailing address from the public records of the court; (b) maintain a confidential record of the mailing address for use only by the court and law enforcement agency to enter into the Department of Public Safety's statewide law enforcement database; and (c) prohibit the release of the information to the defendant. (Effective September 1, 2019.)

### **Community and Economic Development**

**H.B. 304 (Paul/Nelson) – Municipal Management Districts:** makes various changes to the governance and operation of municipal management districts. (Effective September 1, 2019.)

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

**H.B. 799 (Landgraf/Nichols) – Vehicle Height Limitations:** this bill provides that: (1) the owner of a vehicle is strictly liable for any damage to a bridge, underpass, or similar structure that is caused by the height of the vehicle unless at the time the damage was caused: (a) the vehicle was stolen; (b) the vertical clearance of the structure was less than that posted on the

structure; (c) the vehicle was being operated under the immediate direction of a law enforcement agency; or (d) the vehicle was being operated in compliance with a permit authorizing the movement of the vehicle issued by the state or a political subdivision; (2) a person commits an offense if the person operates or attempts to operate a vehicle over or on a bridge or through an underpass or similar structure, unless the height of the vehicle, including load, is less than the vertical clearance of structure as shown by the records of the Texas Department of Transportation (Department); and (3) it is an affirmative defense to prosecution of an offense described in Item (2) above that at the time of the offense: (a) the vertical clearance of the structure was less than that posted on the structure; (b) the vehicle was being operated under the immediate direction of a law enforcement agency; or (c) the vehicle was being operated in compliance with a permit authorizing the movement of the vehicle issued by the Department or a political subdivision. (Effective September 1, 2019.)

**H.B. 852 (Holland/Fallon) – Building Permit Fees:** provides that: (1) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling; and (2) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program. (Effective immediately.)

**H.B. 1136 (Price/Nelson) – Tourism Public Improvement Districts:** this bill: (1) authorizes any city to establish a tourism public improvement district composed of territory in which the only businesses are one or more hotels; (2) provides that a district created after September 1, 2019, may undertake a project only for advertising, promotion, or business recruitment, as those categories directly relate to hotels; and (3) authorizes a city council to include property in a tourism public improvement district if: (a) the property is a hotel; and (b) the property could have been included in the district without violating the requisite petition requirements when the district was created regardless of whether the record owners of the property signed the original petition. (Effective immediately.)

**H.B. 1385 (T. King/Hancock) – Industrialized Housing and Buildings:** removes the height limit for a structure to be classified as industrialized housing and buildings. (Effective September 1, 2019.)

**H.B. 1833 (Wray) – Transfer of Real Property:** provides that: (1) a business entity may execute an affidavit identifying one or more individuals with the authority to engage in a real estate transaction, including selling, applying for zoning or rezoning or other governmental permits, or platting an estate or interest in real property, on behalf of the entity; (2) such affidavit must be executed under penalty of perjury by an individual who swears that the individual: (a) is at least 18 years old; (b) is authorized to execute and deliver the affidavit on behalf of the entity; (c) is fully competent to execute and deliver the affidavit on behalf of the entity; and (d) understands that third parties will rely on the truthfulness of the statements made in the affidavit; (3) the affidavit must be recorded in the county clerk's office in the county in which the real property is located; and (4) a person who in good faith acts in reliance on such affidavit that has

not been terminated or expired is not liable to any person for that act and may assume, without inquiry, the existence of the facts contained in the affidavit provided that the person does not have actual knowledge that any material representations contained in the affidavit are incorrect. (Effective September 1, 2019.)

**H.B. 1973 (Button/Nelson) – Affordable Housing:** alters the scoring system for an application for a low income housing tax credit by authorizing the Texas Department of Housing and Community Affairs to use the maximum number of points that could have been awarded based on a written statement by a state representative to increase the maximum number of points that may be awarded for the application attributable to community participation on the basis of a resolution from the applicable city or county government when no written statement is received for an application from the state representative who represents the district containing the proposed development site. (Effective September 1, 2019.)

**H.B. 2018 (Thierry/Huffman) – Municipal Management Districts:** provides that: (1) not later than the 90th day after the date a municipal management district annexes or excludes land, the district shall provide a description of the metes and bounds of the district, as of the date the annexation takes effect, to each city that, on the date the annexation takes effect: (a) has territory that overlaps with the district’s territory; or (b) is adjacent to the district; and (2) the district is not required to provide the description of the metes and bounds to a city that has waived in writing the city’s right to the description. (Effective September 1, 2019.)

**H.B. 2402 (Geren/Fallon) – Major Events Reimbursement Program:** adds a Big 12 Football Conference Championship game, a World Wrestling Entertainment WrestleMania event, a championship in the National Reined Cow Horse Association Championship Series, and a CONVRG conference to the list of events eligible for funding under the Major Events Reimbursement Program. (Effective immediately.)

**H.B. 2439 (Phelan/Buckingham) – Building Materials:** provides that:

1. “national model code” means a publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process and that is intended for consideration by units of government as local law, including the International Residential Code, the National Electrical Code, and the International Building Code;
2. a governmental entity, including a city, may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that: (a) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or (b) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code

published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building;

3. a governmental entity that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with the prohibition in (2), above.
4. the prohibition in (2), above, does not apply to: (a) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program; (b) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage; (c) an ordinance or other regulation that: (i) regulates outdoor lighting for the purpose of reducing light pollution; and (ii) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; (d) an ordinance or order that: (i) regulates outdoor lighting; and (ii) is adopted under the authority of state law; or (e) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a city may regulate through zoning, if the city: (i) is a certified local government under the National Historic Preservation Act; or (ii) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission; (f) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019; (g) a building located in an area designated as a historic district on the National Register of Historic Places; (h) a building designated as a Recorded Texas Historic Landmark; (i) a building designated as a State Archeological Landmark or State Antiquities Landmark; (j) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity; (k) a building located in a World Heritage Buffer Zone; (l) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program; or (m) the installation of a fire sprinkler protection system;
5. a city that is not described by (4)(c)(i) and (ii)(e.g., a city that is not “dark skies” certified) may adopt or enforce a regulation described by (2), above, that applies to a building located in a place or area designated on or after April 1, 2019, by the city for its historical, cultural, or architectural importance and significance, if the city has the voluntary consent from the building owner;
6. a rule, charter provision, ordinance, order, building code, or other regulation adopted by a governmental entity that conflicts with the bill is void;
7. the attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of the bill; and
8. the attorney general may recover reasonable attorney’s fees and costs incurred in bringing an action under the bill, and sovereign and governmental immunity to suit is waived and abolished to the extent necessary to enforce the bill.

(Effective September 1, 2019.)

**H.B. 2496 (Cyrrier/Buckingham) – Local Historic Landmarks:** this bill: (1) prohibits a city that has established a process for designating places or areas of historical, culture, or architectural significance through zoning regulations from designating a property as a local historic landmark unless: (a) the owner of the property consents to the designation; or (b) the designation is approved by three-fourths vote of the city council and the zoning, planning, or historical commission, if any; (2) allows a city to designate a property owned by a qualified religious organization as a local historic landmark only if the organization consents to the designation; (3) requires a city to provide a property owner a statement describing certain impacts that a local historic landmark designation may have on the owner and the owner’s property no later than the 15th day before the date of the initial hearing on the designation; and (4) requires a city to allow the owner of a property to withdraw consent at any time during the local historic landmark designation process. (Effective immediately.)

**H.B. 2497 (Cyrrier/Hughes) – Board of Adjustment:** this bill: (1) requires the city council to approve rules adopted by the board of adjustment; (2) allows the following persons to appeal to the board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project: (a) a person aggrieved by the decision; or (b) an officer, department, board, or bureau of the city affected by the decision; (3) allows the following persons to appeal to the board of adjustment a decision by an administrative official that is related to a specific application, address, or project: (a) a person who files an application that is the subject of the decision; (b) a person who is the owner of property or representative of the owner that is the subject of the decision; (c) a person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or (d) any officer, department, board, or bureau of the city affected by the decision; (4) requires that a decision made by an administrative official be appealed to the board of adjustment not later than the 20th day after the date the decision is made; and (5) requires the board of adjustment to decide an appeal described in (4) at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed. (Effective September 1, 2019.)

**H.B. 2529 (Leach/Watson) – Housing Authorities:** provides that a tenant of a public project over which a housing authority has jurisdiction or a recipient of housing assistance administered through a municipal housing authority’s choice voucher program or project-based rental assistance program may be appointed as a commissioner of the authority. (Effective September 1, 2019.)

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

**H.B. 3167** (Oliverson/Hughes) – **Land Development Applications/Replats**: makes numerous changes to the subdivision platting process. With regard to the approval of a subdivision plat or site plan, the bill provides that:

1. for purposes of subdivision platting: (a) a “plan” means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan; and (b) a “plat” includes a preliminary plat, general plan, final plat, and replat;
2. the approval procedures under the subdivision platting law as amended by the bill apply to a city regardless of whether it has entered into an interlocal agreement, including an interlocal agreement between the city and county relating to extraterritorial jurisdiction subdivision platting agreement as required by state law;
3. the municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed (as opposed to current law, which requires the city to “act on” any such plats within the time limits), and a plan or plat is approved by the municipal authority unless it is disapproved within that period and in accordance with (9) and (10), below;
4. if an ordinance requires that a plan or plat be approved by the governing body of the city in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is approved by the inaction of the commission, and a plan or plat is approved by the governing body unless it is disapproved within that period and in accordance with (9) and (10), below;
5. if a groundwater availability certification is required, the 30-day period described by (3) and (4), above, begins on the date the applicant submits the groundwater availability certification to the municipal authority responsible for approving plats or the governing body of the city, as applicable;
6. the parties may extend the 30-day period described by (3) and (4), above, for a period not to exceed 30 days if: (a) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and (b) the municipal authority or governing body, as applicable, approves the extension request;
7. if a plan or plat is approved, the municipal authority giving the approval shall endorse the plan or plat with a certificate indicating the approval;
8. if the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove a plan or plat within the prescribed period, the authority on the applicant’s request shall issue a certificate stating the date the plan or plat was filed and that the authority failed to act on the plan or plat within the period;
9. a municipal authority or governing body that conditionally approves or disapproves a plan or plat shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval;
10. each condition or reason specified in the written statement: (a) must be directly related to the requirements under the subdivision platting law and include a citation to the law,

- including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and (b) may not be arbitrary;
11. after the conditional approval or disapproval of a plan or plat under (9) and (10), above, the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the plan or plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided, and the municipal authority or governing body may not establish a deadline for an applicant to submit the response;
  12. a municipal authority or governing body that receives a response under (11), above, shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date the response was submitted;
  13. a municipal authority or governing body that conditionally approves or disapproves a plan or plat following the submission of a response under (11), above: (a) must comply with (9) and (10), above; and (b) may disapprove the plan or plat only for a specific condition or reason provided to the applicant under (9) and (10), above;
  14. a municipal authority or governing body that receives a response under (11), above, shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval;
  15. a previously conditionally approved or disapproved plan or plat is approved if: (a) the applicant filed a response that meets the requirements of (14), above; and (b) the municipal authority or governing body that received the response does not disapprove the plan or plat on or before the date required by (12), above, and in accordance with (9) and (10), above;
  16. an applicant may elect at any time to seek approval for a plan or plat under an alternative approval process adopted by a city if the process allows for a shorter approval period than the approval process described in the sections above;
  17. an applicant that elects to seek approval under the alternative approval process described by (16), above, is not: (a) required to satisfy the requirements of the sections above before bringing an action challenging a disapproval of a plan or plat; and (b) prejudiced in any manner in bringing the action described by (a), including satisfying a requirement to exhaust any and all remedies;
  18. a municipal authority responsible for approving plats or the governing body of a municipality may not request or require an applicant to waive a deadline or other approval procedure; and
  19. in a legal action challenging a disapproval of a plan or plat, the city has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of the subdivision platting law or any applicable case law, and the court may not use a deferential standard.

With regard to the approval of replats, the bill provides that:

1. a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat: (a) is signed and acknowledged by only the owners of the property being replatted; (b) is approved by the



municipal authority responsible for approving plats; and (c) does not attempt to amend or remove any covenants or restrictions; and

2. for a replat that, during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot or any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot: (a) if the proposed replat requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the city and; (b) if a proposed replat does not require a variance or exception, the city shall, not later than the 15<sup>th</sup> 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 municipality or county tax roll; (c) sections (a) and (b) do not apply to a proposed replat if the municipal planning commission or the governing body of the city holds a public hearing and gives notice of the hearing in the manner provided by section (b); (d) the notice of a replat approval required by section (b) must include: (i) the zoning designation of the property after the replat; and (ii) a telephone number and e-mail address an owner of a lot may use to contact the city about the replat.

(Effective September 1, 2019.)

**H.B. 3314 (Romero/Zaffirini) – Replats:** provides that a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat: (1) is signed and acknowledged by only the owners of the property being replatted; (2) is approved by the municipal authority responsible for approving plats; and (3) does not attempt to amend or remove any covenants or restrictions. In addition, for a replat that, during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot or any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot: (1) if the proposed replat requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the city; (2) if a proposed replat does not require a variance or exception, the city shall, not later than the 15<sup>th</sup> 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 municipality or county tax roll; (3) sections (1) and (2) do not apply to a proposed replat if the municipal planning commission or the governing body of the city holds a public hearing and gives notice of the hearing in the manner provided by section (2); (4) the notice of a replat approval required by section (2) must include: (a) the zoning designation of the property after the replat; and (b) a telephone number and e-mail address an owner of a lot may use to contact the city about the replat. (Effective September 1, 2019.)

**H.B. 4075 (Perez/Nelson) – Fire Control, Prevention, and Emergency Medical Services Districts:** clarifies that: (1) a district is dissolved on the first uniform election date that occurs after the fifth anniversary of the date the city began to impose taxes for district purposes if the district has not held a continuation or dissolution referendum; (2) a district is dissolved on the first uniform election date that occurs after the fifth anniversary of the date of the most recent

continuation or dissolution referendum; (3) the dissolution provision in (2) does not apply to a district that is continued for a specified number of years pursuant to an election, and that district is dissolved on the first uniform election date that occurs after the end of the period for which it was continued. (Effective September 1, 2019.)

**H.B. 4257 (Craddick/Campbell) – Annexation Retaliation:** provides that: (1) the disapproval of the proposed annexation of an area does not affect any existing legal obligation of the city proposing the annexation to continue to provide governmental services in the area, including water or wastewater services, regardless of whether the municipality holds a certificate of convenience and necessity to serve the area; and (2) a city that makes a wholesale sale of water to a special district may not charge rates for the water that are higher than rates charged in other similarly situated areas solely because the district is wholly or partly located in an area that disapproved of a proposed annexation. (Effective immediately.)

**S.B. 26 (Kolkhorst/Cyrier) – Parks Funding:** this bill, among other things, requires the legislature to allocate sporting goods sales tax revenue credited to the Parks and Wildlife Department 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 attributable to sporting goods sales tax receipts. (Effective September 1, 2021, but only if **S.J.R. 24** is approved at the election on November 5, 2019.) (See **S.J.R. 24**, below.)

**VETOED S.B. 746 (Cortes/Campbell) – Annexation:** provides that: (1) if a city does not obtain the number of signatures on a petition required to annex an area, it may not annex any part of the area and may not adopt another resolution to annex any part of the area until the fifth anniversary of the date the petition period ended; and (2) if a majority of qualified voters do not approve a proposed annexation at an election called for that purpose, it may not annex any part of the area and may not adopt another resolution to annex any part of the area until the fifth anniversary of the date of the adoption of the resolution. (Effective immediately.)

**S.B. 1024 (Perry/Craddick) – Post-Annexation City Services:** provides that: (1) a city with a population of 350,000 or less shall provide access to services provided to an annexed area under a service plan that is identical or substantially similar to access to those services in the city; (2) a person residing in an annexed area subject to a service plan may apply for a writ of mandamus against a city that fails to provide access to services in accordance with (1); (3) in the action for the writ: (a) the court may order the parties to participate in mediation; (b) the city has the burden of proving that it complied with (1); (c) the person may provide evidence that the costs for the person to access the services are disproportionate to the costs incurred by a municipal resident to access those services; and (d) if the person prevails, the city shall disannex the property that is the subject of the suit within a reasonable period specified by the court or comply with (1); and (e) the court shall award the person's attorney's fees and costs incurred in bringing the action for

the writ; and (4) a city's governmental immunity to suit and from liability is waived and abolished to the extent of liability created under the bill. (Effective September 1, 2019.)

