

# City-Related Bills Filed

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### Property Tax

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

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

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

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

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

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

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

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

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

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

**H.B. 301 (Larson) – Property Appraisal:** would provide that: (1) if the appraised value of property in a tax year is lowered as a result of an agreement between the property owner and the appraisal district or as a result of a protest or appeal, the chief appraiser may not increase the appraised value of the property in the following tax year by an amount that exceeds the sum of five percent of the appraised value of the property in the tax year in which the appraised value of the property is lowered and the market value of all new improvements to the property; and (2) number (1), above, does not apply to an increase in the appraised value of property as a result of: (a) the property no longer being eligible for appraisal as agricultural use or agricultural land, timber land or restricted use timber land, recreational, park, or scenic land, or public access airport property; or (2) the expiration of a ten percent limitation on the appraisal of a residence homestead. (See **H.J.R. 30**, below.)

**H.B. 302 (Goldman) – Property Tax Exemption:** would entitle a person to a property tax exemption for a mineral interest the person owns that has a taxable value of less than \$2,000.

**H.B. 320 (Canales) – Property Tax Exemption:** provides that an additional tax imposed on land appraised as qualified open-space land when a change in use of the land occurs is equal to the difference between the taxes imposed on the land for each of the two years preceding the year in which the change of use occurred.

**H.B. 345 (Canales) – Revenue Cap:** would: (1) lower the property tax rollback rate from eight percent to five percent; (2) require the comptroller to annually determine an inflation rate based on the amount 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 (3) provide that if the inflation rate exceeds five percent in a given year, the rollback tax rate shall be calculated by a taxing unit using the lower of the inflation rate or eight percent.

**H.B. 376 (Metcalf) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.J.R. 33**, below.)

**H.B. 379 (Bernal) – Sales Price Disclosure:** would provide that: (1) a person may not have recorded in the county clerk’s office an instrument conveying real property under a contract for sale unless the instrument discloses the sales price of the property; (2) the purchaser of any property for which an instrument is recorded in violation of (1), above, is liable to the state for a civil penalty for each violation in an amount equal to five percent of the sales price of the property; (3) the attorney general or the county or district attorney for the county in which the property is located may bring suit to recover a penalty under (2), above; and (4) an instrument conveying only a mineral interest in real property is not required to include the sales price of the interest.

**H.B. 382 (Murphy) – Property Tax Exemption:** would exempt from property taxation the real property owned by a person that is leased to an open-enrollment charter school if: (1) the real property is used exclusively by the school for education functions; (2) the real property is reasonably necessary for the operation of the school; (3) the property owner certifies by affidavit to the school that the rent for the lease of the real property will be reduced by a commensurate amount; (4) the property owner provides the school with a disclosure document stating the amount by which the taxes on the real property are reduced due to the exemption and the method to be implemented to ensure that the rent charged reflects the reduction; and (5) the rent charged for the lease of the real property reflects the reduction in the amount of property taxes due to the exemption through a monthly or annual credit against the rent. (See **H.J.R. 34**, below.)

**H.B. 455 (Metcalf) – Appraisal Review Board:** would authorize a property owner to participate by telephone in an appraisal review board protest hearing.

**H.B. 457 (Holland) – Confidentiality of Property Tax Appraisal Records:** would: (1) allow the spouse or surviving spouse and adult children of a peace officer to elect to keep their home address information confidential; and (2) authorize the appraisal district, the state, the comptroller, and taxing units and political subdivisions to continue to use the information for official purposes.

**H.B. 495 (Phelan) – Appraisal District:** would, among other things, provide that: (1) an appraisal district is governed by a board of five directors; (2) one director is elected from each of the four commissioners precincts of the county for which the appraisal district is established; (3) the county assessor-collector is a director by virtue of the person's office; (4) if the county assessor-collector is ineligible to serve pursuant to a contract, the appraisal district is governed by the four directors elected from the commissioners precincts and a director elected from the county at large; and (5) the directors other than the county assessor-collector are elected at the general election for state and county officers and serve two-year terms beginning on January 1 of odd-numbered years.

**H.B. 513 (S. Davis) – Property Tax Appraisal:** would provide that the chief appraiser of an appraisal district that appraises property for a taxing unit that is located partly or entirely inside an area declared to be a disaster area by the governor shall reappraise all property damaged in the disaster at its market value immediately after the disaster.

