



Legislative UPDATE

January 30, 2015
Number 5

Lt. Governor Announces Senate Committee Assignments

Last Friday, Lt. Governor Dan Patrick released the Texas Senate Committee assignments. City-intensive committees are listed below. To see a full list, click [here](#).

Intergovernmental Relations

Chair Eddie Lucio, Jr. (D – McAllen)
Vice Chair Paul Bettencourt (R – Hedwig Village)
Donna Campbell (R – New Braunfels)
Sylvia Garcia (D – Houston)
Robert Nichols (R – Jacksonville)
Larry Taylor (R – Pearland)
Leticia Van de Putte (D – San Antonio)

State Affairs

Chair Joan Huffman (R – Houston)
Vice Chair Rodney Ellis (D – Missouri City)
Brian Birdwell (R – Waco)
Brandon Creighton (R – Port Arthur)
Craig Estes (R – Denton)
Troy Fraser (R – Belton)
Jane Nelson (R – Grapevine)
Charles Schwertner (R – Bryan)
Judith Zaffirini (D – Laredo)

Transportation

Chair Robert Nichols (R – Jacksonville)

Vice Chair Don Huffines (R – Farmers Branch)

Rodney Ellis (D – Missouri City)

Troy Fraser (R – Belton)

Sylvia Garcia (D – Houston)

Bob Hall (R – Mesquite)

Kelly Hancock (R – North Richland Hills)

Lois Kolkhorst (R – Brenham)

Van Taylor (R – Plano)

More Interim Legislative Reports Released

Legislative committees are given items to study during the interim, and each committee then reports its recommendations on those items. The last edition of the *Legislative Update* summarized several reports that had been released. Additional city-related committees have issued reports, and the following is a brief summary of those reports. More reports will be issued in the coming weeks, and will be summarized as well.

House Committee on Culture, Recreation, and Tourism

Charge: Evaluate the Texas Film Commission and the Texas Music Office to determine their effectiveness in economic development in Texas. Determine how the offices can better collaborate with local economic development entities and state agencies to further the economic development goals of the state.

Recommendation: To better evaluate economic impacts, both the Texas Film Commission and all “film friendly” cities should report annually on the number of jobs associated with production and any increases in tax revenue.

Charge: Examine the economic impact of cultural, recreational, and/or tourism grants provided by the state, including any economic development grants related to cultural, recreational, or tourism industries, heritage tourism, courthouse restoration, and historic district revitalization.

Recommendations:

- Given the success of the Texas Historical Commission’s programs at revitalizing historic sites and attracting tourism, the legislature should continue to – when needed – appropriate funds for the Texas Preservation Trust Fund so the agency can continue the grant program.
- Cultural districts should be mindful when creating boundaries to include private sector businesses that have located near arts and culture sites/activities.
- Cities with cultural districts should consider creating tax increment financing zones that incorporate the cultural district.
- Cultural districts should send annual reports on the progress and impact of their programs to the Texas Commission on the Arts so the state may better evaluate the economic impact of the programs.

- The legislature should consider a sales tax exemption for art that is produced and sold by an artist working within the boundaries of a cultural district.

The House Select Committee on Criminal Procedure Reform

Charge: Study the Code of Criminal Procedure to recommend revisions.

Recommendations:

- The legislature should appoint a select committee charged with developing a concrete plan for the eventual implementation of a paperless system to handle criminal matters in Texas. Goals of the committee should include:
 1. Determination of whether a statewide plan or a regional plan would better serve Texas.
 2. Development of a plan for initiating a pilot program based on either a statewide model or a regional model, which should include identifying potential pilot entities from around the state.
 3. The legislature should amend Code of Criminal Procedure Article 18.01(b) to keep the code in step with available technology. Specifically, Article 18.01(b) should be broadened such that a search warrant may be obtained telephonically or by other electronic means.

The House Committee on Environmental Regulation

Charge: Study the environmental permitting processes at the Texas Commission on Environmental Quality (TCEQ), specifically the contested-case hearing process at the State Office of Administrative Hearings (SOAH) and the timelines associated with the process. Study the economic impact that the state's permitting processes have on Texas manufacturing sectors and how neighboring states and the federal permitting processes and timelines compared to those in Texas.

Recommendations:

- The legislature should make changes to the timelines associated with the contested case hearings to make the hearings less time consuming.
- The legislature should find a balance that protects the rights of private property owners and meets environmental regulations while not unnecessarily hindering economic development by an over burdensome and unpredictable permitting process.

