

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

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Number 4

Beware of Budget Writers Bearing Gifts

Senate Bill 2's revenue cap is a direct assault on public safety, and city officials shouldn't let that message wane in the face of diversionary tactics in the Texas Senate's proposed budget. Those diversionary tactics could include a curious addition to the budget on the Senate side: \$12.5 million per year in local grants to purchase bullet-proof vests for cops.

That's a good thing for our officers, right? Maybe. Or maybe not. It's not too terrible that the \$12.5 million masks a \$6 million yearly reduction in local law enforcement training grants. That money may be restored in further negotiations. Even if not, it's still a net \$6.5 million yearly gain to local police.

The bigger concern is that the \$12.5 million for vests diverts attention from a much larger cut to law enforcement – the proposed four percent revenue cap in S.B. 2. Last session's six percent revenue cap bill had a negative fiscal on city revenue of almost \$60 million per year by 2020. The current four percent bill will likely have a much higher fiscal note, probably in excess of \$100 million. Given that many cities spend 60-70 percent or more of their revenues on public safety, \$12.5 million a year for vests won't come anywhere close to making up the lost money for police salaries and other needed safety equipment.

City officials should share the above perspective with their chiefs and rank-and-file officers. A small amount of state aid is no substitute for our ability to raise local revenue.

House Committee on Urban Affairs: Interim Report on Cybersecurity

Last week, the House Committee on Urban Affairs released its [interim report](#). The committee was charged to:

Identify and address potential gaps in cities' cybersecurity policy and ensure that personal information held by cities and other municipal entities is secure.

The committee chair, Carol Alvarado (D – Houston), hosted multiple workshops with cities to seek input on the charge. Based on that input, the report concluded that cities lack the necessary funding and resources to adequately protect themselves for cyber attacks. As a way to help cities through the process, the League has created a “[cybersecurity clearinghouse](#)” with helpful information for city officials.

The committee’s formal recommendations include the following:

1. Consider an appropriation request for relevant state agencies to fund a grant program to support cybersecurity training and information sharing costs for small municipalities and utilities.
2. Consider the creation of cybersecurity training and information sharing programs within relevant state agencies.
3. Follow the recommendation of the Texas Cybersecurity, Education and Economic Development Council by creating a statewide cybersecurity coordinator in the governor’s office and improving the cybersecurity resources and structure of the Department of Information Resources.
4. Periodic re-examinations of the state of cybersecurity for municipalities and utilities.

Another committee, the House Committee on Business and Industry, was also charged to identify and address potential gaps in Texas businesses’ cybersecurity policies. That committee recommended that the Texas Legislature continue to monitor data breaches and how business and other enterprises prevent and react to cybersecurity threats.

FCC Threatens to Limit Right-of-Way Authority

Late last month, the Federal Communications Commission (FCC) issued a [public notice](#) seeking comment on two topics that could shape the future of cities’ control over their rights-of-way. The FCC’s Wireless Bureau requested public comment on how to “streamline” the deployment of small wireless facilities, primarily through potential changes to local land-use ordinances, and it also seeks comment on a [petition](#) filed by infrastructure company Mobilitie regarding local government rules and procedures.

The public notice raises several major concerns for cities. First, the FCC seeks to use this proceeding to question whether the evidence presented by local governments during 2009 and

2014 rulemakings on local wireless facilities siting is still valid. Specifically, the notice questions the amount of time needed by local governments to process wireless siting applications for small-cell facilities, particularly when submitted in large quantities.

The notice requests feedback on streamlining local regulations when similar applications are submitted as “batches” with dozens of applications. The notice also questions the amount and structure of fees charged by local governments for applications and access to rights-of-way.

The National League of Cities (NLC) successfully filed a [joint motion for an extension](#) of the comment period. The revised comment deadline is now March 8, 2017, with a reply comment deadline of April 7, 2017.

NLC, in collaboration with other local government groups and state municipal leagues, will comment on the notice. In addition, TML plans to join a separate comment hat explains the unique legal and practical challenges that Texas cities face.