**S.B. 1303 (Bettencourt/Bell) – City and ETJ Mapping and Notice:** provides that: (1) every city must maintain a copy of the map of city's boundaries and extraterritorial jurisdiction in a location that is easily accessible to the public, including: (a) the city secretary's office and the city engineer's office, if the city has an engineer; and (b) if the city maintains a website, on the city's website; (2) a city shall make a copy of the map under (1), above, available without charge; (3) not later than January 1, 2020, a home rule city shall: (a) create, or contract for the creation of, and make publicly available a digital map that must be made available without charge and in a format widely used by common geographic information system software; (b) if it maintains an website, make the digital map available on that website; and (c) if it does not have common geographic information system software, make the digital map available in any other widely used electronic format; and (4) if a city plans to annex under the "consent exempt" provisions that remain in the Municipal Annexation Act after the passage of H.B. 347 (summarized elsewhere in this edition), a home rule city must: (a) provide notice to any area that would be newly included in the city's ETJ by the expansion of the city's ETJ resulting from the proposed annexation; and (b) include in the notice for each hearing a statement that the completed annexation of the area will expand the ETJ, a description of the area that would be newly included in the ETJ, a statement of the purpose of ETJ designation as provided by state law, and a brief description of each municipal ordinance that would be applicable, as authorized by state law relating to subdivision ordinances, in the area that would be newly included in the ETJ; and (c) before the city may institute annexation proceedings, create, or contract for the creation of, and make publicly available, without charge and in a widely used electronic format, a digital map that identifies the area proposed for annexation and any area that would be newly included in the ETJ as a result of the proposed annexation. (Note: Many of the remaining provisions of this bill modified sections in Chapter 43 of the Local Government Code, relating to municipal annexation, which were eliminated by H.B. 347.) (Effective immediately.)

**S.B. 1610 (Schwertner/Munoz) – Rough Proportionality:** provides that: (1) if a city requires, including under an ETJ subdivision agreement under Chapter 242, as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license and is retained by the city; and (2) the city's determination shall be completed within thirty days following the submission of the developer's application for determination. (Effective immediately.)

**S.J.R. 24 (Kolkhorst/Cyrier) – Parks Funding:** amends the Texas Constitution to: (1) automatically appropriate the net revenue received from the collection of any state taxes on the sale, storage, use, or other consumption of sporting goods to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function; and (2) authorize the legislature, by adoption of a resolution approved by a record vote of two-thirds of the members of each house of the legislature, to direct the comptroller to reduce the amount of money appropriated to the Parks and Wildlife Department and the Texas Historical Commission, or their

successors in function, under certain circumstances. (Effective if approved at the election on November 5, 2019.)(See **S.B. 26**, above.)

## **Personnel**

**H.B. 292 (S. Thompson/Huffman) – Peace Officer Minimum Curriculum:** this bill requires: (1) the Texas Commission on Law Enforcement to include the basic education and training program on the trafficking of persons in the minimum curriculum requirements for peace officers; and (2) a peace officer to complete the program described in (1) not later than the second anniversary of the date the officer is licensed, unless the officer completes the program as part of the officer’s basic training course. (Effective September 1, 2019.)

**H.B. 621 (Neave/Zaffirini) – Child Abuse Reporting:** provides that an employer, including a city, may not take any adverse employment action against a professional (an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license of certificate is required, has direct contact with children) who in good faith: (1) reports child abuse or neglect to: (a) the person’s supervisor; (b) an administrator of the facility where the person is employed; (c) a state regulatory agency; or (d) a law enforcement agency; or (2) initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect. (Effective September 1, 2019.)

**H.B. 766 (Huberty/Watson) – Tuition Exemptions for Disabled Peace Officers and Firefighters:** modifies current law to provide that an institution of higher education shall exempt a student from the payment of tuition and fees for a course for which space is available if the student is: (1) a resident of the state and has resided in the state for 12 months immediately preceding the beginning of the semester or session for which an exemption is sought; (2) permanently disabled as a result of an injury suffered during the performance of a duty as a peace officer or a firefighter of the state or political subdivision; and (3) unable to continue employment as a peace officer or firefighter because of the disability. (Effective immediately.)

**H.B. 872 (Hefner/Flores) – Survivor Benefits:** provides that: (1) not later than the 30<sup>th</sup> day after the date of the death of a peace officer that occurs in the performance of duties in the officer’s position or as a result of an action that occurs while the officer is performing those duties, the officer’s employing entity must furnish to the board of trustees of the Employees Retirement System of Texas (ERS) proof of the death in the form and with additional evidence and information required by the board; (2) the officer’s employing entity must furnish the required evidence and information concerning proof of death to ERS regardless of whether the entity believes the officer’s death satisfies the survivors eligibility requirements; (3) ERS must consider the proof, evidence, and information required by (1), above, and any additional information required by the rules to determine whether the officer’s death satisfies the survivors’ eligibility requirements and justifies the payment of assistance to the officer’s eligible survivors; and (3) the attorney general may use any means authorized by law to compel the employer’s compliance with (1), above, if the employer fails to comply. (Effective September 1, 2019.)

**H.B. 971** (Clardy/Minjarez) – **Certification of Law Enforcement Officers**: provides that the Texas Commission on Law Enforcement shall adopt rules to allow an officer who has served in the military to receive, based on that military service, credit toward meeting any training hours required for an intermediate, advanced, or master proficiency certification. (Effective September 1, 2019.)

**H.B. 1064** (Ashby/Birdwell) – **Texas Firefighters Day**: designates May 4<sup>th</sup> as Texas Firefighters Day. (Effective September 1, 2019.)

**H.B. 1074** (Price/Zaffirni) – **Training Programs**: repeals the current law that prohibits employers from discrimination against employees between the ages of 40 and 56 on the basis of their age, when selecting employees for participation in apprenticeship, on-the-job training, or other training or retraining program. (Effective September 1, 2019.)

**H.B. 1090** (C. Bell/Kolkhorst) – **First Responders**: this bill: (1) expands the definition of first responder to include: (a) an emergency response operator or emergency services dispatcher who provides communication support services for a governmental entity by responding to requests for assistance in emergencies; and (b) other emergency response personnel employed by a governmental entity; and (2) expands the waiver of sovereign or governmental immunity from suit for claims of workers' compensation discrimination to such first responders. (Effective September 1, 2019.)

**H.B. 1256** (Phelan/Kolkhorst) - **First Responder Immunization History**: provides that an employer of a first responder, with the first responder's electronic or written consent, shall have direct access to the state immunization register to verify the first responder's immunization record. (Effective September 1, 2019.)

**H.B. 1418** (Phelan/Huffman) – **Immunizations**: requires the Health and Human Services Commission adopt a system that provides an individual who files an application for certification or recertification as an emergency medical services (EMS) personnel with the following information: (1) if the individual's immunization history is included in the immunization registry, written notice of the individual's immunization history, using information from the immunization registry; or (2) if the applicant's immunization history is not included in the immunization history: (a) details about the program developed for informing first responders about the immunization registry and educating first responders about the benefits of being included in the immunization registry; and (b) the specific risks to EMS personnel when responding rapidly to an emergency of exposure to and infection by a potentially serious or deadly communicable disease that an immunization may prevent. (Effective immediately.)

**H.B. 2143** (J. Turner/Whitmire) – **First Responder's PTSD**: this bill: (1) expands the workers compensation presumption for post-traumatic stress disorder (PTSD) to include PTSD caused by multiple, as well as single, events; and (2) for purposes of a claim, the date of injury for post-traumatic stress disorder suffered by a first responder is the date on which the first responder first knew or should have known that the disorder may be related to the first responder's employment. (Effective September 1, 2019.)



**H.B. 2164 (Burns/Hughes) – Peace Officer Weapons:** provides that: (1) an establishment serving the public (e.g., a hotel, motel, or other place of lodging; a restaurant or other place where food is offered for sale to the public; a retail business or other commercial establishment or an office building to which the general public is invited; a sports venue; and any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited) may not prohibit or otherwise restrict a peace officer or special investigator from carrying on the establishment's premises a weapon that the peace officer or special investigator is otherwise authorized to carry, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon; (2) an establishment serving the public that violates (1) is subject to a civil penalty in the amount of \$1,000 for each violation; and (3) the attorney general may sue to collect a civil penalty under the bill. (Effective September 1, 2019.)

**H.B. 2195 (Meyer/Zaffirini) – Active Shooter Training:** provides that a school district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement. (Effective immediately, and the Texas Commission on Law Enforcement shall as soon as practicable approve training, which must be taken no later than August 31, 2020.)

**H.B. 2305 (Morrison/Kolkhorst) – Emergency Management Training:** provides that the Texas Division of Emergency Management shall establish a work group of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors, emergency management coordinators, and other emergency management personnel on the state or local level. (Effective September 1, 2019.)

**VETOED H.B. 2348 (King/Zaffirini) – Volunteer Emergency Responders:** this bill: (1) provides that an employer, including a city, that employs 20 or more employees may not terminate, suspend, or terminate an employee who is a volunteer emergency responder and who is absent from or late to work because the employee is responding to a declared disaster in the employee's capacity as a volunteer emergency responder; (2) provides that such employee shall not be absent from work for more than 14 days in a calendar year unless the absence is approved by the employer; (3) requires an employee described in Item (1), above, to make a reasonable effort to notify his or her employer that the employee may be absent or late; (4) authorizes an employer to reduce the wages otherwise owed to the employee for any pay period because the employee took time off during that pay period to respond to an emergency, or require, unless otherwise provided by a collective bargaining agreement, the employee to use existing leave time for an absence; (5) provides that an employee who is suspended or terminated in violation of the provisions of this bill is entitled to: (a) reinstatement to the employee's former position or a comparable position; (b) compensation for lost wages; and (c) reinstatement of any fringe benefits and seniority rights lost because of the suspension or termination; and (6) creates a civil cause of action against an employer who violates the provisions of the bill. (Effective September 1, 2019.)

**H.B. 2446 (Swanson/Fallon) – Firefighters and Emergency Medical Service Personnel:** provides that: (1) a volunteer fire department or a fire department operated by an emergency service district is entitled to obtain a criminal history record information (CHRI) from the Department of Public Safety (DPS) that relates to a person who holds a position with the fire department and seeks to conduct fire safety inspections without becoming certified as a fire inspector by the Texas Commission on Fire Protection (TCFP); (2) a city is entitled to obtain a CHRI from DPS that relates to a person who seeks the city’s authorization to conduct fire safety inspections without becoming certified as a fire inspector by the TCFP; (3) the following entities may provide fire safety inspection training: (a) TCFP or a training facility certified by TCFP; (b) the State Firefighters’ and Fire Marshals’ Association of Texas or a training facility approved by that association; (c) any state agency with authority over fire safety inspections; or (d) any local agency authorized to provide training by a state agency with authority over fire safety inspections; (4) a person is not required to be certified by the TCFP to conduct fire safety inspections if: (a) the individual: (i) has completed a course of training on fire safety inspections offered by the entities under (3), above, that complies with the 2014 Edition of the National Fire Protection Association Standard 1031: Fire Inspector I; (ii) is a member of a volunteer fire department, or authorized to conduct fire safety inspections by a city in which an emergency service district is located if the city has adopted a fire safety code; and (iii) has not been convicted of an offense that involves family violence, or a felony; and (b) the inspection is conducted in: (i) a county with a population of less than 100,000; or (ii) a political subdivision of this state that employs fewer than five firefighters regulated by the TCFP; (5) the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of a firefighter, volunteer firefighter, or emergency medical service personnel is considered confidential under the personnel exceptions of the Public Information Act; (6) the work schedule or a time sheet of a firefighter, volunteer firefighter, or emergency medical services personnel is confidential and excepted under the Public Information Act; and (7) the home address in appraisal records of a firefighter, volunteer firefighter, or emergency medical service personnel is confidential if these individuals choose to restrict public access to the information by filling out the prescribed form. (Effective Immediately.)

**H.B. 2503 (Kacal/Menendez) – Workers’ Compensation Death Benefits:** provides that an individual who remarries is eligible for workers’ compensation death benefits for life if the individual’s former spouse died in the line of duty and the individual’s former spouse was one of the following: (1) a first responder; (2) an elected, appointed or employed peace officer of the state, a political subdivision or a private institution of higher education; or (3) an intrastate fire mutual aid system team member or a regional incident management team member who is activated by the Texas Division of Emergency Management (Division) or is injured during training sponsored or sanctioned by the Division. (Effective September 1, 2019.)

**H.B. 2584 (Cortez/Mendendez) – Code Enforcement Officers:** this bill: (1) exempts a code enforcement officer from the prohibition on carrying a club, if the officer holds a certificate of registration as a code enforcement officer and is carrying the club to deter animal bites while the officer is on duty; and (2) requires the Texas Commission of Licensing and Regulation to include educational training requirements regarding the principles and procedures to be followed when possessing or carrying an instrument used for deterring animal bites. (Effective September 1, 2019.)



**H.B. 3247 (Martinez/Alvarado) – Texas Emergency Services Retirement System:** this bill: (1) makes various administrative changes to the Texas Emergency Services Retirement System; (2) expands the definition of “participating department” to include not-for-profit entities that perform emergency services; (3) expands the definition of “eligible members” to include any person who performs emergency services or supports services as a volunteer or employee of a participating department, regardless of whether the person receives compensation from the participating department for the services; permits the board of trustees of the System to adopt rules allowing a participating department to terminate participation from the System in a manner that maintains an actuarially sound pension system. (Effective September 1, 2019.)

**H.B. 3635 (J. Turner/Hughes) – Survivor Benefits:** this bill: (1) modifies current law to provide that the eligible survivors of certain individuals described in item (2), below, who die in the line of duty shall be entitled to a lump sum payment by the state of \$500,000 during the 12 months beginning September 1, 2019, and thereafter, effective September 1 of each following year, an adjustment to the lump sum in an amount equal to the percentage change in the consumer price index for all urban consumers for the preceding year: including: (1) peace officers appointed, elected or employed by a city; and (2) provides that item (1) above applies to, among others, the following individuals: (a) an individual elected, appointed, or employed as a peace officer by a city; (b) a member of an organized police reserve or auxiliary unit who regularly assists peace officers in enforcing criminal laws; (c) a certified firefighter who is employed by a city; (d) an individual employed by a city whose principal duties are aircraft crash and rescue fire fighting; (e) a member of an organized volunteer fire-fighting unit that renders fire-fighting services without remuneration and conducts a minimum of two drills each month, each two hours long; (f) an individual who performs emergency medical services or operates an ambulance, is employed by the city or is an emergency medical services volunteer, and is qualified as an emergency care attendant; (g) an individual who is employed or formally designated as a chaplain for an organized volunteer firefighting unit of a city or a law enforcement agency of a city; and (h) an individual employed by a city to be a trainee for a position described above. (Effective September 1, 2019.)

**S.B. 16 (Hancock/Stucky) – Peace Officer Loan Repayment Assistance Program:** provides that the Higher Education Coordinating Board must establish and administer a program to provide loan repayment assistance in the repayment of eligible loans for eligible persons who agree to continued employment as full-time peace officers in this state for a specified time. (Effective September 1, 2019.)

**S.B. 370 (Watson/Smithee) – Jury Service:** this bill: (1) prohibits an employer, including a city, from discharging, threatening to discharge, intimidating, or coercing any permanent employee because the employer serves as a juror, attends or has a scheduled attendance in connection with jury service in any court in the United States; and (2) provides that an employee described in (1), above, who is discharged, threatened with discharge, intimidated or coerced is entitled to return to the same employment that the employee held when summoned for jury duty provided that the employee, as soon as practicable after release from jury service, gives the employer actual notice that the employee intends to return. (Effective immediately.)

**S.B. 586 (Watson/Neave) – Peace Officer Training Requirements:** the bill, among other things, adds to the required peace officer training program, training to recognize, document, and investigate cases involving child abuse or neglect, family violence, and sexual assault that include use of best practices and trauma-informed techniques; and (2) requires the Texas Commission on Law Enforcement to establish a certification program for officers who complete training on responding to allegations of family violence or sexual assault. (Effective September 1, 2019.)

**S.B. 971 (Huffman/Herrero) – Assault Training:** would provide that the minimum curriculum training and minimum continuing education training required for peace officers must include instruction in recognizing and recording, in certain types of cases, circumstances indicating that a victim may have been assaulted by strangulation or suffocation. (Effective September 1, 2019.)

