

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 17, 2017
Number 11

Senate Committee Ignores City Testimony on Revenue Caps

Ignoring the impassioned pleas of scores of elected city officials, police officers, sheriffs, fire fighters, and emergency medical technicians from their districts, members of a Senate committee approved the revenue cap bill (S.B. 2) late Tuesday night. The bill would put public safety at risk, while providing no real property tax relief for Texans.

After more than 10 hours of testimony from city officials, several facts were made clear to Senators: City taxes are not the cause of high property taxes, budget restrictions on cities will endanger public safety, and the only way to provide real tax relief is for the state to adequately fund its share of public education to reduce school property taxes.

Nevertheless, the Senate Finance Committee voted S.B. 2 out of committee by a vote of 9 to 5. The vote occurred after the committee adopted an amendment upping the revenue cap to five percent from the original four percent. Whether five percent or four percent, the committee's passage of S.B. 2 is a clear example of certain senators not trusting locally-elected officials to address local issues.

The next stop for S.B. 2 is likely the Senate floor. Texans need to tell their Senators to support local law enforcement and fire fighters and not impose additional budget restrictions on Texas cities.

Bill Filing Deadline Comes and Goes

In the final three days before last week's March 10 bill-filing deadline, Texas lawmakers went into their usual bill-filing frenzy. The numbers were down from the 2015 session. This time, they introduced roughly 2,100 bills and joint resolutions in the final three days (compared to about 2,800 in the same period in 2015). About half of the city-related bills filed in the last three days are summarized in this edition. The remaining ones will appear in next week's edition.

That brings the 60-day total to an unofficial 6,786 (around 400 more than the 2015 numbers and the second-highest in history). The good news is that predictions that more than 9,000 bills could have been filed were off. It turns out that legislators simply filed more bills earlier this session, and the totals are similar to other, recent sessions.

There will be more: legislators can still file bills if they can persuade their colleagues to suspend the rules on a bill-by-bill basis.

Texas City Officials Take Bond Exemption Message to D.C.

During the National League of Cities Conference earlier this week, city officials from the City of Conroe – along with TML staff – met with Congressman Kevin Brady (R – The Woodlands), who is the Chairman of the House Committee on Ways and Means. They discussed the importance of preserving the tax exemption status on municipal bonds.

Municipal bonds play a critical role in cities and are the primary way cities finance infrastructure and manage growth. With the Texas population continually growing, municipal bonds are an essential tool.

City officials are encouraged to [send letters to their congressional delegation](#) regarding the importance of preserving the tax exemption with specific examples about how losing it would harm your city. You can also encourage your representative to join the Municipal Finance Caucus.

City Officials Testify on Revenue Caps

Texas Municipal League President Mary Dennis, Mayor of Live Oak, would like to extend a special thank you to the following city officials who testified in opposition to S.B. 2 this week (see additional article elsewhere in this edition). Many others were present at the hearing and turned in cards in opposition.

Betsy Price, Mayor, Fort Worth
Mike Rawlings, Mayor, Dallas
William McManus, Police Chief, San Antonio

Maher Maso, Mayor, Frisco
Sharron Spencer, Councilmember, Grapevine

David Benson, Finance Department,
Houston
Dalton Gregory, Councilmember, Denton
Russell Kerbow, Police Chief, Lewisville
Gary Johnson, Police Chief, Roanoke
Jeff Williams, Mayor, Arlington
Will Sowell, Mayor Pro Tem, Frisco
Shona Huffman, Councilmember, Frisco
TJ Gilmore, Mayor Pro Tem, Lewisville
Tim Tuttle, Fire Chief, Lewisville
Cori Reaume, City Manager, Justin
Greg Jordan, C.F.O., Grapevine
Lee Howell, Police Chief, Denton
Robin Paulsgrove, Fire Chief, Denton
Sharen Jackson, C.F.O., Southlake
Laura Hill, Mayor, Southlake
James Brandon, Police Chief, Southlake
Patrick Shipp, Fire Chief, Webster
David Billings, Councilmember, Fate
Judson Rex, City Manager, Denison
Tim Crow, Police Chief, Gonzales
Ben Gorzell, C.F.O., San Antonio
Charles Starnes, Mayor, Plainview
Juan Adame, Fire Chief, Sugar Land
Pete Perkins, Past Mayor, Ingleside

Karl Mooney, Mayor, College Station
Sean Lally, City Manager, Gonzales
Joe Reinhardt, Mayor, Lake Jackson
Connie Kacir, Mayor, Gonzales
Keith Schmidt, Fire Chief, Gonzales
Michael Rodgers, Finance, Webster
Brandon Bozon, Finance, Belton
Jimmy Perdue, Public Safety, North
Richland Hills
Aaron Smith, City Manager, Whitehouse
Scott Gerdes, Police Chief, West Lake Hills
Terry Henley, Mayor Pro Tem, Meadows
Place
Tracy Aaron, Police Chief, Mansfield
Mark Vargus, Mayor, Lakewood Village
Joseph Salvaggio, Police Chief, Leon Valley
Luiz Valdez, Fire Chief, Leon Valley
Rhonda McCullough, Councilmember, West
Lake Hills
Luis Lamas, Mayor, Ingleside
Paul Voelker, Mayor, Richardson
Charles Cato, Police Chief, Mesquite
Monty Akers, City Attorney, Balch Springs
Brad Goudie, Fire Chief, Highland Village

Significant Committee Actions

S.B. 5 (Kolkhorst), relating to requiring a voter to present proof of identification. Reported from the Senate State Affairs Committee.

S.B. 31 (Zaffirini), relating to the use of a wireless communication device while operating a motor vehicle. Reported from the Senate State Affairs Committee.

S.B. 87 (Hall), relating to registration of a motor vehicle alleged to have been involved in a violation detected by a photographic traffic signal enforcement system. Reported from the Senate Transportation Committee.

S.B. 312 (Nichols), relating to the continuation and functions of the Texas Department of Transportation. Reported from the Senate Transportation Committee.

S.B. 721 (Perry), relating to treatment and care provided by licensed medical professionals to animals in certain facilities. Reported from the Senate Agriculture, Water, and Rural Affairs Committee.

Significant Floor Actions

H.B. 744 (Farrar), relating to recovery of attorney's fees in certain civil cases. Passed the House. As passed, this bill would authorize a person who sued a city to recover attorney's fees in a claim arising from various claims in current law.

S.B. 6 (Kolchorst), relating to regulations and policies for entering or using a bathroom or changing facility. Passed the Senate.

S.B. 1138 (Whitmire), relating to the creation of the blue alert system to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer. Passed the Senate.

S.J.R. 1 (Campbell), proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of surviving spouse. Passed the Senate.

City-Related Bills Filed

Property Tax

H.B. 3446 (Y. Davis) – Property Tax Appraisal: would, among other things, provide that a chief appraiser may not: (1) require an applicant for a homestead exemption to provide identification other than a driver's license or state-issued personal identification certificate, unless the chief appraiser possesses reasonable evidence that the address listed on the identification is not the applicant's residence homestead; (2) require both spouses of a married couple to sign an application for a residence homestead exemption; and (3) deny or cancel a property tax exemption because an individual's driver's license or state-issued personal identification certificate expires after the date the individual applies for or receives the exemption.

H.B. 3466 (T. King) – Heavy Equipment Appraisal: would modify the method for appraising certain dealer's heavy equipment inventory by minimizing the ability to tie the appraised value of the inventory to the lease or rental price.

H.B. 3498 (White) – Property Tax Exemption: would provide that the surviving spouse of a disabled veteran who qualified for a property tax homestead exemption is entitled to an exemption from property taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the disabled veteran. (See **H.J.R. 105**, below.)

H.B. 3557 (Murphy) – Property Tax Appeals: would, among other things: (1) require the comptroller to adopt rules prescribing: (a) the manner and form, including security requirements,

in which a person must provide a copy of material the person intends to offer or submit to the appraisal review board at a hearing, which must allow the appraisal review board to retain the material as part of the board's hearing record; and (b) specifications for the audiovisual equipment provided by an appraisal district for use by a property owner or the property owner's agent; and (2) impose restrictions on who can be appointed as an arbitrator for a property tax appeal through binding arbitration.

H.B. 3584 (Neave) – Property Tax Limitation: would provide that: (1) for a residence homestead that is located in an area declared by the governor to be a disaster area following a natural disaster and rendered uninhabitable or unusable as a result of the disaster, a taxing unit may not increase the total amount of property taxes the taxing unit imposes on a residence homestead above the amount of the taxes the taxing unit imposed on the residence homestead for the tax year in which the residence homestead was rendered uninhabitable; and (2) the limitation described in (1): (a) takes effect on January 1 of the first tax year following the tax year in which the natural disaster that renders the residence homestead uninhabitable or unusable occurs; and (b) expires on January 1 of the earlier of the first tax year: (i) following the tax year in which the fifth anniversary of the natural disaster occurs; or (ii) in which the property no longer qualifies as the property owner or surviving spouse's residence homestead. (See **H.J.R. 108**, below.)

H.B. 3752 (E. Johnson) – Property Tax Appraisal: would, among other things, provide that, for the purpose of appraising certain nonexempt property used for low-income or moderate-income housing, the chief appraiser shall use the income method of appraisal, regardless of whether the chief appraiser considers that method to be the most appropriate method of appraising the property. (Companion bill is **S.B. 1275** by **V. Taylor**.)

H.B. 3760 (Bell) – Property Tax Protests: would provide that: (1) a rebuttable presumption exists that an appraisal review board failed to provide and deliver notice of a hearing on a protest regarding real property filed by the owner of the property if the owner alleges that the owner did not receive the notice; and (2) the appraisal review board may rebut the presumption by presenting clear and convincing evidence that the notice was sent to the property owner at the correct address.

H.B. 3774 (Darby) – Property Tax Protests: would make changes to the hearing and protest procedures involving property tax determinations before appraisal review boards. (Companion bill is **S.B. 1767** by **Buckingham**.)

H.B. 3831 (Gutierrez) – Property Tax Rate Setting Process: would, for taxing units that do not provide notice of their proposed tax rates pursuant to Local Government Code Section 140.010, provide that: (1) before conducting the first public hearing required for a property tax rate that exceeds the lower of the effective tax rate or rollback tax rate, the governing body of a taxing unit must: (a) adopt a resolution indicating each member of the governing body who is in favor of the proposed tax rate and each member of the governing body who is opposed to the proposed tax rate; and (b) provide written notice to each property owner in the taxing unit of: (i) the total amount of tax revenue raised by the taxing unit in the preceding tax year; (ii) the total amount of tax revenue proposed to be raised by the taxing unit in the current tax year at the proposed tax rate; (iii) the percentage change in the total amount of tax revenue proposed to be

raised by the taxing unit from the preceding tax year to the current tax year; and (iv) the name of each member of the governing body of the taxing unit who is in favor of the proposed tax rate and each member of the governing body who is opposed to the proposed tax rate; (2) each taxing unit proposing to adopt a property tax rate exceeding the lower of the effective tax rate or rollback tax rate must mail the notice required by (1)(b) to the owners of property in the taxing unit; and (3) at the request of a taxing unit proposing to adopt a property tax rate exceeding the lower of the effective tax rate or rollback tax rate, an appraisal district in which the taxing unit participates shall mail the notice required by (1)(b) to the owners of property located in the part of the taxing unit that is located in the appraisal district.

H.J.R. 105 (White) – Property Tax Exemption: would amend the Texas Constitution to provide that the surviving spouse of a disabled veteran who qualified for a property tax homestead exemption is entitled to an exemption from property taxation of the total appraised value of the surviving spouse’s residence homestead if the surviving spouse has not remarried since the death of the disabled veteran. (See **H.B. 3498**, above.)

H.J.R. 108 (Neave) – Property Tax Limitation: would amend the Texas Constitution to provide that for a temporary period following a natural disaster the total amount of property taxes imposed on a residence homestead by a political subdivision may not exceed the amount of taxes the political subdivision imposed on the property in the year in which the property was rendered uninhabitable or unusable as a result of the disaster. (See **H.B. 3584**, above.)

