



Legislative UPDATE

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Pre-Filing of Bills Begins: New Record Set

Bill filing for the 2017 legislative session began on November 14, and a new record was set for the most bills “pre-filed” on the first day. (Around 500 were filed that day.) Lawmakers filed over 6,400 bills and proposed Constitutional amendments in 2015, and it’s possible that even more will be filed in the upcoming session.

During interim hearings, several committees heard testimony related to annexation, preemption of local authority, so-called “sanctuary cities,” and much more. Many of the pre-filed bills described elsewhere in this edition relate to those issues. One thing is certain: cities will have their work cut out for them in 2017.

It isn’t too early for city officials to visit with their legislators about the importance of their authority to meet their citizens’ needs. Texas cities are partners with the state to keep Texas’ economy and quality of life vibrant. This simple [one-page \(two-sided\) document](#) allows city officials to communicate that message to legislators.

As always, the *Legislative Update* will feature summaries of city-related bills, starting with this edition. Bills will be grouped according to areas of interest to allow city officials to go directly to their area(s) of interest.

Lt. Gov. Releases Legislative Priorities

On the first day of legislative bill filing, Lt. Gov. Dan Patrick released his list of [top 10 legislative priorities](#) for the 2017 legislative session. At least three of them would significantly erode municipal authority. Lt. Gov. Patrick has “reserved” a total of thirty low bill numbers for high-priority bills. Watch for the city-related ones to be summarized in this and future editions.

Sunset Recommendations: Texas Railroad Commission

The Texas Sunset Advisory Commission is a state agency led by a group of state representatives and senators. The “sunset” process is simply a periodic review of state agencies to ensure that they are performing efficiently and/or whether they should be changed or eliminated. Sunset staff “performs extensive research and analysis to evaluate the need for, performance of, and improvements to the agency under review.” The review typically results in legislation to implement the recommendations of the commission.

During the current sunset cycle, the Texas Railroad Commission (RRC) is under review. Last week, the Sunset Commission issued its recommendations for the RRC. In addition to numerous recommendations related to the oil and gas industry, the Sunset Commission considered the following issues of particular interest to cities:

- **Gas Utility Oversight:** The Sunset Commission staff recommended that rate case hearings and gas utility oversight are not core commission functions and should be transferred to other agencies to promote efficiency, effectiveness, transparency, and fairness. (Last session, the legislature transferred private water utility rate case hearings and oversight to the Public Utility Commission.) However, the Sunset Commission did not adopt the staff recommendation.
- **Seismic Data:** The Sunset Commission adopted a new issue that was not included in the staff recommendations. The issue related to seismicity data being incorporated into RRC oil and gas disposal well rules in an effort to prevent any induced seismicity caused by disposal wells. (This recommendation isn’t legislative, and can be implemented by the RRC through administrative action.)

All of the reports and recommendations related to the RRC sunset process are available [here](#).

City of Austin Loses Appeal in Property Tax Suit

Last week, the Austin Court of Appeals [upheld](#) the dismissal of the City of Austin’s lawsuit challenging the property tax appraisal system. The suit sought to declare the current property tax system unconstitutional.

The city claimed that a state statute allowing property to be valued in accordance with the median level of appraisal of comparable properties has ultimately led to the undervaluation of commercial property.

The appeals court held that the city did not suffer a concrete and particularized injury and failed to exhaust its administrative remedies prior to filing suit. A previous *Legislative Update* [article](#) detailed the city’s arguments.

It is uncertain whether the city plans to appeal the decision. League staff will continue to monitor and report on any future developments.

It's that Time of Year Again: Mandatory Eminent Domain Reporting

[Senate Bill 1812](#), passed during the 2015 legislative session, requires cities to annually fill out a [web-based form](#) with the comptroller relating to each city's statutory eminent domain authority. (The failure to fill out the form could result in a \$1,000 penalty against a city.)

The first annual entry was due last February. The next reporting period is open now and the second annual entry is due by February 1, 2017. The second entry is, for most cities, just an update of previously-filed information, including whether the city exercised its eminent domain authority in the preceding calendar year by filing a condemnation petition under Section 21.012, Property Code.

Of course, any city that never filled out the form as required should do so now. Detailed instructions on doing so are available in this [previous article](#).

City-Related Bills Filed

(Editor's Note: With a few exceptions, such as immigration and annexation bills, these summaries stop at H.B. 250 and S.B. 100. Summaries of higher numbered bills will appear in next week's edition.)

Property Tax

H.B. 44 (Keough) – Appraisal Cap: would reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **H.J.R. 17**, below.)

H.B. 85 (Keough) – Appraisal Districts: would, among other things, require the chief appraiser of an appraisal district to be elected at the general election for state and county officers every two years.

H.B. 102 (Guillen) – Tax Exemptions: would, among other things, provide that: (1) a new business is entitled to a property tax exemption for all real and tangible personal property for up to ten years if: (a) the property is located in a county with a population of 250,000 or less and is reasonably necessary for and used by the person in the operation of the new business; and (b) the exemption is adopted by the governing body of the taxing unit; and (2) the sale to or storage, use, or other consumption by a new business of a taxable item that will be directly used or consumed by the business is exempted from sales and use taxes for up to ten years.

H.B. 139 (Bell) – Appraisal Review Board: would: (1) allow a property owner to request notice of a protest hearing before the appraisal review board to be delivered by certified mail; and (2) allow an appraisal review board to require the property owner to pay the cost of postage.

H.B. 150 (Bell) – Property Tax Exemption: would exempt from property taxes a residence homestead that was donated to a disabled veteran by a charitable organization at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date the donation is made.

H.B. 167 (Bell) – Appraisal Cap: would reduce the property tax appraisal cap on homesteads from ten to five percent, and apply the new appraisal cap to all real property. (See **H.J.R. 26**, below.)

H.B. 182 (Bernal) – Sales Price Disclosure: would require the comptroller to conduct a study to examine the impact that requiring disclosure of the sales price of real property would have on the property tax system, property tax revenues, the allocation of property tax burdens among taxpayers, and the cost to the state to fund public education.

H.B. 198 (Bernal) – Property Tax Installment Payments: would provide that any individual who qualifies for a residential homestead exemption may pay off delinquent property taxes in installment payments.

H.B. 217 (Canales) – Deferral of Property Taxes: would allow a disabled veteran to defer or abate the collection of property taxes on the person’s residence homestead.