Payday Lending Clearinghouse Updates

The League’s “Payday Lending Clearinghouse” webpage, available at www.tml.org/payday-updates, includes information related to the regulation of payday and auto title lenders. It is updated from time-to-time to reflect recent developments. Interested city officials should note that researchers from the University of Utah and University of New Mexico recently released a [report](#) after an 18-month study of city approaches to controlling payday lending practices. The report concludes that there are ten lessons to assist others interested in pursuing and adopting ordinances regulating payday lending. The researchers based their conclusions, in part, on the experiences of Dallas and other Texas cities that have adopted ordinances related to payday lending.

City-Related Bills Filed

Property Tax

H.B. 1050 (Swanson) – Property Taxes: would abolish property taxes.

H.B. 1101 (Pickett) – Property Tax Exemption: would provide that the chief appraiser may not require a person receiving a disabled veteran property tax exemption to file a new application to determine the person’s current qualification for the exemption if the person has a permanent total disability as defined by federal law.

H.B. 1144 (S. Davis) – Revenue Cap: would, among other things, require a taxing unit to hold a ratification election in order to adopt a tax rate that exceeds the current rollback rate (as opposed to current law, which requires an election only after receipt of a petition from the citizens).

H.B. 1146 (S. Davis) – Revenue Cap: would, among other things: (1) require the comptroller to annually determine an inflation rate computed by determining the percentage change in the consumer price index for the preceding calendar year as compared to the consumer price index for the calendar year preceding that calendar year; (2) lower the property tax rollback rate from eight percent to a percentage equal to one percent, plus the inflation rate; and (3) require a taxing unit to hold a ratification election in order to adopt a tax rate that exceeds the rollback rate (as opposed to current law, which requires an election only after receipt of a petition from the citizens).

H.B. 1147 (S. Davis) – Revenue Cap: would, among other things: (1) require the comptroller to annually determine an inflation rate computed by determining the percentage change in the consumer price index for the preceding calendar year as compared to the consumer price index for the calendar year preceding that calendar year; and (2) lower the property tax rollback rate from eight percent to a percentage equal to one percent, plus the inflation rate.

H.B. 1165 (Paul) – Revenue Cap: would, among other things: (1) lower the property tax rollback rate from eight percent to six percent; and (2) require a taxing unit to hold a ratification election in order to adopt a tax rate that exceeds the six-percent rollback rate (as opposed to current law, which requires an election only after receipt of a petition from the citizens).

H.B. 1182 (Button) – Property Tax Exemption: would provide that the owner of tangible personal property consisting of food products exempted from sales tax is entitled to an exemption from property taxes of the appraised value of the property if the property is held by the owner for sale at retail. (See **H.J.R. 60**, below.)

H.B. 1211 (Phillips) – Property Tax Exemption: would provide that, if a change is made in the use of land appraised as qualified open-space land, an additional tax is imposed on land equal to the difference between the taxes imposed on the land for each of the three years preceding the year in which the change of use occurred, plus interest at an annual rate of five percent calculated from the dates on which the differences would have become due.

H.J.R. 60 (Button) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxation tangible personal property consisting of food or food products held by the owner of the property for sale at retail. (See **H.B. 1182**, above.)

S.B. 510 (Zaffirini) – Property Tax Records: would make the home address information of a current or former employee of a state judge contained in a property tax record confidential.

S.B. 521 (Creighton) – Property Tax Appeals: would provide that an appraisal district employee may not testify as to the value of real property in certain property tax appeals unless the person is authorized to perform an appraisal of real estate.

Sales Tax

H.B. 1164 (Guillen) – Sales Tax Exemption: would provide that a sale for resale includes the lease or rental of reusable tangible personal property to a caterer if the caterer uses the property in a sale of a taxable item.

H.B. 1169 (Button) – Sales Tax Exemption: would provide that the sale of tangible personal property by a small business retailer that has been engaged in business in this state for less than 12 months is exempted from sales taxes if: (1) the sales price of the article is not more than \$5,000; and (2) the tangible personal property is sold during a period beginning at 12:01 a.m. on the first Saturday after Thanksgiving and ending at 11:59 p.m. on that day.

Purchasing

No purchasing bills were filed this week.

Elections

H.B. 1077 (Cyrrier) – Federal Postcard Applications: would: (1) provide that a person who indicates on a federal postcard application that the person is a U.S. citizen residing outside the U.S. indefinitely is entitled to vote a full ballot if the person is otherwise eligible to vote and is a registered voter at the address contained on the application; and (2) require the early voting clerk to provide notice to a person who indicates on a federal postcard application that the person is a U.S. citizen residing outside the U.S. indefinitely, other than a voter described by (1), that as a result of the person's indication, the person is only eligible to vote a ballot for federal offices.