H.J.R. 113 (Capriglione) – Property Tax Exemption: would amend the Texas Constitution to exempt bullion, specie, and precious metals held by the Texas Bullion Depository from property taxation.

S.B. 1426 (Hancock) – Property Tax Rate Calculation: would: (1) for notice purposes only, require a taxing unit to calculate: (a) an “adjusted effective tax rate,” which means the effective tax rate of the taxing unit as otherwise calculated except that new property value is not deducted from the current total value in calculating the tax rate; and (b) an “adjusted rollback tax rate,” which means the rollback tax rate of a taxing unit as otherwise calculated, except that new property value is not deducted from the current total value in calculating the effective maintenance and operations rate; and (2) require the tax rate notice provided by a city or county to include the adjusted effective tax rate and adjusted rollback tax rate of the city or county.

S.B. 1514 (Estes) – Open-Space Appraisal: would provide that the eligibility of land for appraisal as open-space land does not end because a lessee begins conducting oil and gas operation on the land under a lease over which the Railroad Commission of Texas has jurisdiction if the land otherwise continues to qualify for appraisal as open-space land.

S.B. 1749 (Hinojosa) – Property Tax Refund: would provide that the court that makes the final determination of a property tax appeal shall, in its discretion, determine the amount on which interest is to be calculated, provided that the amount is: (1) not greater than the amount refunded; and (2) not less than the difference between the minimum amount the taxpayer was required to pay to preserve the right to appeal and the amount of taxes for which the property owner is liable. (Companion bill is **H.B. 2253** by **Darby**.)

S.J.R. 51 (Estes) – Open-Space Appraisal: would amend the Texas Constitution to authorize the legislature to provide exceptions to the requirement that open-space land be devoted to a purpose described in the Texas Constitution.

Sales Tax

H.B. 3366 (Bohac) – Sales Tax Exemption: would modify the application of sales taxes to certain property and services, including coin-operated machines, sale for resale of tangible personal property for the purpose of transferring the property to a governmental or charitable entity, and environment and conservation services. (Companion bill is **S.B. 1539** by **Watson**.)

H.B. 3462 (Y. Davis) – State Tax Refunds: would, among other things, provide that, not later than the first anniversary of the date a claim for a state tax refund is filed, the comptroller shall: (1) grant and pay the claim; (2) wholly or partly deny the claim; or (3) execute a settlement agreement with the claimant in an amount not less than 90 percent of the amount claimed for the refund.

H.B. 3471 (Y. Davis) – Sales Tax Refund: would provide that a person who files a severance tax report may obtain reimbursement for sales taxes that were overpaid by taking a credit on one or more severance tax reports or by filing a claim for refund with the comptroller.

H.B. 3549 (Wray) – Sales Tax Exemption: would exempt certain cleaning services performed for a health care facility from the sales tax.

S.B. 1713 (Uresti) – Applicability of Use Tax: would address the application of the state and local use tax to certain activities of marketplace providers and referrers.

S.B. 1756 (Zaffirini) – Sales Tax Exemption: would provide that the sale of a United States flag or Texas flag is exempted from sales taxes.

S.B. 1773 (Miles) – Sales Tax Exemption: would exempt from sales and use taxes: (1) the sale of an article of clothing, footwear, school supply, or school backpack that costs less than \$200 and is sold during certain timeframes (current law sets exemption amount at an item less than \$100); and (2) the sale or storage, use, or other consumption of an e-reader, personal computer, or tablet computer, if the device is purchased during a specified weekend preceding the beginning of the school year and not purchased over the Internet. (Companion bill is **H.B. 589** by **Bohac**.)

Purchasing

H.B. 3326 (Huberty) – Job Order Contracting: would provide that the price of a job order contract may not exceed \$5 million.

H.B. 3357 (Romero) – Prevailing Wages: would provide that: (1) the contractor who is awarded a contract by a public body or a subcontractor of the contractor: (a) shall pay not less than the rates determined under the prevailing wage law to a worker employed by it in the execution of the contract; and (b) may not improperly classify a worker employed by it in the execution of the contract as an independent contractor in order to avoid paying the worker under (1); (2) a public body awarding a contract shall specify the penalty provided for in the contract for a violation of (1); and (3) the public body shall audit a public work contract to ensure compliance with the bill.

Elections

H.B. 3328 (E. Rodriguez) – Voter Identification Education: would provide that information relating to an expenditure of public money on voter identification education under the bill or under a court order relating to the voter identification requirements is subject to disclosure under the Public Information Act.

H.B. 3332 (Kuempel) – Recall Elections, Ballot Propositions, and Petitions: would allow a religious organization to make a political contribution in connection with a recall election and, with regard to ballot propositions, would:

1. require that a ballot proposition substantially submit a question with such definiteness and certainty that the voters are not misled;
2. provide that, not later than the seventh day after the date on which a home-rule city publishes ballot proposition language proposing an amendment to the city charter or another city law as requested by petition, a registered voter eligible to vote in the election may submit the proposition for review by the secretary of state (SOS);
3. require a city to draft a proposition to cure any misleading or inaccurate information identified by the SOS in (2) and give notice of the new proposition;
4. require, in an action in a district court seeking a writ of mandamus to compel the city to comply with (1), the court to make a determination without delay and authorize the court to: (a) order the city to use ballot proposition language drafted by the court; and (b) award a plaintiff who substantially prevails reasonable attorney's fees, expenses, and court costs;
5. provide that, following a final judgment that a proposition failed to comply with (1), a city must submit to the SOS any proposition to be voted on at any election held by the city before the fourth anniversary of the court's finding; and
6. require a city to pay fair market value for all legal services relating to a proceeding regarding ballot proposition language enforcement.

In addition, with regard to petitions, the bill would:

1. provide that a signature on a petition submitted to a home-rule city is valid if the information provided with the signature legibly provides enough information to demonstrate that the signer is eligible to sign the petition and signed the petition on or after the 180th day before the date the petition was filed;

2. require the SOS to prescribe the form, content, and procedure for a petition and prohibit a home-rule city that uses a form different than the SOS form from invalidating a petition because it doesn't contain information that the petition form failed to provide for or required to be provided;
3. require that the city secretary determine the validity of a petition, including by verifying the petition signatures, not later than the 30th day after the date the city receives the petition;
4. provide that, if the city secretary determines a petition is valid or fails to make a determination within the timeframe described in (3), the city must hold the election on the next uniform election date that allows sufficient time to comply with applicable provisions of law;
5. prohibit a city from restricting who may collect petition signatures; and
6. provide that (3) through (5) preempt home-rule charter procedures requiring the city council to hold an election on receipt of a petition; and
7. in regard to a charter amendment election petition: (a) provide that at least five percent of the registered voters of the city on the date of the most recent election held in the city or 20,000, whichever number is smaller, may submit a petition; and (b) require the notice of election include a substantial copy of the proposed amendment in which language sought to be deleted by the amendment is bracketed and stricken through and language sought to be added by the amendment is underlined.

(Companion bill is **S.B. 488** by **Bettencourt**.)

H.B. 3371 (Miller) – Application for Mail Ballot: would: (1) provide that an application for a ballot to be voted by mail by an elderly or disabled voter that does not specify the election for which a ballot is requested, or is for more than one election, is considered to be an application for a ballot for each election, including any ensuing runoff, that occurs before the earlier of January 1 of the first odd-numbered year after the calendar year in which the application was submitted; and (2) provide that an application described by (1) that is submitted in the last 60 days of an even-numbered year is considered to be submitted in the following calendar year.

H.B. 3386 (Klick) – Election Records: would, among other things: (1) require precinct election records to be preserved by the authority to whom they are distributed for at least 36 months after election day; (2) require the general custodian of election records to preserve the test of tabulating materials for the period for preserving the precinct election records under (1); and (3) require the general custodian for election records to preserve a copy of the direct recording voting system's software at a secure location that is outside the administrator's and programming entity's control for the period for preserving the precinct election records under (1).

H.B. 3415 (Shaheen) – Uniform Election Dates: would, among other things: (1) provide that the only uniform election date is the first Tuesday after the first Monday in November in an even-numbered year; (2) require an election for the issuance of bonds by a political subdivision to be held on the uniform election date; (3) require the governing body of a political subdivision that holds its general election for officers on a date other than the November uniform election date in even-numbered years to change its election date to the uniform election date not later than

December 31, 2017, in a manner that does not cause an officer's term to exceed any applicable constitutional limits; and (4) require cities to use county election precincts for all elections.

H.B. 3425 (Laubenberg) – Carrier Envelope: would provide that a person commits a state jail felony if the person deposits in the mail or with a common or contract carrier more than two carrier envelopes containing ballots voted by other persons in an election.

H.B. 3435 (Swanson) – Early Voting by Mail: would authorize the signature verification committee to compare the signatures on each carrier envelope certificate with any two or more signatures of the voter made within the preceding six years and on file with the general custodian of election records or voter registrar to confirm that the signatures are those of the same person and may use the signatures to determine that the signatures are not those of the same person.

H.B. 3464 (Schofield) – Early Voting: would require early voting to take place at a residential care facility if a significant number of voters residing in the same residential care facility apply to vote early by mail on the grounds of age or disability.

H.B. 3545 (Fallon) – Uniform Election Date: would, among other things: (1) eliminate the May uniform election date; (2) establish a uniform election date on the first Tuesday in March in an even-numbered year, which is the primary election date; (3) require an election for the issuance of bonds by a political subdivision to be held on a uniform election date; and (4) require the governing body of a political subdivision that currently holds its general election for officers on the May uniform election date to change the date on which it holds its general election for officers to the November uniform election date by not later than December 31, 2017. (Companion bill is **H.B. 1271** by **Lang**.)

H.B. 3643 (Swanson) – Voter Assistance: would provide that a person assisting a voter commits a state jail felony if the person assists a voter in a way that is not authorized by state law and does so three or more times in a single election.

H.B. 3662 (Swanson) – Voter Acceptance: would provide that: (1) after a voter is accepted, an election officer must indicate beside the voter's name on the poll list the unique qualifying serial number provided by the county clerk or the voter registrar confirming the voter is currently registered; (2) an election officer commits an offense if the officer knowingly permits an ineligible person to vote; and (3) an election officer commits a state jail felony if the officer commits three or more offenses under (2).

H.B. 3666 (Swanson) – Voter Identification: would provide that: (1) an election officer may copy voter identification documentation presented by a voter or record information from the documentation; (2) an election officer may photograph the entire face of a voter who is accepted for voting if: (a) the documentation presented by a voter is not documentation issued by the Texas Department of Public Safety containing the person's photograph; or (b) the election official questions the authenticity of the voter identification documentation, regardless of whether the documentation is issued by the Texas Department of Public Safety and contains the person's photograph; and (3) all information collected under (1) and (2) must be provided to the secretary of state for election-related purposes.

H.B. 3686 (Swanson) – Voter Identification: would provide that: (1) for a voter who is not accepted for voting due to inadequate voter identification, an election officer may, according to the policy of the county in which the election officer serves, photograph the entire face of the voter using secure equipment and software provided by the county election board, though the photograph may not be used for the purposes of accepting a voter; (2) after a voter is accepted who presents required documentation but is not on the precinct list of registered voters, the election officer need not enter the voter’s name on the registration omissions list; (3) an election officer commits an offense if the officer knowingly permits an ineligible person to vote; and (4) an election officer commits a state jail felony if the officer commits three or more offenses under (3).

H.B. 3688 (Swanson) – Polling Places: would: (1) provide that, if a school district is unable to provide space for a polling place on the November uniform election date, the school district may choose to designate the election date as a school holiday or staff development day; and (2) require an entity that owns or controls a public building selected for a polling place to ensure that the building has space designated that is large enough to accommodate the number of voting booths and other election equipment and the staff necessary to conduct voting at the polling place and provide an area where voters may vote privately.

H.J.R. 109 (Burns) – Recall: would amend the Texas Constitution to provide that the qualified voters may recall certain state, county, and special district elected officers from office if the officer is finally convicted of a felony. (Note: As drafted, the resolution does not impact city officials.)

