

The logo for the Texas Municipal League, featuring a green square with a white star in the center. The words "Texas", "Municipal", and "League" are stacked vertically in white text within the square.

Legislative UPDATE

March 24, 2017
Number 12

Some State Leaders Plan Laws That Could Ruin Your City

No longer content with making derogatory statements about city officials, some state officials have apparently decided that they'd rather eliminate cities altogether. The following quotes appeared in an article in the [Texas Tribune](#) last Tuesday:

“As opposed to the state having to take multiple rifle-shot approaches at overriding local regulations, I think a broad-based law by the state of Texas that says across the board, the state is going to pre-empt local regulations, is a superior approach,” Abbott said

Such an approach, Abbott added, “makes it more simple, more elegant, but more importantly, provides greater advance notice to businesses and to individuals that you’re going to have the certainty to run your lives.”

The quotes above make it appear that some state leaders are intent on centralizing big government in Austin so that individual Texans have no say about what happens in their community. Instead of cities being run by responsive, non-partisan, locally-elected officials, it looks like the plan is to prioritize corporate well being from Austin.

City regulations are enacted to fit the core values in the citizens’ specific community. Texans want their property values, health, and safety protected. The needs of residents in Austin may not be the same as the needs of residents in El Paso or Dallas.

The best illustration of this? When ride sharing companies didn't like the regulations passed by councilmembers in Austin, they asked the voters. The voters *overwhelmingly* confirmed that they agreed with the regulations enacted by their local lawmakers, but now lawmakers want to override the voters.

The Capitol seems now little more than a place where companies and industries, upset by local laws, go to get their way. Some state officials place a higher priority on what's convenient for big businesses than on the desire of Texans to have a voice in what happens in their communities. They've decided that destroying neighborhoods one step at-a-time will take too long, and want to gut your city in one fell swoop.

Senate Passes Revenue Cap

On Tuesday, March 22, the Texas Senate approved a five percent revenue cap bill that would restrict the ability of cities to fund police and fire protection, road construction, and economic development incentives, among other things. The bill, S.B. 2, passed the Senate by a vote of 18 to 12.

Senators on both sides of the aisle voiced their concerns with S.B. 2 prior to its passage. Senator Kirk Watson (D – Austin) gave a particularly strong speech about how the bill will harm public safety without providing any significant tax relief. A video of his short speech is available [here](#).

The bill now moves on to the Texas House. The House Committee on Ways and Means will likely hold a hearing on S.B. 2 (or a similar house bill, H.B. 15) in the next two weeks.

Now more than ever, city officials need to reach out to their House members to voice their opposition to S.B. 2 and be prepared to come to Austin to testify against the bill.

Hypocrisy Surfaces in Senate Hearing

On March 22, 2017, League staff testified before the Senate Intergovernmental Relations Committee in opposition to S.B. 737. The bill would mandate that every city establish and maintain an email notification service to which any person may electronically subscribe to receive information regarding any new or increased city fees.

The League testified that this unfunded mandate isn't necessary because cities are already required to post notice of the meetings at which a fee will be adopted. Moreover, larger cities have to post that notice on their websites as well. (The bill is an attempt by some industries to make the taxpayers subsidize their efforts to argue about city fees.)

One Senator on the committee told the League's witness that cities should give 60 days notice and have at least two public hearings before taking any action. League staff told the senator that the citizens of any home rule city, by election, can amend their charter to require whatever additional notice they choose.

The senator's response? It's "disingenuous" for a city to hold a hearing and adopt something the same day. Au Contraire, maybe the Texas Senate's notice rules are disingenuous:

- Senate Bill 4 (the so-called "sanctuary city" prohibition bill) was heard in the Senate State Affairs Committee on February 2 and, despite hundreds speaking in opposition, voted out that same day.
- Senate Bill 2 (the "revenue cap" bill) was heard in the Senate Finance Committee on March 14 and, despite dozens of elected city officials and public safety officers speaking in opposition, voted out that same day.

Moreover, S.B. 2 was heard on the Senate floor on March 21. The Senate suspended the Texas Constitutional rule requiring that bills *be read on three separate days* to pass it *that same day*. And, most hypocritical of all, the hearing on S.B. 737 where cities were criticized was called on a mere 24 hours notice, which would have been a violation of that very bill if a city had done so. It was also voted out of the committee a couple of hours after the hearing.

Perhaps those in glass houses should think more about throwing stones.

Small Cell Nodes: What They Are And Why You Should Care

Small cell nodes are large, box-shaped antennas that cell phone companies are anxious to attach to city poles and structures in city rights-of-way to improve cell reception.



Can you see me now?

SB 1004 would let cell phone companies put eyesores like this in your front yard and all over your neighborhood.

Problem is, these companies want to do so without any city regulation and without paying fair market value to rent the space.

Case in point is S.B. 1004 by Senator Kelly Hancock (R – North Richland Hills). The bill would effectively end all reasonable city regulation over these potentially disruptive devices. If S.B. 1004 passes, the picture to the left shows what dozens of utility poles in a pleasant residential subdivision could look like.

Concerned city officials should contact their senators to let them know not to hand over public rights-of-way to private companies.

Significant Committee Actions

S.B. 88 (Hall), relating to the use of photographic traffic signal enforcement systems. Reported from the Senate Transportation Committee.

S.B. 151 (Bettencourt), relating to voter approval of obligations for certain municipal liabilities to a public pension fund. Reported from the Senate State Affairs Committee.

S.B. 361 (Nichols), relating to transportation network companies. Reported from the Senate Business and Commerce Committee.

S.B. 407 (Watson), relating to the exception from disclosure under the public information law for information related to competition and bidding. Reported from the Senate Business and Commerce Committee.

S.B. 408 (Watson), relating to the definition of a governmental body for the purposes of the public information law. Reported from the Senate Business and Commerce Committee.

S.B. 947 (Kolkhorst), relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases. Reported from the Senate Business and Commerce Committee.

Significant Floor Actions

H.B. 62 (Cradick), relating to the use of a wireless communication device while operating a motor vehicle. Passed the House.

C.S.S.B. 2 (Bettencourt), relating to ad valorem taxation. Passed the Senate. As passed, the bill would, of primary importance to cities:

1. lower the property tax rollback rate from eight percent to five percent, with an exception for a taxing unit located in an area declared a disaster area by the governor or president of the United States during the current tax year;
2. require a taxing unit to hold a ratification election on the November uniform election date of the applicable year in order to adopt a tax rate that exceeds the five-percent rollback rate (as opposed to current law, which only requires an election if a petition is received from the citizens);
3. make numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date;
4. rename the “effective tax rate” and “effective maintenance and operations rate” the “no-new-taxes tax rate” and “no-new-taxes maintenance and operations rate,” respectively;
5. modify the form of the tax rate notice that must be provided by a taxing entity; and
6. provide that the designated officer or employee of a taxing unit may not submit the no new taxes tax rate and the rollback tax rate to the governing body of the taxing unit and the

governing body of the taxing unit may not adopt a tax rate until the county assessor-collector for each county in which the unit is located submits to the governing body of the unit the tax calculation worksheets used to calculate each tax rate along with a certification that the values used in the calculation of those tax rates are the same as the values shown in the unit's appraisal roll and the tax rates have otherwise been calculated correctly.

City-Related Bills Filed

Property Tax

H.B. 3908 (Bonnen) – Property Tax Exemption: would provide that an eligible peace officer is entitled to a property tax exemption for the total appraised value of the officer's residence homestead if the residence homestead is located in a qualified high crime area. (See **H.J.R. 115**, below.)

H.B. 3918 (Burrows) – Property Tax Appeals: would provide that, in an appeal of certain appraisal review board determinations, the appraisal district has the burden of establishing the value of the property by a preponderance of the evidence presented at the hearing, and that if the appraisal district fails to meet that standard the protest shall be determined in favor of the property owner.

H.B. 3920 (Thierry) – Property Tax Limitation: would authorize the governing body of a taxing unit to adopt a limitation on the total annual amount of property taxes that may be imposed by the taxing unit on the residence homestead of a lower-income individual that is located in a homestead preservation district. (See **H.J.R. 116**, below.)

H.B. 3928 (Hefner) – Property Tax Appraisal: would, among other things, provide that: (1) a person is not required to file a new application for appraisal of land because of a change in ownership of the land if the change in ownership results from a transfer of the land from the former owner to a person who is related to the former owner within the second degree by affinity or third degree by consanguinity; and (2) if an appraisal roll is changed due to a transfer under (1), the property owner must pay to each affected taxing unit a penalty equal to 10 percent of the difference between the amount of tax imposed on the land and the amount of tax that would have been imposed had the land been taxed at market value.

H.B. 3975 (Ashby) – Property Tax Appraisal: would provide that for purposes of land qualifying for appraisal as timber land for property tax purposes, "land" includes roads, rights of way, buffer areas, fire breaks, property taken through the exercise of eminent domain, and other real property associated with the production of timber or forest products.

H.B. 3999 (Isaac) – Appraisal of Affordable Housing: would provide that, if certain property was sold pursuant to a shared or fixed appreciation affordable housing program established by a certain type of charitable organization the regulations of which provide that for a fixed period of time the organization is entitled to a portion of the appreciation in value of the property, if any, on sale of the property, the chief appraiser: (1) may not take into account the portion of the

appreciation in value of the property the organization would be entitled to receive if the property were sold on January 1 of the tax year in which the property is appraised when determining the appraised value of the property in that tax year; and (2) shall take into account when appraising the property the extent to which any regulations, resale restrictions, or conditions applicable to the property established by the organization reduce the market value of the property.

H.B. 4152 (Gutierrez) – Property Tax Appeals: would provide that: (1) in the hearing for certain property tax protests, the appraisal district shall: (a) present as evidence the appraisal method used to appraise the property in the current tax year and the previous tax year and identify the factors when applying that appraisal method to the property; (b) for property appraised using the cost method of appraisal, present evidence of the cost data and the adjustments made to that data to account for physical, functional, or economic obsolescence used to determine the market value of the property in the current tax year and the previous tax year; (c) for property appraised using the income method of appraisal, present evidence of the comparable rental income and operating expense data and the capitalization rate used to determine the market value of the property in the current tax year and the previous tax year; and (d) for property appraised using the market data method of appraisal, present evidence of the comparable sales data and any adjustments made to that data used to determine the market value of the property in the current tax year and the previous tax year; and (2) the protest shall be determined in favor of the property owner if the appraisal district fails to provide the evidence required in (1).

H.B. 4219 (Perez) – Pollution Control Property Tax Exemption: would, among other things: (1) require the Texas Commission on Environmental Quality (TCEQ) to adopt by rule a list of property that is used wholly as a facility, device, or method for the control of air, water, or land pollution; (2) require TCEQ to consider whether property previously determined by the executive director to be used wholly for the control of air, water, or land pollution continues to be used wholly for that purpose based on changes in the use of the property or changes in environmental regulations; (3) require TCEQ to review the list at least once every five years; (4) provide that the fact that property is included on a list adopted by TCEQ and that the executive director determined in a previous year that the property was used wholly as a facility, device, or method for the control of air, water, or land pollution does not preclude the chief appraiser from canceling the exemption if the chief appraiser determines that the facility, device, or method is no longer installed at the property or is no longer used wholly or partly for pollution control purposes; (5) provide that an exemption other than an exemption for property included on a list adopted by TCEQ under (1) expires at the end of the fifth tax year after the year in which the executive director issues a letter stating the executive director's determination that the facility, device, or method is used wholly or partly to control pollution; and (6) provide that to continue to receive an exemption described by (5) after the fifth year, the person seeking to renew the exemption must file a new permit application or permit exemption request with the executive director and file a new application for the exemption with the chief appraiser. (Companion bill is **S.B. 2028** by **Rodriguez**.)

H.J.R. 115 (D. Bonnen) – Property Tax Exemption: would amend the Texas Constitution to provide that an eligible peace officer is entitled to a property tax exemption for the total

appraised value of the officer's residence homestead if the residence homestead is located in a qualified high crime area. (See **H.B. 3908**, above.)