H.B. 1130 (Turner) – Voter Identification: would require the secretary of state to conduct a study on the implementation of voter identification legislation, including: (1) the cost of implementation; (2) additional requirements for election workers to accept a voter; (3) the amount of time needed to accept a voter at the polling place; and (4) training, if any, provided to election workers at the county and precinct levels.

H.B. 1149 (S. Davis) – Election Notice: would provide that, if notice of an election is given by publishing the notice in a newspaper, the notice may provide the address of a website that lists the location of each polling place in lieu of stating the location of each polling place.

H.B. 1151 (Schofield) – Early Voting by Mail: would: (1) provide that a marked ballot voted by mail must, if the carrier envelope was placed for delivery by mail or common or contract carrier before election day, arrive at the address on the carrier envelope no later than 5 p.m. on the day after election day; (2) provide that, if the deadline for the arrival of the ballot voted by mail falls on a Saturday, Sunday, or legal state or national holiday, the deadline is extended to the next regular business day; and (3) eliminate the requirement that a marked ballot voted by mail must be sent from an address outside the United States in order to be counted if submitted after the deadline.

H.B. 1173 (Nevarez) – Voter Identification: would provide that an official Native American tribal document that contains the person’s photograph and is issued by a tribe that is federally recognized and located in this state is an acceptable form of identification for voting.

H.B. 1185 (Fallon) – Term Limits: would authorize the governing body of a general law city to order an election to impose term limits.

H.B. 1213 (Nevarez) – Voter Identification: would provide that a valid identification card issued by a tribal organization that contains the person’s photograph is an acceptable form of identification for voting.

Open Government

H.B. 1082 (Nevarez) – Public Information: would provide that the agency memoranda exception in the Public Information Act would not allow withholding of draft grant applications after the governmental body submits the grant application, grant applications that are never submitted, or grant applications for which the application has passed.

S.B. 515 (V. Taylor) – Public Information: would provide that: (1) municipal officers have a right of access to public information, including confidential information; (2) a city may require a municipal officer to sign a confidentiality agreement that covers the information; (3) a municipal officer can ask for a ruling from the attorney general’s office as to whether the information is confidential; (4) a municipal officer can appeal the attorney general’s ruling in district court; (5) a city charter may not limit the right of a municipal officer to obtain information under other law or grant authority to a city council to withhold information from the municipal officer; and (6) city council members have a right of access to any building, structure, room, land, or body of water owned, leased by or under exclusive control of the city.

S.B. 532 (Nelson) – Public Information: would provide that information collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate security incidents is exempt from disclosure under the Public Information Act.

Other Finance and Administration

H.B. 1055 (Burkett) – State Licensing Fees: would prohibit a state agency from increasing the amount of a fee established on or before January 1, 2017, for the issuance or renewal of a license issued by the agency.

H.B. 1090 (Meyer) – Misuse of Information: would provide the following penalties for the offense of misuse of official information when the offense results in a net pecuniary gain to the offender: (1) a felony of the third degree if the net pecuniary gain is less than \$100,000; (2) a felony of the second degree if the net pecuniary gain is \$100,000 or more but less than \$200,000; and (3) a felony of the first degree if the net pecuniary gain is \$200,000 or more. (Companion bill is **S.B. 140** by **V. Taylor**.)

H.B. 1118 (Kacal) – State Council on Competitive Government: would abolish the State Council on Competitive Government and transfer its functions to the comptroller.

H.B. 1137 (Y. Davis) – Tax and Fee Benefits: would provide that a domestic private entity is not eligible for a credit, exemption, or discount in relation to a tax or fee imposed by this state if the entity, at any time during the previous two years, created employment suitable for performance in the United States in a country other than the United States, and as a result, eliminated or failed to create similar employment in the United States.

H.B. 1139 (Y. Davis) – Tax Reporting: would provide that the comptroller’s biennial report on certain tax provisions must include, for each entity that receives a reduction of taxes payable as a result of a special provision, the actual dollar amount of the reduction the entity received since the previous report, regardless of whether the information is otherwise confidential under state law.