H.J.R. 112 (Cook) – Political Contributions and Expenditures: would amend the Texas Constitution to require certain persons or groups report certain contributions and political expenditures.

S.B. 1637 (V. Taylor) – Election Canvass: would prohibit the canvassing authority from entering or delivering a tabulation if a discrepancy between the total number of ballots cast in the precinct and the total number of voters who cast a ballot for a candidate or for or against a measure in the election in the precinct is greater than one percent, until the presiding officer of the canvassing authority posts an explanation of the discrepancy on the canvassing authority’s Internet website.

S.B. 1717 (Hall) – Early Voting by Personal Appearance: 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) 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; and (3) require cities to use county election precincts for all elections. (Companion bill is **H.B. 2554** by **Shaheen**.)

S.B. 1766 (Buckingham) – Ballot Propositions: would require: (1) the authority ordering an election in which more than one measure is to be voted on to determine the order in which the

propositions are to appear on the ballot and identify them as follows: (a) except as provided by (b), for each proposition on the ballot, the authority must assign a letter of the alphabet to the measure that corresponds to its order on the ballot; and (b) for each proposition on the ballot to be voted on statewide, the authority ordering the election shall assign a number to the measure that corresponds to its order on the ballot; (2) each proposition on the ballot to identify the name of the authority ordering the election on the measure; and (3) a proposition submitting a proposed constitutional amendment to be placed before all other propositions on the ballot.

S.B. 1820 (Burton) – Early Voting by Mail: provide that, if the early voting clerk has previously provided the applicant with an official ballot for the election for which the applicant requests a ballot, the clerk shall deliver written notice to the applicant, at both the residence address and the mailing address on the application, that states: (1) a ballot to be voted by mail was previously provided to the applicant; and (2) the date the ballot was provided.

S.J.R. 54 (L. Taylor) – Charter Amendment Elections: would amend the Texas Constitution to provide that: (1) an election to amend a charter may be held on an election date prescribed by the legislature; and (2) no city charter shall be amended oftener than every two years, except that a subsequent charter election may be held on a date prescribed by the legislature even if that date falls a number of days short of two years.

Open Government

H.B. 3107 (Ashby) – Vexatious Requestors: would make various changes to the Public Information Act procedures designed to deal with vexatious requestors.

H.B. 3394 (Larson) – Candidate Forum: would provide that the definition of “meeting” in the Texas Open Meetings Act does not include the attendance by a quorum of a governmental body at a candidate forum, appearance, or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the forum, appearance, or debate. (Companion bill is **S.B. 1440** by **Campbell**.)

H.B. 3581 (Capriglione) – Public Information: would provide that: (1) “file format” means the specifications by which information in electronic form is encoded for storage in a computer file, including the file type and file extension; (2) “record layout” means: (a) a description of the type or category of information held in each field of a data file; (b) the location of data in a data file; and (c) the number of characters in each field of a data file, if available; (3) the record layout of a data file maintained by a governmental body or by a vendor or other entity on behalf of a governmental body: (a) is public information; (b) is not confidential; and (c) is not excepted from required disclosure; (4) the requestor may request a copy of public information that exists in an electronic form in a specific file format, including the file format used by the governmental body to maintain the information, along with the record layout of and instructions for accessing the file provided; and (5) if the governmental body sends a cost estimate for programming or manipulation of data to fulfill the request, the governmental body must put in estimate a detailed description of each specific programming or manipulation task required to provide the

information in the requested form or file format and a statement of anticipated time required to perform each task.

H.B. 3708 (Fallon) – Open Meetings: would make various changes relating to recording meetings of certain governmental bodies, and provide that a member of a governmental body commits a Class C misdemeanor offense if the member: (1) participates in an open meeting knowing that a recording required by the Open Meetings Act or another law is not being made; or (2) knowingly fails to ensure that a recording of an open meeting is made available and maintained on the Internet, if required by the Open Meetings Act.

H.B. 3793 (Burrows) – Body Worn Cameras: would provide that: (1) a recording created by body worn camera and documenting an incident that involves the use of deadly force by a peace officer may not be released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded; and (2) before releasing to a member of the public a recording captured by a body worn camera, a law enforcement agency shall obscure or alter relevant portions of the video or audio recording so that only law enforcement officers are identifiable on the recording and the requestor is responsible for the costs of obscuring or altering the recording.

H.B. 3848 (Hunter) – Public Information: would make various changes to the Public Information Act. More specifically, this bill would:

1. define “temporary custodian” to mean a current or former officer or employee who, in the transaction of official business, creates/created or receives/received public information that the officer or employee has not provided to the officer for public information of the governmental body;
2. provide that a current or former officer or employee who maintains public information on a privately owned device must: (a) forward or transfer the information to the governmental body to be preserved; or (b) preserve the public information in its original form on the privately owned device for the requisite retention period;
3. prohibit a governmental body from withholding a date of birth, with certain exceptions;
4. require a public information officer to make reasonable efforts to obtain public information from a temporary custodian if: (a) the information has been requested in a public information request; (b) the officer is aware of facts sufficient to warrant a reasonable belief the temporary custodian is in possession, custody, or control of the information; (c) the officer is unable to comply with a request without obtaining the information from the temporary custodian; and (d) the temporary custodian has not provided the information to the officer;
5. require the officer for public information to notify the requestor in writing not later than the 10th business day after the date the request is received if the governmental body determines it has no information responsive to a request for information;
6. require the officer for public information, not later than the 10th business day after the request is received, to notify a requestor and identify the previous determination if a governmental body determines the requested information is subject to a previous determination that permits or requires the governmental body to withhold the requested information;

7. provide that a current or former officer or employee does not have a personal or property right to public information the officer or employee created or received while acting in an official capacity, and must surrender the information not later than the 10th day after the date the officer for public information requests the information be returned or surrendered;
8. provide that if a temporary custodian fails to comply with (7), the officer for public information must notify the attorney general who may then sue for an injunction or writ of mandamus to compel the surrender or return of the information;
9. require a court to dismiss, with prejudice, a suit in (8) if the current or former officer or employee files an answer containing a general denial supported by a sworn affidavit stating the individual is not in possession, custody, or control of public information responsive to the request, but provide that the suit is dismissed without prejudice and may be refiled by the attorney general if, in providing the affidavit, the officer or employee engaged in perjury and is arrested, charged, or indicted for that offense;
10. for purposes of seeking an attorney general decision, provide that the governmental body is considered to receive a request for information on the date the information is surrendered by a temporary custodian or returned to the governmental body from a temporary custodian;
11. provide that when a governmental body asks for an attorney general decision under the Public Information Act, it must state the specific exceptions that apply in the 10-day letter;
12. provide that if a governmental body fails to respond to a requestor as required by certain portions of the Public Information Act, including as described in (5) and (6): (a) the attorney general may require the governmental body to complete open records training; (b) the governmental body may not charge the requestor for providing responsive information; and (c) if the governmental body seeks to withhold the information, the governmental body must request an attorney general decision not later than the 5th business day after the date the governmental body receives notification and release the requested information unless there is a compelling reason to withhold the information; and
13. make it a criminal offense for a temporary custodian to refuse to surrender or return information as required in (7).

(Companion bill is **S.B. 1646** by **Watson**.)

S.B. 1440 (Campbell) – Open Meetings: this bill is the same as **H.B. 3394**, above.

S.B. 1646 (Watson) – Public Information: this bill is the same as **H.B. 3848**, above.

S.B. 1655 (Watson) – Attorney-Client Privilege: would provide that neither the attorney client privilege nor several other exceptions to disclosure in the Public Information Act are compelling reasons to withhold information when a governmental body fails to timely request an attorney general letter ruling. (Note: this bill would overturn the recent Texas Supreme Court opinion in *Paxton v. City of Dallas*.)

Other Finance and Administration

H.B. 3280 (Hinojosa) – Hotel Occupancy Taxes: would: (1) require cities to annually report to the comptroller: (a) the rate of the city’s hotel occupancy tax and, if applicable, the rate of the city’s hotel occupancy tax supporting a venue project; (b) the amount of revenue collected during the city’s preceding fiscal year from: (i) the city’s hotel occupancy tax; and (ii) if applicable, the city’s hotel occupancy tax supporting a venue project; and (c) the amount and percentage of revenue described by (1)(b)(i) allocated by the city for the promotion of the arts during the city’s preceding fiscal year; and (2) require cities to make the report required in (1) by: (a) submitting the report to the comptroller on a form prescribed by the comptroller; or (b) providing the comptroller a direct link to, or a clear statement describing the location of, the information required to be reported that is posted on the Internet website of the city. (Companion bill is **S.B. 1221** by **Watson**.)

H.B. 3306 (Kuempel) – Vehicle Towing, Booting, and Storage: would: (1) eliminate required state licensing for vehicle booting companies; (2) 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); (3) authorize a local authority to regulate, in areas in which the entity regulates parking or traffic, booting activities, and specify certain requirements that must be included in such regulations; (4) 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 (current law only makes the permit holder an agent); (5) authorize a parking facility owner to cause a boot to be installed on a vehicle in the facility if the vehicle has been parked, stored, or located on the facility continuously for one hour or longer; (6) require a booting company to remove a boot not later than one hour (or waive their fee) after the time the owner or operator of the vehicle contacts the company for removal; and (7) repeal incident management towing permits and related insurance requirements. (Companion bill is **S.B. 1501** by **Zaffirini**.)

H.B. 3309 (Kuempel) – Temporary Common Workers (Day Laborers): would: (1) eliminate required state licensing for temporary common worker employers; (2) allow a person to operate as a temporary common worker employer if the person meets state law requirements and is not prohibited by a “governmental subdivision” (defined to mean a city, county, special district, zone, authority, or other entity that is chartered, created, or authorized by this state); and (3) authorize a governmental subdivision to enforce the state laws governing temporary common worker employers. (Companion bill is **S.B. 1498** by **Zaffirini**.)

H.B. 3320 (Frank) – Financial Accounting and Reporting Requirements: would, among other things, repeal the state law governing financial accounting and reporting standards for the state and political subdivisions of the state. (Companion bills are **H.B. 1930** by **Frullo** and **S.B. 753** by **Perry**.)

H.B. 3329 (Paddie) – Electricians: would provide that a city may not collect a permit fee, registration fee, administrative fee, or any other fee for work performed in a city by an electrician who holds a state license. (Companion bill is **S.B. 1797** by **Campbell**.)

H.B. 3335 (Murphy) – Local Debt: would: (1) require a proposition seeking voter approval of the issuance of bonds to specifically state: (a) a general description of the purposes for which the bonds are to be authorized; (b) the total principal amount of the bonds; (c) the rate of interest; (d) the imposition of taxes sufficient to pay the annual interest on the bonds and to provide a sinking fund to redeem the bonds at maturity; (e) the maturity date of the bonds or that the bonds may be issued to mature serially over a specified number of years not to exceed 40; (f) the total amount of the political subdivision's debt secured by property taxes currently outstanding; (g) the total amount of debt secured by property taxes, including principal and interest, to be authorized; (h) the amount of taxes required to be imposed on a homestead with a value of \$100,000 in the political subdivision, as computed by the appraisal district, to repay the political subdivision's current debt obligations secured by property taxes; (i) the increase in the amount of taxes that would be imposed on a homestead with a value of \$100,000 in the political subdivision, as computed by the appraisal district, to repay the bonds to be authorized, if approved; and (j) the maturity date of the bonds to be authorized; (2) require a political subdivision that maintains a website to provide the information described by (f) – (j) on its website in an easily accessible manner; (3) extend the timeframe to publish newspaper notice of intention to issue a certificate of obligation (CO) from 30 to 45 days before the passage of the ordinance; (4) require an issuer of COs that maintains a website to continuously post notice of intention to issue a CO on its website for at least 45 days before the passage of the CO issuance ordinance; and (5) require that the notice of intention to issue a CO include the following information, stated as a total amount and as a per capita amount: (a) the then-current principal of all outstanding debt obligations of the issuer; (b) the then current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full; (c) the principal of the COs to be authorized; (d) the estimated combined principal and interest required to pay the COs to be authorized on time and in full; (e) the estimated rate of interest for the COs to be authorized; and (f) the maturity date of the COs to be authorized. (Companion bill is **S.B. 461** by **Lucio**.)