**H.B. 540 (Metcalf) – Property Tax Appeals:** would authorize attorney's fees of any amount for a property owner who prevails in an appeal if: (1) the appeal is based on excessive or unequal appraisal; (2) the property owner claims the property as the owner's residence homestead; and (3) in each of the preceding two years, the property owner prevailed in an appeal under (1) and the amount of an award of attorney's fees to the property owner was subject to a limitation in each of the two preceding years.

**H.B. 566 (Keough) – Appraisal Review Boards:** would, among other things, provide: (1) that an appraisal review board consists of five members elected by the voters of the county in which the appraisal district is established at the general election for state and county officers; and (2) that the members of the appraisal review board serve two-year terms beginning on January 1<sup>st</sup> of odd-numbered years.

**H.B. 570 (Button) – Property Tax Exemption:** would provide: (1) that the surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead so long as the surviving spouse has not remarried since the death of the first responder; and (2) that a surviving spouse who receives an exemption under (1) is entitled to receive an exemption from taxation of a property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the exemption applied so long as the surviving spouse has not remarried since the death of the first responder.

**H.B. 586 (Bohac) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.J.R. 43**, below.)

**H.B. 626 (Workman) – Property Tax Exemption:** would: (1) require the chief appraiser to accept and approve or deny an application for a residence homestead exemption after the deadline for filing it has passed if it is filed not later than two years after the delinquency date for the taxes on the homestead; and (2) require the chief appraiser to accept an approve or deny an

application for a disabled veterans property tax exemption if the application is filed not later than five years after the delinquency date for taxes on the property.

**H.B. 643 (Phillips) – Property Tax Appraisal:** would define “wildlife management” for purposes of a property tax appraisal as actively using land in specific ways in accordance with standards developed by the Parks and Wildlife Department and the comptroller.

**H.B. 758 (Keough) – Property Tax Refunds:** would provide that: (1) a religious organization is entitled to receive from the collector for a taxing unit a refund of the taxes paid by the owner of the property on property that is leased to the organization and used primarily as a place of regular religious worship; (2) the collector shall pay the refund from available current tax collections or from funds appropriated by the taxing unit for making refunds; (3) a religious organization claiming the refund must apply for the refund not later than the third anniversary of the date the taxes on the property were paid or the organization waives the right to the refund; (4) an application for a refund must be made using a form prescribed by the comptroller by rule; (5) if the collector for a taxing unit does not respond to an application for a refund on or before the 90<sup>th</sup> day after the date the application is filed with the collector, the application is presumed to have been denied; (6) not later than the 60<sup>th</sup> day after the date the collector for a taxing unit denies an application for a refund, the religious organization may file suit against the taxing unit in district court to compel the payment of the refund; and (7) if the religious organization prevails in the suit, the organization may be awarded court costs and reasonable attorney’s fees in an amount not to exceed the greater of: (a) \$1,500; or (b) 30 percent of the total amount of the refund determined by the court to be due. (See **S.J.R. 49**, below.)

**H.B. 777 (Ashby) – Property Tax Appraisals:** would provide that land owned by a deployed member of the armed services remains eligible for appraisal as qualified open-space land, even if the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area, if the service member intends to use the land in that manner upon returning to the property. (Companion bill is **S.B. 175** by **Nichols**.)

**H.B. 801 (Murphy) – Property Tax on Agricultural Land:** would repeal the additional property taxes imposed as a result of certain changes in the use of open-space land appraised as agricultural.

**H.B. 845 (Lozano) – Property Tax Exemption:** would authorize the governing body of a taxing unit to exempt from property taxes the mineral interests owned by nonprofit corporations organized for the exclusive purpose of generating income for certain charitable nonprofit corporations through the ownership, lease, and management of real property. (See **H.J.R. 51**, below.)

**H.B. 850 (Turner) – Property Tax Exemption:** would provide that: (1) a person is entitled to a property tax exemption, expressed as a dollar amount, of the appraised value of real property that the person owns and that is used as a group home or intermediate care facility for individuals with developmental, physical, or intellectual disabilities; and (2) the amount of the exemption is equal to the costs incurred by the property owner in maintaining, operating, and making improvements to the property during the preceding 12-month period. (See **H.J.R. 52**, below.)

**H.B. 906 (Elkins) – Tax Exemption:** would, among other things, authorize institutions of higher education to create research technology corporations that would be exempt from both property taxes and sales taxes. (See **H.J.R. 54**, below.)