**S.B. 1582 (Lucio/Wray) – Peace Officer Disease Presumption:** provides that:

1. a peace officer is entitled to preventative immunization for any disease to which the officer may be exposed in performing official duties and for which immunization is possible;
2. a peace officer and any member of the officer's immediate family are entitled to vaccination for a contagious disease to which the officer is exposed during the course of employment;
3. a peace officer is presumed to have suffered a disability or death during the course and scope of employment if the peace officer: (a) received preventative immunization against small pox, or another disease to which the officer may be exposed during the course and scope of employment and for which immunization is possible; and (b) suffered death or total or partial disability as a result of the immunization;
4. a peace officer who suffers tuberculosis, or any other disease or illness of the lungs or respiratory tract that has a statistically positive correlation with services as a peace officer that results in death or total or partial disability is presumed to have contracted the disease or illness during the course and scope of employment as a peace officer;
5. a peace officer who suffers an acute myocardial infraction or stroke resulting in disability or death is presumed to have suffered the disability or death during the course and scope of employment as a peace officer if: (a) while on duty, the peace officer: (i) was engaged in a situation that involved nonroutine stressful or strenuous physical activity that involved fire suppression, rescue, hazardous material response, emergency medical services, or other emergency response activity; or (ii) participated in a training exercise that involved nonroutine stressful or strenuous physical activity; and (b) the acute myocardial infraction occurred while the officer was engaging in the activity described herein;
6. that the provisions described in Items (3), (4), and (5) above only apply to an individual elected, appointed, or employed to serve as a peace officer for a governmental entity, including a city, who: (a) on becoming a peace officer received a physical examination that failed to reveal evidence of the illness or disease for which benefits or compensation are sought using a presumption; (b) is employed for five or more years as a peace officer; and (c) seeks benefits or compensation for a disease or illness that is discovered during employment as a peace officer; and

7. if an insurance carrier's notice of refusal to pay workers' compensation benefits is sent in response to a claim for compensation resulting from a peace officer's disability or death for which an applicable disease presumption is claimed, the notice must include a statement by the carrier that: (a) explains why the carrier determined a presumption does not apply to the claim for compensation; and (b) describes the evidence that the carrier reviewed in making the determination.

(Effective September 1, 2019.)

**S.B. 2551(Hinojosa/Burrows) – Firefighter and EMT Disease Presumption:** this bill:

1. modifies current law to provide that certain fire fighters and emergency medical technicians (EMT) who suffer from one or more of the following 11 cancers resulting in death or total or partial disability are presumed to have developed the cancer during the course and scope of employment as a firefighter or EMT: (a) cancer that originates at the stomach, colon, rectum, skin, prostate, testis, or brain; (b) non-Hodgkin's lymphoma; (c) multiple myeloma; (d) malignant melanoma; and (e) renal cell carcinoma;
2. repeals the current law that provided for a presumption to apply, the cancer must be known to be associated with fire fighting or exposure to heat, smoke, radiation, or a known or suspected carcinogen;
3. repeals the current law that provides that the presumption described in Item (1) above may be rebutted by a showing, by a preponderance of evidence, that a risk factor, accident, hazard, or other cause not associated with the individual's service as firefighter or EMT caused the individual's disease or illness, and replaces that standard with a showing that a risk factor, accident, hazard, or other cause not associated with the individual's service as a firefighter or EMT was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred;
4. repeals the current law that provides that a rebuttal statement must detail the evidence that the person offering the rebuttal reviewed before making the determination that a cause not associated with the individual's service as a firefighter or EMT caused the individual's disease, and replaces that standard with a rebuttal statement that must detail the evidence that a cause not associated with the firefighter or EMT's service was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred;
5. provides that an administrative law judge, in addressing an argument based on a rebuttal, shall make findings of fact and conclusions of law that consider whether a qualified expert, relying on evidence-based medicine, stated the opinion, that based on reasonable medical probability, an identified risk factor, accident, hazard, or other cause not associated with the individual's service as a firefighter or EMT was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred;
6. provides that an insurance carrier is not required to comply with a requirement to meet a 15-day deadline under the Workers' Compensation Act to either initiate benefit payments in response to a claim or provide a written notice of refusal to pay benefits if: (a) the claim results from an employee's disability or death for which a disease presumption is

- claimed; and (2) not later than the 15th day after the date on which the insurance carrier received written notice of the injury, the insurance carrier has provided notice that describes all steps taken by the insurance carrier to investigate the injury before the notice was given and the evidence the carrier reasonably believes is necessary to complete its investigation of the compensability of the injury;
7. provides that, in determining whether to assess an administrative penalty involving a claim in which an insurance carrier provided notice as described in Item (6) above, the following shall be taken into consideration: (a) whether the employee cooperated with the insurance carrier's investigation of the claim; (b) whether the employee timely authorized access to the applicable medical records before the insurance carrier's deadline to begin payment of benefits or provide a notice of refusal to pay; and (c) whether the insurance carrier conducted an investigation of the claim, applied the statutory presumption provisions, and expedited required provision of medical benefits for certain injuries sustained by a first responder in the course and scope of employment;
  8. establishes that a political subdivision that self-insures either individually or collectively is liable for: (a) sanctions, administrative penalties, and other remedies authorized under the Workers' Compensation Act; and (b) for certain attorney's fees paid to a claimant's attorney;
  9. provides that a pool (two or more political subdivisions collectively self-insuring under an interlocal agreement) or a political subdivision that self-insures may establish an account for the payment of death benefits and lifetime income under the provisions of the Workers' Compensation Act (the Account);
  10. provides that: (a) the Account may accumulate assets in an amount that the pool or political subdivision, in its sole discretion, determines is necessary in order to pay death benefits and lifetime income benefits; and (b) the establishment of the Account or the amount of assets accumulated in the Account does not affect the liability of a pool or a political subdivision for the payment of death benefits and lifetime income benefits;
  11. provides that the provisions of the Public Funds Investment Act does not apply to the investment of assets in the Account;
  12. provides that the pool or political subdivision investing or reinvesting the assets of an Account shall discharge its duties solely in the interest of current and future beneficiaries: (a) for the exclusive purposes of: (i) providing death benefits and lifetime income benefits to current and future beneficiaries; and (ii) defraying reasonable expenses of administering the account; (b) with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with matters of the type would use in the conduct of an enterprise with a like character and like aims; (c) by diversifying the investments of the account to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and (d) in accordance with the documents and instruments governing the account to the extent that the documents and instruments are consistent with the provisions of the bill; and
  13. provides that, in choosing and contracting for professional investment management services for services for an Account and in continuing the use of an investment manager, the pool or political subdivision must act prudently and in the interest of the current and future beneficiaries of the account.

(Effective immediately.)

## **Public Safety**

### **H.B. 8** (Neave/Nelson) – Evidence of Sex Offenses: provides that:

1. there is no statute of limitation on sexual assault, if: (a) during the investigation of the offense, biological matter is collected and the matter: (i) has not yet been subjected to forensic DNA testing; or (ii) has been subjected to forensic DNA testing and the test results show that the matter does not match the victim or any other person whose identity is readily ascertained; or (b) probable cause exists to believe that the defendant has committed the same or a similar sex offense against five or more victims;
2. an entity, which includes law enforcement agencies, must ensure that biological evidence, other than the contents of a sexual assault examination kit, collected pursuant to an investigation or prosecution of a felony offense or conduct constituting a felony offense is retained and preserved for not less than 40 years, or until any applicable statute of limitations has expired, if there is an unapprehended actor associated with the offense;
3. an entity is required to ensure that the contents of a sexual assault examination kit collected pursuant to an investigation or prosecution of a felony offense or conduct constituting a felony offense is retained and preserved for not less than 40 years, or until any applicable statute of limitations has expired, whichever period is longer, regardless whether a person has been apprehended for or charged with committing the offense;
4. the Department of Public Safety (DPS) must develop procedures for: (a) the transfer of evidence collected from a forensic medical examination of a victim of alleged sexual assault to a crime laboratory or other suitable location designated by the public safety director of DPS; (b) the preservation of the evidence by the receiving entity; and (c) the notification of the victim of the offense before a planned destruction of evidence;
5. an entity receiving evidence under (4), above, must preserve the evidence until the earlier of: (a) the fifth anniversary of the date on which evidence was collected; or (b) the date on which written consent to release the evidence is obtained from the required person;
6. an entity receiving evidence under (4), above, may destroy the evidence on the expiration of the entity's duty to preserve the evidence under (5), above, only if: (a) the entity provides written notification to the victim of the offense, in a trauma-informed manner, of the decision to destroy the evidence that includes: (i) detailed instructions on how the victim may make a written objection to the decision, including contact information for the entity; or (ii) a standard form for the victim to complete and return to the entity to make a written objection to decision; and (b) a written objection is not received by the entity from the victim before the 91<sup>st</sup> day after the date on which the entity notifies the victim of the planned destruction of the evidence;
7. the chain of custody of evidence must be maintained for all sex offenses;
8. an entity must document the entity's attempt to notify the victim under (6), above;
9. if a health care facility or other entity that performs a medical examination to collect evidence of a sexual assault or other sex offense receives signed, written consent to release the evidence obtained from the required person, the facility or entity must promptly notify any law enforcement agency investigating the alleged offense;

10. a law enforcement agency that receives notice from a health care facility or other entity under (9), above, must take possession of the evidence: (a) not later than the 7<sup>th</sup> day after the date the law enforcement receives notice; or (b) not later than the 14<sup>th</sup> day after date the agency receives notice if facility or other entity is located more than 100 miles from the agency;
11. failure to comply with evidence procedures or requirements under (9) and (10), above, does not affect the admissibility of evidence in a trial of the offense;
12. a law enforcement agency must submit all sex offense evidence to a public accredited crime laboratory for analysis not later than the 30<sup>th</sup> day after the date on which that evidence was received;
13. a public accredited crime laboratory, as soon as practicable, but not later than the 90<sup>th</sup> day after the date on which the laboratory received the evidence, must complete its analysis of all sex offense's evidence if sufficient personnel and resources are available;
14. a public accredited crime laboratory must analyze any sex offense evidence submitted to the laboratory that is necessary to identify the offender or offenders no matter if the number of offenders is uncertain or unknown;
15. failure of a law enforcement agency to take possession of evidence of a sexual assault or other sex offense within the required period under (10), above, or to submit that evidence within the required period under (12), above, does not affect the authority of: (a) the agency to take possession of the evidence, or (b) DPS or a public accredited crime laboratory to compare the DNA profile obtained from the biological evidence with DNA profiles in the state database and the CODIS DNA database;
16. not later than the 30<sup>th</sup> day after the date a public accredited laboratory analyzes evidence kits containing biological evidence, DPS must compare the DNA profiles obtained from the biological evidence with the DNA profiles maintained in the state database and CODIS DNA database;
17. a public accredited laboratory that analyzed evidence kits containing biological evidence may perform the comparison of DNA profiles required under (16), above, provided that: (a) the laboratory performs the comparison not later than the 30<sup>th</sup> day after the date the analysis is complete and any necessary quality assurance reviews have been performed; (b) the law enforcement agency that submitted the evidence collection kit gives permission; and (c) the laboratory meets applicable federal and state requirements to access the databases;
18. each law enforcement agency and public accredited crime laboratory must submit a quarterly report to DPS identifying the number of evidence collection kits that the agency has not yet submitted for analysis or for which the laboratory has not yet completed an analysis;
19. a law enforcement agency in possession of an evidence collection kit that has not been submitted for analysis must: (a) not later than December 15, 2019, submit to DPS a list of the agency's active criminal cases for which evidence collection kit collected on or before September 1, 2019, has not yet been submitted for analysis; (b) not later than January 15, 2020, and subject to the availability of laboratory storage space, submit to DPS or a public accredited crime laboratory all evidence collection kits pertaining to those active criminal cases that have not yet been submitted for analysis; and (c) if the law enforcement agency submits an evidence collection kit under (b), above, to a laboratory other than a DPS laboratory, notify DPS of: (i) the laboratory to which the

evidence collection kit was sent; and (ii) any analysis completed by the laboratory and the date on which the analysis was completed.

(Effective September 1, 2019.)

**H.B. 18 (Price/Watson) – Local Mental Health Authorities:** this bill provides that: (1) the Health and Human Services Commission (HHSC) is required to develop guidelines for school districts regarding partnering with a local mental health authority and other providers to increase student access to mental health services; and (2) a local mental health authority must also report to HHSC: (a) the number of trainers who left the mental health first aid trainer program for any reason during the preceding fiscal year, and the number of active trainers; and (b) the number of university employees, school district employees, and school resources officers who completed a mental health first aid training program offered by the local mental health authority during the preceding fiscal year categorized by local mental health authority region, university, or school district, as applicable, and category of personnel. (Effective December 1, 2019.)

**H.B. 121 (Swanson/Creighton) – Licensed Carry:** provides that it is a defense to prosecution to the offenses of trespass by a license holder with a concealed or openly carried handgun (i.e., going where a “30.06” or “30.07” sign prohibits carry) that the license holder was personally given notice by oral communication and promptly departed from the property. (Effective September 1, 2019.)

**VETOED H.B. 448 (Turner/Zaffirini) – Child Passenger Safety Seat System:** provides that: (1) a person commits an offense if the person operates a passenger vehicle, transports a child who is younger than two years of age, and does not keep the child secured during the operation of the vehicle in a rear-facing child passenger safety seat system unless the child: (a) is taller than three feet, four inches, or (b) weighs more than 40 pounds; (2) a peace officer may not: (a) stop motor vehicle or detain the operator of a motor vehicle solely to enforce (1) above; or (b) issue a citation under (1), above, unless the officer determines that the person has previously been issued a warning or citation for or convicted of this offense; and (3) a defense to prosecution under (1), above, is available if the child has a medical condition, as evidenced by a written statement from a licensed physician, that prevents the child from being secured in a rear-facing child passenger safety seat system. (Effective September 1, 2019.)

**H.B. 601 (Price/Zaffirini) – Arrestees’ Mental Health:** revises the procedures and reporting requirements regarding arrestees who are or may be persons with a mental illness or an intellectual disability, including: (1) requiring interviews with defendants when local mental health and intellectual and developmental disability authorities collect information about those in custody whom municipal jailers and sheriff’s believe may be a person with a mental illness or an intellectual disability; (2) providing that the interview described in (1) must be included in a report when the authorities share information they have collected with the magistrate, defense attorney, prosecutor, and the court, and that the report is confidential; and (3) authorizing magistrates to order defendants to obtain services, in addition to the current authority to obtain treatment, when releasing them on bond. (Effective September 1, 2019.)



**H.B. 616 (Neave/Nelson) – Sexual Assault Forensic Medical Examinations:** provides that: (1) a victim of the offense of sexual assault has the right to a forensic medical examination if, within 120 hours of the offense, the offense is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility; (2) if a sexual assault is reported to a law enforcement agency within 120 hours of the assault, the law enforcement agency, with the 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 must request a forensic medical examination of the victim of the alleged assault for use in the investigation or prosecution of the offense; (3) if the sexual assault is not reported within 120 hours of the assault, the law enforcement agency may request a forensic medical examinations of a victim or an alleged sexual assault as considered appropriate by the agency on receipt of the appropriate consent; (4) if a sexual assault is reported to a law enforcement agency as provided by (2) and (3), above, the law enforcement agency: (a) must document, in the form and manner required by the attorney general, whether the agency requested a forensic medical examination; (b) must provide the documentation of the agency’s decision regarding a request for a forensic medical examination to: (i) the health care facility and the sexual assault examiner, or sexual assault nurse examiner, as applicable, who provides services to the victim that are related to the sexual assault; and (ii) the victim or the person who consented to the forensic medical examination on behalf of the victim; and (c) maintain the documentation of the agency’s decision in accordance with the agency’s record retention policies; (5) a health care facility, including general or special hospitals run by a city or a hospital district, that provides a forensic medical examination to a sexual assault in accordance with (2) and (3), above, or the sexual assault examiner or sexual assault nurse examiner who conducts that examination, is entitled, upon an application to the attorney general, to be reimbursed in an amount set by the attorney general rule for: (a) the reasonable costs of the forensic portion of that examination; and (b) the evidence collection kit; (6) in accordance with the collection, preservation, and tracking of evidence of sex offenses, a health care facility must conduct a forensic medical examination of the victim of an alleged sexual assault if: (a) the victim arrives at the facility within 120 hours after the assault occurred; (b) the victim consents to the examination; and at the time of the examination the victim has not reported the assault to a law enforcement agency; (7) a health care facility that provides a forensic medical examination to a sexual assault survivor in accordance with (6), above, or the sexual assault examiner or sexual assault nurse examiner who conducts that examination within 120 hours after the alleged sexual assault occurred in entitled to be reimbursed, on application to the attorney general, in an amount set by attorney general rule for: (a) reasonable costs of the forensic portion of that examination; and (b) the evidence collection kit; (8) the health care facility is not entitled to reimbursement under (5) or (6), above, unless the forensic medical examination was conducted at the facility by a physician, sexual assault examiner, or sexual assault nurse examiner; (9) law enforcement agencies are not required to pay for the cost of the evidence collection kits or the examination when the agency request a forensic medical examination of a victim of an alleged sexual assault or other sex offense for use in the investigation or prosecution of the offense. (Effective September 1, 2019.)