H.B. 1156 (S. Davis) – Dog Restraint: would: (1) with certain exceptions, prohibit a dog owner from leaving the dog outside and unattended: (a) by use of a restraint, unless the owner provides the dog access to adequate shelter, a dry place to stand, shade, and potable water; and (b) by use of a restraint that is a chain, has weights attached, is not of a certain length, is not attached to a properly fitted collar or harness, or causes pain or injury to the dog; (2) provide that a violation of (1) is a class C misdemeanor, except that an offense is a class B misdemeanor if the person has previously been convicted; and (3) provide that the unlawful restraint prohibitions in (1) do not affect the applicability of any law, rule, order, or ordinance of a city or prevent a city from prohibiting or further regulating by ordinance the ownership, possession, restraint, confinement, or care of a dog.

H.B. 1222 (Rinaldi) – City-Issued Licenses: would: (1) prohibit certain employers from knowingly employing a person not lawfully present in the state and provide, as a penalty for certain violations, the suspension of the employer’s licenses; (2) require a city (as a 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 a 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. 525 (Birdwell) – State Agency Rules: would require the Sunset Advisory Commission to review each state statute and state agency rule that requires an action or proceeding be brought in Travis County or in a Travis County court and recommend whether it should be changed to authorize the action or proceeding in another county or court.

S.B. 553 (Kolkhorst) – Certificates of Obligations: would: (1) require an issuer of certificates of obligation (COs) to publish continuous notice of its intention to issue COs on the issuer’s Internet website, or on a website in which the issuer controls the content of the posting, including a social media site, for at least 30 days before the date tentatively set for the passage of the order

or ordinance authorizing the issuance of the certificates and until the first day after the date the issuer adopts the order or ordinance; (2) add the following additional items to the language of the published notice under (1): (a) as of the date the issuer adopts the order or ordinance, the principal of all outstanding debt obligations of the issuer; (b) as of the date the issuer adopts the order or ordinance, the estimated remaining interest of all outstanding debt obligations of the issuer; (c) as of the date the issuer adopts the order or ordinance, the estimated combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full; (d) the maximum principal of the certificates to be authorized; and (e) the process by which a petition may be submitted requesting an election on the issuance of the certificates; (3) make COs issued for personal or professional services subject to the notice requirements; and (4) generally require an issuer of COs to maintain or cause to be maintained an Internet website to comply with the publication requirement in (1), but provide that a city or county with a population of 2,000 or less may post the required information on a website in which the issuer controls the content of the posting, including a social media site, provided that the information is easily found by searching the name of the issuer on the Internet.

S.B. 559 (Hancock) – Utility Gross Receipts Tax: would, for purposes of the miscellaneous gross receipts tax on utility companies, provide that the tax is imposed on each utility company doing business in an incorporated city having a population of more than 1,000, without regard to whether the utility company is actually located in the city.

S.B. 564 (Campbell) – Cybersecurity: would: (1) allow a governmental body to conduct an executive session to conduct an open meeting to deliberate: (a) security assessments or deployments relating to information resources technology; (b) network security information; and (c) deployment or specific occasion for implementation, of security personnel, critical infrastructure, or security devices; and (2) provide that network security information is confidential under the Public Information Act if the information is: (a) relates to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity; (b) collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or (c) relates to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity.

S.B. 570 (Rodriguez) – Scrap Tires: would: (1) require a used or scrap tire generator, junkyard, or fleet operator that 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 and not less stringent than the TCEQ registration requirements; and (10) provide penalties, including fines and confinement, for violations of requirements described above.

S.B. 572 (Menendez) – Disaster Feasibility Study: would provide that the Texas Division of Emergency Services (TDES) shall conduct a study to examine the feasibility of establishing an agreement with the United State Postal Service regarding the use of employees, resources, and assets within the postal service during a state of disaster to identify damaged structures and persons in the area and their medical or physical needs, or to help assess damage to neighborhoods or communities and assist in any other activity the TDES determines in necessary in responding to the disaster.

Municipal Courts

H.B. 1125 (White) – Fines and Court Costs: would prohibit a municipal court from ordering the confinement of a person for failure to pay all or any part of a fine or court costs imposed for the conviction of an offense punishable by fine only.

H.B. 1136 (Y. Davis) – Juries: would allow a judge to assign each juror an identification number to use in place of the juror’s name when polled by the state or the defendant after reaching a verdict.