H.B. 231 (E. Rodriguez) – Property Tax Exemption: would, among other things: (1) require, for purposes of appraisal of qualified open-space land, that a chief appraiser distinguish between the degree of intensity required for various agricultural production methods like organic, sustainable, pastured poultry, rotational grazing, and other uncommon production methods or systems; (2) provide that the production of fruits and vegetables is considered to be an “agricultural use” for purposes of appraisal of qualified open-space land; and (3) require the comptroller to establish appraisal guidelines for uncommon agricultural uses.

H.J.R. 17 (Keough) – Appraisal Cap: would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **H.B. 44**, above.)

H.J.R. 18 (Guillen) – Property Tax Exemption: would amend the Texas Constitution to allow a political subdivision to exempt from property taxation the real and tangible personal property of a business during the first ten years that the business operates in the state if the property is located in a county with a population of 250,000 or less. (See **H.B. 102**, above.)

H.J.R. 21 (Bell) – Property Tax Exemption: would amend the Texas Constitution to provide that the legislature may provide that a partially disabled veteran is entitled to an exemption from property taxation of a percentage of the market value that is equal to the percentage disability of

the disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead. (See **H.B. 150**, above.)

H.J.R. 26 (Bell) – Appraisal Cap: would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **H.B. 167**, above.)

S.B. 97 (Hall) – Property Tax Exemption: would, among other things: (1) require the chief appraiser to accept and approve or deny an application for a residence homestead exemption of a 100 percent or totally disabled veteran after the filing deadline if the application is filed not later than one year after the date on which the United States Department of Veterans Affairs or its successor approves the veteran’s disability application; (2) provide that if a late application is approved after approval of the appraisal records for a year for which the exemption is granted, the collector for a taxing unit must deduct from the person’s tax bill the amount of tax imposed on the property for that year and any penalties and interest relating to the tax if the tax and related penalties and interest have not been paid; (3) provide that if a late application is approved after approval of the appraisal records for a year for which the exemption is granted and the person already paid the tax and related penalties and interest, the person is eligible for a refund of the tax, penalties, and interest paid.

Sales Tax

H.B. 55 (Guillen) – Sales Tax Exemption: would exempt certain feminine hygiene products from the sales tax if the sale takes place during a period beginning at 12:01 a.m. on the Friday before the 15th day preceding the uniform date for the first day of school under the Education Code and ending at 12 midnight on the following Sunday.

H.B. 105 (Metcalf) – Sales Tax Exemption: would exempt internet access service from the sales tax.

H.B. 170 (Lucio) – Sales Tax Exemption: would exempt books purchased, used, or consumed by university and college students from the sales tax if the purchase takes place during a period: (1) beginning at 12:01 a.m. on August 17 and ending at 12 midnight on August 31; or (2) beginning at 12:01 a.m. on January 1 and ending at 12 midnight on January 15.

H.B. 219 (Howard) – Sales Tax Exemption: would exempt certain feminine hygiene products from the sales tax.

H.B. 221 (Howard) – Sales Tax Exemption: would exempt child and adult diapers from the sales tax.

H.B. 232 (Alvarado) – Sales Tax Exemption: would exempt certain feminine hygiene products from the sales tax if the sale takes place during a period beginning at 12:01 a.m. on the Friday

before the 15th day preceding the uniform date for the first day of school under the Education Code and ending at 12 midnight on the following Sunday.

H.B. 242 (Hernandez) – Sales Tax Exemption: would exempt the sale, use, or consumption of college textbooks from sales taxes during two seven-day periods, one beginning in August and one beginning in January.

S.B. 48 (Zaffirini) – Sales Tax Exemption: would exempt books, purchased, used, or consumed by university and college students from the sales tax if the purchase takes place during a period: (1) beginning at 12:01 a.m. on the first Monday following the first Saturday in August and ending at 11:59 p.m. on the second following Wednesday; or (2) beginning at 12:01 a.m. on the first Monday following the first Saturday in January and ending at 11:59 p.m. on the second following Wednesday.

Purchasing

S.B. 60 (Zaffirini) – Local Preference: would provide that a local governmental entity, including a city, that purchases agricultural products: (1) shall give preference to those produced or grown in this state if the cost to the local governmental entity is equal and the quality is equal; and (2) may give preference to those products produced or grown in this state if the cost to the local governmental entity does not exceed 107 percent of the cost of agricultural products produced or grown outside of this state and the quality is equal.

Elections

H.B. 48 (Romero) – Elections: would provide that, in accordance with rules adopted by the secretary of state, an application for a ballot to be voted by mail may be completed electronically on a device capable of capturing a voter's signature and allowing the voter to complete an electronic form, and delivered to the early voting clerk.

H.B. 70 (Minjarez) – Voter Registration: would require the voter registrar of each county to automatically register any county resident who is eligible to vote and: (1) is issued a Texas driver's license or a personal identification card by the Department of Public Safety (DPS); or (2) makes a change to a Texas driver's license or personal identification card issued by DPS.

H.B. 80 (Alvarado) – Voter Registration: would require the secretary of state to implement a program to allow a person who has an unexpired Texas driver's license or personal identification card to complete an electronic voter registration application over the Internet.

H.B. 143 (Israel) – Voter Registration: would require the secretary of state to implement a program to allow a person who has an unexpired Texas driver's license or personal identification card to complete an electronic voter registration application over the Internet.

H.B. 159 (Dutton) – Voter Registration: would require a voter registrar to adopt procedures to allow a person to complete an electronic voter registration application over the Internet.

H.B. 163 (Dutton) – Early Voting by Mail: would, among other things, authorize early voting by mail for any qualified voter and provide for implementing procedures.

H.B. 199 (Bernal) – Countywide Polling Place: would authorize the secretary of state to select any county to participate in the countywide polling place program.

H.B. 204 (Bell) – Elections: would, among other things, authorize the secretary of state to establish rules governing the issuance of a certified notice to voters on election day that a candidate whose name is printed on the ballot has withdrawn, died, or been declared ineligible.

S.B. 64 (Zaffirini) – Canvass of Elections: would require the presiding officer of a canvassing authority to note the completion of the canvass in the minutes or in the recording required by the Open Meetings Act.