**H.B. 979 (Hernandez/Smith) – DNA Records:** requires a person convicted of a class A misdemeanor offense of unlawful restraint or assault to provide to a law enforcement agency one or more specimens for the purpose of creating a record in the DNA database system. (Effective September 1, 2019.)

**H.B. 1028 (Guillen/Huffman) – Criminal Penalties:** expands the types of offenses for which punishment is increased if committed in a disaster area or an evacuated area to include the following: (1) arson; (2) burglary of a coin-operated or coin collection machines; (3) burglary of vehicles; and (4) criminal trespass. (Effective September 1, 2019.)

**VETOED H.B. 1099 (Guillen/Hinojosa) – Veterinary Commissioned Peace Officers:** the bill: (1) authorizes the State Board of Veterinary Medical Examiners (Board) to employ and commission as a peace officer a person certified as a peace officer by the Texas Commission on Law Enforcement to enforce the laws under the Board’s jurisdiction; and (2) provides that if the Board commissions peace officers, the Board shall designate a peace officer as the chief investigator to supervise and direct the other peace officers commissioned by the Board, and such chief investigator must have appropriate training and experience in law enforcement, as determined by the Board. (September 1, 2019.)

**VETOED H.B. 1168 (Anchia/West) – Firearms in Airports:** provides that, in relation to the prohibition against carrying a firearm into the secured area of an airport: (1) “secured area” means an area: (a) of an airport terminal building or of an adjacent aircraft parking area used by common carriers in air transportation but not used by general aviation; and (b) to which access is controlled under federal law; and (2) it is a defense to prosecution that the actor: (a) checked all firearms as baggage in accordance with federal or state law or regulations before entering a secured area; or (b) was authorized by a federal agency or the airport operator to possess a firearm in a secured area. (Effective September 1, 2019.)

**H.B. 1177 (Phelan/Bettencourt) – Carrying Handguns during Disaster:** provides that: (1) a person, regardless of whether he or she holds a license, may carry a handgun if: (a) the person carries the handgun while evacuating from an area following the declaration of a state or local disaster with respect to that area or reentering that area following the person’s evacuation; (b) not more than 168 hours have elapsed since the state of disaster was declared, or more than 168 hours have elapsed since the time the declaration was made and the governor has extended the period during which a person may carry a handgun under the bill; and (c) the person is not prohibited by state or federal law from possessing a firearm; (2) a person may carry a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on the premises of a location operating as an emergency shelter in a location listed in (3), below, during a declared local or state disaster if the owner, controller, or operator of the premises or a person acting with apparent authority authorizes the carrying of the handgun, the person carrying the handgun complies with any rules and regulations of the owner, controller, or operator of the premises, and the person is not prohibited by state or federal law from possessing a firearm; and (3) regardless of any state law prohibition, a person may carry, with the consent of the owner, et al., required by (2), above, on the premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, on the premises of a polling place on the day of an election or while early voting is in progress, on the premises of any government court or offices utilized by the court, on the premises of a racetrack, on the premises of an institution of higher education or private or independent institution of higher education, on any public or private driveway, street, sidewalk or walkway, parking lot,

parking garage, or other parking area of an institution of higher education or private or independent institution of higher education, on the premises of a business that has a permit or license issued by the Alcoholic Beverage Code, in an amusement park, or on the premises of a church, synagogue, or other established place of religious worship. (Effective September 1, 2019.)

**H.B. 1399 (Smith/Creighton) – DNA Records:** provides that: (1) a law enforcement agency that took a specimen of DNA from a defendant arrested for certain felony offenses must immediately destroy the record of the collection of the specimen, and the Department of Public Safety (DPS) must destroy the specimen and the record of its receipt, if: (a) the defendant is acquitted of the offenses for which the defendant was arrested; (b) the defendant's case is dismissed, or (c) after an individual has been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of a crime for which the person was sentenced; and (2) the court must provide notice of the acquittal or dismissal to the applicable law enforcement agency and DPS as soon as practicable after the acquittal or the dismissal of the case. (Effective September 1, 2019.)

**H.B. 1518 (Coleman/Seliger) – Dextromethorphan Sale to Minors:** provides that: (1) a business establishment may not dispense, distribute, or sell dextromethorphan to a customer under 18 years old and must verify age by requiring identification if the person looks younger than 27 years old; (2) after a business establishment gets one warning for a violation of the law, the business establishment is liable to the state for a civil penalty of \$150 for the second violation and \$250 for each subsequent violation; and (3) a political subdivision may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan and any such ordinance, rule, regulation, or policy is void and unenforceable. (Effective September 1, 2019.)

**H.B. 1528 (Rose/West) – Misdemeanor Family Violence Offenses:** provides that: (1) if a defendant is charged with a misdemeanor offense involving family violence, the judge or justice must take the defendant's plea in open court; (2) information in the computerized criminal history system relating to sentencing must include for each sentence, among the other things required by current law, whether the judgment imposing the sentence reflects an affirmative finding of family violence; (3) the arresting law enforcement agency shall prepare a uniform incident fingerprint card described and initiate the reporting process for each offender charged with a misdemeanor punishable by fine only that involves family violence; and (4) on disposition of a case in which an offender is charged with a misdemeanor punishable by fine only that involves family violence, the clerk of the court exercising jurisdiction over the case shall report the applicable information regarding the person's citation or arrest and the disposition of the case to the Department of Public Safety using a uniform incident fingerprint card or an electronic methodology approved by the Department of Public Safety. (Effective September 1, 2019.)

**H.B. 1552 (Paul/Schwertner) – Retired Law Enforcement Officers/Handguns:** provides, among other things, that: (1) the head of a state or local law enforcement agency may allow a qualified retired law enforcement officer who is a retired commissioned peace officer an opportunity to demonstrate weapons proficiency if the officer provides to the agency a sworn affidavit stating that: (a) the officer honorably retired after not less than a total of 10 years of

cumulative service as a commissioned officer with one or more state or local law enforcement agencies; or (b) before completing 10 years of cumulative service as a commissioned officer with one or more state or local law enforcement agencies, separated from employment with the agency or agencies and is a qualified retired law enforcement officer; (2) the state or local law enforcement agency shall establish written procedures for the issuance or denial of a certificate of proficiency, and the agency shall issue the certificate to a retired commissioned peace officer who satisfactorily demonstrates weapons proficiency; and (3) a qualified retired law enforcement officer who holds the certificate under (2) is authorized to carry essentially anywhere. (Effective September 1, 2019.)

**H.B. 1590 (Howard/Watson) – Sexual Assault Survivors’ Task Force:** provides that: (1) the governor shall establish the Sexual Assault Survivors’ Task Force within the criminal justice division; (2) the task force shall, among other things, (a) advise and provide resources to the Texas Commission on Law Enforcement (TCOLE) and other law enforcement organizations to improve law enforcement officer training related to the investigation and documentation of cases involving sexual assault and other sex offenses, with a focus on the interactions between law enforcement officer and survivors; and (b) provide to law enforcement agencies, prosecutors, and judges with jurisdiction over sexual assault or other sex offense case information and resources to maximize effective and empathetic investigation, prosecution, and hearings; (3) TCOLE shall consult with the task force regarding minimum curriculum requirements for training in the investigation and documentation of cases that involve sexual assault or other sex offenses; and (4) the task force expires September 1, 2023. (Effective Immediately.)

**H.B. 1631 (Stickland/Hall) – Red Light Cameras:** this bill: (1) prohibits a local authority, including a city, from implementing or operating a photographic traffic signal enforcement system with respect to a highway or street under the jurisdiction of the authority; (2) gives the attorney general authorization to enforce (1); (3) prohibits a local authority from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system; (4) repeals the laws authorizing the use of photographic signal enforcement systems; and (5) provides that a local authority that had enacted an ordinance to implement a photographic traffic signal enforcement system and entered into a contract for the administration of that system before May 7, 2019, may continue to operate the system under the terms of the contract until the expiration of the contract, unless the contract contains a provision that authorizes termination on the basis of adverse state legislation. (Effective immediately.)

**H.B. 1735 (Howard/Watson) – Crime on College Campuses:** provides that, to facilitate effective communication and coordination regarding allegations of sexual harassment, sexual assault, dating violence, and stalking at postsecondary education institutions, the institutions shall enter into a memorandum of understanding with one more: (1) local law enforcement agencies; (2) sexual harassment, sexual assault, dating violence, or stalking advocacy groups; and (3) hospitals or other medical resources providers. (Effective September 1, 2019.)

**H.B. 1769 (G. Bonnen/Taylor) – Missing Adult Alert System:** this bill requires: (1) the Texas Department of Public Safety to develop and implement a statewide alert system for missing adults (a person who is 18 years or older but younger than 65 years); and (2) local law

enforcement agencies to take various actions to activate the alert system described in (1). (Effective September 1, 2019.)

**VETOED [H.B. 1771](#) (Thierry/Huffman) – Juvenile Prostitution:** provides that: (1) offering or agreeing to receive a fee to engage in sexual conduct by a juvenile is not delinquent conduct and the offending juvenile may not be referred to juvenile court; (2) an officer taking possession of a child who is suspected of engaging in prostitution may not arrest the child or refer the child to juvenile court; (3) the officer in (2) shall use best efforts to deliver the child to the child’s parent or to another person entitled to take possession of the child; and (4) if a parent or other person is not available to take possession of the child, the officer shall contact a local service provider or care coordinator who will facilitate the assignment of a case worker or to the Department of Family and Protective Services if a local service provider is not available. (Effective September 1, 2019.)

**[H.B. 1789](#) (Tinderholt/Fallon) – Mutual Aid:** modifies 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. (Effective immediately.)

**[H.B. 1791](#) (Krause/Fallon) – Licensed Carry Notice:** provides that a state agency or a political subdivision of the state may not take any action, including an action consisting of the provision of notice by a communication described by Penal Code Sections 30.06 or 30.07 (Concealed/Open Carry Trespass by Handgun License Holder) that states or implies that a license holder who is carrying a handgun under the authority of state law is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity, unless license holders are prohibited from carrying a handgun on the premises or other place by state law. (Effective September 1, 2019.)

**[H.B. 1869](#) (Klick/Zaffirini) – EMS and Trauma Advisory Council:** expands the composition of the Governor’s EMS and Trauma Advisory Council to include the following individuals, among others: (1) a representative of a stand-alone emergency medical services agency in a municipality or taxing district, appointed from a list of names recommended by a statewide association representing emergency medical services agencies; and (2) a certified paramedic, appointed from a list of names recommended by a statewide association representing emergency medical services agencies or emergency medical services personnel. (Effective immediately.)

**[H.B. 2203](#) (Miller/Kolkhorst) – Radioactive Substance Release:** provides that: (1) notwithstanding the Texas Disaster Act or any other law requiring confidentiality, the Department of State Health Services or any other state agency that receives a required report of a release of a radioactive substance into the environment shall immediately provide notice to each political subdivision of this state into which the substance was released; (2) the notice must include the name, quantity, and state of matter of the radioactive substance released, if known; and (3) the information contained in the notice provided to a political subdivision under is confidential and not subject to disclosure under the Public Information Act. (Effective immediately.)



**H.B. 2613 (Frullo/Huffman) – Human Smuggling and Trafficking:** this bill: (1) makes the operation of a “stash house” a Class A misdemeanor; (2) expands the contraband definition as it applies to property used to facilitate or intended to be used to facilitate felonies to include all offenses in Penal Code Chapter 43, which covers public indecency crimes; (3) expands the contraband definition as it applies to property used or intended to be used to commit human trafficking, operating a stash house, promoting prostitution, and compelling prostitution; and (4) requires that contraband forfeited from the crimes of human smuggling, continuous human smuggling, operating a stash house, aggravated promotion of prostitution, compelling prostitution, and human trafficking be used to provide direct victim services. (Effective September 1, 2019.)

**H.B. 2952 (Guillen/Zaffirini) – Emergency Radio Infrastructure Grant Program:** requires the governor’s office to establish a program to provide grants to finance interoperable statewide emergency radio infrastructure. (Effective September 1, 2019.)

**VETOED H.B. 3022 (Miller/Kolkhorst) – Local Emergency Warning System:** this bill provides that: (1) a person who applies for an original or renewal drivers’ license may consent to disclosure of the person’s contact information to the city or county, or both, in which the person resides for the purpose of participating in an emergency warning system operated by the city or county; (2) for purposes of operating an emergency warning system for residents of a political subdivision, the political subdivision may contract with the Texas Department of Public Safety for disclosure by the department of the contact information of a resident of the political subdivision who consents to the disclosure for purposes of participating in the system; (3) the contact information obtained by a city or county as described in (2) may not be used or disclosed for any purpose other than enrolling a person in an emergency warning system and issuing warnings to the person through such a system; and (4) a participant in a local emergency warning system may request removal from the system. (Effective September 1, 2019.)

**H.B. 3070 (K. King/Zaffirini) – Rural Volunteer Fire Department Assistance Program:** this bill: (1) requires the director of the Texas A&M Forest Service to consider a volunteer fire department’s need for emergency assistance when distributing money from the volunteer fire department assistance fund; and (2) provides that a volunteer fire department with equipment that is damaged or lost while responding to a declared state of disaster in an area subject to the declaration may submit a request for emergency assistance from the volunteer fire department assistance fund for: (a) the replacement or repair of the damaged or lost personal protective equipment or other firefighting equipment; and (b) the purchase of a machine to clean personal protective equipment. (Effective September 1, 2019.)

**VETOED H.B. 3082 (Murphy/Birdwell) – Unmanned Aircraft:** this bill: (1) provides 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); (2) requires 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; and (3) adds a military installation owned or operated by or for the federal

government, the state, or another governmental entity to the definition of “critical infrastructure facility” for purposes of the offense described in (1). (Effective September 1, 2019.)

**H.B. 3106 (Goldman/Huffman) – Sexual Assault Offenses:** this bill: (1) requires a law enforcement agency that investigates a sexual assault or other sex offense to enter into the national database of the Violent Criminal Apprehension Program the following information regarding the investigation, as available: (a) the suspect’s name and date of birth; (b) the specific offense being investigated; (c) the manner in which the offense was committed; and (d) any other information required by the Federal Bureau of Investigation for inclusion in the database; and (2) excepts the information described in (1) from disclosure under the Public Information Act. (Effective September 1, 2019.)

**H.B. 3231 (Clardy/Fallon) – Firearms Regulations:** provides that:

1. a city may not adopt regulations relating to: (a) the transfer, possession, wearing, 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 (1), above, is void;
3. Section (1), above, does not affect the authority a city has under another law to, among other items in current law: (a) adopt or enforce a generally applicable zoning ordinance, land use regulation, fire code, or business ordinance; (b) regulate the carrying of a firearm by a person licensed to carry a handgun in accordance with express state law authority; 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;
4. the exception provided by Section (3)(a), above, does not apply if 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;
5. the exception provided by Section (3)(c), above, does not authorize a city to regulate an employee’s carrying or possession of a firearm in violation of Labor Code provisions relating to storing a handgun in a parking lot;
6. the existing authority for a city to regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster if the city finds the regulations necessary to protect public health and safety does not authorize the seizure or confiscation of any firearm, air gun, knife, ammunition, or firearm or air gun supplies or accessories from an individual who is lawfully carrying or possessing the firearm, air gun, knife, ammunition, or firearm or air gun supplies or accessories;
7. the term: (a) “ammunition” means fixed cartridge ammunition, shotgun shells, individual components of fixed cartridge ammunition and shotgun shells, projectiles for muzzle-loading firearms, or any propellant used in firearms or ammunition; and (b) “firearm or air gun accessory” means a device specifically designed or adapted to enable the wearing or carrying by a person, or the storage or mounting in or on a conveyance, of a firearm or



air gun or be inserted into or affixed to a firearm or air gun to enable, alter, or improve the functioning or capabilities of the firearm; and

8. the attorney general may bring an action in the name of the state to obtain a temporary or permanent injunction against a city adopting a regulation in violation of the bill, and the attorney general may recover reasonable expenses incurred in obtaining an injunction, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(Effective September 1, 2019.)

**H.B. 3285 (Sheffield/Huffman) – Opioid Antagonist Grant Program:** provides that: (1) the criminal justice division of the governor's office must establish and administer a grant program to provide financial assistance to a law enforcement agency in this state that seeks to provide opioid antagonists to peace officers, evidence technicians, and related personnel who, in the course of performing their duties, are likely to come into contact with opioids or encounter persons suffering from an apparent opioid-related drug overdose; and (2) the executive commissioner of the Health and Human Services Commission: (a) must operate a program to provide opioid antagonists for the prevention of opioid overdoses in a manner determined by the executive commissioner to best accomplish that purpose; and (b) may provide opioid antagonists to emergency medical services personnel, first responders, public schools, community centers, and other persons likely to be in a position to respond to an opioid overdose. (Effective September 1, 2019.)