H.B. 1219 (Dutton) – Resisting Arrest: would require the complaint, information, or indictment for resisting arrest to state the underlying offense for which the person was resisting arrest.

H.B. 1220 (Dutton) – Spoliation: would allow a defendant to make a showing of spoliation of evidence in a criminal case if the state destroys, alters, or losses evidence of a crime.

H.B. 1226 (Herrero) – Jury Duty: would exempt fire fighters and police officers from jury duty.

S.B. 522 (Birdwell) – Marriage Ceremonies: would prohibit a city from penalizing a municipal court judge who declines to conduct a marriage ceremony.

Community and Economic Development

H.B. 1064 (Paul) – Municipal Management Districts: would impose various changes to the governance and operation of municipal management districts.

H.B. 1098 (Canales) – Residential Tenants: would limit the amount of late fees that a landlord may charge a tenant who participates in the Section 8 housing voucher program.

H.B. 1105 (Miller) – Military Bases: would provide that the governing body of a city that is located outside of a military aviation facility may adopt certain land use regulations within a certain distance of the facility.

H.B. 1120 (Springer) – Elimination of Architectural Barriers: would: (1) prohibit a city building official from accepting an application for certain building construction permits unless the applicant submits verification that: (a) the building has been registered with the Texas Department of Licensing and Regulation (department); and (b) the plans and specifications for the building have been submitted to the department; (2) prohibit a city from issuing a final certificate of occupancy for certain buildings unless the owner provides a report or letter from the department, or other authorized person, that the building or facility has been inspected and complies with the law regarding the elimination of architectural barriers (i.e., accessibility standards); and (3) authorize the Texas Commission of Licensing and Regulation to impose an administrative penalty on a city that issues a building permit or certificate of occupancy in violation of (1) or (2).

H.B. 1134 (Craddick) – Payday and Auto Title Lending: would, among other things: (1) provide that a municipal ordinance regulating credit access businesses is not preempted by state law; (2) provide that, if a municipal ordinance conflicts with a provision of state law, the more stringent regulation controls; (3) require the contract and other documents provided by a credit access business to be written wholly in English or the language in which the contract is negotiated, and read in their entirety in the language in which the contract is negotiated to any consumer who cannot read; (4) prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan; (5) provide that each day of a continuing violation of a provision related to state notice and disclosure requirements or state licensing and regulation requirements by a credit services organization constitutes a separate offense; (6) provide that the general limitations on payday and auto title loans in the bill apply to any consumer physically located in this state at the time the loan is made, regardless of whether the loan was made in person in this state; (7) require a credit access business to require certain types of documentation to establish a consumer's income for purposes of extending credit; (8) provide that a single-payment payday loan: (a) may not exceed 20 percent of the consumer's gross annual income; (b) may not be refinanced more than three times, with the amount of each refinanced payment used to repay at least 25 percent of the principal amount of the original debt; (9) provide that a multiple-payment payday loan: (a) may not exceed 20 percent of the consumer's gross monthly income; and (b) may not be payable in more than four installments, with the amount of each payment used to repay at least 25 percent of the principal amount of the debt; (10) provide that a single-payment auto title loan: (a) may not exceed the lesser of 70 percent of the retail value of the motor vehicle securing the debt, or three percent of the consumer's gross annual income; and (b) may not be refinanced more than three times, with the amount of each refinanced payment used to repay at least 25 percent of the principal amount of the original debt; (11) provide that a multiple-payment auto title loan: (a) may not exceed the lesser 70 percent of the retail value of the motor vehicle securing the debt, or three percent of the consumer's gross annual income; and (b) may not be payable in more than

four installments, with the amount of each payment used to repay at least 25 percent of the principal amount of the debt; (13) require any refinance of a payday or auto title loan to: (a) be authorized by state law; (b) be in the same form as the original loan; and (c) meet all requirements applicable to the original loan; and (14) require a credit access business to maintain a complete set of records of all loans, and retain the records until the third anniversary of the date of the loan.