H.B. 3336 (Murphy) – Local Debt: would: (1) require a political subdivision to include any sample ballot prepared for a general obligation bond election to be prominently posted on the political subdivision's website during the 21 days before the election along with the election order, notice of the election, and contents of the proposition, if the political subdivision maintains a website; (2) provide that at an election at which a political subdivision submits a proposition to the voters to approve the issuance of general obligation bonds, the entity that establishes early voting polling places may not establish the polling places with the intent to affect the outcome of the election in favor of approval of the proposition; (3) provide that a political subdivision may not issue a general obligation bond to purchase, improve, or construct improvements or to purchase personal property if the projected expected useful life of the improvement or personal property ends before the maturity date of the bond; (4) provide that a political subdivision may use the unspent proceeds of issued general obligation bonds only: (a) for the specific purpose for which the bonds were issued; (b) to retire the bonds; or (c) for a purpose other than the specific purpose for which the bonds were issued if: (i) the specific purpose is accomplished or abandoned; and (ii) a majority of the votes cast in an election held in

the political subdivision approve the use of the proceeds for the proposed purpose; (5) require the election order and the notice of the election for an election authorized to be held under (4)(c) to state the proposed purpose for which the bond proceeds are to be used; and (6) require a political subdivision to hold the election under (4)(c) in the same manner as an election to issue bonds in the political subdivision. (Companion bill is **S.B. 460** by **Lucio**.)

H.B. 3387 (K. King) – Public Official Liability: would create a defense against a libel claim based on the claimant’s status as a public official. (Companion bill is **S.B. 2121** by **Seliger**.)

H.B. 3433 (Lambert) – State Administrative Rules: would provide that: (1) a rural community is defined as a city with a population of less than 25,000; and (2) a state agency considering adoption of a rule has to determine if the rule will have adverse effects on a rural community and follow certain procedures to reduce those adverse effects.

H.B. 3478 (Hinojosa) – Driver’s Licenses: would provide that a city may: (1) enter into an agreement with the Department of Public Safety to permit the city to provide services at a city office relating to the issuance of renewal and duplicate driver’s licenses, election identification certificates, and personal identification; and (2) charge an additional fee of up to \$5 for each transaction authorized in (1).

H.B. 3482 (Hinojosa) – Plastic Bag Regulations: would clarify existing law by providing that the term “package or container” as used in a particular section of the Health and Safety Code does not include a single-use plastic bag.

H.B. 3485 (Neave) – Hotel Occupancy Tax: would authorize hotel occupancy tax revenue to be spent on the administration and operation of homeless assistance programs to encourage tourists to visit convention centers, hotels, or entertainment venues.

H.B. 3491 (Meyer) – Biometric Identifiers: would: (1) define “biometric identifier” to mean any measurement of the human body or its movement that is used to attempt to uniquely identify or authenticate the identity of a person including, among other things, a blood sample, hair sample, skin sample, DNA sample, and body scan; and (2) prohibit a governmental body from capturing or possessing a biometric identifier of an individual as a prerequisite for providing a governmental service to the individual unless the governmental body has specific, explicit statutory authority to do so or has the voluntary, written consent of the individual or the individual’s legal guardian. (Companion bill is **S.B. 281** by **V. Taylor**.)

H.B. 3517 (Gervin-Hawkins) – Dangerous Animals: would authorize a city animal control authority to impound and manage dangerous animals, including dangerous dogs, in the extraterritorial jurisdiction (ETJ) of the city if: (1) the city receive a petition signed by at least five residents of the ETJ requesting assistance and alleging certain facts; and (2) another animal control authority is not authorized to operate in the ETJ.

H.B. 3533 (Raymond) – Fire Marshal: would, in regard to both long-term care facilities and intermediate care facilities for individuals with intellectual disabilities, allow a municipal fire marshal to grant a waiver for a violation of a life safety requirement or fire safety standard cited

in a final official statement of violations from the Health and Human Services Commission if the fire marshal finds that: (1) the facility met all applicable life safety requirements and fire safety standards at the time the facility was initially licensed; and (2) waiver will not have an adverse effect on resident health and safety.

H.B. 3540 (Button) – Labor Organizations: would: (1) require labor organizations to register with and file an annual financial report with the Texas Ethics Commission, which must include, among many other things, amounts received from employers through a check-off arrangement; and (2) provide various civil and criminal enforcement provisions for a failure to comply with (1).

H.B. 3571 (Oliverson) – Religious Beliefs: would provide that a county or city may not impose a fine or other penalty against a person for violation of an ordinance, order, or other measure that prohibits discrimination on a basis other than race, color, religion, sex, national origin, age, or disability, if compliance with the measure would have required the person to violate the person’s sincerely held religious belief.

H.B. 3595 (Martinez) – Historic Projects: would provide that the Texas Historical Commission shall establish a program to assist cities with historical projects to construct, repair, restore, and maintain buildings necessary for the governance, health, and safety of the residents of the city.

H.B. 3620 (Goldman) – Towing, Booting, and Storing Vehicles: would, among other things: (1) provide that state law governing vehicle storage facilities does not control over a municipal ordinance or charter, or a contract with a governmental entity to provide services for incident management towing; (2) provide that a vehicle storage facility that accepts a vehicle that is towed under state law governing towing must, within two hours after receiving the vehicle, report it to local law enforcement; (3) allow a vehicle storage facility to accept any documentation that establishes ownership or right of possession of a vehicle if required by a city ordinance or law enforcement agency under which the tow was authorized; and (4) prohibit a towing company from charging a fee for a nonconsent tow that is greater than a fee for an incident management or private property tow authorized by a city.

H.B. 3622 (Goldman) – Vehicle Storage Facilities: would: (1) provide that if there is any conflict between the state law governing vehicle storage facilities (Occupations Code Chapter 2303) and the state law governing abandoned motor vehicles (Transportation Code Chapter 683), the law governing vehicle storage facilities controls; and (2) provide that if a vehicle is not claimed by a person permitted to claim the vehicle before the 10th day after notice is mailed or published, the operator of a vehicle storage facility must consider the vehicle abandoned and, if required by the law enforcement agency with jurisdiction where the vehicle is located, report the abandonment by certified mail or electronic mail to the law enforcement agency, and pay the \$10 notice fee if the facility is notified by the law enforcement agency that it will send notice and take custody of and dispose of the vehicle.

H.B. 3727 (Phillips) – Vacancies: would provide, in regard to a Type A general law city, that: (1) if a member of the governing body changes the member’s place of residence to a location

outside the corporate boundaries of the city, the member is automatically disqualified from holding the member's office and the office is considered vacant; and (2) if for any reason a single vacancy exists on the governing body, a majority of the remaining members who are present and voting may appoint someone to fill the vacancy, and that a member is ineligible to vote to fill a vacancy on the governing body by special election after resigning from the governing body.

H.B. 3744 (Walle) – Scrap Tires: would: (1) require a used or scrap tire generator, junkyard, or fleet operator who stores used or scrap tires outdoors, to store the tires in a secure manner that locks the tires during nonbusiness hours; (2) prohibit a customer from retaining a scrap tire that has been removed from a customer's vehicle during the purchase of a tire from a seller, unless the customer is willing to sign a Texas Commission on Environmental Quality (TCEQ) form and assume liability for disposal of the tire; (3) require a person who sells tires to take possession of a scrap tire from a customer described in (2) and store or legally dispose of the scrap tire or, alternatively, keep the TCEQ form for at least three years; (4) allow a seller to contract for the transportation of used or scrap tires with only certain transporters or tire processors or face certain civil and criminal liability; (5) require used and scrap tire transporters to register with TCEQ and provide certain financial assurance in favor of the state; (6) except from the registration requirement in (5) certain transporters, including: (a) a person who owns or operates a municipal solid waste truck; and (b) a city that owns or operates a transport vehicle to transport used or scrap tires to an authorized facility provided that each load is manifested as required by TCEQ; (7) require TCEQ to use the money from the financial assurance described in (5) for the cleanup of abandoned tire storage sites; (8) require a transporter to maintain certain records and submit an annual report to TCEQ; (9) authorize a county to require a transporter to register with the county under requirements that are compatible with an not less stringent than the TCEQ registration requirements; and (10) provide penalties, including fines and confinement, for violations of the requirements described above. (Companion bill is **S.B. 570** by **Rodriguez**.)

H.B. 3763 (Moody) – Common Nuisance: would provide that common nuisance does not apply to activity exempted, authorized, or regulated by federal law.

H.B. 3782 (Lozano) – Personal Loan Restrictions: would provide that a city or other political subdivision may not prohibit or restrict the ability of an individual to obtain, or a person to make, a loan secured only by the individual's personal property.

H.B. 3798 (Alonzo) – Agriculture and Rural Ombudsman: would: (1) establish the agriculture and rural ombudsman office (office) in the governor's Texas Economic Development and Tourism Office for the purpose of assisting agriculture businesses and businesses located in rural areas; (2) require a governmental entity to allow the office access to the entity's records relating to action taken by the entity that affects an agriculture business or business located in a rural area; and (3) allow the office to use information obtained in (2) for the purpose of assisting a business in evaluating governmental entities' application of laws and making recommendations for legislation. (Companion bill is **S.B. 656** by **Zaffirini**.)

H.B. 3811 (Lozano) – Constitutional Rights: would: (1) provide that, if a legal action is based on, relates to, or is in response to a party's participation in the government by the exercise of the

constitutional right to speak freely, or to associate freely, such a party may file a motion to dismiss the legal action; and (2) with some exceptions, require a court to dismiss a legal action against a moving party if the moving party shows by a preponderance of the evidence that the legal action is based on the constitutional right to petition, speak freely, or associate freely.

S.B. 319 (Watson) – Animal Shelters: would, among other things: (1) require one veterinarian who is associated with an animal shelter to serve on the State Board of Veterinary Medical Examiners; (2) require a veterinarian to submit to the Texas State Board of Pharmacy a record of each controlled substance dispensed including the name, strength and quantity of the substance, date the substance is dispensed, name of the animal, species/gender/estimated date of birth of the animal, name/address of animal’s owner, directions for use of the substance, intended use of the substance, contact information of vet, and other information required by rule; and (3) prohibit a veterinarian from dispensing certain drugs to a client unless the vet has reviewed the prescription and dispensing history associated with the client by accessing information submitted to the Texas State Board of Pharmacy under (2). (Companion bill is **H.B. 2967** by **Raymond**.)

S.B. 1432 (Estes) – Sport Lagoons: would provide that: (1) a “sport lagoon” means any artificial, permanently installed, or non-portable structure, basin, chamber, or tank containing a minimum of 4.5 million gallons of non-potable water used for swimming, diving, aquatic sports, or other aquatic activities; (2) a sport lagoon is not a public swimming pool; (3) any person may apply to the Texas Commission on Environmental Quality (TCEQ) for a permit to construct and operate a sport lagoon; and (4) TCEQ shall prescribe a form for the permit application and make it available online and upon request and have a procedure for the approval or rejection of the applications.

S.B. 1438 (Zaffirini) – Unfunded Mandates: would create an unfunded mandates interagency work group for the purpose of publishing an advisory list of unfunded mandates enacted by the state legislature.

S.B. 1463 (Huffman) – Settlement: would: (1) prohibit a city or other governmental unit from entering a settlement of a claim or action if: (a) the settlement is equal to or more than \$30,000; and (b) a settlement condition requires a party seeking relief against the governmental unit to agree not to disclose to facts, allegations, evidence, or other matters; and (2) limit the admissibility of certain evidence relating to settlement negotiations. (Companion bill is **H.B. 53** by **Romero**.)

S.B. 1536 (Campbell/Perry) – Religious Beliefs: would provide that a governmental entity may not take an adverse action against a child-placing agency on the basis of the child-placing agency’s declining to provide services or declining to accept a referral from the department because it conflicts with the agency’s sincerely held religious beliefs.