Charge: Review the Environmental Protection Agency's (EPA) newly proposed Clean Power Plan to determine the potential impact the proposed federal rule would have on Texas. Specifically, the Committee should examine how the proposed emissions reductions would impact the reliability of the state's electricity generation, the potential impact on the price of retail electricity and its affordability, and the potential impact on the economic development of the state. Additionally, the Committee should review the state's renewable energy and energy efficiency standards to determine if they are capable of contributing to meeting any proposed emissions reductions and determine what changes, if any, to these policies could help facilitate meeting the proposed emissions reductions.

Recommendation: The legislature should continue to monitor the progress of the proposed rule

and also continue an ongoing dialogue with agency, industry, and advocacy groups so that the state may choose the best course of action if/when the Clean Power Plan rule is finalized in June 2015. [Note: The Committee acknowledges in its interim report that the TCEQ is the primary agency responsible for implementing rules adopted by EPA and that the Public Utility Commission's authority over municipally owned electric utilities is limited. In order for the state to implement a plan to satisfy the EPA, legislation will be required to either grant sole jurisdiction to one agency or to set specific guidelines to the two agencies in order for them to collaborate to administer the rule.]

The House Committee on Judiciary & Civil Jurisprudence

Charge: Examine the public policy implications of litigation related to environmental contamination brought by local governments, in particular whether such litigation supports effective remediation.

Recommendations:

- The Committee makes no recommendation on changing the present law at this time. It reaffirms the state's interest in environmental remediation and encourages further cooperation and coordination between local governments and the state.
- The legislature should adopt standards and practices to guide fact-finders and courts in assessing appropriate fines in environmental litigation, similar to those established for the TCEQ in statute.

TML E-List Project: Choose Your Area of Interest

The Texas Municipal League is once again implementing the TML E-List project by gathering email addresses from city officials (elected and appointed) who: (1) may be willing to provide testimony during the 2015 legislative session; (2) want to be kept "in the loop" on certain subject matters; and/or (3) are willing to simply provide their perspective on a particular legislative matter.

The "E-lists" are one way TML staff contacts city officials regarding harmful legislation and are an invaluable grassroots tool. In many cases, bills will be set for committee hearings with essentially no notice. When that happens, an email will go out to the appropriate E-list asking for information or action on your part. Legislators need to hear from their city officials more than from TML staff.

To participate in the E-List project, go to <http://www.tml.org/genform/E-List.asp> and fill out the online form. If you have any questions, please contact JJ Rocha at jj@tml.org or 512-231-7400.

City-Related Bills Filed This Week

Each week, League staff summarizes in this section the city-related bills filed during the previous week. For a cumulative list of all city-related bills filed to date, click [here](#).

Property Tax

H.B. 957 (Bohac) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.J.R. 71**, below.)

S.B. 362 (Estes) – Property Tax Exemption: would repeal the additional property taxes imposed as a result of certain changes in the use of open-space land appraised as agricultural land. (Companion bill is **H.B. 133** by **Simpson**.)

H.J.R. 71 (Bohac) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.B. 957**, above.)

Sales Tax

H.B. 849 (Paddie) – Sales Tax Exemption: would exempt firearms and hunting supplies from sales and use taxes if the sale takes place during the last week in August or the last week in October.

Purchasing

H.B. 932 (Murphy) – Alternative Procurement: would provide that, in relation to a construction-related project: (1) an offeror who submits a bid, proposal, or request for qualification may request the governmental entity to explain the evaluation and ranking of a submission that was not selected and that: (a) is ranked differently than a similar submission of a bid, proposal, or request for qualification by the offeror to the governmental entity during the preceding year; (b) uses the same data that was used to develop the previous submission; and (c) is based on the same selection criteria that was used to evaluate and rank the previous submission; (2) a request made under the bill must be in writing; and (3) not later than the 30th day after the date a request is made, the governmental entity shall deliver to the offeror a written explanation of the basis of the evaluation and ranking of the submission, including an explanation of why the submission was ranked differently than the previous submission.

Elections

H.B. 816 (Dutton) – Elections: would make it a third degree felony for a person to knowingly or intentionally misrepresent the person's residence to appear eligible to be a candidate for, or elected or appointed to, a public elective office in this state.