H.J.R. 116 (Thierry) – Property Tax Limitation: would amend the Texas Constitution to authorize the governing body of a taxing unit to adopt a limitation on the total annual amount of property taxes that may be imposed by the taxing unit on the residence homestead of a lower-income individual that is located in a homestead preservation district. (See **H.B. 3920**, above.)

S.B. 1847 (Bettencourt) – Property Tax Appraisal: would provide that the appraisal review board, on motion of a property owner, may direct by written order changes in the appraisal roll or related appraisal records for the current tax year and for either of the two preceding tax years to correct an inaccuracy in the appraised value of the owner's tangible personal property that is the result of an error or omission in a rendition statement or property report filed for the applicable tax year.

S.B. 1848 (Bettencourt) – Property Tax Appeals: would increase the maximum amount of attorneys fees to be awarded to property owner who prevails in a judicial appeal of a property tax determination to the greater of: (1) \$27,000 or, if applicable, the amount based on a cost of living adjustment; or (2) an amount equal to 20 percent of the total amount by which the property owner's tax liability is reduced as a result of the appeal, but not to exceed \$153,000 or, if applicable, the amount based on a cost of living adjustment.

S.B. 1906 (Bettencourt) – Property Tax Challenges: would eliminate the ability of a taxing unit to challenge before the appraisal review board the level of appraisals of any category of property in the appraisal district or in any territory in the appraisal district.

S.B. 1908 (Bettencourt) – Property Tax Appeals: would provide that, if a property owner proposes an arbitrator, the appraisal district may not reject the arbitrator unless the appraisal district files a complaint with the comptroller objecting to the appointment of the arbitrator on the ground that the arbitrator is not qualified to serve.

S.B. 1979 (Schwertner) – Eminent Domain: would provide that, if additional property taxes are due because land has been diverted to a nonagricultural use as a result of a condemnation, the additional taxes and interest are the personal obligation of the condemning entity and not the property owner from whom the property was taken.

S.B. 2043 (Bettencourt) – Freeport Property Tax Exemption: would extend from 175 to 365 the number of days by which Freeport goods must be transported outside the state in order to be exempt from property taxation.

S.B. 2061 (Kolkhorst) – Correction of Appraisal Roll: would provide that an error in an appraisal roll that resulted in an incorrect appraised value from a property may not be corrected, unless it resulted in an appraised value that exceeds the market value of the property or the median appraised value of a reasonable number of comparable properties appropriately adjusted.

S.B. 2198 (Campbell) – Interest Accrual: would, among other things, provide that for purposes of calculating interest accrual in relation to property taxes, interest accrues during a calendar year at an annual rate equal to the lesser of: (1) 12 percent; or (2) the sum of two percent and the prime rate quoted and published by the Federal Reserve Board on the first business day of the calendar year for which interest is being calculated.

S.B. 2199 (Lucio) – Navigation Districts: would provide that the governing bodies of the respective cities inside each navigation district, may, and on request of the district, shall, levy and have assessed and collected for the maintenance, operation, and upkeep of the district and the improvements constructed by the district an annual tax not to exceed 10 cents on the \$100 valuation on all property inside the district.

S.B. 2207 (Hancock) – Property Tax Appeals: would provide that: (1) a property owner may appeal to the court an increase in the appraised value of the owner’s property by the chief appraiser of an appraisal district if the appraised value of the property was lowered in the preceding year under certain circumstances; (2) an appeal under (1) is for the limited purpose of determining whether the chief appraiser is able to meet the substantial evidence burden of proof; and (3) the court may award costs and reasonable attorney’s fees to a property owner who prevails in an appeal under (1).

S.B. 2239 (Bettencourt) – Revenue Cap: this bill would make numerous changes to the process for calculating and adopting property tax rates. Of primary importance to cities, the bill would:

1. lower the property tax rollback rate from eight percent to four percent, and also modify the way in which property tax rates are calculated;
2. rename the “effective tax rate” and “effective maintenance and operations rate” the “no new taxes tax rate” and “no new taxes maintenance and operations rate,” respectively;
3. require the comptroller to prescribe the form of the worksheets used by the designated officer or employee of each taxing unit in calculating the no new taxes tax rate and rollback tax rate for the taxing unit;
4. provide that the calculation worksheet form must be in an electronic format and be capable of:
 - a. being completed electronically;
 - b. performing calculations automatically based on the data entered by the designated officer or employee;
 - c. being certified by the designated officer or employee after completion; and
 - d. being submitted electronically to the comptroller on completion and certification;
5. require the comptroller to prepare an annual list that includes the total tax rate imposed by each taxing unit in the state for the year in which the list is prepared that shall be sorted alphabetically according to:
 - a. the county or counties in which each taxing unit is located; and
 - b. the name of each taxing unit;
6. require the comptroller to publish on the comptroller’s Internet website the list required in Section Number 5, above, not later than January 1 of the following year;
7. require the comptroller to create and maintain a property tax database that:

- a. contains information that is provided by designated officers or employees of taxing units in the manner required by the comptroller;
 - b. is continuously updated as preliminary and revised data become available to and are provided by the designated officers or employees of the taxing units;
 - c. is accessible to the public; and
 - d. is searchable by property address;
8. require the comptroller's property tax database to include, with respect to each property listed on an appraisal roll:
- a. the property's identification number;
 - b. the property's market value;
 - c. the property's taxable value;
 - d. the name of the each taxing unit in which the property is located;
 - e. for each taxing unit other than a school district in which the property is located;
 - i. the no new taxes tax rate; and
 - ii. the rollback tax rate;
 - f. for each school district in which the property is located:
 - i. the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
 - ii. the rollback tax rate;
 - g. the tax rate proposed by the governing body of each taxing unit in which the property is located;
 - h. for each taxing unit other than a school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:
 - i. the no new taxes tax rate; and
 - ii. the proposed tax rate
 - i. for each school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:
 - i. the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
 - ii. the proposed tax rate
 - j. for each taxing unit other than a school district in which the property is located, the difference between the amount calculated for the no new taxes tax rate and the proposed tax rate;
 - k. for each school district in which the property is located, the difference between the amount calculated to maintain the same amount of state and local revenue per weighted student the district received in the school year beginning in the preceding year and the proposed tax rate;
 - l. the date and location of each public hearing, if applicable, on the proposed tax rate to be held by the governing body of each taxing unit in which the property is located; and
 - m. the date and location of the public meeting in which the tax rate will be adopted to be held by the governing body of each taxing unit in which the property is located;

9. require the property tax database to provide a link to the tax rate and budget information required to be posted on a taxing unit's website (See Section Number 23. of this summary)
10. require the officer or employee designated by the governing body of each taxing unit to calculate the no new taxes tax rate and the rollback tax rate for the unit to electronically submit to the comptroller:
 - a. the information described by Section Number 8, above, as the information becomes available; and
 - b. the property tax rate calculation worksheets prepared at the same time the officer or employee submits the tax rates to the governing body of the taxing unit;
11. require the comptroller to deliver by e-mail to the designated officer or employee confirmation of receipt of the property tax rate calculation worksheets submitted to the comptroller;
12. for the notice of appraised value sent to each property owner by the chief appraiser, delete the section stating the amount of tax that would be imposed on the property on the basis of the tax rate for the preceding year if the appraised value is greater than it was in the preceding year;
13. amend the definition of "debt" for purposes of calculating a property tax rate to mean a bond, warrant, certificate of obligation, or other evidence of indebtedness owned by a taxing unit that *has been approved at an election* and is payable solely from property taxes in installments over a period of more than one year, not budgeted for payment from maintenance and operations funds, and secured by a pledge of property taxes, or a payment made under contract to secure indebtedness of a similar nature issued by another political subdivision on behalf of the taxing unit;
14. require the designated officer or employee of a taxing unit to use the property tax rate calculation worksheet forms prescribed by the comptroller in calculating the no new taxes tax rate and the rollback tax rate;
15. require the designated officer or employee of a taxing unit to submit the property tax rate calculation worksheet to:
 - a. the chief appraiser of the appraisal district in which the taxing unit is located; and
 - b. the chief financial officer or the auditor for the taxing unit;
16. provide that the designated officer or employee of a taxing unit may not submit the no new taxes tax rate and the rollback tax rate to the governing body of the taxing unit and the governing body of the taxing unit may not adopt a tax rate until:
 - a. the chief appraiser submits to the governing body of the unit a written certification that the values used in the calculations are the same as the values shown in the unit's appraisal roll; and
 - b. the chief financial officer or the auditor for the unit submits to the governing body of the unit a written certification that the rollback tax rate has been calculated correctly;
17. require the comptroller to adopt rules governing the form of the certifications required by Section Number 16 of this summary, above, and the manner in which they are required to be submitted;
18. by August 7 or as soon thereafter as practicable, require the chief appraiser of the appraisal district in which the property is located to deliver by regular mail or e-mail to each property owner a notice that the estimated amount of taxes to be imposed on the

- owner's property by each taxing unit in which the property is located may be found in the comptroller's property tax database, and the notice must include:
- a. the address of the internet website at which the information may be found;
 - b. a statement that the property owner may request a written copy of the information from the assessor for each taxing unit in which the property is located; and
 - c. the address and telephone number of each assessor from whom the written copy may be requested;
19. provide that the governing body of a taxing unit may not hold a public hearing on a proposed tax rate or a public meeting to adopt a tax rate until the 14th day after the date the officer or employee designated by the governing body of the unit to calculate the new taxes tax rate and the rollback tax rate for the unit electronically submits to the comptroller the information required for the comptroller's property tax database;
 20. provide that the governing body of a taxing unit other than a school district may not adopt a tax rate until:
 - a. the comptroller has included the information for the unit's current tax year in the comptroller's property tax database; and
 - b. the chief appraiser of the appraisal district in which the taxing unit participates has delivered the notice required by Section Number 18 of this summary, above;
 21. provide that the governing body of a taxing unit that imposes an additional sales and use tax may not adopt a tax rate until the chief financial officer or the auditor for the unit submits to the governing body of the unit a written certification that the amount of additional sales and use tax revenue that will be used to pay debt service has been deducted from the total amount published and that any additional sales and use tax revenue in excess of the total amount published has been deducted from the amount needed to fund maintenance and operation expenditures.
 22. require each taxing unit to maintain an Internet website; and
 23. require each taxing unit to post on its Internet website the following information in a format prescribed by the comptroller:
 - a. the name and official contact information for each member of the governing body of the taxing unit;
 - b. the mailing address, e-mail address, and telephone number of the taxing unit;
 - c. the taxing unit's budget for the preceding two years;
 - d. the taxing unit's proposed or adopted budget for the current year;
 - e. the change in the amount of the taxing unit's budget from the preceding year to the current year, by dollar amount and percentage;
 - f. for a taxing unit other than a school district, the amount of property tax revenue budgeted for both maintenance and operations and debt service, respectively, for:
 - i. the preceding two years; and
 - ii. the current year
 - g. the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for the preceding two years;
 - h. the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for current year; and
 - i. the most recent financial audit of the taxing unit.

Sales Tax

H.B. 4052 (Murphy) – Sales Tax Exemption: would exempt from sales taxes a service performed by an employee of a temporary employment service for an employer to supplement the employer’s existing work force on a temporary basis, if: (1) the service is normally performed by the employer’s own employees; (2) the employer provides all supplies and equipment necessary to perform the service; (3) the employer does not rent, lease, purchase, or otherwise acquire for use the supplies and equipment described by (2) from the temporary employment service or an entity that is a member of an affiliated group of which the temporary employment service is also a member; (4) the temporary employment service is not a member of the employer’s affiliated group; and (5) the employee of the temporary employment service is under the supervision of the employer to whom the employee of the temporary employment service is furnished. (Companion bill is **S.B. 745** by **Kolkhorst**.)

H.B. 4054 (Murphy) – Sales Tax Exemption: would provide that bakery items, regardless of whether the items are heated by the consumer or seller, are exempt from sales taxes.

H.B. 4207 (Swanson) – Sales Tax Exemption: would repeal the sales tax exemption on the sale of newspapers sold or distributed by individual copy or by subscription.