S.B. 110 (Huffines) – Term Limits: would provide that: (1) the governing body of a political subdivision shall adopt by January 1, 2018, a limit on the number of terms that a person may serve for each elected office of that subdivision; and (2) the term limit must ensure that a person may not serve longer than 12 years in an office, regardless of whether the person serves consecutive terms.

S.J.R 13 (Huffman) – Term Limits: would propose an amendment to the Texas Constitution that would provide that: (1) the legislature by general law shall require a political subdivision of this state that is governed by one or more elected officers to establish a limit on the number of terms a person may be elected to serve in an office of the political subdivision; and (2) the limit must ensure that a person may not serve longer than 12 years in an office and that an officer who has been elected to serve for the maximum number of terms established by the political subdivision is not eligible for election to serve an additional term of that office.

Open Government

H.B. 233 (E. Rodriguez) – Public Information Act: would provide that: (1) the name, address, telephone number, e-mail address, driver’s license number, social security number, or other personally identifying information of a person who obtains ownership or control of an animal from a city animal shelter is confidential; (2) a governmental body can disclose the information to a governmental entity or a person under contract with a governmental entity provides animal control services, animal registration services, or related services to the governmental entity, for purpose related to the protection of public health and safety and will not be considered a waiver of the exception; and (3) an entity or person must maintain the confidentiality of the information and not use for any purpose that does not directly relate to the protection of public health and safety.

S.B. 79 (Nelson) – Public Information: would provide that an officer for public information for a governmental body complies with production of public information by referring a requestor to an exact Internet location or URL address on the governmental body’s website if the requested information is identifiable and readily available on that website.

Other Finance and Administration

H.B. 52 (Metcalf) – Immigration: would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would provide that:

1. a peace officer may not stop a motor vehicle or conduct a search of a business or residence solely to enforce a federal law relating to immigration, unless the officer is acting at the request of, and providing assistance to, an appropriate federal law enforcement officer;
2. a peace officer may not, without a warrant, arrest a person based solely on the person's suspected or alleged violation of a civil provision of a federal law relating to immigrants or immigration, including the federal Immigration and Nationality Act;
3. a peace officer may arrest an undocumented person only if the officer is acting to preserve the peace under his or her basic authority to enforce laws; and
4. a law enforcement agency shall check the immigration status of all persons in custody that are arrested or lawfully detained using the federal Priority Enforcement Program, but exempt a law enforcement agency from checking immigration status if a transferring agency already checked such status.

The bill would prohibit certain city actions by providing that:

1. a “local entity” is defined to include, among others, a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney (but would exempt schools and hospitals);
2. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
3. a local entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney from doing any of the following: (a) inquiring into the immigration status of a person under a lawful detention or under arrest; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest: (i) sending the information to or requesting or receiving the information from Citizenship and Immigration Services or ICE, including information regarding a person’s place of birth; (ii) maintaining the information; or (iii) exchanging the information with another local entity or a federal or state governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or (d) permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws; and
4. a local entity or a person employed by or otherwise under the direction or control of the

entity may not consider race, color, language, or national origin while enforcing immigration laws except to the extent permitted by the United States or Texas Constitutions.

The bill would provide for a state-level complaint and enforcement process by providing that:

1. any person, including an employee of a local entity filing anonymously, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws.
2. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief and may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; and
3. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws.

H.B. 53 (Romero) – Settlement: would: (1) prohibit a city or other governmental unit from entering a settlement of a claim or action if: (a) the settlement is equal to or more than \$30,000; and (b) a settlement condition requires a party seeking relief against the governmental unit to agree not to disclose to facts, allegations, evidence, or other matters; and (2) limit the admissibility of certain evidence relating to settlement negotiations.

H.B. 124 (Krause) – Immigration: would: (1) require a law enforcement agency, within 48 hours after a person is arrested and before the person is released on bond, to: (a) review any information available about the person under the federal Priority Enforcement Program; or (b) request information regarding the person's immigration status from a peace officer or other law enforcement officer that is authorized to verify a person's immigration status or a federal immigration officer; (2) exempt a law enforcement agency from checking immigration status if a transferring agency already checked such status; (3) require law enforcement agency that has custody of a person subject to an immigration detainer to provide that information to the judge or magistrate authorized to grant or deny a person's release and detain the person as required by the immigration detainer.

H.B. 135 (Krause) – Grants: would provide that a political subdivision that receives or expends a federal grant or other federal funds that have not been appropriated by the legislature shall report to the Legislative Budget Board, the comptroller, and the government not later than the 90th day of the political subdivision's fiscal year: (1) the total amount of federal funds received or expended in the previous fiscal year; and (2) the use or purpose use of those funds.

H.B. 149 (Simmons) – Immigration: would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would prohibit certain city actions by providing that:

1. a “local entity” is defined to include, among others, a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney (but would exempt schools and hospitals, but not hospital peace officers);
2. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
3. a local entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney from doing any of the following: (a) inquiring into the immigration status of a person under a lawful detention or under arrest; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest: (i) sending the information to or requesting or receiving the information from Citizenship and Immigration Services or ICE, including information regarding a person’s place of birth; (ii) maintaining the information; or (iii) exchanging the information with another local entity or a federal or state governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or (d) permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws; and
4. a local entity or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing immigration laws except to the extent permitted by the United States or Texas Constitutions.

The bill would provide for a state-level complaint and enforcement process by providing that:

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws;
2. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general shall, not later than the 10th day after the date of the determination, provide written notification to the entity that: (a) the complaint has been filed; (b) the attorney general has determined that the complaint is valid; (c) the attorney general is authorized to file an action to enjoin the violation if the entity does not come into compliance on or before the 90th day after the date the notification is provided; and (d) the entity will be denied state grant funds for the state fiscal year following the year in which a final judicial determination is made;
3. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief and may recover reasonable expenses incurred in obtaining relief under

this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; and

4. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws (the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to a city).

H.B. 151 (Simmons) – Local Debt Elections: would require a proposition for approval of the issuance of bonds or other debt to be submitted to the voters in an election held on the November uniform election date.

H.B. 153 (Schaefer) – Occupational Regulation: would: (1) unless expressly authorized by state law, prohibit a city from adopting or enforcing any ordinance, rule, or regulation that: (a) establishes additional, more stringent licensing requirements for an occupation that requires a state occupational license; or (b) requires a person to obtain an occupational license issued by the city; and (2) provide that any ordinance, rule, or regulation that violates (1), above, is void and unenforceable.