**H.B. 934 (Zerwas) – Property Tax System:** would, among other things: (1) require the comptroller to appoint a property tax administration advisory board to make recommendations to the comptroller regarding state administration of property taxation and state oversight of appraisal districts and local tax offices; (2) require an appraisal district to appraise property in accordance with standards, procedures, and methodology prescribed by appraisal manuals prepared and issued by the comptroller; (3) provide that, in order to be eligible to serve on the board of directors of an appraisal district, an individual must be an elected county officer or an elected official of a political subdivision all or part of the territory of which is located in the county; (4) authorize an appraisal district board of directors in a county of 120,000 or more to increase the size of the district’s appraisal review board by resolution to a number of members the board considers appropriate; and (5) require the appraisal review boards located in counties with populations of 120,000 or more to establish special appraisal review board panels for each of the following classifications of property: (a) commercial real and personal property; (b) real and personal property of utilities; (c) industrial and manufacturing real and personal property; and (d) multifamily residential real property.

**H.B. 950 (J. Rodriguez) – Property Tax Appraisals:** would provide that land qualifies for appraisal as qualified open-space land if: (1) the land is currently devoted principally to agricultural use to the degree of intensity generally accepted in the area; (2) the land was devoted principally to agricultural use or to production of timber or forest products for the preceding year; and (3) the land is owned or managed by: (a) a veteran of the United States armed services; or (b) an individual who, at the time the owner filed an initial application for appraisal of the land, was less than 35 years of age and had not served as the principal operator of a farm or ranch for any period of more than 10 consecutive years. (Companion bill is **S.B. 330** by **Rodriguez**.)

**H.B. 969 (Metcalf) – Property Tax Deferral and Abatement:** would, among other things: (1) change the annual interest rate charged during the period when property taxes on the residence homestead of an elderly or disabled person are deferred from eight percent to two percent; (2) authorize an individual to defer collection of a property tax or abate a suit to collect a delinquent property tax imposed on: (a) the portion of the appraised value of property the individual owns and occupies as the individual’s residence homestead that exceeds the sum of 105 percent of the appraised value of the property for the preceding year and the market value of all new improvements to the property; or (b) property the individual owns and occupies as the individual’s residence homestead if the individual has an ownership interest in the property on January 1 of the tax year for which the tax is imposed equal to or greater than ten percent of the market value of the property for that tax year; (3) provide that the annual interest rate during the deferral and abatement period under (2)(b) is two percent instead of eight percent for each tax year for which the individual has an ownership interest in the property on January 1 of the tax year that is equal to or greater than 50 percent of the market value of the property for that tax year; (5) authorize an individual to defer collection of a property tax or abate a suit to collect a

delinquent property tax imposed on a historic family property owned continuously for at least the preceding 100 years by one or more individuals who are members of the same family if the individual: (a) owns the property; and (b) has an ownership interest in the property on January 1 of the tax year for which the tax is imposed equal to or greater than 50 percent of the market value of the property for that tax year; and (6) provide that the annual interest rate during the deferral or abatement period under (5) is eight percent.

**H.B. 1017 (Perez) – Rollback Rate:** would provide that, if sections of the Tax Code are amended by an act of the 85<sup>th</sup> Legislature or a subsequent legislature and the effect of the amendment is to reduce the rollback tax rate of a city, the governing body of the city may direct the designated officer or employee to calculate the rollback tax rate of the city in accordance with law as it existed on January 1, 2016.

**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.B. 1248 (Lucio) – Property Tax Appeals:** would establish an alternative resolution procedure for property tax lawsuits.

**H.B. 1299 (Springer) – Property Tax Appraisal:** would provide that, before taking effect, rules developed by the comptroller relating to the appraisal of qualified open-space land and qualified timber land for property tax purposes must be approved by the comptroller with the review and counsel of the Department of Agriculture. (Companion bill is **S.B. 594** by **Creighton**.)

**H.B. 1330 (Kuempel) – Property Tax Exemption:** would provide that a person is entitled to a property tax exemption for the tangible personal property with a taxable value of less than \$2,500 and that is held or used for the production of income.

**H.B. 1334 (Isaac) – Property Tax Exemption:** would authorize the governing body of a taxing unit to exempt from property taxation the portion of the appraised value of property that is attributable to the installation on the property of a rainwater harvesting system.

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

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

**H.J.R. 21 (Bell) – Property Tax Exemption:** would amend the Texas Constitution to provide that the legislature may provide that a partially disabled veteran is entitled to an exemption from property taxation of a percentage of the market value that is equal to the percentage disability of the disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead. (See **H.B. 150**, above.)