H.B. 913 (Israel) – Elections: would: (1) require the certificate on an official carrier envelope to contain a space provided for the voter's signature that is located in a box that is at least one inch by two inches, and has the term "signature of voter" printed in bold type; (2) require textual material to be printed on a separate sheet accompanying the envelope, instead of on the reverse

side of the envelope; (3) require the notice of the voting rights hotline phone number to be included on an insert enclosed with the balloting materials, instead of on the official carrier envelope; and (4) provide that the early voting ballot board may not reject a ballot solely on the grounds that a signature on the carrier envelope certificate is not located entirely in the space provided for the signature or across the flap of the envelope.

H.B. 947 (Workman) – Elections: would authorize a city council that holds its general election on the May uniform election date to take action to change the date of its general election to the November uniform election date provided the city acts to do so not later than December 31, 2016.

S.B. 348 (Ellis) – Elections: would make every day on which an election is held throughout the state a state holiday, including the day of a primary election.

S.B. 349 (Ellis) – Elections: would authorize the secretary of state to order a person performing official functions in the administration of the electoral process to correct any conduct that violates the Texas Election Code.

Open Government

H.B. 856 (Sanford) – Metropolitan Planning Organization Meetings: would require a metropolitan planning organization to broadcast over the Internet live video and audio of each open meeting held by the policy board, and to subsequently make available through the organization's website archived video and audio for each meeting for which live video and audio was provided.

S.B. 336 (V. Taylor) – Public Information: would, among other things: (1) provide that a municipal officer has a right of access to information that is, for purposes of the Public Information Act (PIA), public information of the municipal governmental body that the municipal officer oversees; (2) provide that a municipal governmental body on request by a municipal officer who oversees the governmental body shall provide public information, including confidential information or information otherwise excepted from disclosure, to the municipal officer in accordance with the PIA; (3) provide that a municipal governmental body that provides confidential information or information otherwise excepted from required disclosure under (2), above, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right of the body to assert exceptions to required disclosure of the information in the future; (4) authorize a municipal governmental body to require a requesting municipal officer or the employees of the requesting municipal officer who will view or handle information that is confidential or otherwise excepted from disclosure to sign a confidentiality agreement that requires that: (a) the information not be disclosed outside the office of the requesting municipal officer, or within that office for purposes other than the purpose for which it was received; (b) the information be labeled as confidential; (c) the information be kept securely; or (d) the number of copies or notes taken from the information that implicate its confidential nature be controlled, with all copies or notes that are not destroyed or returned to the municipal governmental body remaining confidential and subject to the

confidentiality agreement; (5) allow an individual required to sign a confidentiality agreement as described in (4), above, to seek a decision from the attorney general about whether the information is actually confidential or excepted from disclosure, and void any such agreement that is determined by the attorney general to cover information that is not confidential or otherwise excepted from disclosure; and (6) provide for the appeal of a decision of the attorney general described in (5), above, to a district court in a county in which the municipality is located if a person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

Other Finance and Administration

H.B. 859 (E. Rodriguez) – Animal Shelter Personnel: would exempt from the Veterinary Licensing Act: (1) a person who is an employee, volunteer, or agent of an animal shelter who provides nonsurgical veterinary care or treatment for the animal shelter under the authorization and general supervision of a veterinarian or under a protocol approved by a veterinarian; and (2) a veterinarian who is employed by or who contracts with an animal shelter with or without pay while the veterinarian is providing services to the animal shelter.

H.B. 870 (Smith) – Public Funds Investment Act: would reduce the amount of Public Funds Investment Act training hours for local finance and investment officers from ten hours every two years to five hours every two years.

S.B. 328 (Hinojosa) – Local Debt: would require each state and local proposition on the ballot to be assigned a unique number that corresponds to the order in which it is placed on the ballot, with municipal propositions being placed behind state and county propositions but above school district and certain special district propositions.

S.B. 343 (Huffines) – Conformity of Local and State Law: would: (1) provide that where the state has passed a general statute or rule regulating a subject, a local government shall restrict its jurisdiction and the passage of its ordinances, rules, and regulations to and be in conformity with the state statute or rule on the same subject, unless the local government is otherwise expressly authorized by statute; and (2) prohibit a local government from implementing an ordinance, rule, or regulation that conflicts with or is more stringent than a state statute or rule regardless of when the state statute or rule takes effect, unless expressly authorized by state statute.