H.B. 196 (M. Gonzalez) – Prekindergarten: would expand the circumstances under which school districts must provide prekindergarten classes. (Companion bill is **S.B. 35** by Zaffirini.)

H.B. 212 (Springer) – Local Debt Elections: would: (1) require an election for the issuance of bonds by a political subdivision other than a municipal utility district to be held on the November uniform election date; and (2) provide that a bond proposition by a political subdivision other than a municipal utility district must be placed before all parties, offices, names, and other propositions on the ballot.

H.B. 240 (Hernandez) – Nuisance Abatement: would, in regard to a suit to abate a common nuisance, provide that proof that massage therapy or other massage services occur at a place not licensed for that purpose is prima facie evidence that the defendant knowingly tolerated the activity and the place is habitually used for the activity.

H.B. 348 (Workman) – Immigration: would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would provide that:

1. if a local government fails to assist or cooperate with a federal immigration officer, as reasonable and necessary to enforce federal immigration laws with respect to an individual who is under a lawful detention or under arrest, and who is then released by the local government, the local government is liable for damages arising from the individual's actions following release (the bill does not create liability for damages sustained by the individual following release);
2. not later than 48 hours after a person is arrested and before the person is released on bond, a law enforcement agency performing the booking process shall: (a) review any information available under the federal Priority Enforcement Program operated by Immigration and Customs Enforcement (ICE) or a successor program; or (b) request

information regarding the person's immigration status from: (i) a peace officer or other law enforcement officer of this state who is authorized under federal law to verify a person's immigration status; or (ii) a federal immigration officer;

3. a law enforcement agency that has custody of a person subject to an immigration detainer issued by ICE shall provide to the judge or magistrate authorized to grant or deny the person's release on bail notice that the person is subject to an immigration detainer and detain the person as required by the immigration detainer;
4. the attorney general shall establish and maintain a public, computerized database containing information with respect to each local entity for which a final judicial determination is made that the entity has intentionally prohibited the enforcement of immigration laws; and each governmental entity for which a determination by the attorney general is made that the entity has accepted, recognized, or relied on a consular identity document; and
5. a governmental entity may not accept, recognize, or rely on an identity document issued to the applicant or recipient by a consular office or consular official of another country, including a matricula consular issued by a consular office of the United Mexican States located in this country, as primary, secondary, or supporting evidence of the person's identity, subject to an attorney general enforcement process.

The bill would prohibit certain city actions by providing that:

1. a "local entity" is defined to include, among others, a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney (but would exempt schools and hospitals, but not hospital peace officers);
2. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
3. a local entity shall inquire into the immigration status of a person under a lawful detention;
4. a local entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney from doing any of the following: (a) inquiring into the immigration status of a person under a lawful detention or under arrest; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest: (i) sending the information to or requesting or receiving the information from Citizenship and Immigration Services or ICE, including information regarding a person's place of birth; (ii) maintaining the information; or (iii) exchanging the information with another local entity or a federal or state governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or (d) permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws; and
5. a local entity or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing immigration laws except to the extent permitted by the United States or Texas Constitutions.

The bill would provide for a state-level complaint and enforcement process by providing that:

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws;
2. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general shall, not later than the 10th day after the date of the determination, provide written notification to the entity that: (a) the complaint has been filed; (b) the attorney general has determined that the complaint is valid; (c) the attorney general is authorized to file an action to enjoin the violation if the entity does not come into compliance on or before the 90th day after the date the notification is provided; and (d) the entity will be denied state grant funds for the state fiscal year following the year in which a final judicial determination is made;
3. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief and may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; and
4. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws (the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to a city).

H.J.R. 22 (Raymond) – State Taxation: would: (1) prohibit the legislature from enacting a general law that imposes a state tax or amends provisions relating to a state tax if the tax is identified as another type of charge (such as a fee, levy, surcharge, assessment, or penalty); (2) require the legislature to revise every reference in state law to a fee, levy, surcharge, assessment, penalty, or other charge of any kind imposed for a purpose other than to raise revenue for general purposes to refer to the charge as a “regulatory tax”; and (3) provide that a regulatory tax identified in state law as a fee, levy, surcharge, assessment or penalty is void and may not be collected on or after January 1, 2020.

S.B. 4 (Perry) – Immigration: would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would provide that:

1. a peace officer may not stop a motor vehicle or conduct a search of a business or residence solely to enforce a federal law relating to immigration, unless the officer is acting: (a) at the request of, and providing assistance to, an appropriate federal law enforcement officer; or (2) under the terms of an agreement between the law enforcement agency employing the officer and the federal government under which the agency receives delegated authority to enforce federal law relating to immigrants or immigration;
2. a peace officer may arrest an undocumented person only if the officer is acting to preserve the peace under his or her basic authority to enforce laws;

3. if a person is arrested and is unable to provide proof of lawful presence in the U.S., not later than 48 hours after the person is arrested and before the person is released on bond, a law enforcement agency performing the booking process shall: (a) review any information available from the federal Priority Enforcement Program or a successor program; and (b) if information obtained under (a) reveals that the person is not a citizen or national of the U.S. and is unlawfully present in the U.S.: (i) provide notice of that fact to the judge or magistrate authorized to grant or deny the person's release on bail (the judge is then required to record the status in the court's records); and (ii) record that fact in the person's case file;
4. a law enforcement agency that has custody of a person subject to an immigration detainer issued by Immigration and Customs Enforcement (ICE) shall: (a) provide to the judge or magistrate authorized to grant or deny the person's release on bail notice that the person is subject to an immigration detainer (the judge is then required to record the status in the court's records); (b) record in the person's case file that the person is subject to an immigration detainer; and (c) comply with, honor, and fulfill the requests made in the detainer; and
5. if a criminal defendant is in the U.S. illegally and is to be confined to jail by a court judgment, the judge shall issue an order requiring the correctional facility to reduce the defendant's sentence by a period of not more than seven days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

The bill would prohibit certain city actions by providing that:

1. a "local entity" is defined to include, among others, a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney (but would exempt schools and hospitals, but not hospital peace officers);
2. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
3. a local entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney from doing any of the following: (a) inquiring into the immigration status of a person under a lawful detention or under arrest; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest: (i) sending the information to or requesting or receiving the information from Citizenship and Immigration Services or ICE, including information regarding a person's place of birth; (ii) maintaining the information; or (iii) exchanging the information with another local entity or a federal or state governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or (d) permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws; and
4. a local entity or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing immigration laws except to the extent permitted by the United States or Texas Constitutions.