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

**H.J.R. 30 (Larson) – Property Appraisal:** would amend the Texas Constitution to authorize the legislature to limit the maximum appraised value of property for ad valorem tax purposes in a tax



year to 105 percent, or a greater percentage, of the appraised value of the property for the preceding tax year if in the preceding tax year the owner of the property disputed the appraisal of the property and the appraised value was lowered as a result. (See **H.B. 301**, above.)

**H.J.R. 33 (Metcalf) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.B. 376**, above.)

**H.J.R. 34 (Murphy) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxation any real property that is leased for use as an open-enrollment charter school for educational purposes. (See **H.B. 382**, above.)

**H.J.R. 35 (Button) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt inventory held for sale at retail from property taxation by one or more political subdivisions of the state.

**H.J.R. 43 (Bohac) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.B. 586**, above.)

**H.J.R. 49 (Keough) – Property Tax Refunds:** would amend the Texas Constitution to authorize the legislature by general law to provide that a religious organization that leases property for use as an actual place of religious worship is entitled to a refund from each political subdivision that taxes the property of the ad valorem taxes imposed on the property by that political subdivision and collected from the owner of the property. (See **H.B. 758**, above.)

**H.J.R. 51 (Lozano) – Property Tax Exemption:** would amend the Texas Constitution to authorize a governing body of a taxing unit to exempt from property taxes the mineral interests owned by nonprofit corporations organized for the exclusive purpose of generating income for certain charitable nonprofit corporations through the ownership, lease, and management of real property. (See **H.B. 845**, above.)

**H.J.R. 52 (Turner) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxes a portion of the assessed value of property used to provide housing to individuals with disabilities in an amount equal to the costs the owner of the property incurs to maintain, operate, and make improvements to the property. (See **H.B. 850**, above.)

**H.J.R. 54 (Elkins) – Tax Exemption:** would amend the Texas Constitution to authorize institutions of higher education to create research technology corporations that would be exempt from both property taxes and sales taxes. (See **H.B. 906**, above.)

**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. 2 (Bettencourt) – Revenue Cap:** of primary importance to cities, the bill would:

1. lower the property tax rollback rate from eight percent to four percent, with an exception for a taxing unit located in an area declared a disaster area by the governor or president of the United States during the current tax year;
2. require a taxing unit to hold a ratification election on the November uniform election date of the applicable year in order to adopt a tax rate that exceeds the four-percent rollback rate (as opposed to current law, which only requires an election if a petition is received from the citizens); and
3. make numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date.

Additionally – and more specifically – the bill would:

1. require the comptroller to appoint a property tax administration advisory board to make recommendations to the comptroller regarding state administration of property taxation and state oversight of appraisal districts and local tax offices;
2. require an appraisal district to appraise property in accordance with standards, procedures, and methodology prescribed by appraisal manuals prepared and issued by the comptroller;
3. provide that, in order to be eligible to serve on the board of directors of an appraisal district, an individual must be an elected county officer or an elected official of a political subdivision all or part of the territory of which is located in the county;
4. authorize an appraisal district board of directors for a district established in a county with a population of 120,000 or more to increase the size of the district's appraisal review board by resolution to a number of members the board considers appropriate;
5. require the appraisal review boards located in counties with populations of 120,000 or more to establish special appraisal review board panels for each of the following classifications of property: (a) commercial real and personal property; (b) real and personal property of utilities; (c) industrial and manufacturing real and personal property; and (d) multifamily residential real property;
6. provide that a person is entitled to a property tax exemption for the tangible personal property the person owns that is held or used for the production of income if the property has a taxable value of less than \$2,500;
7. make numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date, including among others:
  - a. requiring the appraisal district to certify the appraisal roll to taxing units by July 10<sup>th</sup> (instead of July 25<sup>th</sup> under current law);
  - b. requiring the tax assessor/collector to submit the appraisal roll showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property to the governing body of the taxing unit by July 15<sup>th</sup>, or as soon thereafter as practicable (instead of August 1<sup>st</sup> under current law); and