S.B. 1569 (Huffman) - Civil Investigative Demand: would provide that if the attorney general has reason to believe that a person (including a city) may be in possession, custody, or control of any documentary material or other evidence or may have any information relevant to a civil racketeering investigation related to trafficking of persons, the attorney general may use various

means to force the person to provide that information. (Companion bill is **H.B. 29** by **S. Thompson.**)

S.B. 1580 (Lucio) – Border Health Task Force: would: (1) create a task force of border health officials; (2) provide that each city in the border region that has a sister city in Mexico shall have a member on the task force; and (3) at the request of the task force, a state agency or political subdivision of this state shall cooperate with the task force to the greatest extent practicable to fully implement the task force’s duties.

S.B. 1586 (Uresti) – Minimum Wage: would: (1) authorize a city or county with a population of more than 100,000 to adopt a minimum wage to be paid by an employer to each employee for services performed in the city or county; (2) prohibit the minimum wage in (1) from exceeding 135 percent of the federal minimum wage in effect two years before the city or county wage is to take effect; (3) provide that, subject to the limit in (2), an increase in the minimum wage may not be more than eight percent of the city’s or county’s current minimum wage and may not take effect earlier than the first anniversary of the date the most recent increased minimum wage takes effect; and (4) exempt an employer with fewer than 10 employees from a city or county minimum wage.

S.B. 1611 (V. Taylor) – Certificates of Obligation: would require cities and counties to hold elections to authorize the issuance of certificates of obligation, unless the city or county is located wholly or partly inside an area declared to be a disaster area by the governor and the proceeds of the certificates are used only for disaster-related purposes.

S.B. 1620 (Taylor of Collin) – Chickens: would provide that: (1) a political subdivision may not impose a requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision; (2) a city may impose reasonable requirements on the raising or keeping of poultry that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including: (a) a limit on the number of chickens an individual may raise or keep in excess of six; (b) a prohibition on breeding poultry; (c) a prohibition on raising or keeping roosters; or (d) the minimum distance an individual must maintain between a chicken coop and a residential structure; and (3) a requirement adopted by a political subdivision that violates section (1) is void.

S.B. 1632 (Rodriguez) – Abortion: would provide that: (1) neither the state nor a political subdivision may not prohibit a woman from obtaining an abortion at any time throughout her pregnancy if the termination is necessary, in the professional judgement of a physician, to protect the woman’s life or health; (2) neither the state nor a political subdivision may enforce a law on abortion that places a burden on a woman’s access to abortion and does not confer any legitimate health benefit to the woman; (3) a person aggrieved by the state or a political subdivision may bring a civil action for injunctive relief and damages incurred as a result of the violation; and (4) sovereign immunity and governmental immunity from suit and to liability are waived and abolished to the extent of liability created by the bill.

S.B. 1702 (Bettencourt) – City Audit and Financial Statement: would provide that the annual financial statement, including the auditor’s opinion on the statement, shall be filed in the city

secretary's office within 120 days (rather than the current 180 days) after the last day of the city's fiscal year.

S.B. 1703 (Bettencourt) – City Audit and Financial Statement: would provide that: (1) for a city with a population of less than 1.75 million, the annual financial statement, including the auditor's opinion on the statement, shall be filed in the city secretary's office within 120 days (rather than the current 180 days) after the last day of the city's fiscal year; and (2) for a city with a population of 1.75 million or more, the annual financial statement, including the auditor's opinion on the statement, shall be filed in the city secretary's office within 90 days (rather than the current 180 days) after the last day of the city's fiscal year.

S.B. 1716 (Hall) – Lobbying: would prohibit a political subdivision or a private entity that receives state funds from paying expenses for lobbying. (Companion bill is **H.B. 1316** by **Swanson**.)

S.B. 1733 (Birdwell) – Identification Documents: would: (1) require the secretary of state to specify, by rule, the identification documents that may be accepted by a governmental official; (2) prohibit the rules in (1) from authorizing an identification document issued by a political subdivision, and require those rules to provide that foreign identification documents must include appropriate security measures to ensure authenticity; (3) prohibit a governmental official from accepting identification documents for determining identity or residency unless the document is authorized by the secretary of state; and (4) prohibit a governmental entity from adopting any ordinance or other measure inconsistent with the provisions in the bill and provide that any such ordinance or measure is void.

S.B. 1789 (Taylor of Collin) – Civil Suits: would provide that a civil action related to a report of suspicious activity of another person to an appropriate law enforcement authority may not be brought against the person who made the report, if the person made the report in good faith with a reasonable belief that the suspicious activity constitutes or is in furtherance of a crime, including an act of terrorism. (Companion bill is **H.B. 2069** by **Shaheen**.)

S.B. 1821 (Burton) – Local Debt: would require a proposition submitted for an election to authorize a political subdivision to issue bonds supported by property taxes to: (1) distinctly state the projected annual increase in property taxes attributable to the bonds to be issued that a homeowner of an average-priced home within the political subdivision may be required to pay, in the manner prescribed by comptroller rule; and (2) include certain additional information if the bonds to be issued are of a type that accrue and defer interest costs, such a capital appreciation bond.

S.B. 2216 (Nichols) – State Fiscal Matters: would require, among other things, the Texas Department of Transportation to: (1) work and plan with local transportation planning entities to maximize the amount of federal funding awarded for projects in this state by identifying and pursuing projects that are eligible for federal grant programs, including the scenic byways program; and (2) evaluate highway use in this state by oversize or overweight vehicles, calculate the cost of damage to highways caused by those vehicles, and determine whether the fees charged by permits are adequate to offset the costs of damage to highways.

S.B. 2217 (Kolkhorst) – State Fiscal Matters: would: (1) require the Texas Department of Transportation (department) to work and plan with local transportation planning entities to maximize the amount of federal funding awarded for projects in this state by identifying and pursuing projects that are eligible for federal grant programs, including the scenic byways program; and (2) require the department to evaluate highway use in this state by oversized or overweight vehicles, calculate the cost of damage to highways caused by those vehicles, and determine whether the fees charged by permits are adequate to offset the costs of damage to highways.

Municipal Courts

H.B. 3272 (Wray) – Juvenile Offenses: would provide that: (1) a municipal court may not order the confinement of a child for the failure to appear for an offense committed by the child; and (2) the Department of Public Safety cannot revoke a person’s license if the person: (a) has been reported by a court that deals with cases involving minors for failure to appear, unless the court files an additional report on final disposition of the case; or (b) has been reported within the preceding two years by a municipal court for failure to appear or for a default in payment of a fine for a misdemeanor punishable only by fine, other than a failure reported by (2)(a), committed by a person who is at least 14 years of age but younger than 17 years of age when the offense was committed, unless the court files an additional report on final disposition of the case.

H.B. 3514 (Gervin-Hawkins) – Expunction: would: (1) allow a municipal court to reduce a fine imposed on an indigent defendant by not more than 90 percent, if the court determines reducing the fine is in the interest of justice; (2) make all records and files relating to the arrest and conviction of a class C misdemeanor confidential; and (3) require a municipal court to expunge these records 30 days after the six-month anniversary of the date the defendant’s sentence was discharged.

H.B. 3561 (Klick) – Juvenile Defendants: would provide a presumption of indigence, for purposes of the payment of court fines and cost, if a defendant is: (1) in the conservatorship of the Department of Family and Protective Services; or (2) designated as a homeless child or youth under federal law.

H.B. 3729 (White) – Fines and Costs: this bill is an attempt to address the so-called “debtor’s prison” aspect of municipal and justice courts. The bill would provide, for example, that: (1) a citation issued for a fine-only misdemeanor shall include the following “If you are ordered to pay a fine or costs in this case and are unable to afford the amount owed, contact the court immediately. You may be able to discharge the fine or costs by performing community service. In some circumstances, you may be able to have all or part of the fine or costs waived;” (2) a justice or judge may not issue an arrest warrant for the defendant’s failure to appear unless: (a) the justice or judge provides by telephone or certified mail to the defendant notice that includes: (i) at least two dates and times, occurring within the 30-day period following the date that notice is provided, when the defendant may appear before the justice or judge; (ii) the name and address of the court with jurisdiction in the case; (iii) information regarding alternatives to the full

payment of any fine or costs owed by the defendant, if the defendant is unable to pay that amount; and (iv) an explanation of the consequences if the defendant fails to appear before the justice or judge within the period described by (i); and (b) the defendant fails to appear before the justice or judge on or before the 30th day after the date that notice is provided under (a); (3) a defendant who receives notice under (2) may request an alternative date or time to appear before the justice or judge if the defendant is unable to appear on a date and at a time provided in the notice; (4) a defendant who voluntarily appears before a justice or judge to resolve an outstanding arrest warrant or an unpaid fine or cost may not be arrested on a warrant for any misdemeanor punishable by fine only during or immediately before or after the defendant's appearance; (5) justice or judge who accepts a defendant's plea of guilty or nolo contendere shall advise the defendant that, regardless of the defendant's ability to pay, the defendant may request to perform community service to discharge any fine or cost imposed on the defendant in the case; and (6) if a defendant placed in jail on account of failure to pay a fine and costs has remained in jail for a cumulative period of 72 hours and the amount owed has not been fully discharged, the convicting court shall release the defendant from jail and shall waive the remaining amount owed.

H.B. 3739 (Murr) – 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.

S.B. 1521 (Rodriguez) – Plea: would allow a defendant to make a plea to the court by video conference, if certain conditions are met. (Companion bill is **H.B. 3637** by **Ortega**.)

S.B. 1534 (Rodriguez) – Family Violence Offenses: would require a judge to take the plea of a defendant charged with an offense involving family violence in open court.

Community and Economic Development

H.B. 3282 (E. Rodriguez) – Regulation of Property: would: (1) provide that a city’s zoning regulations do not apply to a building, structure, or land under the control, administration, or jurisdiction of a political subdivision, but that such regulations do apply to a privately-owned building or land when leased to a political subdivision; and (2) require each city to adopt procedures for expediting the processing of an application for a building permit submitted by an independent school district.

H.B. 3361 (Button) – Economic Development Corporations: would: (1) require the state Economic Incentive Oversight Board to examine the effectiveness, efficiency, and financial impact on the state of projects undertaken by Type A and Type B economic development corporations; and (2) require a Type A or Type B economic development corporation to provide to the board any information concerning a project undertaken by the corporation as necessary to enable the board to perform the board’s duties under (1).

H.B. 3403 (Canales) – Oil and Gas Regulation: would authorize a city to regulate or prohibit the drilling of a new oil or gas well located within 1,500 feet of the property line of a child-care facility, private school, or primary or secondary public school.

H.B. 3418 (Elkins) – Historic Zoning: would provide, among other things, that: (1) a city that has established a process for designating places or areas as historically important and significant through the adoption of zoning regulations or zoning district boundaries must include certain detailed criteria in determining whether to adopt the regulations or boundaries; and (2) an action by a zoning commission or planning commission to recommend and the approval by the city council of the adoption of such a designation requires the vote of three-fourths of all members of each body.

H.B. 3441 (Holland) – Eminent Domain: would provide that the special commissioners may admit evidence on the price paid for pipeline or power line rights-of-way in privately negotiated transactions made in the absence of a potential, actual, or threatened condemnation.

H.B. 3447 (E. Rodriguez) – Community Land Trusts: would: (1) expand the type of nonprofit organizations that may constitute a community land trust; (2) provide that once adopted by the city council, certain community land trust tax exemptions continue to apply to the property until the city council rescinds the exemption in the manner provided by law; and (3) impose certain requirements on a chief appraiser who is appraising land or a housing unit leased by a community land trust, including that the chief appraiser use the income method of appraisal.

H.B. 3506 (Cyrrier) – Construction Licenses: would prohibit a local governmental entity from requiring a builder or contractor to obtain a local license through ordinance for the construction or remodel of a commercial or residential structure.

H.B. 3508 (Neave) – Payday Lending: would: (1) prohibit a governmental entity from entering into a contract with: (a) a credit access business or other credit services organization; (b) a business that operates in the same retail space as a credit access business or other credit services organization; or (c) a business that is owned by a business entity that owns a credit access business or other credit services organization; (2) provide that a business that enters into any contract or other agreement with a governmental entity may not subcontract with a credit access business or other credit services organization to perform work under the contract or agreement; and (3) require a governmental entity to include, as a term of any contract or other agreement entered into by the entity, a provision that prohibits a party to the contract or agreement from subcontracting with a credit access business or other credit services organization to perform work under the contract or agreement. (Companion bill is **S.B. 836** by **Rodriguez**.)