The bill would provide for a state-level complaint and enforcement process by providing that:

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws.
2. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general shall, not later than the 10th day after the date of the determination, provide written notification to the entity that: (a) the complaint has been filed; (b) the attorney general has determined that the complaint is valid; (c) the attorney general is authorized to file an action to enjoin the violation if the entity does not come into compliance on or before the 90th day after the date the notification is provided; and (d) the entity will be denied state grant funds for the state fiscal year following the year in which a final judicial determination is made.
3. not later than the 30th day after the day a local entity receives written notification of a complaint, the local entity shall provide the attorney general with a copy of: (a) the entity's written policies related to immigration enforcement actions; (b) each immigration detainer received by the entity from the Department of Homeland Security; and (c) each response sent by the entity for a detainer;
4. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief and may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; and
5. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws (the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to a city).

Finally, the bill would provide that not later than January 1, 2018, each local law enforcement agency shall: (a) formalize in writing any unwritten, informal policies relating to the enforcement of immigration laws; and (b) update the agency's policies to be consistent with the bill and to include provisions prohibiting an agency officer or employee from preventing agency personnel from taking immigration enforcement actions described by the bill.

S.B. 35 (Zaffirini) – Prekindergarten: this bill is the same as **H.B. 196**, above.

S.B. 62 (Zaffirini) – Signs: would provide that the Texas Highway Beautification Act does not prohibit a sign erected solely for and relating to a public election if, among other things, the sign is erected not earlier than the 90th day before the date of the election or the first day of the early voting period for an election with early voting.

S.B. 63 (Zaffirini) – Ethics: would: (1) allow a political report filed with a city to be filed electronically using software developed by the Texas Ethics Commission (commission) if the city adopts related rules and procedures; (2) require that personal financial disclosure statements (filed by certain officers in cities of 100,000 or more) that are not filed electronically with a city be accompanied by an affidavit swearing to the truth of the statement, and provide that a person is subject to prosecution for perjury whether or not the affidavit is completed; (3) provide that a personal financial disclosure statement that is filed electronically with a city is not required to include a notarized affidavit if the person has an electronic password pursuant to the commission or city’s rules and uses that password to file the statement; and (4) allow personal financial statements to be filed electronically with a city by using software developed by the commission if the city secretary has adopted related rules and procedures.

S.B. 89 (Hall) – Federal Laws: would authorize the legislature to determine that a federal law violates Article I of the Texas Constitution (Bill of Rights) and prohibit the state and political subdivisions from executing or enforcing such a law. (See **S.J.R. 71**, below.)

S.B. 92 (Hall) – Preemption/Discrimination: would provide that: (1) a county, municipality, or other political subdivision may not adopt or enforce a local law that creates a protected classification or prohibits discrimination on a basis not contained in the laws of the state; and (2) a local law that is adopted by a political subdivision and in violation of (1), above, before the date the bill is enacted is null and void.

S.B. 169 (Rodriguez) – Immigration: would provide that: (1) in the course of investigating an alleged criminal offense, a peace officer may inquire as to the nationality or immigration status of a victim of or witness to the offense only if the officer determines that the inquiry is necessary to: (a) investigate the offense; or (b) provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement; and (2) the bill does not prevent a peace officer from: (a) conducting a separate investigation of any other alleged criminal offense; or (b) inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense if the officer has probable cause to believe that the victim or witness has engaged in specific conduct constituting a separate criminal offense.

S.J.R. 8 (Hall) – Immigration: would propose an amendment to the Texas Constitution that would provide that a person taken into custody for committing a felony shall be denied release on bail pending trial of a judge or magistrate if, following a hearing, it is determined that the person is not a citizen or national of the United States and is not lawfully present in the United States.

S.J.R. 71 (Hall) – Bill of Rights: would propose an amendment to the Texas Constitution to provide, among other things, that: (1) the legislature, by a majority vote of all the members elected to each house, may find that a federal law violates the Bill of Rights in the Texas Constitution; (2) the legislature may include in a finding under (1), above, the manner in which the legislature may interpose itself between the federal government and persons in this state to oppose the federal government in the execution and enforcement of the federal law; and (3) a state agency or political subdivision, or an officer or employee of a state agency or political

subdivision, may not execute or enforce a provision, penalty, or sanction provided by a federal law that the legislature has found to violate the Bill of Rights. (See **S.B. 89**, above.)

Municipal Courts

H.B. 50 (White) – Community Service: would give municipal court judges the authority to require a defendant to discharge all or part of the fine or costs by performing community service if the judge determines the defendant has insufficient resources or income to pay the fine or costs. (Companion bill is **H.B. 351** by **Canales**.)

H.B. 58 (White) – First Chance Intervention Program: would give a city council the authority to establish a first chance intervention program for defendants charged with an offense involving the possession of marihuana.

H.B. 72 (Keough) – Victim-Offender Mediation Program: would: (1) provide a city council with the authority to establish a pretrial victim-offender mediation program for persons arrested or charged with a misdemeanor or state jail felony property offense; and (2) impose a \$15 court cost on conviction of a misdemeanor or state jail felony property offense to fund the victim-offender mediation program.

H.B. 76 (White) – Driver’s License: would: (1) give municipal court judges the authority to issue an occupational driver’s license; and (2) require municipal court clerks to notify the Department of Public Safety that a defendant is indigent within 5 days of receiving the required documentation.

H.B. 122 (Dutton) – Juveniles: would, among other things and with certain exceptions, change the age of a child for criminal responsibility purposes from 17 years of age to 18 years of age.

H.B. 176 (Raymond) – Juvenile Court: would provide that a juvenile court can defer adjudication proceedings for not more than 180 days under certain conditions for a child who, based on evidence obtained pursuant to a parental-consent search, is alleged to have engaged in conduct indicating a need for supervision or delinquent conduct.

H.B. 244 (Anchia) – Magistrates: would require a magistrate to inform an arrestee that a plea of guilty or no contest 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 armed forces.