**H.B. 3316 (White/Whitmire) – Crime Stoppers:** provides, among other things, that a person who is a member or employee of a law enforcement agency who accepts a tip on behalf of the crime stoppers council or a crime stoppers organization commits an offense if the person intentionally or knowingly discloses to a person not a member of or employed by the council, a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school the identity of a person who submitted a tip or the content of that tip without the person's consent, unless: (1) the person disclosing the information has received authorization to disclose the information from the chief executive of the crime stoppers organization that originally received the tip, and the chief executive has reasonably determined that failing to disclose the identity of a person who submitted the tip creates a probability of imminent physical injury to another; or (2) the disclosure is otherwise required by law or court order. (Effective September 1, 2019.)

**H.B. 3540 (Burns/Hughes) – Peace Officer's Authority:** provides that: (1) a peace officer, before arresting a person with an intellectual or developmental disability that lives in certain group homes or an intermediate care facilities, may release the person at the person's residence if the officer: (a) believes confinement of the person in a correctional facility is unnecessary to protect the person and the other persons who reside at the residence; and (2) made reasonable efforts to consult with the staff at the person's residence and with the person regarding that decision; and (2) a peace officer and the agency or political subdivision that employs that peace officer may not be held liable for damages to persons or property that results from the action of a person released under (1) above. (Effective September 1, 2019.)

**H.B. 3800** (S. Thompson /Huffman) – **Human Trafficking Reporting**: requires a peace officer who investigates the alleged commission of human trafficking to prepare and submit to the attorney general a written report that includes details of the offense, including the offense being investigated and certain information regarding each person suspected of the offense and each victim of the offense. (Effective September 1, 2019.)

**H.B. 4157** (Anchia/West) – **Designated Law Enforcement Office**: changes the definition of a “designated law enforcement office or agency” to include a police department in a city with a population of 200,000 or more, which affects certain laws governing the installation and use of tracking equipment and access to certain communications through a pen register, ESN reader, or similar equipment. (Effective September 1, 2019.)

**H.B. 4236** (Anderson/Birdwell) – **Body Worn Camera Recordings**: provides that: (1) a law enforcement agency may permit the following to view a recording, provided that the law enforcement agency determines that the viewing furthers a law enforcement purpose and that any authorized representative who is permitted to view the recording was not a witness to the incident: (a) a person who is depicted in a body worn camera recording of an incident that involves the use of deadly force by a peace officer; or related to an administrative or criminal investigation of an officer; or (b) if the person is deceased, the person’s authorized representative; (2) a person viewing a recording may not duplicate the recording or capture video or audio from the recording; and (3) a permitted viewing of a recording is not considered to be a release of public information for purpose of the Public Information Act. (Effective September 1, 2019.)

**H.B. 4350** (Bohac/Alvarado) – **9-1-1 System**: this bill: (1) provides that a public safety answering point operated by an emergency communications district may transmit emergency response requests to private safety entities: (a) with the approval of the district’s board; (b) the consent of each participating jurisdiction; and (c) the consent of the emergency services district serving the relevant area; and (2) allows a participating jurisdiction’s or emergency services district’s consent described in (1) to be withdrawn at any time. (Effective immediately.)

**H.B. 4372** (Murphy/Whitmire) – **Youth Camps**: provides that: (1) if a law enforcement agency notifies a youth camp operator of the investigation or conviction of an individual who is employed by the camp for an act of sexual abuse that occurred at the camp, the operator shall immediately notify the Department of State Health Services of the investigation or conviction and retain all records related to the investigation or conviction until the DSHS notifies the camp that the record retention is no longer required; (2) a youth camp operator shall develop and maintain a written policy regarding the method for reporting to DSHS suspected abuse occurring at the camp; and (3) a youth camp operator shall include on the camp’s public website a clearly marked link to the youth camp program web page on the DSHS website. (Effective September 1, 2019.)

**H.B. 4468** (Coleman/Whitmire) – **Jails and Community Mental Health Programs**: the bill: (1) provides that, if a notice of noncompliance is issued to a facility that is operated by a private entity that has entered into a contract with a city to provide for the financing, design, construction, leasing, operation, purchase, maintenance or management of the facility, the

compliance status of the facility shall be reviewed at the next meeting of the Commission on Jail Standards; (2) allows entities, including local governmental entities, that apply for state grants for the establishment and expansion of community collaboratives related to homelessness, substance abuse, or mental illness to count in-kind contributions for purposes of meeting the required funding amount that the entity is required to leverage in order to receive such grant; and (3) provides that the Department of State Health Services may award a grant described in Item (2), above, to an eligible entity for the purpose of establishing a community mental health program in a county with a population of less than 250,000, if the entity leverages additional funding from private sources in an amount equal to one-quarter of the amount of the grant to be awarded. (Effective September 1, 2019.)

**H.B. 4544 (Meyer/Fallon) – Municipal Coyote Control:** provides that: (1) a city with a population density of more than 2,500 persons per square mile may capture, relocate, or euthanize a coyote located within the city or the city’s extraterritorial jurisdiction; and (2) the city may request assistance from Texas Wildlife Services to capture, relocate, or euthanize a coyote. (Effective immediately.)

**S.B. 11 (Taylor/Bonnen) – School Safety:** provides that: (1) a school district’s school safety and security committee must include certain persons, including: (a) one or more representatives of an office of emergency management of a county or city in which the district is located; and (b) one or more representatives of the local police department or sheriff’s office; (2) the school safety and security committee must consult with local law enforcement agencies on methods to increase law enforcement presence near district campuses; (3) the commissioner of education must provide to a school district an annual allotment that must be used to improve school safety and security, including cost associated with providing security for the district, including collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resources officers to schools in the district; and (4) the Texas Commission on Law Enforcement by rule shall require a school district peace officer or a school resource officer who is commissioned by or who provides law enforcement at a school district to successfully complete an education and training program for school district peace officers and school resources officers before or within 180 days of the officer’s commission by or placement in the district or a campus of the district. (Effective Immediately.)

**S.B. 72 (Nelson/Guillen) – Human Trafficking Prevention Coordinating Council:** requires the office of the attorney general to establish a human trafficking prevention coordinating council to develop and implement a five-year strategic plan for preventing human trafficking that must include, among other things, certain information about related programs and services administered by political subdivisions. (Effective September 1, 2019.)

**S.B. 212 (Huffman/Morrison) – Law Enforcement:** provides that a postsecondary educational institution that receives a report of an incident of sexual harassment, sexual assault, dating violence, or stalking, is allowed to disclose the report to a law enforcement officer as necessary to conduct a criminal investigation of the report. (Effective January 1, 2020.)

**S.B. 340 (Huffman) – Opioid Antagonists:** the bill: (1) establishes a state grant program to provide financial assistance to a law enforcement agency that seeks to provide opioid antagonists

to its personnel who in the course of performing their duties are likely to come into contact with opioids or encounter persons suffering from an apparent opioid-related drug overdose; (2) requires a law enforcement agency that seeks a grant described in Item (1) above to first adopt a policy addressing the usage of an opioid antagonist for a person suffering from an apparent opioid-related drug overdose; (3) requires a law enforcement agency that applies for a grant to provide information to the state about the frequency and nature of: (a) interactions between peace officers and persons suffering from an apparent opioid-related drug overdose; (b) calls for assistance based on an apparent opioid-related overdose; and (c) any exposure by the law enforcement agency personnel to opioids or suspected opioids in the course of performing their duties; and (4) requires a law enforcement agency receiving a grant to provide to the state, as soon as practicable after receiving the grant, proof of purchase of the opioid antagonists. (Effective immediately.)

**S.B. 616** (Birdwell/Paddie) – Texas Department of Public Safety: this is the DPS sunset bill, which:

1. continues the Texas Department of Public Safety (Department) until September 1, 2031;
2. conditionally transfers the drivers' license, commercial drivers' license, personal identification license, and election identification certificate programs to the Texas Department of Motor Vehicles;
3. extends the expiration date of original and renewal drivers' licenses and commercial drivers' licenses, and increases associated fees;
4. abolishes the Texas Private Security Board;
5. transfers the motorcycle and off-highway vehicle operator training programs to the Texas Department of Licensing and Regulation;
6. requires the Public Safety Commission to adopt physical fitness programs for law enforcement agencies that complies with current state law, and a resolution certifying that such programs are consistent with generally accepted scientific standards and meet all applicable requirements of state and federal labor and employment law;
7. requires the Department to, not later than September 1, 2020, to develop and implement the best practices for the collection, protection, and sharing of personal information held by the Department;
8. requires the Department, not later than May 30 of each year, to submit to the legislature a report on border crime and other criminal activity;
9. provides that the security department of a political subdivision may not employ a commissioned security officer unless the security department provides, in a prescribed form, notice to the Department of: (a) the security department's intent to employ a commissioned security officer and register with the Department; (b) the name, title, and contact information of the person serving in the security department as the contract for the Department; and (c) any change in the information provided in Item (5)(a) and (b), above;
10. repeals provisions of the Texas Controlled Substances Act relating to permits for the sale or transfer of a chemical precursor or a chemical laboratory apparatus; and
11. creates a motorcycle safety grant program funded from the motorcycle education fund account.

(Effective September 1, 2019.)

**S.B. 752 (Huffman/Oliverson) – Volunteer Health Care Providers:** this bill provides immunity from civil liability for: (1) a volunteer health care provider for an act or omission that occurs in giving care, assistance, or advice if the care, assistance, or advice is provided: (a) in relation to a disaster that endangers individuals, property, or the environment; and (b) within the scope of the provider’s practice; and (2) a health care institution concerning an act or omission by a volunteer health care provider providing care, assistance, or advice at the institution’s facility or under the institution’s direction if: (a) the provider is immune from civil liability as described in (1) above; and (b) the institution does not expect compensation from the recipient of the care, assistance, or advice in excess of reimbursement for expenses incurred by the institution in connection with the provision of the care, assistance, or advice. (Effective September 1, 2019.)

**S.B. 976 (Hughes/Martinez) – Notification to Peace Officer:** this bill: (1) requires an application to register a vehicle to provide space for the applicant to voluntarily indicate that the applicant has a health condition or disability that may impede effective communication with a peace officer; (2) requires the Department of Motor Vehicles (DMV) to share the indication in (1) with the Department of Public Safety (DPS), which must establish a system to include the information in the Texas Law Enforcement Telecommunications System for the purpose of alerting a peace officer who makes a traffic stop that the operator may have a health condition or disability that may impede effective communication; and (3) provides that information related to an individual’s health condition or disability is for the confidential use of DMV and DPS and may not be disclosed except as described in (2). (Effective September 1, 2019.)

**S.B. 1082 (Taylor/Deshotel) – Coastal Barrier System:** the legislature shall establish a joint interim committee to continue to study the feasibility and desirability of creating and maintaining a coastal barrier system in this state that includes a series of gates and barriers to prevent storm surge damage to gulf beaches or coastal ports, industry, or property; and (2) not later than December 1, 2020, the committee shall report to the governor and the legislature the findings of the study and any recommendations developed by the committee. (Effective immediately.)

**VETOED S.B. 1804 (Kolkhorst/Nevarez) – Notification of Bond Conditions:** provides that: (1) as soon as possible, but not later than the next business day, after the date the magistrate issues an order imposing a condition of bond or modifying or removing a condition, the magistrate must send a copy of the order to the appropriate attorney representing the state and to the chief of police in the city where the victim of the offense resides; (2) the clerk of the court must send a copy of the order 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) a magistrate or court clerk may delay sending a copy of the order only if the magistrate or clerk lacks information necessary to ensure service and enforcement; (4) if the victim of the offense is not present when an order is issued, the magistrate must 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; (5) not later than the third business day after the date of receipt of the copy of the order, a law enforcement agency must enter into the Department of Public Safety’s statewide law enforcement information system the following: (a) information required when entering protective orders or emergency protection order; (b) the date the order releasing the



defendant on bond was issued; and (c) the court that issued the order releasing the defendant on bond; (6) a law enforcement agency must enter the information under (5), above, into the DPS's statewide law enforcement information system in the same manner that the agency enters the information for protective orders and emergency protection orders, regardless of whether the protective order's or emergency protection order's information is already in the system, or the same person is being protected. (Effective September 1, 2019.)

**S.B. 1827 (Menendez/Lambert) – Administration of Epinephrine:** the bill: (1) allows a law enforcement agency to acquire and possess epinephrine auto-injectors; (2) allows a peace officer to possess and administer an epinephrine auto-injector only if the officer has successfully completed training in the use of the device in a course approved by the Texas Commission on Law Enforcement; (3) allows a physician or a person who has been delegated prescriptive authority to: (a) prescribe epinephrine auto-injectors in the name of the law enforcement; and (b) provide the law enforcement agency with a standing order for the administration of an epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis; (4) allows a pharmacist to dispense an epinephrine auto-injector to a law enforcement agency without requiring the name of or any other identifying information relating to the user; (5) requires a law enforcement agency that acquires and possesses epinephrine auto-injectors to adopt and implement a policy regarding the maintenance, administration, and disposal of the epinephrine auto-injectors; (6) requires that such policy: (a) establish a process for the agency to check the inventory of epinephrine auto-injectors at regular intervals for expiration and replacement; and (b) require that the epinephrine auto-injectors be stored in a secure location; (7) requires that after an officer administers an epinephrine auto-injector, the law enforcement agency shall notify the physician or other person who prescribed the epinephrine auto-injector of: (a) the age of the person to whom the epinephrine auto-injector was administered; and (b) the number of epinephrine auto-injector doses administered to the person; (8) provides that the administration by a peace officer of an epinephrine auto-injector to a person in accordance with the bill does not constitute the unlawful practice of any health care profession; (9) provides that a person who in good faith takes, or fails to take, action relating to the administration of an epinephrine auto-injector by a peace officer is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act; and (10) provides that governmental immunity from suit or liability is not waived. (Effective September 1, 2019.)

**S.B. 2135 (Powell/Cortez) – Law Enforcement:** this bill provides that: (1) a law enforcement agency must provide to the superintendent or superintendent's designee information relating to the student that is requested for the purpose of conducting a threat assessment or preparing a safety plan relating to that student; (2) a school board may 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; (3) information requested by the superintendent or the superintendent's designee shall be considered relevant even absent a memorandum of understanding; and (4) law enforcement records concerning a child may be inspected or copied by the chief executive officer or the officer's designee of a 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. (Effective September 1, 2019.)

## **Transportation**

**H.B. 61** (White/Nichols) – **Lighting on Certain Vehicles:** provides that: (1) the definition of “a highway maintenance or construction vehicle” includes equipment for guardrail repair, sign maintenance, temporary-traffic-control device placement or removal, and road construction; (2) the Texas Department of Transportation shall adopt standards and specifications that apply to lamps on highway maintenance and construction vehicles and may adopt standards and specifications that permit the use of flashing lights for identification purposes on highway construction vehicles; (3) a person may not operate a highway maintenance or construction vehicle that is not equipped with lamps or that does not display lighted lamps as required by the standards and specifications adopted by TxDOT; (4) an escort flag vehicle, which is a vehicle that precedes or follows an oversize or overweight vehicle for the purpose of facilitating the safe movement of the oversize or overweight vehicle, may be equipped with alternating or flashing blue and amber lights; (5) an operator of a motor vehicle commits a misdemeanor if, unless otherwise directed by a police officer, fails to slow to the required speed and fails to vacate the lane closest to the following vehicles in certain circumstances for, among others vehicles: (a) a service vehicle used by or for a utility and using visual signals that comply with lighting standards and specifications set by TxDOT; (b) a stationary vehicle used exclusively to transport municipal solid waste or recyclable material while being operated in connection with the removal or transportation of municipal solid waste or recyclable material from a location adjacent to the highway; or (c) a highway maintenance or construction vehicle operated pursuant to a contract; and (6) a vehicle in (5)(a), (5)(b), (5)(c), a stationary authorized emergency vehicle, a stationary tow truck, and a TxDOT vehicle may be equipped with flashing blue lights. (Effective September 1, 2019.)

**H.B. 339** (Murr/Perry) – **Work Zones:** requires an entity that sets a lower speed limit on a road or highway in the state highway system for a construction or maintenance work zone to place a sign at the end of the zone indicating the speed limit after the zone ends. (Effective September 1, 2019.)