H.B. 3624 (Workman) – Property Rights: would provide that a city may not adopt an ordinance that affects private property rights and applies only to a defined area unless the ordinance is approved at an election.

H.B. 3676 (Ashby) – Affordable Housing: would provide that 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, including a privately produced housing unit or residential building lot located in a homestead preservation district.

H.B. 3687 (Ashby) – Eminent Domain: would provide that: (1) after making a bona fide offer, an entity with eminent domain authority shall disclose to the property owner any new, amended, or updated appraisal report produced or acquired by or on behalf of the entity after making the offer and used in determining the entity’s opinion of value; (2) a disclosure required by (1) must be made not later than the earlier of: (a) the 10th day after the date the entity receives the appraisal report; or (b) the third business day before the date of a special commissioner’s hearing if the appraisal report is to be used at the hearing; (3) detailed requirements must be included in an easement acquired for pipeline or electric transmission right-of-way; and (4) if the federal government, the state, or a political subdivision of the state assumes possession of taxable property under a possession and use agreement, or a similar agreement, that is entered into under threat of condemnation, the value of the property for property tax purposes is reduced in accordance with a certain formula.

H.B. 3787 (Bell) – Property Rights: would provide that a city or county may not enforce an ordinance, order, or other regulation related to land use or business regulation on or after September 1, 2017, that prohibits or restricts the use or development of a property owner’s property if the ordinance, order, or other regulation was not in effect on the date the property owner acquired title to the property.

H.B. 3821 (Huberty) – Strategic Partnership Agreements: would provide that the qualified voters of a special district any part of which is annexed for limited purposes under a strategic partnership are entitled to vote in municipal elections. (Companion bill is **S.B. 2046** by **Bettencourt**.)

H.B. 3822 (Huberty) – Strategic Partnership Agreements: would provide that the qualified voters of a special district any part of which is annexed for limited purposes under a strategic partnership are entitled to vote in municipal elections. (Companion bill is **S.B. 1661** by **Bettencourt**.)

H.B. 3834 (Workman) – Rough Proportionality: would provide that: (1) the determination of the proportionate share of municipal infrastructure improvements costs under the provision in current law shall be determined by the engineer retained by the city based on the actual, documented and verifiable impact of the development on the existing infrastructure in the immediate area of the development; (2) any fees or costs paid for infrastructure improvements by the developer shall be used only for the purpose collected and the work shall commence and shall be substantially underway not later than the 23rd month following the payment of such fees; (3) fees collected shall be for new capital improvements only and shall not be used for recurring expenses or maintenance; (4) fees collected shall not be to supplement or supplant funding of existing capital infrastructure improvement projects which have funding identified through municipal budgets, bond measures, or any other source; (5) nothing prohibits the developer from making the improvements on behalf of the city if the developer and the city agree; and (6) the proportionate amount calculate shall be offset by the increase in the taxes the

city will receive as a result of the increased assessed valuation on the property after development and the estimated amount of the increase in the city's sales taxes attributed to the development.

S.B. 1465 (L. Taylor) – Tax Increment Financing: would: (1) not later than January 31 of each odd-numbered year, require the board of directors of a tax increment reinvestment zone (TIRZ) to send to each member of the state legislature who is an ex officio member of the TIRZ's board of directors written notice by certified mail informing the legislator of the person's membership on the board; and (2) provide that a state legislator may elect not to serve on the TIRZ board or designate another individual to serve in the legislator's place.

S.B. 1530 (Estes) – Payday Lending: would provide that a person subject to regulation by a finance agency and the person's business activities subject to that regulation are subject only to applicable federal law and regulations and applicable state law, including rules adopted by the Texas Finance Commission. (Note: this bill would preempt all city payday lending ordinances.)(Companion bill is **H.B. 3081** by **Capriglione**.)

S.B. 1661 (Bettencourt) – Strategic Partnership Agreements: would provide that the qualified voters of a special district any part of which is annexed for limited purposes under a strategic partnership are entitled to vote in municipal elections.

S.B. 1662 (Bettencourt) – Strategic Partnership Agreements: would provide that: (1) a strategic partnership agreement between a city and a special district providing for limited purpose annexation is not effective unless a majority of the voters in the district voting in an election approve the proposed agreement; and (2) a strategic partnership agreement that provides for limited-purpose annexation must be for a term not to exceed six years, with a new election required to continue the agreement after that period.

S.B. 1673 (Lucio) – Disaster Housing Recovery: would provide, among many other things, that a local government may develop and adopt a local housing recovery plan to provide for the rapid and efficient construction of permanent replacement housing following a natural disaster. The bill would impose numerous procedures on a local government that chooses to do so.

S.B. 1715 (Hall) – Construction Materials: would provide that corrugated stainless steel tubing in each residential dwelling or commercial structure constructed in this state must conform to the standards of the 2008 International Residential Code or to a version of that code that is adopted by ordinance of the largest city in the county in which the dwelling is located and that is at least as stringent as the 2008 version of that code.

S.B. 1765 (Garcia) – Tax Increment Financing: would: (1) provide that an ordinance or order designating a Tax Increment Reinvestment Zone (TIRZ) that is adopted on or after September 1, 2017, must provide that the TIRZ terminates not later than the 10th anniversary of the date on which the ordinance or order designating the TIRZ is adopted; (2) provide that the term of all or any portion of a TIRZ may not be extended beyond the 10th anniversary of the date on which the ordinance or order designating the zone is adopted, unless the extension is approved by the voters of the zone voting at an election held for that purpose; (3) provide that a TIRZ designated before September 1, 2017, with a term extending beyond ten years must terminate on the earlier

of: (a) the termination date expressed in the ordinance or order designating the TIRZ; or (b) the date on which all project costs, tax increment bonds and interest on those bonds, and other obligations of the zone have been paid in full; (4) provide that if the owners of property constituting at least 50 percent of the appraised value of the property in an area petition the governing body of a city or county requesting the area to be designated as a TIRZ, the area must be unproductive, underdeveloped, or blighted; (5) provide that a member of a TIRZ board designated by a city with city council term limits is subject to the same term limits regarding the member's service on the TIRZ board; (6) require a city that has designated a TIRZ to maintain an Internet website, including a web page with specific information on it that provides transparency to the residents of the city regarding each TIRZ designated by the city; and (7) prohibit a city from removing a document or item of information required to be posted under (6) from the transparency web page until the 10th anniversary of the date the applicable TIRZ is terminated.

S.B. 1832 (Buckingham) – Charitable Festival Permits: would: (1) authorize the holder of a temporary charitable festival permit to sell alcoholic beverages for consumption to raise money to support charitable works of the permit holder at a festival; and (2) allow the holder of a temporary charitable festival permit to conduct a festival event in any area where the sale of the type of alcoholic beverage to be sold and its consumption is authorized by a local option election.

Personnel

H.B. 3391 (Geren) – Public Safety Employees: would allow the commissioners court of a county to establish a public safety employee's treatment program for public safety employees charged with any misdemeanor or felony.

H.B. 3477 (Neave) – 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).

H.B. 3792 (Fallon) – Immigration: would: (1) prohibit an employer (the term excludes a governmental entity) from knowingly employing a person not lawfully present in the United States and provide for, as a penalty for certain violations, the suspension of the employer's licenses; (2) require a city (as licensing authority) to comply with a final order received from the Texas Workforce Commission (commission) to suspend an employer's license; and (3) provide that the city in carrying out the commission order: (a) may send notice to the license holder or others concerned with the license; (b) does not have to refund any fee or deposit paid; (c) is exempt from liability to the license holder for any act authorized under the bill; (d) is prohibited

from issuing or renewing any other license to the employer during the suspension period; and (e) may charge a fee to the licensee in an amount sufficient to recover administrative costs.

S.B. 1638 (Watson) – Immunity Waiver: would provide that a political subdivision’s governmental immunity to suit and from liability is waived and abolished for a claim based on a dispute under an employment benefit, including health benefit plan coverage, provided to an employee of the political subdivision if the employee is unable to sue another party for the same claim.

S.B. 1722 (Whitmire) – Workers’ Compensation: would provide that post-traumatic stress disorder suffered by a firefighter or peace officer is a compensable workers compensation eligible injury if: (1) the disorder is caused by events occurring in the course and scope of the firefighter or peace officer’s employment; and (2) the preponderance of the evidence indicates that the firefighter or peace officer’s work was a substantial contributing factor of the disorder. (Companion bill is **H.B. 1983** by **Wray**.)

S.B. 1752 (Bettencourt) – Defined Contribution Retirement Plans: would: (1) require a city to hold an election to authorize a defined contribution plan for new employees on receipt of a petition signed by at least 10 percent of the number of voters who voted in the most recent municipal election; (2) require the election to be held on the next scheduled general election for municipal officials, and (3) establish minimum requirements for a defined benefit plan.

S.B. 1772 (Miles) – Employee Leave: would: (1) provide that an employee is entitled to at least two consecutive hours of time off to vote in an election held on a uniform election date or a primary election; (2) require an employee entitled to time off under (1) to, not later than 24 hours before the time the employee will be absent from work, notify the employee’s employer that the employee will take the time off; (3) provide that an employer may not require an employee to use existing vacation leave time, personal leave time, or compensatory leave time for the purpose of an absence from work under (1), except as otherwise provided by a collective bargaining agreement entered into before September 1, 2017; (4) provide that the use of leave time to take time off under (1) may not be restricted by a term or condition adopted under a collective bargaining agreement entered into on or after September 1, 2017; (5) provide that leave time provided under (1) may be paid or unpaid; (6) require each employer to inform its employees of their rights by posting a conspicuous sign prescribed by the Texas Workforce Commission in a prominent location in the employer’s workplace; and (7) provide that an offense related to employee leave to vote is a Class B misdemeanor.

S.B. 1793 (Menendez) – Chapter 614 Complaints: would: (1) require that a complaint against a police officer or firefighter, in order to be considered by the head of a law enforcement agency or head of a fire department, must be in writing, signed by the complainant, and filed with the head of the agency, or that person’s designee; (2) provide that any person (including an officer or firefighter or employee of the agency) may file a complaint described in (1); (3) provide that a copy of a signed complaint described in (1) must be given to the officer or employee within a reasonable time after the complaint is filed and before the complaint is investigated; (4) prohibit disciplinary action against an officer or employee unless a signed complaint against the officer or employee is filed and a copy of the complaint is given to the officer or employee; and (5) in

addition to (4), an officer or employee may not be indefinitely suspended or terminated unless the complaint is investigated and there is sufficient evidence to prove the allegation of misconduct.

Public Safety

H.B. 3431 (Gooden) – Peace Officers: would provide that the Texas Commission on Law Enforcement shall establish and maintain a training program for peace officers on enforcing the Private Security Act.

H.B. 3436 (Dean) – Blue Alert System: would create a blue alert system designed to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer.

H.B. 3454 (Wilson) – Emergency Services Personnel: would: (1) increase the penalties for crimes against emergency services personnel; and (2) would define “emergency services personnel” to include firefighters, emergency medical services personnel, emergency room personnel, and other individuals who provide services for the benefit of the general public during emergency situations.

H.B. 3515 (Gervin-Hawkins) – Class B Misdemeanors: would allow a police officer to dispose of certain class B misdemeanor offenses without taking an offender before a magistrate.

H.B. 3522 (Neave) – Silver Alert: would provide that (1) the definition of a senior citizen changes the age from 65 to 55; and (2) the family or legal guardian of a missing senior citizen may provide documentation as required by submitting to the local law enforcement agency an affidavit stating that the senior citizen has an impaired mental condition; and (3) the local law enforcement agency may not require additional documentation from a family or legal guardian who submits the affidavit in section (2). (Same as S.B. 1551 by Menéndez).