S.B. 42 (Zaffirini) – Municipal Court: would provide that: (1) a municipal judge shall establish a court security committee composed of: (a) the presiding municipal judge or judge’s designee; (b) a representative of a law enforcement agency or entity that provide security for the court; (c) a representative of the city; and (d) any person that the committee determines necessary to assist the committee; (2) a court security committee shall establish the policies and procedures necessary to provide adequate security to the municipal court served by the presiding or municipal judge; (3) a person may not serve as a court security officer for a municipal court

unless the person holds a court security certification issued by the Texas Commission on Law Enforcement; and (4) a person has before the first anniversary of the date the officer begins providing security for the court to obtain court security certification.

S.B. 47 (Zaffirini) – Office of Court Administration: would require the Office of Court Administration to conduct a study on how records regarding misdemeanors punishable by fine only, other than traffic offenses, are held in different Texas counties.

Community and Economic Development

H.B. 60 (Romero) – Credit Access Business: would provide that: (1) a credit access business may not obtain for a consumer or assist a consumer in obtaining an extension of consumer credit in the form of a motor vehicle title loan unless the credit access business first: (a) physically inspects the vehicle used as collateral for the loan; (b) photographs the vehicle identification number located on the vehicle used as collateral for the loan; and (c) verifies that the vehicle identification number of the motor vehicle used as collateral for the loan matches the vehicle identification number on the title provided to obtain the loan; and (2) a credit access business must retain a photograph taken as required by (1)(b), above, until the second anniversary of the date of the loan.

H.B. 78 (Guillen) – Sporting Goods Sales Tax: would require the Parks and Wildlife Department to deposit to the credit of the state parks account all revenue from credits made to the department in an amount equal to the amount of the department's share of the sporting goods sales tax proceeds minus the sum of the amounts appropriated from the credits to the Texas Parks and Wildlife conservation and capital account, Texas recreation and parks account, and the large county and municipality recreation and parks account.

H.B. 192 (Bernal) – Housing Discrimination: would: (1) prohibit housing discrimination under the Texas Fair Housing Act on the basis of sexual orientation or gender identity or expression; and (2) prohibit the Texas Workforce Commission from deferring proceedings and referring a complaint about such discrimination to a city if the city does not have laws prohibiting the alleged discrimination.

H.B. 197 (Bernal) – Credit Access Business: would require that the contract and other documents provided by a credit access business to a consumer in relation to an extension of consumer credit must be: (1) provided, before signing, wholly written in both English and Spanish; (2) written in plain language designed to be easily understood by the average consumer; and (3) printed in an easily readable font and type size.

H.B. 299 (Larson) – Annexation: would completely rewrite the Municipal Annexation Act to severely curtail the ability of cities to annex property. Specifically, the bill would provide – among many other things – that:

1. A city may annex an area with a population of less than 200 only if the city obtains consent to annex the area through a petition signed by: (a) more than 50 percent of the

registered voters of the area; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, more than 50 percent of the owners of land in the area.

2. In no case may a city annex an area with a population of less than 200 without approval of a majority of the voters voting at an election called and held for that purpose if a petition protesting the annexation is signed by a number of registered voters of the municipality equal to at least 50 percent of the number of voters who voted in the most recent municipal election and is received by the secretary of the city.
3. A city may annex an area with a population of 200 or more only if the following conditions are met, as applicable: (a) the city holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation, and a majority of the votes received at the election approve the annexation; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.
4. A city may annex an area if each owner of land in the area requests the annexation if: (a) the governing body of the city first negotiates and enters into a written agreement for the provision of services in the area with the owners of land in the area (the city is not required to provide a service that is not included in the agreement); and (b) the governing body of the city conducts at least two public hearings (the hearings must be conducted not less than 10 business days apart, and during the final public hearing, the governing body may adopt an ordinance annexing the area).
5. Beginning September 1, 2017, a city may not annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area, regardless of any authority granted by a home rule charter.
6. The procedures for the annexation of a special district are modified, including providing that, beginning September 1, 2017, a strategic partnership agreement may not provide for limited purpose annexation.

H.J.R. 16 (Guillen) – Sporting Goods Sales Tax: would amend the Texas Constitution to require the net revenue received from the collection of the sporting goods sales tax to be automatically appropriated to the Texas Parks and Wildlife Department and the Texas Historical Commission.

H.J.R. 23 (Raymond) – Eight-Liners: would propose an amendment to the Texas Constitution to provide that: (1) the Legislature by law may authorize and regulate the operation of the gaming devices commonly known as eight-liners or similar gaming devices; (2) a law enacted under the amendment must allow the qualified voters of any county, justice precinct, or city to determine by a majority vote of the qualified voters voting on the question at an election whether eight-liners may be legally operated in the county, justice precinct, or city; (3) the Legislature may impose a fee on the devices or authorize a political subdivision to impose a fee on the devices; and (4) the Legislature may determine the rate of the fee and the allocation of the revenue from the fee notwithstanding any other provision of the Texas Constitution governing the rate or allocation of occupations taxes.

S.B. 95 (Hall) – Raw Milk: would, among other things: (1) authorize the sale of raw milk by a raw milk permit holder at their business, a consumer’s residence, or a farmers’ market under certain circumstances; and (2) prohibit a local health authority from mandating a specific method for complying with temperature requirements for milk.

S.B. 100 (Hall) – Texas Enterprise Fund: would abolish the Texas Enterprise Fund.

Personnel

H.B. 88 (Martinez) – Employment Law: would mandate that an employer that allows leave to care for a sick child must allow the use of that time to care for a foster child who resides in the same household of the employee and is under the conservatorship of the Department of Family and Protective Services.

H.B. 158 (Dutton) – Peace Officers: would provide that an entire grand jury proceeding shall be recorded if the person suspected or accused was employed as a peace officer at the time of the offense and the offense of which the person is suspected or accused is alleged to have been committed during the course and scope of the person’s duties as a peace officer. In addition the bill would require that a copy of the recording or transcript shall be disclosed to the public if the grand jury finds no bill of indictment.

H.B. 225 (Johnson of Dallas) – Employment Law: would provide that an employer, employment agency, and labor organization could not discriminate against a person because of their sexual orientation or gender identity or expression.

H.B. 228 (S. Thompson) – Employment Discrimination: would: (1) extend the statute of limitations on pay discrimination claims to include every instance an individual is paid based on a past discriminatory decision made by an employer; and (2) allow back pay and benefit damages for up to two years preceding the date of filing a complaint for pay discrimination.