H.B. 1135 (Workman) – Pay-or-Waive: would provide that: (1) if the application of a provision of the Natural Resources Code, the Government Code, the Local Government Code, or the Water Code, or of a rule, policy, or ordinance adopted by a city pursuant to those codes, has the effect of requiring that more than 55 percent of the surface area of an owner’s private real property, other than areas designated by the Federal Emergency Management Agency as being in the 100-year floodplain, remain in a natural or undeveloped state, the statute, rule, policy, or ordinance may not be enforced with respect to the property unless the enforcing entity pays for a conservation easement or condemns the property using eminent domain; and (2) various exceptions from the bill apply, such as requirements under the federal Coastal Zone Management Act or state laws related to beach erosion or Texas Commission on Environmental Quality on-site sewage facility regulations.

H.B. 1175 (Hinojosa) – Zoning: would provide that, following a zoning protest, a proposed initial regulation or boundary or change to an existing regulation or boundary may take effect only on the affirmative vote of at least three-fourths of all members of the governing body if the protest is written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed regulation or boundary; or (2) the area of the lots or land immediately adjoining the area covered by the proposed regulation or boundary and extending 200 feet from that area.

S.B. 555 (Kolkhorst) – Eminent Domain: would provide that a person commits a state jail felony if the person: (1) enters or attempts to enter the real property of another; and (2) at the time of the entry or attempted entry, asserts that the entry is authorized by or requested in connection with eminent domain authority of an entity the person represents or claims to represent that does not possess that eminent domain authority.

Personnel

No personnel bills were filed this week.

Public Safety

H.B. 1063 (Gooden) – Sex Offender Residency Restrictions: would permit a general law city to prohibit a registered sex offender from going in, on, or within a specified distance of a child safety zone within the city. (Note: Home rule cities already possess this power under current law.)

H.B. 1070 (Leach) – Immunization Status: would: (1) prohibit a health care provider from refusing to provide health care services to a patient solely because the patient has or has not received an immunization for a particular communicable disease; and (2) make a provider that violates (1) ineligible for the receipt of state money for patient services.

H.B. 1078 (Murphy) – Burglary of a Vehicle: would increase the penalties for the offense of burglary of a vehicle.

H.B. 1099 (Canales) – Residential Tenants: would: (1) prohibit a landlord from imposing a monetary or other penalty on a tenant for summoning, or limiting a residential tenant’s right to summon, police or emergency assistance based on the tenant’s reasonable belief that an individual is in need of intervention or emergency assistance; and (2) void a provision in a lease that waives a tenant’s right to summon police or emergency assistance based on the tenant’s reasonable belief that an individual is in need of intervention or emergency assistance.

H.B. 1109 (Schofield) – Immigration: would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would prohibit certain city actions by providing that:

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

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

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has

adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws;

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

(Companion bill is **H.B. 762** by **Shaheen**.)

H.B. 1111 (Thompson of Harris) – Child Safety Zones: would provide that a requirement that a parolee stay a certain distance from areas where children gather does not apply to while the parolee is traveling directly en route on a public or private roadway between locations at which the parolee has legitimate business.

H.B. 1148 (S. Davis) – Trauma Care Systems: would: (1) require the Department of State Health Services (department) to designate eight administrative hubs to provide administrative functions for trauma service area regional advisory councils (council), establish the parameters regarding the type of entity that may apply to serve as an administrative hub, and require that an application to serve as an administrative hub be submitted not later than September 1, 2018; (2) prescribe the duties of administrative hubs described in (1) to include, among others, administering and distributing funds to each council in the hub's jurisdiction; (3) authorize a council to: (a) transfer from one administrative hub to another under certain circumstances; and (b) apply to retain an administrative function under certain circumstances; and (4) require the administrative hubs, councils, and others to develop a written 25-year plan for coordinating emergency medical services throughout the State of Texas and to submit the plan to the department by September 1, 2021.

H.B. 1154 (S. Davis) – License Plates: would exempt a motor vehicle equipped with technology that would be impaired by the display of a front license plate from the requirement to have two license plates.

H.B. 1163 (Alonzo) – Retirement: would provide eligibility for membership and funding of benefits for certain law enforcement, custodial, and other peace officers who are members of the Teacher Retirement System of Texas or the Employees Retirement System of Texas.

H.B. 1171 (Minjarez) – Crime Labs: would require a public accredited crime lab to complete its analysis of sexual assault evidence submitted to the lab as part of an active criminal case as soon as practicable but not later than the 60th day after the date on which the evidence was received by the lab.