Municipal Courts

H.B. 828 (Zedler) – Application of Foreign Law: would: (1) define a “foreign or international law or doctrine” to mean a law, rule, legal code or principle of a jurisdiction outside the legal traditions of the states and territories of the United States that do not have a binding effect on this state or the United States; (2) prohibit a ruling or decision of a court, arbitrator, or administrative adjudicator from being based on a foreign or international law or doctrine; (3) except from the prohibition in (2), above, the recognition of a document that: (a) is issued or certified by a governmental entity within the territorial jurisdiction of the United States; or (b) is issued or

certified by a foreign court or governmental entity for the purpose of determining a person's identification, enforcing a business contract or arrangement that lists this state as a venue for disposition, or providing expository evidence for the purpose of recognizing the adoption of a child; and (4) require a court to uphold and apply the United States Constitution, the Texas Constitution, federal laws, and Texas laws, including the church autonomy doctrine, which in part requires courts to refrain from involvement in religious doctrinal interpretation or application.

H.B. 866 (Thompson) – Juror Service: would exempt from jury service the primary caretaker of a person who is unable to care for himself or herself.

Community and Economic Development

H.B. 907 (Phillips) – Halfway Houses: would, among other things: (1) authorize a city to adopt an ordinance regulating a halfway house independently operated by a private entity, including regulations that: (a) restrict a halfway house to a particular area or prohibit a halfway house from locating within a certain distance of a school, place of worship, residential neighborhood, or other specified land use that is inconsistent with the operation of a halfway house; (b) restrict the density of halfway houses; and (c) require the owner or operator to obtain or renew a license or permit on a periodic basis and pay a related fee; (2) provide that a district court has jurisdiction of a suit that arises from the denial, suspension, or revocation of a license or permit issued by a city under (1)(c), above; (3) require an applicant for a license or permit under (1)(c), above, for a location not previously licensed or permitted to, not later than the 60th day before the date the application is filed: (a) publish in a newspaper of general circulation in the city a notice of the applicant's intent to establish a halfway house in the city, the name and business address of the applicant, and the proposed location of the halfway house; and (b) prominently post an outdoor sign at the location stating that a halfway house is intended to be located on the premises and providing the name and business address of the applicant; (4) authorize a city to inspect a halfway house for compliance with regulations adopted under (1), above, and sue in the district court for an injunction to prohibit a violation of such regulations; and (5) provide that a person commits a class A misdemeanor for violating regulations adopted under (1), above.

H.B. 946 (Workman) – Utility Towers: would: (1) provide that a tower that is at least 50 feet but not more than 200 feet in height above ground level: (a) must be painted in equal alternating bands of aviation orange and white; (b) must have aviation orange marker balls; and (c) may not be supported by guy wires unless the wires have a seven foot safety sleeve; (2) make it a misdemeanor offense to own, operate, or erect a tower in violation of (1), above; (3) except from the requirements in (1), above: (a) a tower that supports an electric utility transmission or distribution line; (b) a facility licensed by the Federal Communication Commission or any structure with the primary purpose of supporting telecommunications equipment; (c) a wind-powered electrical generator with a rotor blade radius greater than six feet; or (d) a traffic-control signal erected or maintained by the Texas Department of Transportation; and (4) authorize the Texas Department of Transportation to adopt certain rules, including rules requiring a person

who owns, operates, or erects a tower to provide notice to the department of the existence of or intent to erect a tower and to register the tower with the department.

S.B. 360 (Estes) – Regulatory Takings: would make most city regulations subject to the Private Real Property Rights Preservation Act, which would: (1) waive sovereign immunity to suit and liability for a regulatory taking; (2) authorize a private real property owner to bring suit to determine whether the governmental action of a city results in a taking; (3) require a city to prepare a “takings impact assessment” prior to imposing certain regulations; and (4) require a city to post 30-days notice of the adoption of most regulations prior to adoption.