S.B. 1962 (Creighton) – Sales Tax Exemption: would exempt from sales taxes: (1) an admission to the championship game of the National Football League; and (2) the sale of an audio master recording by the producer of the master. (Companion bill is **H.B. 2562** by **Shine**.)

S.B. 2055 (West) – Sales Tax Exemption: would exempt from sales taxes goods and services related to the repair, remodeling, and maintenance of aircraft. (Companion bill is **H.B. 1682** by **Bohac**.)

Purchasing

H.B. 3913 (Shine) – Construction Retainage: this bill would:

1. define “beneficial use” use to mean, following completion of all or a portion of work under a public works contract: (a) for a public works project, the ability of a governmental entity to place the project into operation for the project’s intended purpose; or (b) for a public building, the ability of a governmental entity to be issued a certificate of occupancy or temporary certificate of occupancy for the building.
2. define “retainage” to mean the percentage of a public works contract payment withheld by a governmental entity to secure performance of the contract.
3. define “warranty” to mean the period of time specified in a contract during which certain terms applicable to the warranting of work performed under the contract are in effect.
4. provide that a governmental entity shall deposit in an interest-bearing account the retainage of a periodic contract payment of a public works contract and pay the retainage remaining in the account, including any interest earned on the retainage, to the prime contractor on completion of the contract.

5. provide that, if the total value of a public works contract is \$1 million or more, a governmental entity: (a) may not withhold retainage in an amount that exceeds five percent of the contract price; and (b) after the governmental entity has beneficial use of the public work that is the subject of the contract, may not withhold retainage in an amount that exceeds two percent of the contract price, excluding interest earned on the retainage.
6. provide that, if the total value of a public works contract is less than \$1 million, a governmental entity, on receipt of beneficial use of the public work that is the subject of the contract, may not withhold more than one-half of the total retainage under the contract.
7. a governmental entity may not withhold retainage: (a) after completion of the contract by the prime contractor, including during the warranty; or (b) for the purpose of requiring the prime contractor, after completion of the contract, to perform work on manufactured goods or systems that were: (i) specified by the designer of record; and (ii) properly installed by the contractor.

S.B. 2233 (Taylor) – Procurement: would provide that: (1) a purchasing cooperative shall maintain an Internet website with a continually updated list of purchases made through the cooperative or through agreements that must include for each purchase: (a) the name of the purchaser; (b) the name of the vendor; (c) the amount of the purchase; (d) the date of the purchase; and (e) the fees paid to the cooperative or managing entity; (2) a local government may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative in an amount greater than \$50,000 unless the purchase is approved by the governing body of the local government at a public meeting and other conditions in current law are met; (3) the current laws relating to construction procurement may be enforced through an action for declaratory or injunctive relief filed not later than the 10th business day after the date on which the contract bid evaluations are made public; and (4) an economic development corporation is subject to the same construction procurement laws as a city. (Companion bill is **H.B. 3020** by **Cyrier**.)

Elections

H.B. 3912 (Kuempel) – Automatic Recounts: would require an automatic recount for an election that results in: (1) a candidate defeated or eliminated by one-half of one percent or less of the votes cast for that office; or (2) a measure submitted to voters for the approval of bonds approved or defeated by one-half of one percent or less of the votes cast on that measure.

H.B. 3943 (Turner) – Voter Identification: would, among other things: (1) require the secretary of state to establish a program using mobile units to provide election identification certificates to voters; (2) provide that a mobile unit under (1) may be used at special events or at the request of a constituent group; (3) require the county clerk to provide a location at the county clerk's office and at each subcourthouse located in the county for the Department of Public Safety to issue an election identification certificate during regular business hours; (4) provide that, upon offering to vote, a voter must present to an election officer at the polling place: (a) one form of acceptable photo identification; or (b) one form of acceptable proof of identification

accompanied by a declaration of the voter's identity; (5) prohibit an election officer from refusing to accept documentation presented to meet the requirements of (4) solely because the address on the documentation does not match the address on the list of registered voters; (6) provide that if a voter does not meet the requirement for identification under (4)(a), an election officer shall notify the voter that the voter may be accepted for voting if the voter meets the requirement for identification in (4)(b) if the person executes a declaration under penalty of perjury declaring the voter's identity; (7) provide that the following documentation constitutes an acceptable form of photo identification: (a) a driver's license or personal identification card issued to the person by the Department of Public Safety or the equivalent agency of another state; (b) a United States military identification card that contains the person's photograph; (c) a United States citizenship certificate issued to the person that contains the person's photograph; (d) a United States passport issued to the person; (e) a license to carry a handgun issued to the person by the Department of Public Safety; (f) an election identification certificate issued to the person by the Department of Public Safety; (g) a valid identification card that contains the person's photograph and is issued by: (i) an agency or institution of the federal government; or (ii) an agency, institution, or political subdivision of any state; (h) a photo identification card issued to the person by a city, county, or state governmental entity or the United States for the purpose of obtaining public benefits, including veteran's benefits, Medicaid, or Medicare; (i) an official Native American tribal document that: (i) contains the person's photograph; and (ii) is issued by a tribe that is federally recognized; (j) a student identification card issued by an institution of higher education or a private or independent institution of higher education that contains the person's photograph; or (k) a United States Department of Veterans Affairs identification card, including a Veteran Health Identification Card, that contains the person's photograph; (8) provide that the following documentation is acceptable as proof of identification for voting: (a) a government document showing the name and address of the voter, including the voter's voter registration certificate; (b) one of the following documents that shows the name and address of a voter: (i) a copy of a current utility bill; (ii) a bank statement; (iii) a government check; or (iv) a paycheck; or (c) a certified copy of a domestic birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity; (9) provide that a person 70 years of age or older may use a form of identification listed in (7) that has expired for the purposes of voting if the identification is otherwise valid; and (10) provide that except as provided by (9), a form of acceptable identification listed in (7) that has not expired or expired not earlier than four years before the date of presentation may be used as an acceptable form of photo identification if the identification is otherwise valid.

H.B. 3981 (Schofield) – Voter Information: would require that any form completed by a voter and provided to an election officer shall include: (1) the voter's name, address, date of birth, and voter unique identifier (if available); and (2) the number from either a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety or last four digits of the person's social security number. (Companion bill is **S.B. 1905** by **Bettencourt**.)

H.B. 3994 (Fallon) – Joint Elections: would: (1) require the governing body of a political subdivision to request an election services contract with the county elections administrator to perform all duties and functions of the political subdivision; (2) provide that, if the elections ordered by the authorities of two or more political subdivisions are to be held on the same day in

all or part of the same county, the governing bodies of the political subdivisions must enter into an agreement to hold the elections jointly in the election precincts that can be served by common polling places; (3) provide that if an election ordered by the governor and the elections ordered by the authorities of one or more political subdivisions are to be held on the same day in all or part of the same county, the commissioners court of a county in which the election ordered by the governor is to be held and the governing bodies of the other political subdivisions must enter into an agreement to hold the elections jointly in the election precincts that can be served by common polling places; (4) require a regular county polling place to be used for a common polling place in a joint election; (5) provide that where possible, a single ballot containing all the offices or propositions stating measures to be voted on at a particular polling place shall be used in a joint election; and (6) require cities to use county election precincts for all elections.

H.B. 4034 (Bohac) – Voter Information: would provide that, if an applicant provides a date of birth, driver’s license number, or social security number on the applicant’s application for an early voting ballot to be voted by mail or federal postcard application that is different from or in addition to the information maintained by the voter registrar, the early voting clerk shall notify the voter registrar.

H.B. 4131 (Fallon) – Voter Assistance: would, among other things: (1) provide that, to be eligible to serve as an interpreter for the purpose of communicating with an election officer, a person must be a registered voter in this state; (2) provide that an election officer commits a Class A misdemeanor if the officer knowingly permits an unlawful vote or ineligible ballot to be cast in a manner that will be counted; (3) provide that an election officer commits a Class A misdemeanor if the election officer knowingly allows a voter who is ineligible for assistance receive assistance; (4) prohibit a voter from being assisted by: (a) a candidate for office; (b) a person previously convicted of an election-related offense; or (c) a person who is not an election judge or clerk and who receives or is offered or promised compensation for assisting voters; (5) provide that before a person other than an election officer provides assistance to a voter, the person must complete, sign, and submit a voter assistance affidavit, and an election officer must review the affidavit form and confirm that the form is complete and the assisting person is eligible to assist the voter; (6) provide that an election officer commits a Class A misdemeanor if the officer knowingly fails to comply with (5); and (7) require a presiding election judge to, not later than the 10th day after election day, deliver written notice to the attorney general, including certified copies of the carrier envelope and corresponding ballot application of any ballot rejected because: (a) the voter was deceased; (b) the voter already voted in person in the same election; (c) the signatures on the carrier envelope and ballot application were not executed by the same person; (d) the carrier envelope certificate lacked a witness signature; or (e) the carrier envelope certificate was improperly executed by an assistant.

H.B. 4133 (Fallon) – Election-Related Offenses: would, among other things: (1) provide that a person commits an offense if a person intentionally destroys or causes the destruction of election records required to be preserved under state law; (2) provide that a person commits an offense if the person copies or otherwise records certain voter information obtained from a registration application; and (3) require the precinct election records to be preserved by the authority to whom they are distributed for at least 12 months after election day in an election not involving a federal office.

H.B. 4134 (Fallon) – Election Fraud: would provide that: (1) a person commits an offense if, with the intent to establish, promote, maintain, benefit from, or participate in a vote harvesting organization, the person commits, attempts to commit, or conspires to commit one or more election-related offenses; and (2) a person who engages in, or intentionally or knowingly benefits from, organized election fraud activity is liable to a candidate or other person harmed by the activity.

H.B. 4180 (Coleman) – County Election Services: would, among other things: (1) provide that a county election officer may set a deadline for the submission of a request to enter into a contract to perform election services; and (2) make it optional (it is currently mandatory) for a county elections administrator to enter into a contract to furnish certain election services and allow the elections administrator to set a deadline for submitting a request to enter into a contract to provide election services.

H.B. 4265 (Swanson) – Early Voting Period: would provide that the period for early voting by personal appearance begins on the 15th day before election day and continues through the fourth day before election day.

S.B. 1885 (Bettencourt) – Temporary Branch Early Voting Polling Places: would provide that, in a county with a population of 100,000 or more, the location of a movable temporary branch early voting polling place may be changed only: (1) once during the early voting period; or (2) after at least half of the early voting period has concluded.

S.B. 2010 (V. Taylor) – Ballot Propositions and Petitions: would: (1) require the secretary of state to adopt a petition form that may be used for a petition authorized or required to be filed by a law outside the Texas Election Code; (2) provide that the authority to which a petition using the form adopted under (1) is submitted may not invalidate a petition because the petition did not contain certain information regarding the signer of the petition that the petition form failed to provide; (3) require the authority to which a petition is submitted to provide the petition to the secretary of state for certification; (4) require the secretary of state to certify whether the signers of a petition provided to the secretary are registered voters of the applicable territory and shall deliver the results of the certification to the authority; and (5) prohibit an authority from invalidating a petition signature based on the signer's ineligibility to sign the petition if the secretary of state certified the signer.

S.B. 2011 (V. Taylor) – Early Voting: would, among other things: (1) provide that a temporary branch early voting polling place may be located in a movable structure, but the structure may not change locations during the early voting period; (2) in an election held by a political subdivision for which the ballot includes a proposition seeking voter approval of the issuance of bonds, require a temporary branch polling place to: (a) remain at the same location for the entire period during which early voting by personal appearance is conducted in the district; and (b) allow for early voting by personal appearance to be conducted during the same days and hours as voting is conducted at the main early voting polling place; (3) require that early voting by personal appearance at each permanent or temporary branch polling place be conducted on the same days and during the same hours as voting is conducted at the main early voting polling

place; (4) require the early voting clerk to post notice for each election starting any dates and the hours that voting on Saturday or Sunday will be conducted at a temporary branch polling place, if the early voting clerk is a county clerk or city secretary; and (5) require cities to use county election precincts for all elections.