**H. B. 771** (S. Davis/Zaffirini) – **Wireless Communication Devices:** (1) authorizes a school or school district to post a warning sign prohibiting the use of wireless communication devices while operating a motor vehicle in a school crossing zone with the approval of the local authority; and (2) provides that a prohibition on the use of a wireless communication device while operating a school bus or passenger bus with a minor passenger does not apply to an operator of a bus using a wireless communication device in the performance of the operator’s duties as a bus driver and in a manner similar to using a two-way radio. (Effective September 1, 2019.)

**H.B. 1548** (Springer/Kolkhorst) – **Golf Carts, Neighborhood Electric Vehicles, and Off-Highway Vehicles:** this bill:

1. removes the reference to all-terrain vehicles and recreational off-highway vehicles from the definition of “recreation” (leaving only a reference to “off-highway vehicles”) for purposes of the Recreational Use Statute;



2. provides that off-highway vehicles (OHVs) owned by the state, county, or city for operation on a public beach or highway to maintain public safety and welfare are subject to certain equipment and safety requirements, including that a person operating the vehicle must wear a seat belt, if the vehicle is equipped with a belt;
3. authorizes the Texas Department of Motor Vehicles (DMV) to charge an administrative fee for the issuance of an OHV license plate;
4. requires a golf cart, neighborhood electric vehicle (NEV), or OHV operated at a speed of not more than 25 miles per hour to display a slow-moving-vehicle emblem when operated on a highway;
5. with regard to golf carts: (a) allows an operator to operate a golf cart: (i) in a master planned community that has in place a uniform set of restrictive covenants and for which a city has approved a plat; (ii) on a public or private beach that is open to vehicular traffic; or (iii) on a highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated during the daytime and not more than two miles from the location where it is usually parked and for transport to and from a golf course; (b) authorizes a city to allow the operation of a golf cart on all or part of a highway in the corporate boundaries of the city that has a posted speed limit of not more than 35 miles per hour; (c) authorizes a city to prohibit the operation of a golf cart described in (5)(b), above, if the city determines it is necessary in the interest of safety; and (d) allows a golf cart to cross a highway at an intersection, including an intersection with a highway that has a posted speed limit of more than 35 miles per hour; and
6. with regard to OHVs: (a) adds a new Transportation Code Chapter 551A to govern OHVs (and transfers Subchapter A and B, Chapter 663, Transportation Code to the new Chapter); (b) generally prohibits DMV from registering OHVs for operation on a highway; (c) provides that an operator may operate an unregistered OHV on a highway as authorized by state law only if the vehicle displays a license plate; (d) excepts the operation of an OHV for certain agricultural, utility, and law enforcement operations from the requirement to have a license plate in (6)(c), above, and from the requirement that the operator hold a driver's license; (e) allows an operator to operate an unregistered OHV: (i) in a master planned community that has in place a uniform set of restrictive covenants and for which a city has approved a plat; or (ii) on a highway for which the posted speed limit is not more than 35 miles per hour if the vehicle is operated during the daytime and not more than two miles from the location where the OHV is usually parked and for transportation to or from a golf course; (f) authorizes a city to prohibit the operation of an unregistered OHV described in (6)(e), above, if the governing body determines the prohibition is necessary in the interest of safety; (g) authorizes a city to allow the operation of an unregistered OHV on all or part of a highway that is in the corporate boundaries of the city and has a posted speed limit of not more than 35 miles per hour; (h) allows an unregistered OHV to cross a highway at an intersection, including an intersection with a highway that has a posted speed limit of more than 35 miles per hour; (i) with certain exceptions, requires an OHV that is operated on a highway to: (i) be equipped with a brake system, a muffler system, and a spark arrester; (ii) display a lighted headlight and taillight one-half hour after sunset to one-half hour before sunrise, and any time visibility is reduced; and (iii) be operated by a person wearing a safety helmet, eye protection, and seat belts (if the vehicle is equipped with seat belts); and (j) prohibits the operation of an OHV on a highway if the exhaust system has been modified

with a cutout, bypass, or similar device, or the spark arrester has been removed or modified; and prohibits carrying a passenger unless the vehicle is designed to carry a passenger. (Effective immediately.)

**H.B. 1755 (E. Thompson/Hughes) – Assembled Vehicles:** this bill: (1) requires the Texas Department of Motor Vehicles to establish procedures and requirements for the titling and registration of assembled vehicles and requires owners of assembled vehicles to title and register those vehicles; (2) provides that assembled vehicles include assembled motor vehicles, assembled motorcycles, assembled trailers, custom vehicles, street rods, replicas and glider kits (but not golf carts or off-highway vehicles); (3) prohibits former military vehicles designated for off-highway use from being registered for operation on a public highway, unless: (a) the vehicle is a high mobility multipurpose wheeled vehicle with a gross vehicle weight rating of less than 10,000 pounds; or (b) the vehicle is issued specialty license plates for exhibition vehicles; and (4) expands the definition of “off-highway vehicle” to include a sand rail. (Effective September 1, 2019.)

**H.B. 2188 (Frullo/Alvarado) – Bicycles:** this bill regulates the operation of electric and non-electric bicycles, and: (1) prohibits a city from prohibiting the operation of an electric bicycle on a highway, or in an area in which the operation of a non-electric bicycle is otherwise permitted, unless the area is not open to motor vehicles and has a natural surface tread made by clearing and grading native soil without adding surfacing materials; (2) allows a city to prohibit the operation of a bicycle on a sidewalk and establish speed limits for bicycles on paths set aside for the exclusive operation of bicycles and other paths on which bicycles may be operated; (3) provides that certain laws applicable to off-highway vehicles and bicycles do not apply to electric bicycles; (4) prohibits a person from operating an electric bicycle, unless the electric motor disengages or ceases to function either when the operator stops pedaling or when the brakes are applied; (5) defines “electric bicycle” to mean a bicycle equipped with fully operable pedals and an electric motor of fewer than 750 watts that can reach a top assisted speed of 28 miles per hour; (6) categorizes electric bicycles into Class 1, Class 2, and Class 3 bicycles, depending on the top assisted speed the bicycle can reach; (7) prohibits a person under 15 years of age from operating (but not riding as a passenger on) a Class 3 electric bicycle; and (8) requires a manufacturer or seller of electric bicycles made or sold on or after January 1, 2020, to: (a) apply a permanent label on the bike indicating the class of electric bicycle and the motor wattage; (b) ensure that the bicycle complies with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission; and (c) ensure the bike is equipped with a speedometer. (Effective September 1, 2019.)

**H.B. 2290 (Buckley/Flores) – Slow-Moving-Vehicle Emblem:** requires a slow-moving-vehicle emblem to be mounted on the rear of the vehicle at a height that does not impair the visibility of the emblem (current law requires the emblem be placed three to five feet above the road surface). (Effective September 1, 2019.)

**H.B. 2620 (Martinez/Rodriguez) – Oversize and Overweight Vehicles:** makes various changes relating to oversize and overweight vehicles. Of particular interest to cities, the bill provides that: (1) at least once each fiscal year, the comptroller shall send amounts due from fees collected for an oversize/overweight vehicle permit issued by the Texas Department of

Transportation to a city to the office performing the function of treasurer for use only to fund commercial motor vehicle enforcement programs or road and bridge maintenance or infrastructure project; and (2) a city may not require the use of an escort flag vehicle or any other kind of escort for the movement of a manufactured house under a state permit that is in addition to the escort flag vehicle requirements of state law. (Effective September 1, 2019.)

**H.B. 2837 (Canales/Hinojosa) – Vehicle Operation and Equipment:** this bill: (1) provides that the Texas Commercial Driver’s License Act does not apply to: (a) a vehicle operated intrastate and driven not for compensation and not in furtherance of a commercial enterprise; or (b) a covered farm vehicle; (2) excepts a slow-moving vehicle from the general limitation on operating on an improved shoulder of a roadway; (3) requires drivers to yield the right of way or pull over when approached by a police vehicle using only its lights; (4) allows the operator of an emergency vehicle to park or stand the vehicle even when not responding to an emergency, pursuing a violator, directing traffic, or conducting an escort; (5) changes the required brake equipment on a trailer, semitrailer, or pole trailer equipped with air or vacuum brakes or that has a gross weight heavier than 4,500 pounds; (6) requires a slow-moving-vehicle emblem to be mounted on the rear of a vehicle requiring the emblem at a height that does not impair the visibility of the emblem; and (7) repeals one of the criminal penalties for having a license plate flipper. (Effective September 1, 2019.)

**H.B. 2899 (Leach/Hinojosa) – Transportation Project Construction Defects:** applies to contracts for transportation projects by a governmental entity, which is defined as a political subdivision of the state acting through a local government corporation, regional mobility authority, or regional tollway authority, and provides that: (1) a contractor who enters into a contract 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 to the extent 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 a separate contract, in the rendition or conduct of professional duties arising out of or related to the project specifications; and (2) a governmental entity may not require that engineering or architectural services be performed to a level of professional skill and care beyond the level that would be provided by an ordinarily prudent engineer or architect with the same professional license and under the same or similar circumstances in a contract: (a) for engineering or architectural services; or (b) that contains engineering or architectural services as a component part. (Effective immediately.)

**H.B. 3171 (Krause/Watson) – Mopeds and Motorcycles:** changes the classification and operational requirements for mopeds and certain motorcycles by: (1) repealing the moped license and amending the Class M license so that it no longer authorizes the license holder to operate a moped; (2) amending the definition of “moped” to mean a motor vehicle equipped with a rider’s saddle and no more than three wheels, that cannot attain a speed of more than 30 miles per hour in one mile, with an engine that cannot produce more than five-brake horsepower, and a piston displacement of 50 cubic centimeters or less that connects to a power drive system that does not require the operator to shift gears; (3) removing the statutory definition of a “motor-driven cycle” and specifying that the definition of a “motorcycle” does not include a moped; and (4) making

various conforming changes related to the classification of a motorcycle or moped. (Effective September 1, 2019.)

**H.B. 3871 (Krause/Lucio) – Speed Limits:** this bill: (1) adds open-enrollment charter schools to the list of schools that can require a city to hold a public hearing to consider the prima facie speed limits on a highway near a school in the city; (2) requires a city, on request of the governing body of a school or institution of higher education, to conduct an engineering and traffic investigation for a highway or road after the public hearing in (1); and (3) provides that after each public hearing in (1), the governing body of a school or institution of higher education may make only one request for an engineering and traffic investigation. (Effective September 1, 2019.)

**S.B. 69 (Nelson/Capriglione) – State Highway Funding:** modifies, beginning in the 2022 state fiscal year, the allocation of money transferred to the state highway fund and the state’s “rainy day” fund by: (1) requiring the comptroller to determine and adopt for the state fiscal biennium an amount equal to seven percent of the certified general revenue-related appropriations made for that state fiscal biennium; and (2) providing that the comptroller is required to reduce the allocation of the oil and gas production tax revenue to the state highway fund and increase the allocation to the rainy day fund in an accordance with (1). (Effective September 1, 2019.)

**S.B. 282 (Buckingham/Buckley) – Transportation Funding:** provides that: (1) the Texas Department of Transportation shall establish a system to track liquidated damages, including road user costs, retained by the department associated with delayed transportation project contracts; (2) the system must allow the department to correlate the liquidated damages with: (a) the project that was the subject of the damages; and (b) each department district in which the project that was the subject of the damages is located; (3) each year, the department shall: (a) for each department district, determine the amount of money described by (1), above, retained in the previous year that is attributable to projects located in the district; and (b) in addition to other amounts, allocate to each department district an amount of money equal to the amount determined for the district under (a) to be used for transportation projects located in that district; and (4) if a transportation project that was the subject of liquidated damages is located in more than one department district, the department may reasonably allocate the amount of the liquidated damages from that project among the districts in which the project is located. (Effective September 1, 2019.)

**S.B. 357 (Nichols/Canales) – Billboards:** this bill, among other things, modifies Texas Department of Transportation outdoor advertising provisions to provide that: (1) a sign may not be higher than 60 feet, excluding a cutout that extends above the rectangular border of the sign, measured: (a) from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or (b) if the main-traveled way is below grade, from the base of the sign structure; (2) item (1) does not apply to a sign regulated by a city certified for local control under an agreement with the department as provided by department rule; (3) a sign existing on March 1, 2017, that was erected before that date may not be higher than 85 feet, excluding a cutout that extends above the rectangular border of the sign, measured as in (1)(a) or (b); (3) a person who holds a permit for a sign existing on March 1, 2017, that was erected before that date may rebuild

the sign, provided that the sign is rebuilt at the same location where the sign existed on that date at a height that does not exceed the lesser of: (a) the height of the sign on March 1, 2017; or (b) 85 feet; (4) except as provided by (5), below, before rebuilding a sign under (3), above, the person who holds the permit for the sign must obtain a new or amended permit if required by stated law or rules; and (5) item (4), above, does not apply to the rebuilding of a sign if the person who holds the permit for the sign rebuilds because of damage to the sign caused by wind or a natural disaster, a motor vehicle accident, or an act of God. (Effective September 1, 2019.)

**S.B. 604 (Buckingham/Paddie) – Digital License Plates:** this bill continues the functions of the Texas Department of Motor Vehicles (DMV) until September 1, 2031, and, among other things: (1) allows the following vehicles to be equipped with a digital license plate: (a) a vehicle that is part of commercial fleet; (b) a vehicle owned or operated by a governmental entity; or (c) a vehicle that is not a passenger vehicle; (2) requires the DMV, after consulting with the Texas Department of Public Safety, to adopt rules related to digital license plates; and (3) requires a digital license plate to: (a) be placed on the rear of a vehicle and a physical license plate on the front of the vehicle, unless the vehicle is of a class that is not required to have two license plates; (b) include all the information required to be included on a physical license plate and legibly display that information at all times and in all light conditions; (c) have wireless connectivity capability; and (d) provide benefits to law enforcement that meet or exceed the benefits of physical plates. (Effective September 1, 2019.)

**S.B. 962 (Nichols/Zerwas) – Transportation Funding:** extends from 2024 to 2034 the expiration date of the provision allowing certain overages from the state’s “rainy day” fund to be deposited to the credit of the state highway fund. (Effective September 1, 2019.)

**S.B. 969 (Hancock/Landgraf) – Mobile Delivery Devices:** this bill:

1. preempts city authority over personal delivery or mobile carrying devices by providing that a local authority may regulate the operation of a personal delivery or mobile carrying device on a highway or in a pedestrian area in a manner not inconsistent with the bill;
2. defines “mobile carrying device” as a device that transports cargo while remaining within 25 feet of a human operator and is equipped with technology that allows the operator to actively monitor the device;
3. defines “personal delivery device” as a device that is manufactured primarily for transporting cargo in a pedestrian area and is equipped with automated driving technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a human;
4. provides that, for the purposes of crossing a sidewalk or hike and bike trail, a mobile carrying or personal delivery device is not considered a vehicle;
5. provides that a person may operate a personal delivery device only if: (a) the person is a business entity; and (b) a human who is an agent of the business entity actively monitors or exercises physical control over the navigation and operation of the device;
6. provides that a business entity is considered to be the operator of the device solely for the purposes of assessing compliance with applicable traffic laws unless the agent of the entity is operating the device outside the scope of the agent’s office or employment;

7. provides that a person is not considered the operator of a personal delivery device solely because the person requests delivery or service provided by the device or dispatches the device;
8. provides that a person operating a mobile carrying device is considered to be the operator of the device for the purpose of assessing compliance with applicable traffic laws;
9. provides that a personal delivery device or mobile carrying device operated under the bill must: (a) operate in a manner that complies with the provisions of the law applicable to pedestrians, unless the provision cannot by its nature apply to the device; (b) yield the right-of-way to all other traffic, including pedestrians; (c) not unreasonably interfere with or obstruct other traffic, including pedestrians; (d) if operated at nighttime, display lights required by law; (e) comply with any applicable regulations adopted by a local authority; (f) not transport hazardous materials; and (g) be actively monitored or controlled as provided for by the bill;
10. provides that a personal delivery or mobile carrying device operated under the bill may be operated only: (a) in a pedestrian area at a speed of not more than 10 miles per hour; or (b) on the side of a roadway or the shoulder of a highway at a speed of not more than 20 miles per hour;
11. provides that a local authority may establish a maximum speed of less than 10 miles per hour in a pedestrian area in the jurisdiction of the local authority if the local authority determines that a maximum speed of 10 miles per hour is unreasonable or unsafe for that area and that a maximum speed established under this subsection may not be less than seven miles per hour;
12. provides that a personal delivery device must: (a) be equipped with a marker that clearly states the name and contact information of the owner and a unique identification number; and (b) be equipped with a braking system that enables the device to come to a controlled stop;
13. provides that a mobile carrying device must be equipped with a braking system that enables the device to come to a controlled stop;
14. provides that local law enforcement may enforce the laws of the state relating to the operation of a personal delivery or mobile carrying device; and
15. provides that a business entity that operates a personal delivery device must carry an insurance policy. (Effective immediately.)