The bill would also define a “taking” as: (1) a governmental action or series of actions within a 10-year period that: (a) affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the federal or state constitutions, (b) affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the cause of a reduction of at least 20 percent in the market value of the affected private real property; or (b) is the producing cause of at least a 20 percent reduction of revenue or income from the use or sale of the affected real private property, determined by comparing the revenue or income from the use or sale of the property as if the governmental action is not in effect and the revenue or income from the use or sale of the property determined as if the governmental action is in effect;

The bill would also: (1) remove numerous exceptions to the law that would otherwise exempt a city from the Act; (2) extend the statute of limitations for a claim under the Act from 180 days to two years; (3) change the current remedies in the Act to allow for a property owner to seek invalidation of the governmental regulation and money damages from the governmental entity that imposes the regulation; (4) a judgment or final decision or order under the Act shall include a fact finding that determines the monetary damages suffered by the private real property owner as a result of the taking, including, if the governmental action has ceased or has been rescinded, amended, invalidated, or repealed, the temporary or permanent economic loss sustained by the private real property owner while the governmental action was in effect; (5) require a city to give 30 days notice of any proposed ordinance or rule that could result in a taking of private real property; (6) provide that a court shall award a governmental entity that prevails in a suit or contested case filed under the Act reasonable and necessary attorneys’ fees and court costs, but only if the court determines that the private real property owner knew that the suit or contested case had no merit at the time the owner filed the suit; and (7) provide that a proposed governmental action that requires a takings impact assessment may be stayed by a court if an assessment is not prepared or if the assessment is not in compliance with guidelines developed by the attorney general under the Act.

Personnel

H.B. 872 (Raymond) – Peace Officer Licensure: would require the Texas Commission on Law Enforcement to reactivate a peace officer’s license after a break in employment without the

requirement to attend basic or supplemental training if the officer: (1) worked for at least 10 years in good standing before the break in employment; (2) meets current licensing standards; (3) successfully completes continuing education requirements; and (4) files an application and pays any required fees.

H.B. 889 (Dale) – E-Verify for State Contractors: would require any entity who contracts with the state for goods or services to enroll in e-verify for the pendency of the contract.

S.B. 368 (Garcia) – Union Representation: would provide that: (1) a public employee, on request, has the right to be represented by a labor organization in a disciplinary proceeding initiated against the employee by the public employer of the employee, including an investigatory interview conducted by the employer that the employee reasonably believes may result in disciplinary action, if the interview: (a) is not to convey work instructions, training, or correcting work techniques; or (b) is not for investigation of a possible disciplinary action; (2) a public employer, including a city: (a) shall grant the request for representation and delay the interview until the representative arrives and has had an opportunity to consult privately with the employee; or (b) deny the request and end the interview immediately; or offer the employee the choice of continuing the interview unrepresented or accepting any disciplinary action determined by the employer without an interview; (3) a public employer, including a city, who grants a public employee's request for representation, must provide the employee reasonable time to obtain representation; (4) an employer, including a city, does not have to allow representation if the employer has already decided the disciplinary action against the employee and the purpose of the interview is just to inform the employee of the disciplinary action to be taken; and (5) an employer is not required to inform an employee of his or her right to representation.

Public Safety

H.B. 823 (Wu) – Motor Carrier Safety Regulations: would provide that an offense of certain federal motor carrier safety regulations related to brakes, tires, or load securement is a Class C misdemeanor punishable by a fine of not less than \$150 or more than \$500.

H.B. 834 (Hernandez) – Silver Alert: would remove the requirement that a senior citizen be domiciled in the State of Texas in order for a local law enforcement agency to notify the Texas Department of Public Safety of a missing senior citizen.

H.B. 852 (Sanford) – Biometric Identifiers: would create a joint interim committee to study and make recommendations regarding the storage of biometric identifiers.

H.B. 853 (Sanford) – Identity of Child Victims: would: (1) allow a parent or guardian of a child victim to choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning an offense against the child; (2) require the office of the attorney general to develop and distribute to all law enforcement agencies a form to record the name, address, phone number, and pseudonym of a child victim; (3) provide that a completed child victim pseudonym form is confidential and may only be disclosed to a defendant or the defendant's attorney, except on an order of a court; (4) require a law enforcement agency receiving a pseudonym form from the parent or guardian of a child victim to: (a) remove the

victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession; (b) notify the attorney for the state of the pseudonym; and (c) maintain the form in a manner that protects the confidentiality of the information contained in the form; (5) require an attorney for the state who receives notice of a pseudonym to ensure that the victim is designated by the pseudonym in all legal proceedings regarding the offense; (6) allow a court to order disclosure of a child victim's name, address, and phone number if the court finds the information is essential in the trial of a defendant or the identity of the victim is in issue; (7) prohibit a public servant or other person who has access to the identifying information of a child victim from releasing or disclosing the identifying information to any person not assisting in the investigation, prosecution, or defense of the case; (8) except from the prohibition in (7), above, the release or disclosure of a child's identifying information by the victim or parent or guardian of the victim; (9) provide that unless a disclosure of a child victim's identifying information is required or permitted by other law or by court order, a public servant or other person commits a class C misdemeanor if the person has access to the identifying information and knowingly discloses the child's name, address, or phone number to anyone who is not assisting in the investigation or prosecution of the offense or to any person other than the defendant, the defendant's attorney, or a person specified in a court order; and (10) provide that it is an affirmative defense to (9), above, that the actor is the child victim or parent or guardian of the child victim.

H.B. 864 (Zedler) – Red Lights: would provide that an operator of a vehicle facing a steady red signal at a traffic-actuated electric traffic-control signal may proceed if the traffic-actuated electric traffic-control signal fails to register the vehicle within a reasonable period of time, and that the right to proceed is subject to the rules applicable after stopping at a stop sign. (Companion bill is **S.B. 334** by **Watson**.)

H.B. 876 (Phelan) – Metal Recycling: would require a metal recycling entity to pay for a purchase of regulated material by check, mailed to the seller at the address shown on the seller's personal identification document.

H.B. 883 (Moody) – Graffiti: would, among other thing, lower the penalty for certain graffiti offenses from a class B misdemeanor to a class C misdemeanor.

H.B. 892 (Klick) – Medical Marijuana: would: (1) authorize the medical use of low-THC cannabis for the treatment of epilepsy; (2) impose regulations on related organizations and individuals; and (3) prohibit a city from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis. (Companion bill is **S.B. 339** by **Eltife**.)

H.B. 905 (Frullo) – Knives: would prohibit a city from adopting or enforcing a regulation relating to the transfer, private ownership, keeping, transportation, licensing, or registration of knives.

H.B. 910 (Springer) – Concealed Handguns: would provide that: (1) a person who is licensed to carry a handgun may openly carry a holstered handgun; and (2) a city may not prohibit such

carry on most property owned or leased by a governmental entity. (Companion bill is **S.B. 346** by **Estes**.)

H.B. 917 (Villalba) – School Marshals: would authorize a private K-12 school to appoint a school marshal who can carry a concealed handgun on campus.

H.B. 922 (Leach) – Open Carry: would provide that a concealed handgun licensee may carry a concealed or unconcealed handgun.

H.B. 936 (Murphy) -- Neighborhood Electric Vehicles: would allow a neighborhood electric vehicle to drive on any street that has a posted speed limit of 35 miles per hour or less so long as: (1) it is driven for recreational or commercial purposes; and (2) it meets the requirements of federal law.

H.B. 937 (Fletcher) – Concealed Handguns: would authorize a license holder to carry a concealed handgun on the campus of an institution of higher education or private or independent institution of higher education, with certain limitations. (Companion bill is **S.B. 11** by **Birdwell**.)

H.B. 942 (Kacal) – Fertilizer Facilities: would: (1) increase reporting requirements for owners and operators of ammonium nitrate facilities, including requiring the owner or operator to: (a) file an updated “tier two” form with the Texas Commission on Environmental Quality (TCEQ) not later than the 90th day after there is a change in chemical weight range in a hazardous chemical or extremely hazardous material or within 72 hours of beginning operation or having a reportable addition of ammonium nitrate; and (b) furnish the tier two form to the local fire chief and local emergency planning committee; (2) require ammonium nitrate facilities to: (a) store ammonium nitrate or ammonium nitrate material in a separate structure; and (b) separate ammonium nitrate or ammonium nitrate material from combustible or flammable material by 30 feet or more; (3) increase the duties and authority of state and local fire marshals and fire departments by: (a) requiring the owner or operator of an ammonium nitrate storage facility to allow a state or local fire marshal to examine the facility; (b) allowing a local fire department to access an ammonium nitrate storage facility to make a pre-fire planning assessment; (c) requiring an owner or operator to correct any hazardous situations found by a fire marshal; (d) allowing a fire marshal to enforce storage and spacing requirements listed above; (e) allowing a fire marshal or fire department to do an inspection of an ammonium nitrate facility without being certified as an inspector by the Texas Commission on Fire Protection for pre-planning purposes; (4) increase the authority and duties of the TCEQ in regards to ammonium nitrate facility reporting and enforcement by: (a) requiring the TCEQ to inform the Texas Division of Emergency Management (TDEM) and the state fire marshal within 72 hours of receiving a tier two form reporting the presence of ammonium nitrate at an ammonium nitrate storage facility; (b) making the TCEQ, rather than the Texas Department of State Health Services, the repository for information regarding ammonium nitrate facilities; (c) allowing the TCEQ to enforce ammonium nitrate facility reporting requirements through Chapter 7 of the Water Code including penalties of up to \$5,000 for each violation and corrective action orders; and (5) require state agencies such as the TCEQ and the TDEM to report to local entities regarding ammonium nitrate tier two reporting.