S.B. 2090 (Hall) – Election Procedures: would require the secretary of state to compile a list of uniform procedures for conducting an election, including procedures for conducting an election, recalculating votes, canvassing votes, and the rights and responsibilities of poll watchers.

S.B. 2147 (Huffman) – Election Fraud: would provide, among other things, that a person commits an offense, if, with the intent to establish, maintain, or participate in a vote harvesting organization, the person commits or conspires to commit certain Texas Election Code offenses. (Companion bills are **H.B. 2139** by **Schofield** and **S.B. 2149** by **Huffman**.)

S.B. 2197 (Bettencourt) – Voter Identification: would require the secretary of state to establish methods to obtain a photograph of each registered voter for use on the voter's voter registration certificate.

Open Government

H.B. 3896 (Gutierrez) – Legal Notices: would authorize a city with a population of 25,000 or less and in which no newspaper is published to satisfy a requirement in any law to provide notice by publication in a newspaper by posting the notice on its Internet website beginning on the earliest date provided for in the requirement and continuing until the day after the date the action for which notice was required occurs.

H.B. 4066 (Gooden) – Public Officer Access: would: (1) give a public officer (i.e., an elected member of the city council) a right of access to city information (including confidential information), and a right to require the city compile, analyze, describe, report, summarize, manipulate, and otherwise prepare information for the officer; (2) give a public officer a right of access to information (including confidential information) of a public entity created by the city, and a right to require the public entity compile, analyze, describe, report, summarize, manipulate, and otherwise prepare information for the officer; (3) require a city or public entity created by the city to respond to a request for information from a public officer at no charge and promptly, but not later than the seventh day (or at a time otherwise agreed to by the officer); (4) give a public officer unrestricted access to physical information of the city or a public entity; (5) prohibit a city or public entity created by the city from requiring a public officer to sign a confidentiality agreement, but require the officer to maintain the confidential nature of information; (6) allow a public officer to release any information received from the city or public entity created by the city to the officer's attorney to receive legal advice, but only after the officer notifies the city or public entity of the officer's intention and the release is either authorized by the city/public entity or the attorney has signed a confidentiality agreement; (7) allow an attorney required to sign a confidentiality agreement, as described in (6), to seek an attorney general decision regarding whether the information is confidential; (8) allow a person or the attorney general on request of a person to file suit for a writ of mandamus to compel a city or

public entity to provide information as described above; and (9) provide that a public information officer or the officer's agent commits a Class A misdemeanor offense for failing or refusing to provide information as described above.

H.B. 4144 (Paddie) – Public Information Act: would provide, among other things, that: (1) an organization, corporation, commission, committee, institution, or agency that asserts that it is not a governmental body and that receives a written request for information from a requestor must ask for a decision from the attorney general about whether the entity is a governmental body; and (2) an entity in (1) that files a suit seeking to withhold information on the basis that it is not a governmental body or seeking to establish that it is not a governmental body may not file suit against the person requesting the information.

H.B. 4157 (M. González) – Simultaneous Translation: would provide that the governing body of a city must provide professional simultaneous translation from English to Spanish of a public meeting of the governing body if a person requests the translation in writing to the municipal secretary or clerk not later than the third day before the date of the meeting.

H.B. 4201 (Perez) – Mug Shots: would provide that (1) a law enforcement agency may not publish on the agency's Internet website any photograph taken pursuant to an arrest, lawful detention, or other involvement in the criminal justice system unless the person depicted in the photograph has been finally convicted for the offense in connection with which the photograph was taken; (2) a law enforcement agency may not release a photograph of an individual taken pursuant to an arrest, lawful detention, or other involvement in the criminal justice system unless the person requesting the photograph includes in the request: (a) the name of the individual who is the subject of the photograph; and (b) the approximate date the photograph was taken or date on which the incident giving rise to the photograph occurred; and (3) section (2) does not apply to a law enforcement agency for the release of a photograph to another law enforcement agency.

S.B. 2047 (Bettencourt) – Municipal Management District: would impose various changes to the governance and operation of municipal management districts, including: (1) providing that a district created after September 1, 2017, may not include single-family detached residential property; (2) requiring a district that maintains an Internet website to post the district's financial records on the website or provide a link on the website to another Internet website on which the information is posted; (3) prohibiting a board from imposing an assessment on residential property; (4) prohibiting a district from using the proceeds of a bond to finance an improvement project or service outside the district; and (5) requiring written notice of a proposed bond issued by a district to be mailed to: (a) the governing body of each city and county in which the district is located; (b) each senator and member of the house of representatives who represents any part of the territory of the county in which the district is located; and (c) each person who owns real property in the district.

Other Finance and Administration

H.B. 3859 (Frank) – Right of Conscience: would provide that: (1) a child welfare service provider is protected from discrimination or any adverse action by a governmental entity if the

child welfare service provider makes decisions based on their religious beliefs that are contrary to any ordinance, rule, order, decision, practice or other exercises of a governmental entity; (2) a child welfare service provider may assert an actual or threatened violation described in (1) as a claim or defense in a judicial or administrative proceeding and obtain relief; (3) relief can be by declaratory relief, injunctive relief, compensatory damages for pecuniary and non-pecuniary losses (not to exceed \$250,000 for each distinct controversy) and reasonable attorney's fees, court costs, and other reasonable expenses; (4) any action under the bill must be brought not later than the second anniversary of the date the provider actually knew of the violation; and (5) sovereign and governmental immunity to suit and from liability are waived and abolished to the extent of liability described in (3); and (5) a claimant may sue a governmental entity or official for damages allowed by (3). (Companion bills are **H.B. 1805** by **Sanford** and **S.B. 892** by **Perry**.)

H.B. 3907 (Frullo) – Fireworks: would: (1) if authorized under state law, give a local fire prevention officer authority to inspect a retail fireworks site, and enact certain limitations on related fees; (2) provide that a “local fire prevention officer” under (1) means a county fire marshal or, in some instances, a fire prevention officer of an emergency service district; and (3) require the building of an indoor retail fireworks site be a free-standing single-tenant durable building that prevents customers from handling fireworks. (Companion bill is **S.B. 1896** by **Perry**.)

H.B. 3947 (Laubenberg) – Preemption: would provide that a suit to enjoin enforcement of a local regulation may be brought by a state licensee that is subject to the local regulation if the local regulation: (1) establishes requirements for, imposes restrictions on, or otherwise regulates the business activity of the state licensee in a manner that is more stringent than the requirements, restrictions, and regulations imposed on the state licensee under state law; or (2) would result in an adverse economic impact on the state licensee.

H.B. 3956 (Geren) – Sermons: would provide that a governmental unit may not, in any civil action or other civil or administrative proceeding to which the governmental unit is a party, compel the production or disclosure of a written copy or audio or video recording of a sermon delivered by a religious leader during religious worship of a religious organization or compel the religious leader to testify regarding the sermon. (Companion bill is **S.B. 24** by **Huffman**.)

H.B. 3998 (C. Anderson) – Animal Shelters: would change the applicability of the Veterinary Licensing Act (Act) to:

1. provide that the Act applies to the practice of veterinary medicine when performed: (a) in an animal shelter or releasing agency; or (b) on an animal for which a shelter or shelter veterinarian is the owner/designated caretaker or has possession, custody, or control;
2. provide that after a shelter takes possession and has custody or control of an animal, an agent, employee, or volunteer of the shelter may administer: (a) a nonprescription drug to the animal; or (b) a prescription vaccine or drug (other than rabies vaccine or a controlled substance) if the vaccine or drug is: (i) necessary to prevent the animal's death or alleviate the animal's pain or suffering; (ii) necessary to prevent or control a

- communicable disease or internal or external parasite; or (iii) administered at the direction of a veterinarian or the guidance of a protocol as described in (7);
3. require that a nonsurgical sterilization or any surgery performed in or on behalf of a shelter must be performed by a veterinarian or a full-time student of a veterinarian college;
 4. exempt from the Act an animal shelter employee who euthanizes an animal in the course and scope of the person's employment if the person has completed training as provided in state law;
 5. prohibit the Act from being construed to prevent an agent, employee, or volunteer of a shelter from providing emergency care to an animal or preventing an animal's pain or suffering;
 6. authorize a veterinarian, after a shelter takes possession of an animal, to: (a) perform a surgical or nonsurgical sterilization of a dog or cat in some circumstances; (b) administer or prescribe a vaccine or drug to the animal; or (c) provide any other treatment reasonably believed to promote the animal's health and welfare;
 7. authorize a shelter veterinarian who complies with certain requirements to develop certain written animal care and treatment protocol for use by agents, employees, and volunteers of the shelter who do not hold a license under the Act;
 8. require a shelter veterinarian to keep and maintain a recordkeeping system regarding the treatment provided to each animal under the veterinarian's care, and allow an employee or volunteer to contribute to such records; and
 9. establish a veterinarian advisory committee to the State Board of Veterinary Medical Examiners. (Companion bill is **H.B. 4057** by **Cryier**.)

H.B. 4007 (Kuempel) – Occupational Regulation: would make changes to the licensing and regulation of various occupations and would: (1) in regard to code enforcement officers, repeal: (a) the criminal penalty for violating the prohibition against a person claiming to be a code enforcement officer or using the title “code enforcement officer” when the person does not have a certificate of registration; and (b) administrative penalties for a violation of the licensing laws related to code enforcement officers; and (2) in regard to sanitarians, repeal: (a) the criminal penalty for violating the prohibition against a person claiming to be a sanitarian when the person does not have a certificate of registration; and (b) administrative penalties for a violation of the licensing laws related to sanitarians.

H.B. 4095 (Klick) – Assisted Living Facilities: would: (1) require the Health and Human Services Commission to issue a technical memorandum providing guidance on the minimum life safety code standards for assisted living facilities and provide that the memorandum is legally binding and must be followed by a person conducting a life safety code survey; (2) authorize a city fire marshal to grant a waiver for a violation of a life safety requirement or fire safety standard cited in a official statement of violation from the commission, provided that the waiver will not have any adverse effect on the safety of the residents in the assisted living facility; (3) require the commission to specify an edition of the life safety code of the National Fire Protection Association to be used for assisted living facilities; and (4) require the commission to recognize a certificate of occupancy or other approval issued by a city or county indicating that a structure complies with all building, fire, and health requirements of the city or county. (Companion bill is **S.B. 1049** by **Uresti**.)

H.B. 4097 (Cain) – 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. (Companion bill is **S.B. 92** by **Hall**.)

H.B. 4119 (Fallon) – Personal Financial Statement: would change the content requirements of a personal financial statement that must be filed by certain city officers and candidates in cities with a population of 100,000 or more to include information about family members engaged in lobbying activities.

H.B. 4186 (Raymond) – Block Grants: would provide that an agency’s rules shall ensure, in regard to any categorical program administered by the provider which has been combined into a block grant, that no individual who would have been eligible to receive services before the categorical assistance program was combined into a block grant shall be ineligible solely because the program has been combined into a block grant.

H.B. 4208 (Swanson) – Official Language: would designate English as the official language of this state. (Companion bill is **S.B. 373** by **Hall**.)

H.B. 4232 (Moody) – Retirement Systems: would provide that, if the most recent actuarial valuation of a public retirement system, other than the Texas Municipal Retirement System, reflects a funded ratio that is below 85 percent the system is liable to each active member in an amount equal to the member’s contribution rate.

H.B. 4243 (Hinojosa) – Government Bathrooms: would provide: (1) that a governmental entity, including a city, that has control over a bathroom or changing facility in a building owned or leased by the entity shall allow a person to use a bathroom or changing facility located in the building consistent with the person’s gender identity or gender expression; and (2) for an attorney general complaint and enforcement process. (Companion bill is **S.B. 1113** by **Garcia**.)

H.B. 4246 (Arévalo) - Elderly Rights: would provide that an elderly individual has the right to be treated with dignity and respect for the personal integrity of the individual, without regard to sexual orientation, gender identity or expression.

H.B. 4252 (Anchia) – State-Federal Relations: would abolish the Office of State-Federal Relations.

H.B. 4257 (Walle) – Trauma Funding: would reduce the amount of funding to the state highway fund and emergency medical services and trauma funding account if the state doesn’t have sufficient revenue for general fund expenditures.