S.B. 85 (Hall) – Verification of Employment: would: (1) require any entity (including a city) that contracts with the state for goods or services or receives a grant from a state agency to enroll in E-Verify or otherwise verify the employment authorization status of all new employees; and (2) require a city that issues or renews a license (i.e., acts as a licensing authority) to suspend the license upon receipt of a final order from the Texas Workforce Commission that the licensee knowingly employed persons not lawfully present in the state.

Public Safety

H.B. 56 (Flynn) – Licensed Carry: would authorize a first responder to carry a handgun essentially anywhere if the first responder: (1) holds a license to carry a handgun; and (2) is engaged in the actual discharge of official duties.

H.B. 57 (Flynn) – Local Control: would repeal city authority to require only pasteurized milk and pasteurized milk products to be sold at retail in that city.

H.B. 73 (Guillen) – Drug Possession: would create a defense to prosecution for drug possession crimes, if the individual: (1) requested emergency medical assistance in response to the possible controlled substance overdose of another person; (2) was the first person to make a request for medical assistance; (3) remained on the scene until the medical assistance arrived; and (4) cooperated with medical assistance and law enforcement personnel.

H.B. 81 (Moody) – Marijuana: would make possession of less than one ounce of marijuana a civil offense; and would also make the identity of a person cited or found liable for a civil marijuana penalty confidential under the Public Information Act. (Companion bill is **S.B. 170** by **Rodriguez.**)

H.B. 82 (Dutton) – Drug Offenses: would reduce to a class C misdemeanor the penalty for possession of one ounce or less of marijuana or a synthetic cannabinoid.

H.B. 99 (Keough) – Firearms: would provide that: (1) the bill applies to state agencies and political subdivisions, including the governing body of a city, an officer or employee of the city, the municipal attorney, the municipal police department, or “other body that is part of a city;” (2) an entity described in (1), above, may not: (a) adopt a rule, order, ordinance, or policy under which the entity enforces, or by consistent action allows the enforcement of, a federal statute, order, rule, or regulation enacted on or after September 1, 2017, that purports to regulate a firearm, a firearm accessory, or firearm ammunition if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation, such as a capacity or size limitation, a registration requirement, or a background check, that does not exist under state law; or (b) receive state grant funds if the entity adopts a rule, order, ordinance, or policy under which the entity enforces any federal law described by (a) or, by consistent actions, allows the enforcement of any federal law described by (a); (3) any citizen may file a complaint with the attorney general if the citizen offers evidence to support an allegation that the entity has violated the bill and authorize the attorney general to seek legal remedies if the complaint is valid; and (4) a person who knowingly violates the bill commits a class A misdemeanor.

H.B. 62 (Craddick) – Cell Phone Ban: would: (1) require driver education training to include information on the effect of using a wireless communication device or engaging in other actions that may distract a driver; (2) increase the penalty for a person younger than 18 years of age who uses a wireless communications device while driving in certain circumstances; (3) with certain exceptions, prohibit a driver from using a wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped; (4) prohibit a peace officer who stops a vehicle for an alleged violation of (3), above, from taking possession of or inspecting the device unless authorized by state law; and (5) prohibit the assignment of points under the Driver Responsibility Program when a person is convicted of texting while driving.

H.B. 106 (Martinez) – Drones: would repeal the provision allowing an unmanned aircraft to capture an image of real property or a person on real property that is within 25 miles of the United States border.

H.B. 113 (Keough) – Automated Traffic Control Systems: would: (1) prohibit a city from implement or operating an automated traffic control system; (2) provide civil penalties for a city that implements or operates an automated traffic control system; and (3) repeal the Transportation Code chapter providing authority for red light camera systems.

H.B. 121 (Keough) – Red Light Cameras: would prohibit the county assessor-collector or Texas Department of Motor Vehicles from refusing to register a motor vehicle with outstanding civil penalties for a red light camera violation. (Companion bill is **S.B. 87** by **Hall**.)

H.B. 130 (Dutton) – Drug Offenses: would reduce the penalty for certain offenders for possession of a small amount of certain controlled substances.

H.B. 134 (Dutton) – Peace Officer Training Committee: would create a committee of state senators and representatives to review the peace officer training programs overseen by the Texas Commission on Law Enforcement.

H.B. 155 (Schaefer) – Asset Forfeiture: would require the state to prove by a preponderance of the evidence that certain contraband forfeiture exceptions do not apply to property. (Under current law, the owner or interest holder of property has the burden to prove, by a preponderance of the evidence, that the property should not be forfeited.)

H.B. 160 (Lucio) – Cell Phone Ban: this bill is the same as **H.B. 62**, above.

H.B. 178 (Lucio) – Vehicle Financial Responsibility: would: (1) require a peace officer/law enforcement agency to: (a) impound a motor vehicle when the vehicle is involved in an accident and the operator fails to maintain evidence of financial responsibility; (b) provide a written explanation as to how the owner may recover the vehicle; and (c) send notice of the impoundment to the lienholder and owner; (2) provide the conditions under which an impounded vehicle may be released to the owner; (3) allow an impounded vehicle to be released to a lienholder if the owner does not, before the 61st day after impoundment, comply with the conditions for release of the vehicle; and (4) provide for the forfeiture of an impounded vehicle and authorize sale by auction.

H.B. 183 (Dutton) – Discrimination: would prohibit the denial of housing, employment, or a professional license to an individual who has received a dismissal and discharge after successfully completed community supervision, if the individual is otherwise entitled or qualified.

H.B. 191 (Bernal) – Licensed Carry: would provide that, in relation to the notice required to prohibit licensed carry (e.g., “30.06” and “30.07” signs): (1) the Department of Public Safety (DPS) shall adopt rules that prescribe the size of a sign and the lettering on the signs; (2) the rules may not require that the signs be larger than 8.5 inches by 11 inches for each language in

which the sign must be posted; (3) DPS by rule shall adopted a Spanish translation of the language required to be on the signs; and (4) DPS shall make available on its website a printable copy of the English and Spanish versions of the signs.