H.B. 3577 (Sheffield) – Emergency Medical Services Educational Program: would provide that the Department of State Health Services shall establish the emergency medical services educational program or provide an education curriculum for training rural emergency medical services personnel.

H.B. 3619 (Rose) – Alert System: would create a countywide alert system for missing adults. (Similar bill is **H.B. 3715** by **J. Johnson**.)

H.B. 3637 (Ortega) – Recording Criminal Proceedings: would: (1) in relation to an arrest under warrant, allow the arrested person to be taken before the magistrate by means of videoconference; and (2) in relation to pleadings in criminal matters: (a) allow a plea or waiver of a defendant’s right to be accepted by a court by videoconference, and repeal provisions allowing the same by closed circuit video teleconferencing; and (b) require a record of the communication in (a) be made by a court reporter or electronic recording. (Companion bill is **S.B. 1521** by **Rodriguez**.)

H.B. 3640 (Hunter) – Emergency Calls: would provide that a recording or transcript of an emergency call made to a public safety agency or public safety answering point is confidential; and (2) recording or transcript of an emergency call may be disclosed only with the express consent of the person who placed the emergency call or of a legal representative of the person.

H.B. 3678 (Swanson) – Motor Vehicle Registration: would extend the motor vehicle registration period from annually to once every three years.

H.B. 3681 (Anchia) – Peace Officer Deaths: would: (1) require a city police department to adopt a written policy detailing the procedure for investigating officer-involved deaths; (2) require the policy in (1) to require: (a) a team of three investigators to investigate the officer-involved death, two of whom must be employed by a law enforcement agency that does not employ a peace officer involved in the death being investigated; and (b) the use of a crash reconstruction unit from a law enforcement agency that does not employ a peace officer involved in the death being investigated, if the death being investigated is traffic-related; (2) allow a city police department to conduct an internal investigation into an officer-involved death if the internal investigation does not interfere with the investigation required in (1); and (3) require the team described in (2) to submit a final report to the prosecutor with felony jurisdiction in the county in which the death occurred, and provide for the final report to be posted on the attorney general’s website, with certain redactions.

H.B. 3698 (Isaac) – Immigration: this is a lengthy bill that contains provisions similar to S.B. 4 by Perry, relating to immigration enforcement (the “sanctuary city” bill). In summary, this bill would make a city that prohibits or discourages the enforcement of immigration laws ineligible to participate in and receive funds from the major events reimbursement program.

H.B. 3719 (Isaac) – Failure to Identify: would provide that a person commits an offense if the person intentionally refuses to give the person’s name, residence address, or date of birth to a peace officer who has requested the information from the person and: (1) has lawfully arrested the person; (2) has lawfully detained the person; or (3) has good cause to believe that the person is a witness to a criminal offense.

H.B. 3824 (Rose) – Duties of Peace Officers: would provide that an officer shall give notice to a magistrate of all offenses committed within the officer’s jurisdiction, if the officer has probable cause to believe there has been a violation of a penal law.

S.B. 1448 (Estes) – Licensed Carry: would provide, among other things, that a public or private employer: (1) may not prohibit an employee who holds a license to carry a handgun from carrying a concealed handgun or ammunition the employee is authorized by law to possess on the employee’s person when the employee is not on property owned or leased by the employer, regardless of whether the employee is engaged in performing duties on behalf of the employer; (2) may not prohibit an employee who holds a license to carry a handgun or ammunition the employee is authorized by law to possess in a motor vehicle that is owned or leased by the employee when the vehicle is not located on property owned or leased by the employer, regardless of whether the employee is engaged in performing duties on behalf of

the employer; (3) may not prohibit an employee who holds a license to carry a handgun from using a firearm or ammunition under circumstances that justify the use under state law; and (4) who violates the bill's provisions is liable for reasonable damages and attorney's fees incurred by the employee as a result of the violation. The bill would also provide that: (1) an employee discharged in violation of the bill's provisions is entitled to reinstatement in the employee's former position of employment and may obtain a court injunction against the employer; and (2) an employer is not liable for damages resulting from an employee's use of a firearm under the bill.

S.B. 1471 (Seliger) – Emergency Medical Services: would establish: (1) the emergency medical services assistance program to provide financial and educational assistance to eligible emergency medical service providers, including grants and a distance-learning emergency medical services curriculum to provide remote training to personnel who serve a rural area; and (2) the emergency medical service account as a dedicated account in the general revenue fund composed of money from a portion of the \$30 state traffic fine. (Companion bill is **H.B. 1407** by **Sheffield**.)

S.B. 1487 (West) – Racial Profiling: would make numerous changes to the racial profiling law. Specifically, the bill would provide that:

1. A peace officer may not engage in an act of racial profiling, as defined by the written policy required by state law, and adopted by the law enforcement agency employing the officer.
2. If a law enforcement agency installs vehicle video or audio equipment, the law enforcement agency shall adopt a policy for the use of the equipment.
3. policy adopted by an agency under (2) must include: (a) guidelines for when a peace officer should activate the equipment or discontinue a recording currently in progress; (b) provisions relating to data retention, including a provision requiring the retention of video and audio recordings for a minimum period of 90 days; (c) provisions relating to storage of video and audio recordings, creation of backup copies of the recordings, and maintenance of data security; (d) guidelines for public access, through open records requests, to recordings that are public information; (e) provisions entitling an officer to access any recording of an incident involving the officer before the officer is required to make a statement about the incident; (f) procedures for supervisory or internal review; and (g) the handling and documenting of equipment and malfunctions of equipment.
4. A policy must be consistent with the Federal Rules of Evidence and Texas Rules of Evidence.
5. A report to the Texas Commission on Law Enforcement and the entity's governing body may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer.
6. A peace officer who uses a motor vehicle or motorcycle equipped with video or audio equipment shall act in a manner that is consistent with the policy of the law enforcement agency that employs the officer with respect to when and under what circumstances the equipment must be activated.

7. A peace officer who does not activate video or audio equipment in response to a call for assistance or on making a motor vehicle stop must include in the officer's incident report or otherwise note in the case file or record the reason for not activating the equipment.
8. Any justification for failing to activate the equipment because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision.
9. A video or audio recording documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded.
10. A law enforcement agency may release to the public a recording showing the use of deadly force if the law enforcement agency determines that the release furthers a law enforcement purpose.
11. A member of the public is required to provide the following information when submitting a written request to a law enforcement agency for a video or audio recording: (a) the date and approximate time of the recording; (b) the specific location where the recording occurred; and (c) the name of one or more persons known to be a subject of the recording.
12. A recording that is or could be used as evidence in a criminal prosecution is subject to release under the Public Information Act (PIA) as "super- or core-public" information.
13. A law enforcement agency may: (a) seek to withhold a recording in accordance with the PIA; (b) assert any exceptions to disclosure in the PIA or other law; or (c) release a recording after the agency redacts any information made confidential under the PIA or other law.
14. A law enforcement agency may not release any portion of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.
15. The attorney general shall set a proposed fee to be charged to members of the public who seek to obtain a copy of a recording.
16. A recording is confidential and excepted from the requirements of the PIA if the recording: (a) was not required to be made under the law or a policy adopted by the appropriate law enforcement agency; and (b) does not relate to a law enforcement purpose.
17. Various procedures are modified and deadlines extended under the PIA for requesting a letter ruling to withhold a recording.
18. A peace officer or other employee of a law enforcement agency commits a Class A misdemeanor offense if the officer or employee releases a recording without permission of the applicable law enforcement agency.

S.B. 1560 (L. Taylor) – License Plates: would provide that a person commits an offense if the person operates on a public highway a motor vehicle equipped by the manufacturer with not more than one "area to display a license plate" (defined to mean a feature of the exterior front or rear of a vehicle to which a person can fasten a license plate).

S.B. 1571 (Huffman) – 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 **H.B. 4013** by **Frullo**.)

S.B. 1577 (Perry) – Custodial Interrogations: would: (1) require a law enforcement agency to make an electronic recording of any custodial interrogation that is of a person suspected of committing or charged with a felony; and (2) provide that no oral or written statement of an accused made as a result of a custodial interrogation is admissible without an electronic recording, unless good cause can be shown for the lack of recording. (Companion bills are **H.B. 34** by **Smithee** and **H.B. 3127** by **Smithee**.)

S.B. 1617 (West) – Officer-Involved Injuries: would add additional items to the report a law enforcement agency is required to send to the attorney general following an officer-involved injury or death.

S.B. 1622 (Uresti) – Alert System: would create a statewide alert system for missing military members.

S.B. 1631 (Rodriguez) – Sex Offenders: would provide that a parole-established child safety zone does not apply to a sex offender when traveling directly on a public or private roadway between locations where the sex offender has legitimate business.

S.B. 1651 (Watson) – Drug Possession: would create a defense to prosecution for drug possession crimes, if the individual: (1) requested emergency medical assistance in response to the possible controlled substance overdose of another person; (2) was the first person to make a request for medical assistance; (3) remained on the scene until the medical assistance arrived; and (4) cooperated with medical assistance and law enforcement personnel. (Companion bill is **H.B. 73** by **Guillen**.)

S.B. 1700 (Rodriguez) – Protective Orders Reporting: would provide that each municipal police department and sheriff shall establish procedures within the department or office that require protective order information to be entered into the statewide law enforcement information system maintained by the Department of Public Safety (DPS) and the procedure must comply with the uniform protocols developed by DPS.

S.B. 1714 (Hall) – Asset Forfeiture: would, among other things: (1) raise the state’s burden of proof from preponderance of the evidence to clear and convincing evidence in asset forfeiture

proceedings; (2) provide that asset forfeiture proceeds or property may not be used for recurring expenses or to pay a salary of the law enforcement agency; (3) require that the city council approve the expenditure of proceeds and property obtained through asset forfeiture at an open meeting, that each expenditure be approved by a separate vote, and that the notice of the meeting include specific information about the proposed expenditures; and (4) require that, at least annually, the state auditor perform an audit of each law enforcement agency related to asset forfeiture.

S.B. 1719 (Hall) – Licensed Carry: would provide that the holder of a license to carry a handgun who is carrying a handgun and personally given notice that carry is prohibited on property pursuant to Texas Penal Code Sections 30.06 and 30.07 and who promptly departs from the property has an affirmative defense to prosecution for violating those sections. (Companion bill is **H.B. 2380** by **Swanson**.)

S.B. 1736 (Hughes) – Licensed Handgun Carry: would provide that the owner or operator of a business on the premises of which the carrying of a handgun is not otherwise unlawful is immune from civil liability with respect to any claim that is based on the owner's or operator's failure to exercise the option to forbid the carrying of handguns on the premises by customers or employees. (It is unclear how the bill would apply to cities because it does not define “business.”)(Companion bill is **H.B. 497** by **Rinaldi**.)

S.B. 1747 (Hinojosa) – Traffic Stops: would revise the categories of “race or ethnicity” for purposes of recording traffic stops to include the following categories: (1) Alaska native or American Indian, (2) Asian or Pacific Islander, (3) black, (4) white, and (5) Hispanic or Latino. (Companion bill is **H.B. 3051** by **P. King**.)

S.B. 1788 (V. Taylor) - Warrants: would provide that a law enforcement agency shall execute, as soon as practicable, a warrant that is directed to the agency and issued for the return of a release in the super-intensive supervision program based on a violation of a condition of parole or mandatory supervision related to the electronic monitoring of the release. (Companion bill is **H.B. 1824** by **Shaheen**.)

S.B. 1805 (Lucio) – Training: would provide that the Texas Facilities Commission shall construct a multiuse training and operations center facility to be used by the Department of Public Safety, the Texas military forces, county and municipal law enforcement agencies, and any other military or law enforcement agency, including agencies of the federal government: (1) for training purposes; (2) to house law enforcement assets and equipment; and (3) to support and initiate tactical operations and law enforcement missions.

S.B. 1808 (Huffman) – Offense Against Peace Officer: would: (1) increase the punishment for an offense committed against a person because of bias or prejudice on the basis of the person’s service as a peace officer; (2) provide for an education campaign regarding the importance of peace officers in the community; and (3) increase the punishment for certain unlawful restraint, assault, terroristic threat, and intoxication assault offenses committed against a peace officer. (Companion bill is **H.B. 2908** by **Hunter**.)