S.B. 1879 (Menendez) – Animal Regulation: would make various changes to the law regarding dangerous wild animals, including: (1) repealing the current law governing dangerous wild animals; (2) changing the definition of “dangerous wild animal” to include fewer animals; (3)

prohibiting a person from owning, possessing, harboring, or having custody of a dangerous wild animal; (4) excepting certain persons from the prohibition in (3), including cities and animal shelters housing an animal upon seizure or on request of an animal control authority or law enforcement agency; (5) requiring certain owners of dangerous wild animals to register the animal with the Department of State Health Services; (6) providing the circumstances under which a dangerous wild animal may be seized and disposed of, which involves an animal control authority or peace officer; and (7) incorporating the new definition of “dangerous wild animal” into the disorderly conduct and cruelty to nonlivestock offenses. (Companion bill is **H.B. 2274** by **Guillen**.)

S.B. 1951 (Hughes) – Prevailing Wage Rates: would: (1) allow the use of a third-party survey to determine prevailing wage rates; and (2) provide that any survey used to determine a general prevailing rate must be conducted within a three-year period preceding the date the public body calls for bids for the public work. (Companion bill is **H.B. 2689** by **Murphy**.)

S.B. 2015 (Creighton) – Federal Action: would: (1) establish a joint legislative committee to review any federal action to determine whether such action is unconstitutional; (2) provide that any federal action found by the joint legislative committee to be unconstitutional be sent to the legislature for a determination and then on to the governor for approval or disapproval; (3) provide that any federal action declared to be unconstitutional has no legal effect in Texas; (4) prohibit the state or a political subdivision of the state from spending money to implement a federal action declared unconstitutional; (5) authorize the attorney general (and others) to prosecute a person who attempts to implement or enforce an unconstitutional federal action for official oppression, as well as other provisions of law; and (6) entitle a person to seek a declaratory judgment that a federal action is unconstitutional and give all courts original jurisdiction over such a proceeding. (Companion bill is **H.B. 2338** by **Bell**.)

S.B. 2044 (Bettencourt) – Lobbying: would: (1) prohibit a city that is wholly or partly funded by tax proceeds from: (a) spending tax proceeds to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature; and (b) employing a person required to register as a lobbyist to engage in activities on behalf of the city for which registration is required; and (2) provide that a taxpayer of a city may seek injunctive relief to prevent a violation of (1), and if a taxpayer prevails in such an action, may recover reasonable attorney’s fees and costs.

S.B. 2045 (Bettencourt) – Lobbying: would require a city to: (1) submit to the Texas Ethics Commission statements showing total expenditures for lobbying activities during a regular legislative session, including the name of each person required to register as a lobbyist with whom the local governmental entity has a contract to provide lobbying services, and the total amount paid to each person; and (2) post the statements in (1) on the city’s website.

S.B. 2065 (Hancock) – Occupational Regulation: would: (1) amend the licensing and regulation of various occupations and activities; (2) in regard to temporary common workers (i.e., day laborers): (a) provide that a person may operate as a temporary common worker employer if the person meets the state law requirements and is not prohibited by a governmental subdivision; (b) allow a city of more than one million to establish city regulations that impose

stricter standards of conduct and practice than imposed by state law; (c) authorize a governmental subdivision to enforce the state laws governing temporary common workers employers within the boundaries of the governmental subdivision; and (d) repeal the authority of the Texas Department of Licensing and Regulation to regulate temporary common worker employers; and (3) in regard to vehicle towing, booting, and storage: (a) eliminate required state licensing for vehicle booting companies; (b) prohibit a person from engaging in booting operations unless authorized by a “local authority” defined to mean an institution of higher education, a county, city, special district, junior college district, housing authority, or other political subdivision; (c) authorize a local authority to regulate booting activities in areas in which the entity regulates parking or traffic, and specify certain things that must be included in such regulations; (d) provide that when a tow truck is used for a nonconsent tow to remove a vehicle in right-of-way by a peace officer who has determined that the vehicle blocks the roadway or endangers public safety, the operator of the tow truck and the towing company are both agents of the law enforcement agency and have the same liability limitations as the law enforcement agency; and (e) repeal incident management towing permits and related insurance requirements.

S.B. 2091 (Hall) – Local Debt: would, among other things: (1) provide that an election held by a political subdivision to authorize the issuance of bonds or a tax increase has no effect regarding the issuance of the bonds or the tax increase unless more than 25 percent of the registered voters of the political subdivision vote in the election in which the bond or tax proposition is on the ballot; (2) provide that in an election held by a political subdivision for which the ballot includes a proposition seeking voter approval of the issuance of bonds or a tax increase, a temporary branch polling place must: (a) remain at the same location for the entire period during which early voting by personal appearance is conducted in the district; and (b) allow for early voting by personal appearance to be conducted during the same day and hours as voting is conducted at the main early voting polling place; (3) require an election authorizing the issuance of bonds or a tax increase by a political subdivision to be held as a joint election, and provide that a single ballot containing all the offices or propositions stating measures to be voted on at a particular polling place must be used in a joint election; (4) require a political subdivision to hold an election prior to issuing all bonds, including revenue bonds; and (5) provide that refunding bonds and bonds issued in an amount less than \$2,000 to repair a building or structure that may be built using the proceeds of bonds are subject to the election and notice requirements applicable to other bond issuances.

S.B. 2115 (L. Taylor) – Vehicle Towing and Booting: would, among other things, provide that while a city may regulate the fees that may be charged in connection with the booting of a vehicle, the fee for removal of a boot may not exceed the national average fee for removal of a boot.

S.B. 2146 (L. Taylor) – Hotel Occupancy Tax: would, among other things: (1) modify the definition of “venue” for purposes of a venue project to exclude a facility financed wholly or partly by hotel occupancy taxes that will not be primarily used for community, civic, and charitable events that are attended only by residents of the community; (2) provide that a convention center facility that qualifies as a venue project and is financed wholly or partly with hotel occupancy tax revenue must be in the vicinity of the convention center; (3) provide that, in

order to be eligible for hotel occupancy tax funding, a “convention center facility” or “convention center complex” must be primarily used to host conventions and meetings, with the term “meetings” defined as “gatherings of people that enhance and promote tourism and the convention and hotel industry;” (4) provide that, if a city adopts an ordinance imposing a hotel occupancy tax for the first time, the imposition of the tax does not apply to the use or possession, or the right to the use or possession, of a room under a contract executed before the date the imposition of the tax takes effect, unless the contract is subject to change or modification by reason of the imposition of the new tax; and (5) clarify that hotel occupancy tax dollars can be spent on the promotion of tourism by enhancing and upgrading any existing sports facilities or fields in certain cities. (Companion bill is **H.B. 1896** by **Bohac**.)

S.B. 2157 (Zaffirini) – Disabled Parking: would, in regard to an offense of impermissibly parking a vehicle in a parking space designated by a city for persons with disabilities: (1) provide that a judge may defer imposition of a judgment to allow a defendant to complete a disabled parking course approved by the city; (2) authorize a court to require a defendant requesting a course under (1) to pay an administrative fee of not more than \$10; (3) establish procedures regarding a defendant’s failure to complete a course under (1); (4) authorize a city to appoint certain persons to file a charge against a person who commits an offense if they have had certain training; and (5) allow a city to use not more than 40 percent of certain fine revenue to provide community education about parking for people with disabilities and establish a related advisory body.

S.B. 2178 (Huffines) – Judicial Review of Regulations: would: (1) authorize a state licensee to bring a suit to enjoin enforcement of a city regulation when the regulation: (a) establishes requirements for, imposes restrictions on, or otherwise regulates the business activity of a state licensee in a manner that is more stringent than state law; or (b) would result in an adverse economic impact on the state licensee; (2) provide that, if a state licensee shows by a preponderance of the evidence that city regulations are more stringent than state law or have an adverse impact, a city must show by clear and convincing evidence that the city regulation does not conflict with state law and is necessary and narrowly tailored to protect against actual and specific harm to the public health or safety; and (3) require a court to award court costs and attorneys fees to be paid by a city if a state licensee prevails in a suit under (1). (Companion bill is **H.B. 3947** by **Laubenberg**.)

Municipal Courts

H.B. 3898 (Guerra) – Jury Service: would exempt breast-feeding mothers from jury service.

H.B. 3900 (Neave) – Expunctions: would reduce the waiting period from 180 to 60 days for a person to be eligible for the expunction of arrest records and files related to a class C misdemeanor.

H.B. 4132 (Wilson) – Municipal Parks: would provide that a person commits a Class C misdemeanor offense if the person violates a rule prescribed and approved by the governing

body of the municipality that maintains the park, playground, historical museum, or historic or prehistoric site and the fine collected shall be deposited in the general fund of the municipality.

H.B. 4143 (Alonzo) – Order of Nondisclosure: would provide the procedures for a person to obtain an order of nondisclosure for a fine-only misdemeanor other than an offense under the Transportation Code or a city ordinance violation.

H.B. 4147 (Kacal) – Municipal Court of Record: would provide that if a county does not have a county court at law, an appeal from a municipal court of record can be made to the county court.

H.B. 4258 (Blanco) – Municipal Jail: would create a study on mental health screening and treatment for inmates in municipal jails.

S.B. 1911 (Zaffirini) – Self-Help Resources: would require a municipal court clerk to: (1) post a link to the Office of Court Administration’s self-help legal resources website and the State Law Library on the municipal court’s internet website; and (2) display a sign in the clerk’s office with the same information.

S.B. 1913 (Zaffirini) – Municipal Courts: would, among other things:

1. require a written notice to appear to include information regarding the alternatives to the full payment of any fine or court costs assessed against an individual, if convicted;
2. require a complaint in municipal court to include information regarding the alternatives to the full payment of any fine or costs assessed, if the accused is convicted and unable to pay;
3. provide that to impose a fine and costs, a judge must make a written determination that the defendant has sufficient resources or income to pay all or part of the fine and costs;
4. prohibit a court from issuing a *capias pro fine* for a defendant’s failure to pay, unless the court holds a hearing on the defendant’s ability to satisfy the judgment and either: (a) the defendant fails to appeal; or (b) the court makes a written determination that the defendant is not indigent or is indigent and has failed to make a good faith effort;
5. allow a municipal court to order a defendant to attend a work and job skills training program;
6. expand the entities where a defendant can perform community service to also include: (a) a religious organization; (b) a neighborhood association; or (c) an educational institution;
7. provide that 8 hours of community service is equivalent to the discharge of not less than \$100 of fines or costs;
8. prohibit a city from entering into a contract with an attorney or vendor for the collection of amounts in cases where the accused has failed to appear;
9. reduce the collection fee a city can pay to an attorney or vendor for collection of unpaid debts from 30 percent to 15 percent;
10. repeal the time payment fee provision requiring a defendant to pay \$25 to enroll in a payment plan; and
11. allow a municipal court judge to waive the \$30 Omni fee imposed by the Department of Public Safety’s driver responsibility program.

S.B. 2053 (West) – Court Costs: would remove the “abused children’s counseling” and “comprehensive rehabilitation” funds from the list of fund allocations from the state consolidated court cost. (Companion bill is **H.B. 3739** by **Murr**.)

S.B. 2220 (Huffman) – Court Costs: would remove the “abused children’s counseling” and “comprehensive rehabilitation” funds from the list of fund allocations from the state consolidated court cost. (Companion bills are **H.B. 3739** by **Murr** and **S.B. 2053** by **West**.)

S.B. 2185 (Miles) – Driver Responsibility Program/Traffic Fines: would, among other things: (1) repeal the driver responsibility program; (2) increase the state traffic fine imposed on moving violations from \$30 to \$60; (3) reduce from 5 to 2.5 percent the administrative portion a city may retain to administer the remission of the fine to the comptroller; (3) reallocate the state traffic fine allocation to give 58.5 percent to the state’s general fund (with certain “overflow” funds continuing to go to the Texas Mobility Fund) and 41.5 to the state’s designated trauma facility and emergency services account; (4) impose additional fines on driving while intoxicated and similar offenses, ranging from \$1,000 - \$2,000 per year; (5) increase the fine for driving without insurance to \$250 per year; and (6) provide that a city shall remit the fines in (4) and (5) to the comptroller each quarter for deposit into the trauma facility and emergency services account, and may retain 2.5 percent for administrative costs. (Companion bill is **H.B. 2068** by **Phillips**.)