H.B. 944 (Kacal) – Open Carry: would provide that a concealed handgun licensee may carry a concealed or unconcealed handgun.

H.B. 955 (C. Turner) – Child Safety Seats: would provide that 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 according to the instructions of the manufacturer of the safety seat system.

H.B. 970 (Kacal) – E-Cigarettes: would include nicotine products, such as electronic cigarettes, in the existing state regulations that govern the sale, distribution, possession, use, and advertising of cigarettes and other tobacco products.

S.B. 11 (Birdwell) – Concealed Handguns: this bill is identical to **H.B. 937**, above.

S.B. 334 (Watson) – Red Lights: this bill is identical to **H.B. 864**, above.

S.B. 338 (Ellis) – Criminal Investigations: would disqualify district and county attorneys from representing the state when a peace officer in an attorney's district is the subject of a felony criminal investigation involving alleged criminal conduct while acting in his or her official capacity.

S.B. 339 (Eltife) – Medical Marijuana: this bill is identical to **H.B. 892**, above.

S.B. 340 (Huffines) – Red Light Cameras: would: (1) prohibit a city from issuing a traffic complaint, notice of violation, or other civil or criminal charge or citation if the evidence for the charge comes from a red light camera or other automated radar or video device; (2) make a city liable for attorneys fees or other costs if the city issues a complaint or charge described above; and (3) remove all city authority to have any programs or contracts related to red light cameras.

S.B. 342 (Huffines) – Handguns: would provide: (1) for the open and concealed carrying of handguns without a license; (2) that a person may not carry a handgun into a meeting of as governmental entity; and (3) that a peace officer who is acting in the lawful discharge of the officer's official duties may disarm a person in possession of a handgun at any time the officer has probable cause to believe that the person poses an imminent threat to himself or herself, the officer, or another individual.

S.B. 346 (Estes) – Concealed Handguns: this bill is identical to **H.B. 910**, above.

S.B. 355 (Nelson) – Communicable Disease: would: (1) allow a peace officer, without a warrant, to take an individual ill with, exposed to, or carrying a communicable disease into custody if the officer has reason to believe that the individual is not complying with a written control order the department of health or a health authority has issued to that individual; (2) require a peace officer to immediately notify the health authority that issued the control order of the individual's detention; and (3) only allow an individual apprehended to be detained for 48 hours.

S.B. 359 (West) – Emergency Detention: would: (1) authorize a peace officer to take a person into custody who has been admitted to a mental health facility, a hospital or hospital emergency room, or emergency medical care facility; (2) authorize a mental health facility, a hospital or hospital emergency room, or emergency medical care facility to detain a person who voluntarily requests treatment from the facility or who lacks the capacity to consent to treatment if: (a) the person expresses a desire or attempts to leave before the exam or treatment is complete; and (b) a physician at the facility believes that the person has a mental illness and there is a substantial risk of serious harm to the person or others unless the person is immediately restrained, and there is insufficient time to file an application for emergency detention; and (3) require a facility to release a person detained under (2), above, after four hours unless the facility arranges for a peace officer to take the person into custody or an order of protective custody is issued.

S.B. 366 (Garcia) – Automotive Wrecking and Salvage Yards: would increase the maximum civil penalty for a person who operates an automotive wrecking and salvage yard in violation of state law from \$1,000 to \$5,000.

Transportation

S.B. 341 (Huffines) – Transportation Funding: would provide that: (1) in each state fiscal year beginning on or after September 1, 2017, the comptroller shall deposit to the credit of the state highway fund all money that is received from the motor vehicle sales tax; and (2) money deposited to the credit of the state highway fund under this section may not be used for toll roads.