H.B. 1209 (Burns) – Licensed Carry: would modify the punishment for a handgun license holder who carries into a hospital, amusement park, place of religious worship, or meeting of a governmental body (if notice is properly posted), to provide that the offense is a class C misdemeanor, unless the license holder failed to depart after receiving notice, in which case the offense is a class A misdemeanor.

H.B. 1223 (Murr) – Emergency Vehicles: would: (1) provide that a motor vehicle operator must yield the right-of-way, pull over, and stop on the approach of a police vehicle lawfully using an audible or visual signal (current law refers only to an audible signal); and (2) provide that the operator of an emergency vehicle could park or stand the vehicle regardless of whether they are responding to an emergency, pursuing a violator, responding to a fire alarm, directing traffic, or conducting a police escort.

S.B. 523 (Birdwell) – Drones: would provide that a person commits an offense if the person intentionally operates an unmanned aircraft over, makes contact with, or comes within a distance that interferes with the operation of a correctional facility.

S.B. 565 (Perry) – DNA Database: would provide that a person convicted of prostitution shall be required to provide their DNA for the DNA database.

Transportation

H.B. 1140 (Anderson) – Transportation Funding: would, for purposes of allocation categories for state transportation funding, provide that: (1) “large urbanized area” means an urbanized area with a population of 200,000 or more; and (2) “Small urbanized area” means an urbanized area with a population of less than 200,000.

H.B. 1210 (Phillips) – Airport Security Personnel: would: (1) require a city or any person who operates an airport owned or controlled by a city (airport operator) to establish a program to collect complaints regarding passenger security screenings; (2) provide that complaints in (1) are confidential and not subject to public disclosure; (3) require an airport operator to submit an annual analysis of complaints regarding passenger security screenings to the Texas Department of Transportation and Texas homeland security; (4) require the director of Texas homeland security to submit to the Texas congressional delegation an annual analysis of complaints regarding passenger security screenings in the state; and (5) require an airport operator to apply

to the Under Secretary of Transportation for Security to participate in the security screening opt-out program and report to certain state officials the disposition of the application.

Utilities and Environment

H.B. 1115 (Dutton) – Contested Case Hearings: would expand the definition of “affected person” to include members of a city council for certain types of contested case hearings held by or for the Texas Commission on Environmental Quality.

H.B. 1190 (Bell) – One Call: would: (1) subject the Texas Underground Facility Corporation (corporation) to a review under the Texas Sunset Act and require the corporation to pay for the review; and (2) require the review to assess the corporation’s governance, management, operating structure, and compliance with legislative requirements.

H.B. 1224 (Bell) – One-Call: would require a plaintiff, in a civil action brought against an excavator for damages related to an excavation, to show that the proximate cause of the damages was the excavator’s failure to comply with their duty to notify.

S.B. 26 (Estes) – Emissions Reduction: would, among other things, establish a governmental alternative fuel fleet grant program to assist cities in purchasing or leasing new motor vehicles that operate primarily on an alternative fuel.

S.B. 538 (Hinojosa) – Drought Contingency Plan: would require a city to notify the Texas Commission on Environmental Quality about changes to the manner of implementing the city’s drought contingency plan no later than the fifth business day after implementing the change.

S.B. 551 (Kolkhorst) – Solid Waste Facility Permits: would: (1) require the Texas Commission on Environmental Quality to deny a permit application for a solid waste facility that TCEQ finds to be incomplete or inaccurate, if a previous version was returned as incomplete or inaccurate; and (2) prohibit TCEQ from approving a subsequent application for a solid waste facility at the site that was the subject of the denied permit application.

S.B. 567 (Rodriguez) – Railroad Commission: would increase the maximum penalty amount from \$10,000 a day to \$25,000 a day for the violation of statutes under the jurisdiction of the Railroad Commission.

S.B. 568 (Rodriguez) – Railroad Commission: would require the Railroad Commission to post comprehensive information on violation enforcement on its website. (Companion bill is **H.B. 247** by **Anchia**.)

S.B. 569 (Rodriguez) – Railroad Commission: would require the Railroad Commission to: (1) review the commission’s rules regarding the prevention, reporting, and documentation of unpermitted discharges of oil and gas waste; and (2) submit a report that details the existing rules and provides proposed changes to the senate and house of representatives.

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