Community and Economic Development

H.B. 3927 (Schaefer) – Economic Development Corporations: would require the board of directors of an economic development corporation to annually submit to the comptroller a report regarding bonds issued by the corporation.

H.B. 4033 (Isaac) – Affordable Housing: would provide that: (1) a city may not adopt or enforce a requirement in any form, including through an ordinance or regulation or as a condition for granting a building permit, that establishes a maximum sales price for a privately produced housing unit or residential building lot; and (2) the prohibition in (1) applies to an area in a homestead preservation district and a reinvestment zone.

H.B. 4072 (Dukes) – Industrialized Housing: would expand the maximum size of a structure to be classified as industrialized housing or buildings as follows: (1) a residential structure that exceeds 14 stories or 168 feet in height; and (2) a commercial structure that exceeds 14 stories or 168 feet in height.

H.B. 4136 (Gutierrez) – Casino Gambling: would allow up to 12 casinos in this state pursuant to a county approval election. (See **H.J.R. 119**, below.)

H.B. 4185 (Bell) – Annexation: would provide that: (1) the owner of real property that is located in the extraterritorial jurisdiction of a city may petition the municipality to annex the property and provide certain services listed in the bill, not later than the first anniversary of the date the municipality approves the petition, to the property; and (2) if the city fails to provide the services

described by the petition or an agreement within the period provided by (1), including any agreed-to extension, the city shall disannex the property and release that property from its ETJ.

H.B. 4202 (Workman) – Development Permits: would provide that a city may adopt expedited procedures for granting or denying permits, but the procedures may not require: (1) a private employer to offer wages higher than required by the state’s minimum wage law; or (2) on-site monitoring of a private employer by a nongovernmental entity.

H.B. 4225 (Elkins) – Payday Lending: would authorize a payday or auto title lender to prohibit class action lawsuits against the lender by contract.

H.J.R. 119 (Gutierrez) – Casino Gambling: would amend the Texas Constitution to allow up to 12 casinos in this state pursuant to a county approval election. (See **H.B. 4136**, above.)

S.B. 1838 (Hughes) – Charter Schools: would provide that: (1) a city shall consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development; and (2) an open-enrollment charter school is not required to pay municipal impact fees, unless the governing body of the charter school consents to the payment of the fees by entering a contract with the city that imposes the fees. (Note: Independent school districts are exempt from impact fees under current law.)

S.B. 1846 (Bettencourt) – Subdivision Regulations: would allow a replat without vacating a preceding plat in certain circumstances (this bill repeals a bracket which currently allows this particular replat only in a city with a population of 1.3 million or more).

S.B. 1855 (Uresti) – Defense Communities: would provide that a defense base development authority may participate as a member or partner of a limited liability company, a limited liability partnership, or other entity to finance a project designated as a redevelopment project.

S.B. 1863 (Lucio) – Municipal Management Districts: would impose various changes to the governance and operation of municipal management districts. (Companion bill is **H.B. 1064** by Paul.)

S.B. 1980 (Schwertner) – Developer Participation Agreements: would provide that: (1) the amount of a bond for a developer participation agreement must be for the contract price for the improvements; (2) a city may not require the developer to include in the amount of the bond any other improvement related to the development that the developer did not contract with the municipality to construct; (3) a city and developer may agree that, instead of a performance bond, the developer may submit an irrevocable letter of credit in the amount required for the bond; (4) as part of the agreement, the city may not pay any amount to the developer, issue a building permit related to the development other than a permit necessary for the improvements that are the subject of the contract, or approve a subdivision plat for the developer until: (a) the improvements are complete or in the final phase of construction if the improvements are constructed in phases; and (b) the developer has submitted to the city an affidavit stating that the developer has paid all costs associated with the construction.

S.B. 1983 (Miles) – Urban Agriculture: would establish the Texas Urban Agricultural Innovation Authority which could, among other things, make certain grants and loans to persons who own or lease real property for agricultural purposes in a city with a population of at least 500,000.

S.B. 1984 (Miles) – Urban Farming: would create: (1) an urban farming pilot program and authorize operation of the program in an area designated as an enterprise zone in a city with a population of 500,000 or more; and (2) the Select Committee on Urban Farming.

S.B. 2000 (Watson) – Major Events Reimbursement Program: would add an FIA Formula E automobile race to the list of events eligible for funding under the Major Events Reimbursement Program.

S.B. 2014 (Creighton) – Special Districts: would provide, among other things, that: (1) the Texas Commission on Environmental Quality may approve the creation of a special district that includes any portion of the land covered by the city’s consent to creation of the district; and (2) the legislature may create and may validate the creation of a district that includes any portion of the land covered by the city’s consent to the creation of the district. (Note: Cities that frequently have special districts created in their ETJ should carefully review this bill.)

S.B. 2047 (Bettencourt) – Municipal Management District: would impose various changes to the governance and operation of municipal management districts, including: (1) providing that a district created after September 1, 2017, may not include single-family detached residential property; (2) requiring a district that maintains an Internet website to post the district’s financial records on the website or provide a link on the website to another Internet website on which the information is posted; (3) prohibiting a board from imposing an assessment on residential property; (4) prohibiting a district from using the proceeds of a bond to finance an improvement project or service outside the district; and (5) requiring written notice of a proposed bond issued by a district to be mailed to: (a) the governing body of each city and county in which the district is located; (b) each senator and member of the house of representatives who represents any part of the territory of the county in which the district is located; and (c) each person who owns real property in the district.

S.B. 2098 (Hall) – Excavating: would among other things, provide that a subcontractor who performs an excavation operation may not begin the excavation unless the subcontractor has complied with the state’s “call before you dig” statute, regardless of whether the general contractor that hired the subcontractor has complied with the requirements.

S.B. 2136 (Lucio) – Grant Program: would establish a matching grant program for community development for a city or county that is a nonentitlement area under the community development block grant program and in good standing with the Department of Agriculture and HUD.

Personnel

H.B. 3899 (Neave) – Rest Breaks: would provide: (1) that a governmental entity contracting with a contractor shall require the contractor and any subcontractor to provide at least a 10-minute paid rest break within every four-hour period of work to each employee performing work under the contract; and (2) for procedures and mandatory contractual provisions to implement the bill.

H.B. 3929 (Lucio) – Disabilities: would, among other things: (1) provide that an individual with a disability who qualifies for an employment preference (i.e., the person is eligible to receive supported employment service from the Texas Workforce Commission or through the Medicaid waiver program) is entitled to a preference in employment with a state agency or political subdivision over other applicants for the same position who do not have a greater qualification; (2) authorize a state agency or political subdivision to designate an open position for employment as a “vocational rehabilitation services position” and only accept applications for that position from individuals who are entitled to an employment preference; (3) authorize a state agency or political subdivision to hire for an open position an individual who is entitled to an employment preference without announcing or advertising the position if certain requirements are met; and (4) authorize an individual entitled to an employment preference who is aggrieved by a decision of a state agency or political subdivision in regard to hiring or retaining the individual to appeal the decision by filing a written complaint with the administrative head of the agency or political subdivision, who must respond not later than the 15th business day after receiving the complaint. (Companion bill is **S.B. 1111** by **Rodriguez**.)

S.B. 1961 (Lucio) – Police/Fire Collective Bargaining: would provide that a political subdivision shall provide its fire fighters and police officers with compensation and other conditions of employment that are substantially equal to compensation and other conditions of employment that prevail in comparable fire and police departments. (Companion bill is **H.B. 3193** by **Alvarado**.)

S.B. 2181 (Menendez) – Child Abuse or Neglect: would: (1) prohibit an employer from taking any adverse employment action against a “professional” who in good faith reports child abuse or neglect (current law defines the term “professional” to mean an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers); and (2) allow a professional to sue for injunctive relief, damages, or both for a violation of the prohibition in (1).

Public Safety

H.B. 34 (Smithee) – Electronic Recording of Interrogations: would, among other things: (1) require a police department to make an audio or audiovisual electronic recording of custodial interrogations of persons suspected of or charged with felony offenses; (2) set out good cause reasons that make electronic recording infeasible; and (3) exempt the electronic recording from

release under the Texas Public Information Act, except when it must be released under the law enforcement exception.

H.B. 3906 (Frullo) – Local Disasters: would provide that: (1) the presiding officer of the governing body of a political subdivision may declare a local state of disaster if the presiding officer finds a disaster has occurred or that the occurrence or threat of disaster is imminent; (2) an order or proclamation declaring, continuing, or terminating a local state of disaster must include: (a) a description of the nature of the disaster; (b) a designation of the area threatened; and (c) a description of the conditions that have brought the local state of disaster about or made possible the termination of the local state of disaster; (3) If the political subdivision to which the order or proclamation applies maintains an Internet website, a copy of the order or proclamation shall also be posted on the political subdivision’s Internet website; and (4) the presiding officer of a political subdivision may request the governor to waive or suspend a deadline imposed by a statute or the orders or rules of a state agency on the political subdivision, including a deadline relating to a budget or ad valorem tax, if the waiver or suspension is reasonably necessary for the political subdivision to cope with a local disaster. (Companion bill is **S.B. 1897** by **Perry**.)

H.B. 3915 (Lucio III) – Automobile Burglary and Theft Prevention Authority (ABTPA): would provide that the ABTPA shall use the money appropriated for ABTPA purposes to provide financial support to law enforcement agencies, local prosecutors, and judicial agencies for the criminal enforcement of statutes concerning commercial motor vehicles.

H.B. 3921 (Parker) – Financial Exploitation: would provide that: (1) financial institutions and dealer or investment advisers shall adopt internal policies, programs, plans or procedures that may authorize the financial institution, dealer, or investment advisors to report the suspected financial exploitation of a vulnerable adult to other appropriate agencies, including the appropriate law enforcement agency; (2) to the extent permitted by state or federal law, a financial institution, dealer, or investment advisor shall provide, on request, access to or copies of records relevant to the suspected financial exploitation of a vulnerable adult to a law enforcement agency either as part of a report to the law enforcement agency or at the request of the law enforcement agency in accordance with an investigation; (3) a peace officer shall accompany and assist the person making a court-ordered entry into the place of resident of a vulnerable adult of reported financial exploitation if the probate court determines that action is necessary; and (4) the Department of Family and Protective Services or investigating state agency may establish procedures to exchange with another state agency or governmental entity information that is necessary for the DFPS, state agency, or governmental entity to properly execute its respective duties and responsibilities to provide services to vulnerable adults. (Companion bill is **S.B. 2067** by **Hancock**.)

H.B. 3922 (Stucky) – Licensed Carry: would provide for a defense to prosecution for an active judicial officer, including a municipal court, who is licensed to carry and who carries a concealed handgun onto premises where handgun carry is prohibited by a “30.06” sign.

H.B. 3931 (Schaefer) – Transportation Network Companies: would: (1) prohibit registered sex offenders from providing passenger transportation through an online application; and (2)

prohibit cities from regulating: (a) street-hail taxicab services, (b) prearranged limo service, and (c) prearranged rides through an online app. (Companion bill is **S.B. 113** by **Huffines**.)

H.B. 3942 (Rose) – Law Enforcement Training: would provide that law enforcement officer training must include training on appropriate use of and response to persons on the child safety check alert list.

H.B. 3950 (L. Gonzales) – Motor Vehicle Accident Reports: would repeal the requirement that the operator of a vehicle involved in an accident make a written report of the accident to the Texas Department of Transportation if the accident is not investigated by a law enforcement officer and results in injury to or the death of a person or damage to the property of any one person to an apparent extent of \$1,000 or more.

H.B. 3957 (Stickland) – Emergency Services: would require a private entity operating a toll project under a contract with a toll project entity to reimburse a political subdivision for costs incurred in providing police, fire, or emergency medical services on the toll project.