Utilities and Environment

H.B. 30 (Larson) – Brackish Groundwater Development: would: (1) require each regional water planning group to indicate in their regional water plan opportunities for and the benefits of developing large-scale desalination facilities for brackish groundwater or seawater that serve local or regional brackish groundwater production zones; (2) require the Texas Water Development Board to prepare a biennial progress report identifying and designating local or regional brackish groundwater production zones in area of the state with moderate to high availability and productivity of brackish groundwater that can be used to reduce the use of freshwater; (3) require groundwater conservation district to adopt rules for the issuance of permits to withdraw brackish groundwater from a well in a designated brackish groundwater production zone for a project designed to treat brackish groundwater to drinking water standards; and (4) provide for a minimum term of 30 years for a permit issued for a well the produces brackish groundwater from a designated brackish groundwater production zone.

H.B. 835 (Larson) – Brackish Groundwater: would: (1) require the Texas Water Development Board to prepare a biennial progress report identifying and designating local or regional brackish groundwater production zones in area of the state with moderate to high availability and productivity of brackish groundwater that can be used to reduce the use of freshwater; (2) allow a person or entity with a legally defined interest in groundwater in a groundwater conservation

district to petition that district to establish a brackish groundwater management zone; and (3) require the groundwater conservation district to allow withdrawals and rates of withdrawal from a brackish groundwater management zone that can be demonstrated as not having an impact on aquifers.

H.B. 836 (Larson) – Brackish Groundwater: would: (1) allow the Texas Water Development Board to designate brackish groundwater production zones; (2) provide restrictions on where brackish groundwater production zones may be located; (3) allow a person or entity with a legally defined interest in groundwater to petition a groundwater conservation district to designate a brackish groundwater production zone; (4) require the Texas Water Development Board to develop guidance documents addressing the technical contents of petitions to designate brackish groundwater production zones; and (5) require that permits issued by a groundwater conservation district in a brackish groundwater production zone be equal to the expected project financing term.

H.B. 848 (Schaefer) – Backflow Prevention Assembly Testing: would prohibit the Texas Commission on Environmental Quality from requiring work experience for the issuance of a backflow prevention assembly tester license.

H.B. 857 (Sanford) – Renewable Energy: would repeal the state’s goals for renewable energy and repeal the current law mandating that an electric utility allow interconnection of a small solar or wind system.

H.B. 862 (Fallon) – Electric Transmission Lines: would provide that an investor owned electric utility, on the date the it files an application for a certificate for a proposed transmission line facility, shall mail notice of the application to – among others – all landowners, as stated on the current county tax roll, whose land would become subject to an easement or other property interest if the application is granted.

H.B. 912 (Isaac) – Wastewater Discharge Permits: would require the Texas Commission on Environmental Quality to dismiss a city’s protest of a wastewater discharge permit if the city is subject to less stringent wastewater treatment requirements than the requirements established by the permit.

H.B. 928 (Guillen) – Drought Contingency Plans: would: (1) require retail public water suppliers that provide potable water service to 3,300 or more connections to include, in each drought contingency plan submitted to the TCEQ, an evaluation of the effectiveness of strategies in the plan that were implemented during any period of significant drought that occurred in the preceding five years; (2) require a public water supplier to notify TCEQ not later than the fifth business day after the date the supplier implements, changes the manner of implementing, or ceases to implement a mandatory provision of the supplier’s drought contingency plan; and (3) task the Water Conservation Advisory Council with recommending methodologies for conducting drought contingency plan evaluations. (Companion bill is **S.B. 329** by **Hinojosa**.)

H.B. 930 (Miller) – Water Well Drillers: would create a field operations program comprised of qualified employees of cities that have entered into a Memorandum of Understanding with the

Texas Commission of Licensing and Regulation to assist with the enforcement of rules relating to water well drillers.

H.B. 949 (Lucio) – Water Loss: would allow the Texas Water Development Board to waive the requirement that a retail public utility, which includes a municipally owned utility, use a portion of the financial assistance provided by the board to mitigate the utility’s system water loss if the loss meets or exceeds the threshold established by the board, if the board finds that the utility is satisfactorily addressing the utility’s system water loss.

H.B. 960 (Farias) – Water Infrastructure Fees: would exempt school district from any fee charged by a city for the development or maintenance of programs or facilities for the control of excess water or stormwater.

S.B. 329 (Hinojosa) – Drought Contingency Plans: this bill is identical to **H.B. 928**, above.

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