S.B. 1823 (Burton) – Search Warrants: would modify the requirements for a warrant authorizing the search of a cellular telephone or other wireless communications device and allow a peace officer to search such a device without a warrant in certain circumstances. (Companion bill is **H.B. 2450** by **Price**.)

S.B. 1825 (Burton) – License Plate Readers: would authorize a law enforcement agency to use an automatic license plate reader, and require that all images and data produced from a reader be destroyed not later than the 90th day after the date of collection unless it is evidence in a criminal investigation or prosecution.

S.B. 1826 (Burton) – Sex Offenders: would require that vehicle registration information of any vehicle owned by a sex offender be included on the registration form filed with a city police department.

S.B. 1828 (Rodriguez) – Juvenile Sex Offenders: would: (1) create a juvenile sex offender registration; (2) provide that juvenile sex offender registration information is not public information and is restricted to use by: (a) law enforcement and criminal justice agencies, (b) the Council on Sex Offender Treatment, (c) the Department of Family and Protective Services, and (d) public or private institutions of higher education; and (3) require that a juvenile who has already registered under chapter 62 of the Code of Criminal Procedure shall be automatically removed from the public registry.

S.B. 1836 (Burton) – Juveniles: would require the Office of Court Administration to study the use of the terms “juvenile,” “child,” and “minor” in criminal statutes.

Transportation

H.B. 3339 (Alonzo) – Political Signs: would provide that: (1) a person, including a candidate or campaign treasurer, who instructs another person to place a political advertising sign alongside a public road within the corporate boundaries of a city shall remove or cause the removal of the sign not later than the 30th day after the date of the last occurring election to which the sign pertains; (2) if a political advertising sign is not removed in accordance with (1), the city in which the sign is located shall remove the sign at the expense of a person responsible for the sign as soon as practicable; and (3) a person who violates (1) commits a Class C misdemeanor.

H.B. 3350 (Israel) – Mobile Cranes: would: (1) mandate that the Texas Department of Transportation grant a permit for the transportation of a mobile crane with a gross weight of less than 100,000 pounds; (2) provide that a vehicle issued a permit under the bill may operate on a state, county, or municipal road; and (3) prohibit a county or city from requiring a permit, fee, or license for the operation of a vehicle issued a permit under the bill.

H.B. 3351 (Vallalba) – Billboards: would prohibit the Texas Transportation Commission from regulating the height of outdoor advertising located in the corporate boundaries or extraterritorial jurisdiction of a city.

H.B. 3355 (Israel) – Precast Concrete Trucks: would: (1) mandate that the Texas Department of Transportation grant a permit for the transportation of precast concrete with a gross weight of less than 100,000 pounds; (2) provide that a vehicle issued a permit under the bill may operate on a state, county, or municipal road; and (3) prohibit a county or city from requiring a permit, fee, or license for the operation of a vehicle issued a permit under the bill.

H.B. 3475 (Geren) – Automated Motor Vehicles: would: (1) authorize the operation of automated motor vehicles (AMV) on Texas highways, and authorize the operation of such a vehicle with the automatic driving system (ADS) engaged if, among other things, the owner provides evidence of insurance, a surety bond, or proof of self-insurance in the amount of at least \$10 million; (2) allow only the Texas Department of Motor Vehicles to implement the provisions of the bill, impose requirements, and adopt regulations regarding the operation of an AMV or ADS; (3) prohibit a city from imposing a local fee, registration requirement, franchise, or other regulation related to an AMV or ADS; (4) require an owner or operator of an AMV used to offer a transportation service to individual passengers to make publicly available a privacy statement disclosing the data handling practices of the owner or operator; and (5) waive manufacturer liability for damage that arises from modifications to an AMV or ADS made by any person other than the manufacturer or without the manufacturer's consent.

H.B. 3500 (M. Gonzalez) – Vehicle Safety: would provide that, when approaching a vehicle that is working on an electrical power line, a vehicle operator shall: (1) vacate the lane closest to the maintenance vehicle when driving on a highway with two or more lanes; (2) slow to a speed of 20 miles per hour less than the posted speed limit, if the posted speed limit is 25 miles per hour or more; or (3) slow to five miles per hour, if the posted speed limit is less than 25 miles per hour.

H.B. 3511 (Faircloth) – Vehicle Weight: would provide that the Texas Department of Transportation may issue an annual permit to allow the operation on a state highway of equipment that exceeds weight and size limits provided by law for the movement of an intermodal shipping container moving in international commerce, if certain requirements are met.

H.B. 3805 (Burns) – Vehicle Weight Enforcement: would prohibit a city police officer who is authorized to enforce weight restrictions from doing so on an interstate highway or United States highway if the vehicle that is the subject of the enforcement is against a single vehicle with a tandem axle weight not heavier than 44,000 pounds, single axle weight not heavier than 21,000 pounds, and gross weight is not heavier than 64,000 pounds.

H.B. 3807 (Burns) – Agricultural Trucking: 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. 3854 (Morrison) – Shipping Container Transports: would provide that the governing body of a city may not, because of weight, regulate the movement and operation on a state highway or county or municipal road a combination of vehicles operating under a permit issued by the Texas Department of Transportation for a sealed intermodal shipping container moving in

international transportation via a truck-tractor and semitrailer combination that has six total axles that is equipped with Roll Stability Support Safety System and truck Blind Spot Systems if the gross weight of the combination does not exceed 93,000 pounds and certain other conditions are met. (Companion bill is **S.B. 1524** by **Nichols**.)

S.B. 1588 (Huffines) – Vehicle Inspections: would eliminate regular mandatory vehicle safety inspections.

S.B. 1608 (Creighton) – Precast Concrete Trucks: would: (1) mandate that the Texas Department of Transportation grant a permit for the transportation of precast concrete with a gross weight of less than 100,000 pounds; (2) provide that a vehicle issued a permit under the bill may operate on a state, county, or municipal road; and (3) prohibit a county or city from requiring a permit, fee, or license for the operation of a vehicle issued a permit under the bill.

S.B. 1608 (Creighton) – Mobile Cranes: would: (1) mandate that the Texas Department of Transportation grant a permit for the transportation of a mobile crane with a gross weight of less than 100,000 pounds; (2) provide that a vehicle issued a permit under the bill may operate on a state, county, or municipal road; and (3) prohibit a county or city from requiring a permit, fee, or license for the operation of a vehicle issued a permit under the bill.

S.B. 1652 (Watson) – Towing: would provide that a city may designate, after posting signs, a segment of highway in the city’s jurisdiction as an area in which the immediate removal of unattended vehicles is necessary to prevent traffic safety hazards.

Utilities and Environment

H.B. 3314 (Frank) – Water Right Amendments: would provide that an application for an amendment to a water right is exempt from any statutory requirements or commission rules regarding notice and hearing or technical review, if certain conditions are met.

H.B. 3393 (Pickett) – Texas Emissions Reduction Plan: would temporarily suspend the collection of the Texas Emissions Reduction Plan surcharge.

H.B. 3479 (Pickett) – Texas Emissions Reduction Plan: would: (1) expand the programs that can be funded through the Texas Emissions Reduction Plan fund; and (2) temporarily suspend the collection of the Texas Emissions Reduction Plan surcharge.

H.B. 3501 (Isaac) – Drainage Fees: would: (1) allow a city to exempt open-enrollment charter schools from municipal drainage fees; and (2) prohibit a city from solely granting the exemption to a school district or open-enrollment charter school (i.e., the city must grant neither or both exemption). (Companion bill is **S.B. 601** by **Campbell**.)

H.B. 3525 (Price) – Water Rights: would prohibit the TCEQ from referring an issue regarding a water right application to the State Office of Administrative Hearings, unless the issue is a

disputed question of fact and is relevant and material to a decision on the application. (Companion bill is **S.B. 225** by **V. Taylor**.)

H.B. 3642 (Burns) – Domestic Septage: would differentiate between “Class B sludge” and “domestic septage” for purposes of a land application or permit. (Companion bill is **S.B. 1724** by **Birdwell**.)

H.B. 3695 (Farrar) – Lead Service Lines: would require a public water system, which includes a city, to replace lead service lines in each public school, private school, or child care facility that is served by the system. (Companion bill is **S.B. 1587** by **Garcia**.)

H.B. 3717 (T. King) – Landscape Incentives: would: (1) require a city that operates a landscape incentive program funded with public money to register the program with the Department of Agriculture; and (2) allow a city that operates a program to provide monetary incentives for the purchase and installation of irrigation or sprinkler controls that make adjustments based on weather conditions.

H.B. 3742 (Phelan) – Surface Water Permits: would provide that an applicant for a surface water permit may request a contested case hearing, and the TCEQ must provide a contested case hearing on the application.

S.B. 1430 (Perry) – Desalination: would entitle an existing water right holder that begins using desalinated seawater to expedited consideration of an application for an amendment to the water right, provided that certain conditions are met. (Companion bill is **H.B. 2894** by **Lucio**.)

S.B. 1451 (Seliger) – Water Conservation Plan: would require a city that provides potable water service to 3,300 or more connections to designate an employee as the water conservation coordinator in the water conservation plan that is submitted to the Texas Water Development Board. (Companion bill is **H.B. 1648** by **Price**.)

S.B. 1507 (Hinojosa) – Return Flows: would require the TCEQ to: (1) authorize the discharge, diversion, and reuse of a person’s existing return flows derived from privately-owned groundwater, if the groundwater is treated brackish groundwater and the person is authorized to discharge the groundwater; and (2) grant a water right or an amendment to a permit to an applicant who proposes to divert the applicant’s existing return flows from treated brackish groundwater and transfer those flows to another river basin. (Companion bill is **H.B. 2885** by **Larson**.)

S.B. 1511 (Perry) – Water Planning: would require: (1) the Texas Water Development Board to adopt rules specifying the manner for prioritizing projects for regional water planning groups; and (2) a regional water planning group to consider amending the approved regional water plan to include a feasible water management strategy or project that was to be addressed by a strategy or project declared infeasible.

S.B. 1515 (Hancock) – Small Cell Deployment/Municipal Preemption: would provide that: (1) a cell provider may install wireless facilities and wireless support structures in a right-of-way

owned or managed by a political subdivision or municipally owned utility; (2) a political subdivision or municipally owned utility may not require a wireless service provider that installs a wireless facility or wireless support structure under (1) to compensate the political subdivision or municipally owned utility at a rate that is higher than a rate that is sufficient to cover the direct cost of managing the right-of-way.

S.B. 1525 (Perry) – Water Availability: would require a study by the Texas Water Development Board of water needs and availability in this state.

S.B. 1580 (Garcia) – Water Fountains: would require: (1) the Texas Commission on Environmental Quality (TCEQ) to test the levels of lead and copper in the water from all drinking water fountains operated by a city; (2) a city responsible for the maintenance of a water fountain to repair or replace the drinking water fountain according to the plan created by TCEQ; and (3) a city to post the results of TCEQ’s testing and the repair schedule on its internet website.

S.B. 1587 (Garcia) – Drinking Water: would provide procedures under which each public water system shall fully replace lead service lines in each public school, private school, or child care facility that is served by the public water system.

S.B. 1598 (Miles) – Permits: would require: (1) the Texas Commission on Environmental Quality to hold a public hearing in a neighborhood where either: (a) 30 percent or more of the population lives below the federal poverty level, or (b) 50 percent or more of the population consists of minority groups, if an applicant for a permit plans to locate a facility in the neighborhood; and (2) an applicant to provide newspaper notice and written notice of the hearing to the neighborhood affected, environmental groups, and local and state elected officials who represent the community.

S.B. 1628 (Estes) – Environmental Permits: would replace the contested case hearing process for certain environmental permits with a process to petition the Texas Commission on Environmental Quality for an administrative review of the permit application.

S.B. 1724 (Birdwell) – Domestic Septage: would differentiate between “Class B sludge” and “domestic septage” for purposes of a land application or permit. (Companion bill is **H.B. 3642** by **Burns**.)

S.B. 1775 (Hinojosa) – 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.

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