H.B. 3965 (Faircloth) – Reporting Criminal Offenses: would allow a person with knowledge of the commission of a crime to report the offense to any attorney who prosecutes criminal cases on behalf of the state.

H.B. 3972 (Johnson of Dallas) – Financial Exploitation: would, among other things, provide that a peace officer shall accompany and assist the person making a court-ordered entry into the place of resident of a vulnerable adult of reported financial exploitation if the probate court determines that the action is necessary. (Companion bills are **H.B. 3921** by **Parker** and **S.B. 2067** by **Hancock**.)

H.B. 3980 (Pickett) – Red Light Cameras: would: (1) require a city to hold an election on whether the city may operate red light cameras before installing red light cameras in their jurisdiction; (2) provide the required proposition ballot language; (3) require that a city that has already installed red light cameras must hold an election on the first uniform election date after the effective date of the bill; and (4) provide that a subsequent election on a failed proposition may not be held before the second anniversary of the previous election.

H.B. 4003 (Tinderholt) – Interlock Device Database: would require: (1) a magistrate and court submit to the Texas Department of Public Safety (DPS) the name of a defendant who is required to install an ignition interlock device; and (2) the DPS to maintain a computerized central database of defendants who are restricted to the use of a motor vehicle equipped with an ignition interlock device, and require that the database provide information in a format that allows a law enforcement agency to make the information available to a peace officer through a mobile data terminal.

H.B. 4013 (Frullo) – Juveniles: would: (1) allow a peace officer who takes possession of a child in an emergency without a court order to release the child to: (a) a licensed and authorized residential child-care facility; (b) a juvenile probation department; (c) the Department of Family and Protective Services (department); or (d) any other person authorized by law to take

possession of the child; and (2) require an officer who releases a child under (1) to a person other than a governmental entity to: (a) verify that the child is not a missing child; (b) verify that the person does not have an outstanding warrant, a protective order issued against the person, and is not a registered sex offender; (c) obtain any other information the department considers relevant; (d) determine whether the person is listed as a person who abused or neglected a child; (e) verify that the person is at least 18 years of age; and (f) complete a form prescribed by the department with information about the child's placement. (Companion bill is **S.B. 1571** by **Huffman**.)

H.B. 4028 (Rodriguez) – Transportation Network Companies: would: (1) require a special driver's license for a transportation network company driver; (2) require the Department of Public Safety to adopt procedures to create and maintain a registry of all persons issued a transportation network company driver's license; and (3) require a driver to submit a set of fingerprints for a background check to obtain the driver's license.

H.B. 4043 (Bernal) – Neighborhood Electric Vehicle: would define "neighborhood electric vehicle" to mean a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface, and is manufactured and certified to comply with certain federal safety standards or manufactured and certified to comply with federal safety requirements for a motorcycle.

H.B. 4060 (Collier) – Non-Custodial Interrogations: would, with certain exceptions, require that a law enforcement agency make an electronic recording of all non-custodial interviews.

H.B. 4061 (Hinojosa) – Task Force: would create a task force on intentional violent deaths which will include one representative from a law enforcement organization.

H.B. 4077 (Dukes) – Pawnbroker Reporting: would provide that, before the end of each business day following the day goods are acquired by a pawnbroker, the pawnbroker shall electronically report goods purchased, accepted in pawn, or otherwise acquired by the pawnbrokers to law enforcement agencies through a reporting database that is searchable by those agencies statewide and is generally accepted by law enforcement agencies or designed by the Finance Commission.

H.B. 4091 (Coleman) – Office-Involved Injury or Death: would, in regard to required reports to the attorney general regarding certain use of force injuries or deaths caused by peace officers: (1) define "officer-involved injury or death" to mean an officer-involved use of force that causes injury or death to another; (2) define "officer-involved use of force" to mean an incident during which a peace officer uses an action or force to compel compliance by an unwilling person; (3) require a report about an officer-involved use of force to include the name of the peace officer, name of the person against whom force was used, a description of any injuries sustained, and a detailed description of the use of force; (4) require that the report in (3) be prepared as soon as practicable after an officer-involved use of force; and (5) provide that a report regarding officer-involved use of force is public information and not confidential, regardless of any other law.

H.B. 4102 (Neave) – Evidence Testing Grant Program: would provide that: (1) the criminal justice division of the governor's office shall establish and administer a grant program and shall disperse funds to assist law enforcement agencies in testing evidence collected in relation to a

sexual assault or other sex offenses; and (2) grant funds may be used only for the testing by an accredited crime laboratory of evidence that was collected in relation to a sexual assault or other sex offense.

H.B. 4121 (White) – Rapid DNA Technology: would require the use of rapid DNA technology to identify, document, and record a person arrested for certain offenses, including a person arrested for any misdemeanor offense after having been previously convicted of or placed on deferred adjudication for certain other offenses.

H.B. 4159 (Coleman) – Vehicle Stops: would: (1) prohibit an officer from: (a) conducting a search based solely on a person's consent to the search; and (b) making a stop for an alleged violation of a traffic law or ordinance as a pretext for investigating a violation of another penal law; (2) require that a law enforcement agency's racial profiling policy: (a) include a plan to provide the public information about the complaint process on each ticket, citation, or warning issued by a peace officer; and (b) require the collection of information on all vehicle stops and whether a police officer used physical force against anyone during the stop; (3) provide that data collected as part of a racial profiling policy is admissible in a court of law as evidence of racial profiling; (4) require certain analysis, investigations, and counseling/training regarding racial profiling; (5) require each law enforcement agency to adopt and implement a detailed written policy regarding the administration of a motor vehicle stop investigation; (6) prohibit a peace officer from: (a) conducting a roadside investigation during a motor vehicle stop for an offense other than the traffic violation without suspicion based on a preponderance of the evidence that the driver committed the other offense; (b) continuing a roadside investigation during a motor stop into an offense other than the traffic violation after a driver refuses consent to be searched, unless the peace officer has additional suspicion based on a preponderance of the evidence that the driver committed the other offense; (c) arresting a driver during a motor vehicle stop for a traffic violation to conduct a search incident to arrest unless the officer has probable cause to believe the driver committed an offense more serious than a class C misdemeanor; (7) provide that a peace officer who violates a prohibition in (6) is subject to an administrative penalty of not less than a one-day suspension; and (8) provide (with certain exceptions) that a person, including a child, charged with committing a misdemeanor punishable by fine only may be issued a citation instead of being taken before a magistrate.

H.B. 4172 (Coleman) – Training: would, among other things, require a peace officer to complete training on de-escalation and crisis intervention techniques.

H.B. 4188 (Collier) – Non-Custodial Interviews: would, with certain exceptions, require that a law enforcement agency make an electronic recording of all non-custodial interviews.

H.B. 4201 (Perez) – Mug Shots: would provide that (1) a law enforcement agency may not publish on the agency's Internet website any photograph taken pursuant to an arrest, lawful detention, or other involvement in the criminal justice system unless the person depicted in the photograph has been finally convicted for the offense in connection with which the photograph was taken; (2) a law enforcement agency may not release a photograph of an individual taken pursuant to an arrest, lawful detention, or other involvement in the criminal justice system unless the person requesting the photograph includes in the request: (a) the name of the individual who

is the subject of the photograph; and (b) the approximate date the photograph was taken or date on which the incident giving rise to the photograph occurred; and (3) section (2) does not apply to a law enforcement agency for the release of a photograph to another law enforcement agency.

H.B. 4215 (Swanson) – Distracted Driving: would: (1) prohibit a city from regulating or prohibiting district driving, including the use of a wireless communication device while operating a vehicle; (2) allow a city to enforce state law regarding distracted driving; and (2) provide that a person causing, or involved in, a collision from the operating of a moving vehicle commits an offense if the person was engaged in an activity that: (a) is not related to the operation of the motor vehicle; and (b) interferes with the driver’s ability to pay attention to the road. (Companion bill is **S.B. 1356** by **Hall**.)

S.B. 30 (West) – Police Interaction: would: (1) require a local school district or open-enrollment charter school to offer instruction on proper interaction with a peace officer during a traffic stop; (2) provide that the curriculum should be based on recommendations made by the Stakeholder Task Force on Police and Citizen Interactions; and (3) require civilian interaction training for peace officers.

S.B. 1849 (Whitmire) – Sandra Bland Act: in memory of Sandra Bland, this bill is a product of the House Committee on County Affairs’ interim hearings discussing the circumstances and policies that led to her death. This bill would:

1. require a peace officer to make a good faith effort to divert a person suffering a mental health crisis or substance abuse to a proper treatment center in the officer’s jurisdiction;
2. require a person who is arrested without a warrant and detained in jail on a misdemeanor to be released on personal bond;
3. provide that the Judicial Commission shall adopt reasonable rules establishing minimum standards for jails regarding use of force, prevention of sexual assault, management of intoxicated inmates, and continuity of medication;
4. reduce the timeframe an officer has to complete a training program that includes implicit bias from not later than the second anniversary to not later than the first anniversary of the date the officer is licensed;
5. require training on de-escalation techniques;
6. prohibit an officer from conducting a search based solely on a person’s consent to the search;
7. prohibit an officer from making a stop for an alleged violation of a traffic law or ordinance as a pretext for investigating a violation of another penal law;
8. require that information regarding the complaint process for reporting racial profiling of a law enforcement agency be provided on each ticket, citation, or warning issued by an officer;
9. require a law enforcement agency to review data collected on motor vehicle stops to determine whether the number of vehicles driven by a member of a particular race or ethnicity is disproportionate to the population of that race or ethnicity in the city;
10. provide that the police chief must annually review the data collected on racial profiling to determine if there is an agency-wide or individual racial profiling problem and certify to TCOLE that the review was completed;

11. provide that a law enforcement agency must provide appropriate counseling and training to any officer found to have engaged in racial profiling;
12. require a law enforcement agency to adopt and implement a detailed written policy regarding the administration of a motor vehicle stop;
13. prohibit an officer from arresting a driver during a motor vehicle stop for a traffic violation to conduct a search incident to arrest unless the officer has probable cause to believe that the driver has committed an offense more serious than a class C misdemeanor;
14. require an officer to issue a citation to a person charged with a fine only misdemeanor, that is not an alcohol-related offense, instead of taking the person before a magistrate;
15. require an officer who stops a motor vehicle for a fine only misdemeanor to promptly notify the person that the alleged violation is a misdemeanor punishable by fine only and the officer may not arrest a person solely on the basis of that offense;
16. provide that the complaint process in chapter 614 of the Government Code applies to cities covered by a meet and confer or collective bargaining agreement;
17. require a law enforcement agency to adopt and implement standard procedures for processing a complaint filed by a member of the public;
18. provide that citations issued by police officers must include the e-mail address, telephone number, internet address, and physical location where a complaint can be filed by a member of the public against a peace officer;
19. provide procedures for investigation and disciplinary action based on the complaint against the officer. (Companion bill is **H.B. 2702** by **Coleman**.)

S.B. 1858 (Lucio) – Public Health Alert: would establish a statewide system for public health or safety threat notifications and, among other things, provide that a city must notify the Department of State Health Services of a public health emergency if the city receives notice of a suspected public health emergency, verifies the emergency, and determines it poses a credible threat to the public's health and safety.

S.B. 1859 (Lucio) – Human Trafficking: would provide that the Department of Public Safety will create a human trafficking unit that shall collaborate with federal and local law enforcement to investigate human trafficking and arrest persons determined to have engaged in human trafficking.

S.B. 1975 (Whitmire) – Committee: would establish the Texas Peace Officers' Memorial Ceremony Committee to recognize and honor peace officers who were killed in the line of duty. (Companion bill is as **H.B. 2820** by **Pickett**.)

S.B. 2037 (Zaffirini) – 9-1-1 Service by Text Message: would provide that to the extent practicable and within available resources, a public safety answering point must receive emergency 9-1-1 communications by call and text message.

S.B. 2054 (West) – Firearms: would expand the prohibition against carrying a firearm into the secured area of an airport from only the terminal area to any secured area.