**S.B. 1219 (Alvarado/S. Thompson) – Human Trafficking Signs:** provides that: (1) a person who operates a transportation hub as prescribed by (3)(b), below, are required to post the signs as prescribed by (3)(a), below, at the transportation hub; (2) a “transportation hub” is defined as a bus stop, train, train station, rest area, or airport; and (3) the attorney general by rule must prescribe: (a) the design and content of a sign regarding service and assistance available to victims of human trafficking to be displayed at transportation hub in both English and Spanish; (b) the transportation hubs that are required to post the signs described in (3)(a), above; and (c) the manner the sign must be displayed at the transportation hub and any exceptions to the sign posting requirements. (Effective September 1, 2019.)

## **Utilities and Environment**



**H.B. 26 (Metcalf/Nichols) – Dams:** provides that: (1) emergency operation centers notified under the bill shall provide notice to the public when a release may contribute to flooding that may result in damage to life and property through all available means and shall include, at a minimum, the following information, if available: (a) the names of the dam and reservoir; (b) the communities downstream that may be impacted and estimated time of impact; (c) the names of affected river basins and tributaries; (d) the expected duration of the release; (e) the level of potential flooding according to the National Weather Service River Forecast Center; and (f) the roads or bridges that are expected to be affected; and (2) a notice provided under (1) may not be considered an admission of liability and may not be used as evidence in any suit related to the releases that are the subject of the notice. (Effective September 1, 2019.)

**H.B. 137 (Hinojosa/Perry) – Hazardous Dam Reporting:** requires the Texas Commission on Environmental Quality to provide: (1) a report of a dam that has a hazard classification of high or significant to the emergency management director for a city or county in which the dam is located within 30 days after the date of the designation; and (2) a biannual report including condition status and other information on each dam with a hazard classification of high or significant to the emergency management director of each city and county and the executive director or equivalent position of each council of government or local or regional development council in which a dam included in the report is located. (Effective September 1, 2019.)

**H.B. 720 (Larson/Perry) – Aquifer Storage/Recharge:** provides that: (1) to the extent state water has not been set aside by the Texas Commission on Environmental Quality, state water may be appropriated, stored, or diverted for recharge into an aquifer underlying the state, other than portions of the Edwards aquifer, and that recharge water loses its classification as state water, storm water, or floodwater and is considered percolating groundwater; (2) unappropriated water, including storm water and flood water, may be appropriated for recharge into an aquifer underlying the state if approved by TCEQ after a motion and hearing on an application for a water right or amendment to a water right; (3) a holder of a water right that authorizes the storage of water for a beneficial use in a reservoir that has not been constructed may file an application to amend the water right to change the right to allow for storage in an aquifer storage and recovery project and may request an increase in the right that takes into account the amount of water that would have evaporated if the storage reservoir had been built; (4) a holder of a water right authorizing an appropriation of water for storage and that has lost storage because of sedimentation may apply for an amendment to the water right to change the use or purpose for which the appropriate is to be made to storage as part of an aquifer storage and recovery project; (5) TCEQ may authorize the use of a class V injection well as a recharge injection well: (a) by rule; (b) under an individual permit; or (c) under a general permit after public notice and comment; (6) an aquifer recharge project operator shall install a meter on each recharge injection well associated with the aquifer recharge project and provide an annual report to TCEQ showing the volume of water injected for recharge; and (7) an aquifer recharge project operator shall: (a) perform water quality testing annually on water to be injected into a geologic formation as part of the aquifer recharge project; and (b) provide the results of the testing to TCEQ. (Effective immediately.)

**H.B. 721 (Larson/Perry) – Aquifer Storage and Recovery:** requires: (1) the Texas Water Development Board to work with river authorities, major water providers and water utilities,



regional water planning groups, and potential sponsors of aquifer storage and recovery projects identified in the state water plan to: (a) conduct studies of aquifer storage and recovery projects and aquifer recharge projects identified in the state water plan or by interested persons; and (b) report the results of each study conducted to regional water planning groups and interested persons; (2) the TWDB to conduct a statewide survey to identify the relative suitability of various major and minor aquifers for use in aquifer storage and recovery projects or aquifer recharge projects based on various considerations; and (3) the TWDB to prepare a report of its findings in (2) to be given to the governor, lieutenant governor, and speaker of the house of representatives. (Effective immediately.)

**H.B. 722 (Larson/Perry) – Brackish Groundwater Development:** this bill: (1) requires groundwater conservation districts to adopt rules for the issuance of permits to withdraw brackish groundwater for public drinking water or an electric generation project if the district receives a petition from a person with a legally-defined interest in groundwater in the district; (2) provides for a minimum term of 30 years for a permit issued for a well that produces brackish groundwater from a designated brackish groundwater production zone; (3) requires implementation of a monitoring system to monitor water levels and water quality of the source or adjacent source of the brackish water; (4) requires the holder of a permit to report to the groundwater conservation district on the amount of brackish groundwater withdrawn, the average monthly water quality, and aquifer levels; (5) requires that the district submit the application for permit to the Texas Water Development Board for technical review; and (6) requires that the TWDB submit a report of the review of the application before the district can schedule a hearing on the application. (Effective September 1, 2019.)

**H.B. 807 (Larson/Buckingham) – State and Regional Water Planning:** this bill: (1) requires the Texas Water Development Board to appoint an interregional planning council consisting of one member from each regional water planning group to improve coordination among the regional water planning groups, facilitate dialogue regarding water management strategies that could affect multiple regional water planning areas, and share best practices; (2) provides that the council shall hold at least one public meeting and prepare a report to the TWDB on the council's work; and (3) provides that a regional water planning group shall submit to the TWDB a regional water plan that: (a) provides a specific assessment of the potential for aquifer storage and recovery projects to meet those needs if the regional water planning area has significant identified water needs; (b) sets one or more specific goals for gallons of water use per capita per day in each decade of the period covered by the plan for the municipal water user groups in the regional water planning area; (c) assesses the progress of the regional water planning area in encouraging cooperation between water user groups for the purpose of achieving economies of scale and otherwise incentivizing strategies that benefit the entire region; and (d) identifies unnecessary or counterproductive variations in specific drought response strategies, including outdoor watering restrictions, among user groups in the regional water planning area that may confuse the public or otherwise impede drought response efforts. (Effective immediately.)

**H.B. 853 (Moody/Rodriguez) – Advanced Electric Meters/Rate Cases:** provides that: (1) certain non-ERCOT investor owned electric utilities that elect to deploy advanced metering and meter information networks may recover reasonable and necessary costs incurred in deploying advanced metering and meter information networks; (2) the Public utility Commission shall

ensure that any deployment plan approved under the bill and any related customer surcharge: (a) are not applicable to customer accounts that receive service at transmission voltage; and (b) are consistent with commission rules related to advanced metering systems regarding: (i) customer protections; (ii) data security, privacy, and ownership; and (iii) options given consumers to continue to receive service through a non-advanced meter; and (3) a utility that elects to deploy an advanced meter information network shall deploy the network as rapidly as practicable to allow customers to better manage energy use and control costs. (Effective immediately.)

**H.B. 864 (Anchia/Birdwell) – Gas Pipeline Incidents:** provides that: (1) “distribution gas pipeline facility” means a pipeline facility that distributes natural gas directly to end use customers; (2) “pipeline incident” means an event involving a release of gas from a pipeline that: (a) under federal regulations, gives rise to a duty of a distribution gas pipeline facility operator to report the event to a federal agency; or (b) results in one or more of the following consequences: (i) a death or a personal injury necessitating in-patient hospitalization; (ii) estimated property damage greater than or equal to the greater of \$50,000, including loss to the operator, loss to others, or both, but excluding cost of gas lost or an amount under federal regulations that gives rise to the duty of a distribution gas pipeline facility operator to report the event to a federal agency; or (iii) unintentional estimated gas loss of three million cubic feet or more; (3) the Texas Railroad Commission by rule shall require a distribution gas pipeline facility operator, after a pipeline incident involving the operator’s pipelines, to: (a) notify the commission of the incident before the expiration of one hour following the operator’s discovery of the incident; (b) provide the following information to the commission before the expiration of one hour following the operator’s discovery of the incident: (i) the pipeline operator’s name and telephone number; (ii) the location of the incident; (iii) the time of the incident; and (iv) the telephone number of the operator’s on-site person; and (c) provide the following information to the commission when the information is known by the operator: (i) the fatalities and personal injuries caused by the incident; (ii) the cost of gas lost; (iii) estimated property damage to the operator and others; (iv) any other significant facts relevant to the incident, including facts related to ignition, explosion, rerouting of traffic, evacuation of a building, and media interest; and (v) other information required under federal regulations to be provided to the Pipeline and Hazardous Materials Safety Administration or a successor agency after a pipeline incident or similar incident; and (4) commission shall retain state records of the railroad commission regarding a pipeline incident perpetually. (Effective September 1, 2019.)

**H.B. 866 (Anchia/Birdwell) – Gas Distribution Pipelines:** provides that: (1) for purpose of the bill, “distribution gas pipeline facility” means a pipeline facility that distributes natural gas directly to end-use customers, including a city-operated facility; (2) a distribution gas pipeline facility operator may not install as part of the operator’s underground system a cast iron, wrought iron, or bare steel pipeline; (3) the railroad commission by rule shall require the operator of a distribution gas pipeline facility system to: (a) develop and implement a risk-based program for the removal or replacement of underground distribution gas pipeline facilities; and (b) annually remove or replace at least eight percent of underground distribution gas pipeline facilities posing the greatest risk in the system and identified for replacement under the program; (4) a distribution gas pipeline facility operator shall replace any known cast iron pipelines installed as part of the operator’s underground system not later than December 31, 2021; and (5) the bill’s provisions expire on September 1, 2023. (Effective immediately.)

**H.B. 907 (Huberty/Creighton) – Aggregate Production Penalties:** this bill: (1) increases the penalties for aggregate production operations operating without being registered to: (a) an annual range of \$10,000 to \$20,000; and (b) over three or more years to \$40,000; (2) provides that the Texas Commission on Environmental Quality shall inspect each active aggregate production operation at least once every two years during the first six years the operation is registered; and (3) provides that TCEQ, for a period of one year, may conduct unannounced periodic inspections of an aggregate production operation if the operation has violated an environmental law or rule in the preceding three year period. (Effective September 1, 2019.)

**H.B. 986 (Price/Perry) – Advanced Electric Meters/Rate Cases:** provides that: (1) certain non-ERCOT investor owned electric utilities that elect to deploy advanced metering and meter information networks may recover reasonable and necessary costs incurred in deploying advanced metering and meter information networks; (2) the Public utility Commission shall ensure that any deployment plan approved under the bill and any related customer surcharge: (a) are not applicable to customer accounts that receive service at transmission voltage; and (b) are consistent with commission rules related to advanced metering systems regarding: (i) customer protections; (ii) data security, privacy, and ownership; and (iii) options given consumers to continue to receive service through a non-advanced meter; and (3) a utility that elects to deploy an advanced meter information network shall deploy the network as rapidly as practicable to allow customers to better manage energy use and control costs. (Effective immediately.)

**H.B. 1052 (Larson/Perry) – Financial Assistance:** this bill: (1) allows the Texas Water Development Board to use the state participation account of the water development fund to provide financial assistance for desalination or aquifer storage and recovery facilities for inter-regional development of projects; (2) provides that selection criteria for inter-regional water supply projects must prioritize projects that: (a) maximize the use of private financial resources; (b) combine the financial resources of multiple water planning regions; and (c) have a substantial economic benefit to the regions served by affecting a large population, creating jobs in the regions served, and meeting a high percentage of the water supply needs of the water users served by the project; (3) provides that not less than 50 percent of money used from the state participation account in any fiscal year must be used for inter-regional water projects selected under (2); (4) creates a state participation account II that the TWDB may use to provide financial assistance for the development of a desalination or aquifer storage and recovery facility; and (5) provides that the TWDB may act singly or in a joint venture in partnership with any person, including a public or private entity, an agency or political subdivision of this state, another state or a foreign nation, to the extent permitted by law in administering the state participation account II. (Effective September 1, 2019.)

**VETOED H.B. 1059 (Lucio/Rodriguez) – Stormwater Infrastructure Reporting:** this bill: (1) defines “green stormwater infrastructure” and “low impact development” as systems and practices that: (a) use or mimic natural processes that result in the infiltration, evapotranspiration, treatment, or use of stormwater; (b) manage stormwater, protect water quality and associated habitat, or augment or replace conventional engineered stormwater systems; (c) meet local requirements for post-development stormwater retention and detention and erosion management; and (d) are considered best management practices; (2) creates a Green Stormwater Infrastructure

and Low Impact Development Report Group to be appointed by the Texas Commission on Environmental Quality, including one member from a city; and (3) requires the Group to prepare a biennial report on the use of green stormwater infrastructure and low impact development in the state to be submitted to the members of TCEQ, the governor, the lieutenant governor, the speaker of the house, and each member of the legislature. (Effective September 1, 2019.)

**H.B. 1331 (Thompson/Miles) – Municipal Solid Waste Facility Permit Fees:** provides that the Texas Commission on Environmental Quality shall charge a fee of \$2,000 for an application for a permit for a municipal solid waste facility. (Effective September 1, 2019.)

**H.B. 1397 (Phelan/Nichols) – Electric Rates:** authorizes an investor-owned electric utility that operates solely outside of ERCOT to file, and the Public Utility Commission to approve, an application for a rider to recover the electric utility’s investment in a power generation facility. (Effective immediately.)

**H.B. 1435 (E. Thompson/Birdwell) – Municipal Solid Waste Facilities:** provides that: (1) before a permit for a proposed municipal solid waste management facility is issued, amended, extended, or renewed, the Texas Commission on Environmental Quality shall inspect the facility or site used or proposed to be used to store, process, or dispose of municipal solid waste to confirm information included in the permit application; and (2) the commission by rule shall prescribe the kinds of information in a permit application that require confirmation under the bill. (Effective September 1, 2019.)

**H.B. 1595 (Paddie/Hughes) – Advanced Electric Meters/Rate Cases:** provides that: (1) an non-ERCOT electric utility that elects to deploy advanced metering and meter information networks may recover reasonable and necessary costs incurred in deploying advanced metering and meter information networks; (2) the Public utility Commission shall ensure that any deployment plan approved under the bill and any related customer surcharge: (a) are not applicable to customer accounts that receive service at transmission voltage; and (b) are consistent with commission rules related to advanced metering systems regarding: (i) customer protections; (ii) data security, privacy, and ownership; and (iii) options given consumers to continue to receive service through a non-advanced meter; and (3) a utility that elects to deploy an advanced meter information network shall deploy the network as rapidly as practicable to allow customers to better manage energy use and control costs. (Effective immediately.)

**H.B. 1767 (Murphy/Birdwell) – Gas Rate Cases:** provides that: (1) “employee compensation and benefits” includes base salaries, wages, incentive compensation, and benefits, but does not include pension or other postemployment benefits and incentive compensation related to attaining financial metrics for an executive officer whose compensation is required to be disclosed under federal law; and (2) when establishing a gas utility’s rates, the regulatory authority shall presume that employee compensation and benefits expenses are reasonable and necessary if the expenses are consistent with market compensation studies issued not earlier than three years before the initiation of the proceeding to establish the rates. (Effective September 1, 2019.)

**H.B. 1953 (E. Thompson/Hancock) – Gasification and Pyrolysis:** this bill: (1) prevents the Texas Commission on Environmental Quality from considering post-use polymers and recoverable feedstocks as solid waste if they are converted using pyrolysis or gasification into valuable raw, intermediate, and final products; and (2) treats products created from pyrolysis and gasification processes as recycled materials, thus requiring cities to give preference to purchasing products made from pyrolysis and gasification. (Effective immediately.)

**H.B. 1964 (Ashby/Creighton) – Water Right Amendments:** provides that, among other things and in addition to an application that meets the requirements already in the law and for which the Texas Commission on Environmental Quality has determined that notice or an opportunity for a contested case hearing is not required under another statute or a TCEQ rule, an application for an amendment to a water right is exempt from any requirements of a statute or TCEQ rule regarding notice and hearing or technical review by the executive director or the TCEQ and may not be referred to the State Office of Administrative Hearings for a contested case hearing if the executive director determines after an administrative review that the application is for certain water rights amendments. (Effective immediately.)

**H.B. 2263 (Paddie/Hancock) – Sale of Natural Gas/Electricity:** provides, among other things, that a tax may not be imposed on the gross receipts from the sale of electricity to a public school district customer. (Effective January 1, 2024.)