H.B. 229 (Canales) – Custodial Interrogations: would: (1) require a law enforcement agency to make a complete, contemporaneous, audio or audiovisual electronic recording of a custodial interrogation that occurs in a place of detention and is of a person suspected of committing or charged with certain crimes; (2) exempt the recording described in (1), above, from public disclosure; (3) provide that evidence from an interrogation by a federal or out-of-state law enforcement agency is not admissible in a criminal proceeding unless it complies with that agency’s custodial interrogation procedures; (4) require preservation of the electronic recording of a custodial interrogation for a specified time; and (5) provide that an oral, sign language, or written statement of an accused made as a result of a custodial interrogation is admissible without an electronic recording if the attorney introducing the statement shows good cause for the lack of recording.

H.B. 235 (Johnson) – Grant Program: would establish a grant program for law enforcement agencies that comply with requirements to report officer-involved injuries or deaths.

H.B. 234 (Anchia) – Licensed Carry: would clarify that: (1) the attorney general has the authority under existing law to investigate the unlawful posting of a 30.07 (open carry prohibited) sign; and (2) a governmental entity that owns or leases premises is prohibited from posting notice that licensed carry is not allowed only if it actually occupies the premises.

H.B. 245 (Johnson) – Law Enforcement: would provide that the attorney general shall conduct an investigation after receiving a report or other information that a law enforcement agency failed to submit a report required for certain injuries or death caused by peace officer. The bill would further provide that, if the attorney general determines that the law enforcement agency intentionally failed to submit the report, the law enforcement agency is not eligible to receive a grant from the criminal justice division of the governor’s office for the 12-month period following the date on which the office mater the determination.

H.B. 246 (Anchia) – Licensed Carry: would provide that, in relation to the notice required to prohibit licensed carry (e.g., “30.06” and “30.07” signs), the words “Pursuant to Section 30.06, Penal Code, Concealed Carry of Handguns Prohibited” and/or “Pursuant to Section 30.07, Penal Code, Open Carry of Handguns Prohibited,” along with a pictogram that shows a handgun within a circle and a diagonal line across the handgun, provide sufficient notice to a license holder that carrying is prohibited on the premises.

S.B. 31 (Zaffirini) – Cell Phone Ban: this bill is the same as **H.B. 62** and **H.B. 160**, above.

S.B. 67 (Zaffirini) – Cell Phone Ban: would: (1) require driver education training to include information on the effect of using a wireless communication device or engaging in other actions that may distract a driver; (2) with certain exceptions, prohibit a driver from using a wireless communication device while operating a motor vehicle unless: (a) the vehicle is stopped outside a lane of travel; or (b) the operator is at least 18 years old and the wireless device is used with a

hands-free device; (3) prohibit the operator of a passenger bus with a minor on board from using a wireless communication device; and (4) preempt all city ordinance, rules, or regulations related to the use of a wireless communication device by the operator of a motor vehicle.

S.B. 69 (Zaffirini) – Animals and Children in Vehicles: would: (1) limit the liability of a person who, by force or otherwise, enters a motor vehicle for the purpose of removing a vulnerable individual or a animal from the vehicle; (2) provide that a person’s conduct is justified when the person, by force or otherwise, enters a motor vehicle to remove a vulnerable individual or animal; (3) make it a Class C misdemeanor offense to leave a nonlivestock animal in a vehicle unattended by an adult and exposed to harm while confined in the vehicle; (4) not preempt a city ordinance that was more stringent as to an offense described in (3), above; and (4) provide that leaving an animal unattended in a vehicle under circumstances that expose the animal to life-threatening heat or cold without providing protection to the animal is punishable as an animal cruelty offense.

S.B. 76 (Nelson) – Sex Offenders: would: (1) define “child safety zone” as premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children; (2) exclude a church from the definition of child safety zone; (3) authorize the governing body of a general law city by ordinance to restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the city; (4) create an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender is in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes; (5) limit the distance imposed by ordinance under (3), above, to, 1,000 feet; (6) require an ordinance to establish procedures for a registered sex offender to apply for an exemption from the ordinance; and (7) require the ordinance to exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted.

S.B. 87 (Hall) – Red Light Cameras: this bill is identical to **H.B. 121** by **Keough**, above.

S.B. 90 (Hall) – Driver Responsibility Program: would repeal the Texas driver responsibility program.

S.B. 91 (Hall) – Law Enforcement: would provide that: (1) a law enforcement agency may use an automatic license plate reader; (2) any images or related data produced may be used only for: (a) investigating a criminal offense; or (b) investigating a report of a missing person; and (3) all images and data produced shall be destroyed not later than the seventh day after the date of collection unless the images or data is evidence in a criminal investigation or prosecution.

S.B. 88 (Hall) – Traffic Enforcement Cameras: would: (1) prohibit a local entity from implementing or operating a photographic traffic signal enforcement system with respect to a highway or street under the jurisdiction of the entity (with certain on-site law enforcement and toll exceptions); (2) authorize the attorney general to enforce (1), above; and (3) prohibit a local

entity 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 (with certain on-site law enforcement and toll exceptions).

Transportation

No transportation bills were filed this week.

Utilities and Environment

H.B. 98 (Martinez) – NPDES Permit: would require the Texas Commission on Environmental Quality to publish newspaper notice of a public meeting for a National Pollutant Discharge Elimination System (NPDES) permit in the city in which the facility is located or proposed to be located.

H.B. 173 (Lucio) – Rainwater Harvesting: would create a rainwater harvesting license program regulated by the Texas Commission on Environmental Quality.

H.B. 174 (Lucio) – Texas Water Development Board Funding: would limit funding for political subdivision's water pollution control projects to the Texas Water Development Board's safe drinking water resolving fund.

S.B. 83 (Hall) – Electric Grid Security: would: (1) establish the Electromagnetic Task Force, the Electric Grid Security Program, and the Electric Grid Security Advisory Committee; (2) provide that a municipally owned utility operating in ERCOT shall assess and report to the technological hazards unit of the Texas Division of Emergency Management the vulnerabilities the equipment, facilities, and systems the utility uses to provide power have from the following: (a) a high altitude electromagnetic pulse device; (b) geomagnetic storms; and (c) intentional electromagnetic interference; (3) provide that a municipal owned utility operating in ERCOT shall complete enhancements to transformers, control centers, substations, and other equipment sufficient to comply with a list of standards, as applicable, to the equipment or facility by December 31, 2021; and (4) allow an utility to recover costs incurred in completing enhancements from the Electric Grid Security Program.

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