S.B. 2076 (Rodriguez) – Vehicle Titling: would make various changes regarding the title of motor vehicles, and: (1) provide that an identification number inspection must be completed under certain circumstances and that such an inspection may be performed only by certain persons (including a law enforcement officer) who has completed appropriate training; (2) allow a city to impose a fee of not more than \$40 for an inspection described in (1) which must be credited to the general fund of the city to defray costs associated with the inspection; and (3) change the definition for a “house trailer” in Rules of the Road to mean a recreational vehicle that is less than 45 feet in length (rather than the current 40 feet in length). (Companion bill is **H.B. 2462** by Pickett.)

S.B. 2094 (Perry) – Immigration: would provide that the office of the governor shall develop and maintain a grant program that awards grants for the expenses incurred by a local law enforcement agency related to the attendance of a law enforcement officer of the agency in a training program.

S.B. 2135 (Lucio) – Veterans: would: (1) provide that a county shall provide procedures to a city that a city may use to inform the Veterans County Service Office when a veteran has been arrested in the city; and (2) require a city to notify the county service officer of arrested veterans when a veteran has been interested in the city.

S.B. 2137 (Lucio) – Motor Vehicle Inspections: would provide that: (1) if the auto theft unit of a municipal law enforcement agency conducts a vehicle identification number inspection required by the Department of Motor Vehicles (DMV) to verify the identity of a vehicle or part of a vehicle for title transfer, the agency may impose a fee of \$40; (2) the municipal treasurer shall credit the fee to the general fund of the municipality, as applicable, to defray the agency’s cost associated with the inspection; and (3) the fee shall be waived by the DMV or agency imposing the fee if the person is applying for an inspection for an assigned identification number and it he current registered owner.

S.B. 2205 (Hancock) – Automated Driving Systems: would prohibit a city from imposing a fee, registration, franchise, or regulation on a motor vehicle that contains and automated driving system or its operator.

Transportation

H.B. 3854 (Morrison) – Shipping Container Transport: would allow vehicles transporting certain agricultural products to have a gross weight of up to 90,000 pounds if transporting from place of production to place of first processing/marketing.

H.B. 3855 (Morrison) – Signs: would, in regard to certain signs regulated by the Texas Department of Transportation, replace references to “outdoor advertising” and “off-premise sign” with the term “commercial sign” and define the term “commercial sign” to mean a sign that is intended to be leased, or for which payment of any type is intended to be or is received, for the display of any good, service, brand, slogan, message, product, or company. (Note: This bill may be an attempt to address the holding in *Auspro v. Texas Dep’t of Transportation*.)

H.B. 3860 (Wray) – Signs: would, in regard to signs regulated by the Texas Department of Transportation, provide that: (1) a sign may not be higher than 65 feet excluding a cutout that extends above the rectangular border; and (2) for a sign that is required to be removed as the result of a highway construction project, the sign owner may choose to relocate the sign to a new location, and the relocated sign may be constructed with the number of poles and type of materials as permitted for a newly constructed sign.

H.B. 3961 (Uresti) – State Gas Tax: would increase the state’s gas and diesel taxes from 20 to 22 cents per gallon.

H.B. 3985 (L. Gonzales) – Immigration: would make various changes to the planning and procurement process of the Texas Department of Transportation.

H.B. 3989 (E. Johnson) – Licensed Carry: would modify the definition of “amusement park” for purposes of where a license holder may carry a handgun.

H.B. 4160 (Pickett) – Commuter Rail: would provide that a political subdivision may not accept, including through the Texas Department of Transportation, or use federal funds for the construction, maintenance, or operation of a commuter rail or other commuter rail project, including for the repayment of debt issued for a project, unless approved at an election in the city.

S.B. 1294 (Garcia) – Highway Closures: would provide that, if a proposed improvement of the state highway system requires the closing of a highway, the Texas Department of Transportation shall coordinate the highway closure by communicating in person or by telephone call, email, or other direct method of communication with public officials from cities affected by the closure to avoid any adverse economic impact on the municipalities during certain periods. (Companion bill is **H.B. 1294** by **Minjarez**.)

S.B. 2006 (Watson) – Signs: would, in regard to certain signs regulated by the Texas Department of Transportation: (1) replace references to “outdoor advertising” and “off-premise sign” with the term “commercial sign” and define the term “commercial sign” to mean a sign that is intended to be leased, or for which payment of any type is intended to be or is received, for the display of any good, service, brand, slogan, message, product, or company; (2) adopt wind load pressure requirements and height restrictions for commercial signs; (3) adopt spacing requirements for commercial signs, including: (a) a requirement that a commercial sign located in a city on a primary system freeway not be closer than 500 feet to another commercial sign that is on the same side of the highway and inside the city boundaries; and (b) a requirement that a commercial sign inside a city on a non-freeway primary system highway not be closer than 750 feet to another commercial sign that is on the same side of the highway in an unincorporated area or 300 feet to another commercial sign on the same side of the highway inside the city’s corporate boundaries (Note: This bill may be an attempt, in part, to address the holding in *Auspro v. Texas Dep’t of Transportation*.)

S.B. 2102 (Garcia) – Speed Limits: would allow a city with a population of 130,000 or more to lower speed limits to not less than 25 miles per hour on a highway or street, other than an alley, that is not an officially designated or marked highway or road of the state highway system. (Companion bill is **H.B. 1745** by **Israel**.)

S.B. 2103 (Garcia) – Speed Limits: would allow a city to declare a speed of not less than 20 miles per hour for a highway in the city that is not an officially designated or marked highway of the state highway system, if the city council determines that the prima facie speed limit on a highway is unreasonable or unsafe.

Utilities and Environment

H.B. 31 (Larson) – Regulation of Groundwater: would provide: (1) that a groundwater conservation district may not require that information in addition to the statutory requirements be included in an application for a permit; and (2) the conditions under which a groundwater conservation district may adopt a moratorium on the issuance of permits.

H.B. 3889 (Rodriguez) – Public Drinking Water: would require the Texas Commission on Environmental Quality to study the public drinking water infrastructure in the state and provide a recommended schedule of improvement.

H.B. 3987 (Larson) – Financial Assistance: would allow the Texas Water Development Board to use the state participation account of the water development fund to provide financial assistance for desalination or aquifer storage and recovery facilities. (Companion bill is **S.B. 1775** by **Hinojosa**.)

H.B. 3991 (Larson) – Aquifer Storage and Recovery: would provide for an expedited procedure for an application for a water right involving an aquifer storage and recovery project.

H.B. 3995 (Simmons) – Vehicle Inspections: would eliminate regular mandatory vehicle safety inspections. (Companion bill is **S.B. 1588** by **Huffines**.)

H.B. 4012 (Paul) – Water Utility Disconnection: would: (1) require a utility to send written notice of service disconnection to a city before disconnecting a nonsubmetered master metered multifamily property for nonpayment; (2) require the utility to mail notice to the customer; (3) provide that a city is not prohibited from adopting additional customer safeguards; and (4) provide that a city may provide the Texas Commission on Environmental Quality with an authorized representative to whom the required notice be sent.

H.B. 4025 (Rodriguez) – Environmental Violations: would: (1) require the Texas Commission on Environmental Quality to ensure the amount of a penalty for a violation is at least equal to the value of any economic benefit gained by the violator through the violation; and (2) allow a city to defer payment on any portion of the penalty attributable to the consideration of economic benefit on the condition that the city complies with the schedule and terms of the enforcement order associated with the violation.

H.B. 4113 (Alonzo) – Railroad Commission: would change the name of the Texas Railroad Commission to the Texas Energy Commission.

H.B. 4192 (Pickett) – Utility Relocation: would, among other things, provide that the governing body of a city or the commissioners court of a county authorized by law to require the owner or operator of a utility to relocate the utility’s facility for the purposes of a transportation project that is located in a public right-of-way in which the city or county has an interest may, if the governing body or commissioners court determines that the utility is delaying making a timely relocation of the facility without good cause: (1) contract with a third party to relocate the facility at the sole cost and expense of the utility; and (2) deny a permit application made by a utility or revoke a permit granted by the city or county to the utility for any of the utility’s facilities.

H.B. 4221 (Elkins) – Sewer Utility Service: would: (1) require a city that provides sewer utility service to report the current condition of the city’s sewer system to the Texas Commission on Environmental Quality; and (2) provide that the report must be signed by an engineer and the city council.

H.B. 4230 (Wu) – Flood Mitigation: would: (1) authorize the Texas Water Development Board (TWDB) to provide financial assistance from the state water pollution control revolving fund for a flood control or mitigation project; and (2) require the TWDB to adopt rules providing for an expedited application procedure for a city’s application for a flood control or mitigation project.

S.B. 1842 (Lucio) – Certificates of Convenience and Necessity: would make numerous modifications to the CCN process for water districts.

S.B. 1915 (Buckingham) – Outdoor Burning: would provide that if outdoor burning violates a Texas Commission on Environmental Quality rule and city ordinance, then the conduct may only be prosecuted under the city ordinance unless it is a subsequent violation or involves the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes. (Companion bill is **H.B. 1619** by Shine.)

S.B. 2099 (Hall) – Preemption: would preempt any city regulations relating to oil and gas intra- and interstate pipelines and other hazardous liquid pipelines.

S.B. 2120 (Seliger) – Railroad Commission: would continue the Railroad Commission until September 1, 2029.

S.B. 2154 (Zaffirini) – Municipal Landfill: would: (1) prohibit a permitted municipal solid waste landfill from accepting Class 1 industrial solid waste if it is more than 20% of the total amount of waste accepted during the previous year; (2) provide an exception to entities authorized to do so by their existing permit; and (3) provide for the Texas Commission on Environmental to allow an increase in the rate, if certain conditions are met.

S.B. 2155 (Zaffirini) – Municipal Landfill: would: (1) prohibit the Texas Commission on Environmental Quality from issuing a permit for a new or expanded municipal landfill in a special flood hazard are, unless the applicant has obtained a letter from the Federal Emergency

Management Agency demonstrating that the entire facility has been removed from the special flood area; and (2) provide that TCEQ may allow a new municipal solid waste landfill facility to be in a special flood hazard area, if certain conditions are met.

S.B. 2193 (Buckingham) – Aggregate Production Operations: would: (1) provide for the regulation of aggregate productions by the Texas Commission on Environmental Quality that are first required to be registered on or after January 1, 2016, occupy at least 10 acres, and are located inside a city’s extraterritorial jurisdiction (ETJ); and (2) require a city with an aggregation production in its ETJ as described in (1) to consider and possibly approve amendments to a reclamation plan under certain circumstances. (Companion bill is **H.B. 3200** by **Murr.**)

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take their time to travel to Austin to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during the legislative session.

- Andrew Fortune, Councilmember, City of Grand Prairie
- Ann Kitchen, Council Member, City of Austin
- Betsy Price, Mayor, City of Fort Worth
- Christopher Barrera, Chief of Police, Palmview Police Department
- Courtney Sharp, City Manager, City of Midland
- Cristina Garza, Mission Economic Development Corporation
- Ernest Gonzales, Governmental Relations, City of Freer
- Heather Cook, Mayor’s Office, City of Houston
- Hector F. Gonzalez, Health Director, City of Laredo
- Jessica Anderson, Houston Police Department
- Jessica Herrera, Economic Development Specialist, City of El Paso
- John Ohnemiller, City Attorney, City of Midland
- Kathryn Bruning, Asst. Dir., Regulatory Affairs, Mayor’s Office, City of Houston
- Kirk Slaughter, Director of Public Events, City of Fort Worth
- Matthew May, Captain, Houston Police Department
- Melinda Ramos, Sr. Asst. City Attorney, City of Fort Worth
- Melissa Miles, Assistant City Attorney, City of Dallas
- Peter Svarzbein, City Representative, City of El Paso
- Robert Resendes, Health Director, City of El Paso
- Robert Sturns, Economic Development Director, City of Fort Worth
- Sarah Mason, Sr. Environmental Analyst, City of Houston
- Saul Uvalle, Investigator, Palmview Police Department
- Steve Adler, Mayor, City of Austin
- Sylvania Holt-Raab, Asst. Director and Finance Manager, City of Austin

- Teclo Garcia, Director of Strategic Partnerships, Mission Economic Development Corporation

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