**H.B. 2320 (Paul/Taylor) – Utility Services During Disasters:** provides that: (1) the Texas Division of Emergency Management (Division) 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 Divisions shall submit a report to members of the legislature on improving the oversight, accountability, and availability of building trade services following a disaster; 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. (Effective September 1, 2019.)

**H.B. 2590 (Biedermann/Creighton) – Water Districts:** makes various changes to the law relating to special districts. Of particular interest to cities, the bill provides that: (1) the provisions related to consent to creation of a water district in a city's extraterritorial jurisdiction apply equally to a water district previously created by an act of the legislature; and (2) a district may enter into a contract with a retail public utility, including a municipal water system, for water or sewer service under which the retail public utility may use the district's water or sewer system to serve customers located in the district. (Effective September 1, 2019.)

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



in Texas must meet the water quality standards established by the TCEQ. (Effective September 1, 2019.)

**H.B. 3142 (Guillen/Johnson) – Public Drinking Water:** provides that: (1) the Texas Commission on Environmental Quality shall establish a system to provide automatic reminders as a courtesy to operators of public drinking water supply systems of regular reporting requirements applicable to the systems under the federal Safe Drinking Water Act and TCEQ rules adopted under that law; and (2) the public drinking water supply system is responsible for complying with the applicable reporting requirements regardless of whether TCEQ provides the automatic reminders. (Effective September 1, 2019.)

**H.B. 3339 (Dominguez/Creighton) – Texas Water Development Board Loan Programs:** this bill: (1) cleans up the statutes for the programs that provide for financial assistance from the Texas Water Development Board to consistently require a water conservation plan as part of the application process; and (2) requires all entities applying for SWIFT assistance, not just those with surface water rights, to submit a water conservation plan. (Effective September 1, 2019.)

**H.B. 3542 (Phelan/Lucio) – Private Water and Sewer Service:** applies only to a utility (e.g, a water supply corporation or cooperative) that provides retail water or sewer utility service through fewer than 10,000 taps or connections and, among other things: (1) provides that a utility shall deliver to the Public Utility commission a report of the utility’s financial, managerial, and technical capacity to provide continuous and adequate service to its customers not later than the third anniversary of the date that the utility violates a final order of the commission by failing to: (a) provide system capacity that is greater than the required raw water or groundwater production rate or the anticipated daily demand of the system; (b) provide a minimum pressure of 35 pounds per square inch throughout the distribution system under normal operating conditions; or (c) maintain accurate or properly calibrated testing equipment or other means of monitoring the effectiveness of a chemical treatment or pathogen inactivation or removal process; and (2) makes various changes to the authority of one utility to acquire another utility. (Effective September 1, 2019.)

**H.B. 3552 (Sheffield/Flores) – Fluoride in Drinking Water:** provides that a public water supply system that furnishes, for public or private use, drinking water containing added fluoride may not 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 termination at least 60 days before the reduction or termination. (Effective September 1, 2019.)

**H.B. 3557 (Paddie/Birdwell) – Critical Infrastructure Facilities:** creates various new criminal offenses related to interfering with a critical infrastructure facility, such as a city’s water or electric system, and creates a civil cause of action against a person who damages such a facility. (Effective September 1, 2019.)

**H.B. 3745 (Bell/Birdwell) – Texas Emissions Reduction Plan:** establishes the Texas Emission Reduction Plan Fund that is funded by, among other things, the TERP surcharge on the sale, lease, or rental of off-highway equipment and certain on-road diesel equipment, and provides



that money in the fund is used for various emission reductions programs. (Effective August 30, 2019.)

**H.B. 4150 (Paddie/Hughes) – Electric Line Clearances:** enacts the William Thomas Heath Power Line Safety Act, applies to an electric utility, municipally owned utility, or electric cooperative, and provides that those entities: (1) shall meet the minimum clearance requirements specified in Rule 232 of the National Electrical Safety Code Standard ANSI (c)(2) in the construction of any transmission or distribution line over 178 listed lakes; (2) that own or operate overhead transmission or distribution assets shall submit to the Public Utility Commission a report that includes: (a) a summary description of hazard recognition training documents provided by the utility or electric cooperative to its employees related to overhead transmission and distribution facilities; and (b) a summary description of training programs provided to employees by the utility or electric cooperative related to the National Electrical Safety Code for the construction of electric transmission and distribution lines; (3) shall submit an updated report not later than the 30th day after the date the utility or electric cooperative finalizes a material change to a document or program included in a report submitted under (2), above; (4) not later than May 1 every five years, that own or operate overhead transmission facilities greater than 60 kilovolts shall submit to the commission a report for the preceding five-year period ending on December 31 of the preceding calendar year that includes: (a) the percentage of overhead transmission facilities greater than 60 kilovolts inspected for compliance with the National Electrical Safety Code relating to vertical clearance in the reporting period; and (b) the percentage of the overhead transmission facilities greater than 60 kilovolts anticipated to be inspected for compliance with the National Electrical Safety Code relating to vertical clearance during the five-year period beginning on January 1 of the year in which the report is submitted; (5) not later than May 1 of each year, that own or operate overhead transmission facilities greater than 60 kilovolts shall submit to the commission a report on the overhead transmission facilities for the preceding calendar year that includes information regarding: (a) the number of identified occurrences of noncompliance regarding the vertical clearance requirements of the National Electrical Safety Code for overhead transmission facilities; (b) whether the utility or electric cooperative has actual knowledge that any portion of the transmission system is not in compliance with the vertical clearance requirements of the National Electrical Safety Code; and (c) whether the utility or electric cooperative has actual knowledge of any violations of easement agreements with the United States Army Corps of Engineers relating to the vertical clearance requirements of the National Electrical Safety Code for overhead transmission facilities; (6) not later than May 1 of each year, that own or operate overhead transmission facilities greater than 60 kilovolts or distribution facilities greater than 1 kilovolt shall submit to the commission a report for the preceding calendar year that includes: (a) the number of fatalities or injuries of individuals other than employees, contractors, or other persons qualified to work in proximity to overhead high voltage lines involving transmission or distribution assets related to noncompliance with the bill; and (b) a description of corrective actions taken or planned to prevent the reoccurrence of fatalities or injuries; and (7) are not required to include in the reports under (5) and (6), above, violations resulting from, and incidents, fatalities, or injuries attributable to a violation resulting from, a natural disaster, weather event, or man-made act or force outside of a utility's or electric cooperative's control. In addition, the bill requires that: (1) not later than September 1, 2019, each year the commission shall make the reports publicly available on the commission's website; (2) a report, and any required information contained in a

report, made on an incident or violation under the bill, is not admissible in a civil or criminal proceeding against the electric utility, municipally owned utility, or electric cooperative, or the utility's or electric cooperative's employees, directors, or officers, but the commission may otherwise take enforcement actions under the commission's authority. (Effective September 1, but delays the reporting requirement until May 1, 2020, and the lake transmission line upgrades until December 31, 2021.)

**S.B. 241 (Nelson/Longoria) – Nonattainment Areas:** requires each political subdivision in a nonattainment area or in an affected county (except school districts and certain water districts) to establish a goal to reduce electric consumption by the entity by at least five percent each state fiscal year for seven years, beginning September 1, 2019. (Effective September 1, 2019.)

**S.B. 475 (Hancock/Hernandez) – Electric Grid Security Council:** provides for: (1) the creation of 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; and (2) on request from the governor, lieutenant governor, the chair of house of representatives or senate committee having jurisdiction over energy regulation, the council shall issue recommendations regarding: (a) the development of educational programs or marketing materials to promote the development of a grid security workforce; (b) the development of grid security best practices; (c) the preparation for events that threaten grid security; and (d) amendments to the state emergency management plan to ensure coordinated and adaptable response and recovery efforts after events that threaten grid security. (Effective immediately.)

**S.B. 530 (Birdwell/Wray) – Water Protection Penalties:** increases the maximum civil and administrative penalties to \$5,000 for violations of laws protecting drinking water public water supplies and bodies of water. (Effective September 1, 2019.)

**S.B. 649 (Zaffirini/Thompson) – Recyclable Materials:** provides, among other things, that: (1) in cooperation with the Texas Economic Development and Tourism Office, the Texas Commission on Environmental Quality shall produce a plan to stimulate the use of recyclable materials as feedstock in processing and manufacturing, including, among other things, recommendations for institutional, financial, administrative, and physical methods, means, and processes that could be applied by local governments to: (a) increase the use of recyclable materials; (b) stimulate the use of recyclable materials by principal processors and manufacturers; and (c) encourage the expansion of existing principal processors and manufacturers and the development of new principal processors and manufacturers that use recyclable materials; and (2) in cooperation with other state agencies, TCEQ shall develop an education program intended for the public that must include, among other things, the economic benefits of recycling. (Effective September 1, 2019.)

**S.B. 698 (Birdwell/Lozano) – Expedited Clean Air Act Permits:** provides that the Texas Commission on Environmental Quality may: (1) add a surcharge for an expedited application for a Clean Air Act permit to cover, among other things, the costs of full-time equivalent TCEQ employees to support the expedited processing of air permits and that money from the surcharge collected may be used to support the expedited processing; (2) authorize the use of overtime,

full-time equivalent TCEQ employees to support the expedited processing of air permit applications; (3) pay for compensatory time, overtime, full-time equivalent TCEQ employees supporting the expedited processing of air permit applications used in expedited permitting; and (4) set the rate for overtime compensation for full-time equivalent TCEQ employees. (Effective September 1, 2019.)

**S.B. 700 (Nichols/Geren) – Private Water Company Rates:** this bill: (1) redefines a “class C utility” to mean a public utility that provides retail water or sewer utility service through 500 or more taps or connections but fewer than 2,300 taps or connections; (2) creates a definition of “class D utility,” which means a public utility that provides retail water or sewer utility service through fewer than 500 taps or connections; (3) provides that the Public Utility Commission may issue emergency orders, with or without a hearing: (a) to compel a retail public utility that has obtained a certificate of public convenience and necessity to provide water or sewer service, or both, that complies with all statutory and regulatory requirements of the commission if necessary to ensure safe drinking water or environmental protection; and (b) to compel a retail public utility to provide an emergency interconnection with a neighboring retail public utility for the provision of temporary water or sewer service, or both, for not more than 90 days if necessary to ensure safe drinking water or environmental protection; (4) provides that, at the time the utility commission approves the acquisition of a nonfunctioning retail water or sewer utility service provider, the utility commission shall: (a) determine the duration of the temporary rates for the retail public utility, which must be for a reasonable period; and (b) rule on the reasonableness of the temporary rates if the utility commission did not make a ruling before the application was filed; (5) provides that the regulatory authority, by rule or ordinance, as appropriate, may: (a) adopt specific alternative ratemaking methodologies for water or sewer rates to allow for more timely and efficient cost recovery. Appropriate alternative ratemaking methodologies are the introduction of new customer classes, the cash needs method, and phased and multi-step rate changes; and (b) also adopt system improvement charges that may be periodically adjusted to ensure timely recovery of infrastructure investment; (6) provides that a class C utility may not make changes in its rates, except by complying with the current statutory procedures to change rates, and the utility may send notice by mail or e-mail or may deliver a copy of the notice to the ratepayers; and (7) provides that, in adopting rules relating to the information required in an application for a class B, class C, or class D utility to change rates, the utility commission shall ensure that a: (a) class B utility can file a less burdensome and complex application than is required of a class A utility; and (2) class C or class D utility can file a less burdensome and complex application than is required of a class A or class B utility. (Effective September 1, 2019.)

**S.B. 936 (Hancock) – Electric Cybersecurity Monitor:** provides that: (1) a monitored utility is defined as: (a) a municipally owned utility or electric cooperative that owns or operates equipment or facilities in the ERCOT power region to transmit electricity at 60 or more kilovolts; or (b) an electric utility, municipally owned utility, or electric cooperative that operates solely outside the ERCOT power region that has elected to participate in the cybersecurity monitor program; (2) 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 voluntarily disclosed 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) for an electric utility, municipally owned utility, or electric cooperative that operates solely outside the ERCOT power region, the commission shall adopt rules establishing: (a) procedures to notify the commission, the independent organization and the cybersecurity monitor that the utility or cooperative elects to participate or to discontinue participation; and (b) a mechanism to require an electric utility, municipally owned utility, or electric cooperative that elects to participate to contribute to the costs incurred by the independent organization. (Effective September 1, 2019.)

**S.B. 942 (Johnson/Metcalf) – State Water Pollution Control Revolving Fund:** provides that the state water pollution control revolving fund is held by the Water Development Board to provide: (1) financial assistance to persons for eligible projects for assistance under the Federal Water Pollution Control Act; and (2) linked deposits to eligible financial institutions for loans to persons for nonpoint source pollution control projects. (Effective September 1, 2019.)

**S.B. 1012 (Holland/Zaffirini) – Electric Generation:** provides that a municipally owned utility or an electric cooperative that owns or operates electric energy storage equipment or facilities is not required to register as a power generation company. (Effective September 1, 2019.)

**S.B. 1152 (Hancock/Phelan) – Telecommunications/Cable Right-of-Way Rental Fees:** this bill would essentially authorize a cable or phone company to stop paying the lesser of its state cable franchise or telephone access line fees, whichever are less for the company statewide. More specifically, the bill provides that: (1) a certificated telecommunications provider is not required to pay any compensation for a given calendar year if the provider determines that the sum of the 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; (2) the determination under (1) for a given year must be based on amounts actually paid, or amounts that would have been paid notwithstanding the bill, during the 12-month period ending June 30 of the immediately preceding calendar year by the provider and any member of the provider’s affiliated group; (3) item (1), above, does not exempt a CTP from paying compensation to a city if the provider is not required to pay a state cable franchise fee to that city; (4) a CTP shall file, not later than October 1 of each year, an annual written notification with each city in which the provider provides telecommunications services of the provider’s requirement to pay compensation under (1) or exemption from the requirement to pay compensation under (3) for the following calendar year; (5) a holder of a state-issued certificate of franchise authority is not subject to the five percent fee for a given calendar 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 telephone access line fee law; (6) the determination under (5) for a given year must be based on amounts actually paid, or amounts that would have been paid notwithstanding the bill, during the 12-month period ending June 30 of the immediately preceding calendar year by the holder and any member of the holder’s affiliated group; (7) item (5), above, does not exempt a holder from paying compensation to a city if the holder is not required to pay a telephone access line fee to that city;

and (8) a holder shall file, not later than October 1 of each year, an annual written notification with each city in which the holder provides cable or video services of the holder's requirement to pay the fee or exemption from the requirement to pay the fee under (5), above, for the following calendar year. (Effective September 1, 2019, and applies to a payment made after January 1, 2020.)

**S.B. 1938 (Hancock/Phelan) – Electric Transmission Lines:** enacts various technical provisions relating to electric transmission lines, including requirements that: (1) a certificate to build, own, or operate a new transmission facility that directly interconnects with an existing electric utility facility or municipally owned utility facility may be granted only to the owner of that existing facility; and (2) if a new transmission facility will directly interconnect with facilities owned by different electric utilities or municipally owned utilities, each entity shall be certificated to build, own, or operate the new facility in separate and discrete equal parts unless they agree otherwise. (Effective immediately.)

**S.B. 2272 (Nichols/Metcalf) – CCNs:** this bill makes various changes to the decertification and release of a certificate of convenience and necessity by a landowner. (Effective September 1, 2019.)

**S.B. 2452 (Lucio/Zaffirini) – Texas Water Development Board:** this bill: (1) provides that TWDB shall, for assistance to economically distressed areas for water supply and sewer service projects, prioritize projects and give the highest consideration to projects that will have a substantial effect, including projects that: (a) will serve an area for which the Department of State Health Services has determined that a nuisance dangerous to the public health and safety exists resulting from water supply and sanitation problems; or (b) for which the applicant is subject to an enforcement action and the applicant did not cause or allow the violations that are the subject of the enforcement action; (2) provides that, in passing on an application for financial assistance, the TWDB shall consider the ability of the applicant to repay the financial assistance; (3) provides that, in providing financial assistance under the bill, the TWDB may provide the repayable portion of financial assistance from any financial assistance program for which the applicant is eligible; and (4) requires the TWDB to post a report on its website detailing certain information for each project for which the TWDB provided financial assistance under the bill. (Effective upon approval by the voters of S.J.R. 79.)(See **S.J.R. 79**, see below.)

**S.J.R. 79 (Lucio/Gonzalez) – State Water Pollution Control Revolving Fund:** provides that the Texas Water Development Board may issue general obligation bonds for the economically distressed areas program account of the Texas Water Development Fund II in amounts such that the aggregate principal amount of the bonds issued by the TWDB under the bill that are outstanding at any time does not exceed \$200 million. (Effective if approved at the election on November 5, 2019.) (See **S.B. 2452**, above.)

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