- c. requiring taxing units adopting a tax rate exceeding the lowered rollback tax rate to do so before August 15<sup>th</sup> (instead of September 30<sup>th</sup>, under current law) (NOTE: this would also require a city that adopts a tax rate exceeding the rollback rate to adopt its budget before August 15<sup>th</sup>, as state law provides that property taxes may only be levied in accordance with the city budget);
- 8. lower the property tax rollback rate from eight percent to four percent, with an exception for a taxing unit located in an area declared a disaster area by the governor or president of the United States during the current tax year;
- 9. require a taxing unit to hold a ratification election on the November uniform election date of the applicable year in order to adopt a tax rate that exceeds the four-percent rollback rate (as opposed to current law, which only requires an election if a petition is received from the citizens).
- 10. provide that the meeting to adopt a tax rate that exceeds the lower of the rollback tax rate or the effective tax rate may not be earlier than the third day or later than the seventh day after the date of the second public hearing on the tax rate;
- 11. eliminate the ability of a taxing unit to challenge before the appraisal review board the level of appraisals of any category of property in the appraisal district or in any territory in the appraisal district;
- 12. require an appraisal review board to provide for hearings on protests on a Saturday or after 5 p.m. on a weekday;
- 13. provide that an appraisal review board may not schedule: (a) the first hearing on a protest held on a weekday to begin after 7 p.m.; or (b) a hearing on a protest on a Sunday;
- 14. provide that a property owner is entitled to appeal through binding arbitration an appraisal review board order related to certain protests if the appraised market value of the property as determined by the order is \$5 million or less; and
- 15. amend current law related to the property tax rate notices provided by cities and counties to require cities and counties to use one notice if the proposed tax rate will not exceed the rollback tax rate, and another notice if the proposed tax rate will exceed the rollback tax rate. (Note: under current law, the city or county uses one of the two notices based on whether the proposed rate will exceed the lower of the effective tax rate or the rollback tax rate.)

**S.B. 15 (Huffines) – Property Tax Exemption:** would provide: (1) that the surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse’s residence homestead so long as the surviving spouse has not remarried since the death of the first responder; and (2) that a surviving spouse who receives an exemption under (1) is entitled to receive an exemption from taxation of a property that the surviving spouse subsequently qualifies as the surviving spouse’s residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the exemption applied so long as the surviving spouse has not remarried since the death of the first responder.

**S.B. 97 (Hall) – Property Tax Exemption:** would, among other things: (1) require the chief appraiser to accept and approve or deny an application for a residence homestead exemption of a 100 percent or totally disabled veteran after the filing deadline if the application is filed not later

than one year after the date on which the United States Department of Veterans Affairs or its successor approves the veteran's disability application; (2) provide that if a late application is approved after approval of the appraisal records for a year for which the exemption is granted, the collector for a taxing unit must deduct from the person's tax bill the amount of tax imposed on the property for that year and any penalties and interest relating to the tax if the tax and related penalties and interest have not been paid; (3) provide that if a late application is approved after approval of the appraisal records for a year for which the exemption is granted and the person already paid the tax and related penalties and interest, the person is eligible for a refund of the tax, penalties, and interest paid.

**S.B. 172 (Nichols) – Appraisal Cap:** would: (1) reduce the property tax appraisal cap on homesteads from ten percent to five percent; (2) authorize a county commissioners court to call an election to increase the homestead appraisal cap for all taxing jurisdictions in the county back to some percentage between six and ten; and (3) prohibit a subsequent election from occurring for ten years after such an election is held. (See **S.J.R. 19**, below.)

**S.B. 175 (Nichols) – Property Tax Appraisal:** would provide that land owned by a deployed member of the armed services remains eligible for appraisal as qualified open-space land, even if the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area, if the service member intends to use the land in that manner upon returning to the property.

**S.B. 240 (Creighton) – Property Tax Exemption:** would exempt from property taxes a residence homestead that was donated to a disabled veteran by a charitable organization at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date the donation is made. (See **S.J.R. 23**, below.)

**S.B. 290 (Watson) – School Finance:** would: (1) provide that it is state policy that the state's contribution to the financing of public education should not decrease as a result of local property values; and (2) require the legislature to appropriate a guaranteed level of state and local funds per weighted student per cent of tax effort that are sufficient to result in at least a level of state expenditure equal to the state's expenditure for the preceding biennium.

**S.B. 330 (Rodriguez) – Property Tax Appraisal:** would provide that land qualifies for appraisal as qualified open-space land if: (1) the land is currently devoted principally to agricultural use to the degree of intensity generally accepted in the area; (2) the land was devoted principally to agricultural use or to production of timber or forest products for the preceding year; and (3) the land is owned or managed by: (a) a veteran of the United States armed services; or (b) an individual who, at the time the owner filed an initial application for appraisal of the land, was less than 35 years of age and had not served as the principal operator of a farm or ranch for any period of more than 10 consecutive years.

**S.B. 376 (Creighton) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten percent to the following applicable percentage: (1) three percent

if the appraised value of a homestead is \$1 million or less; or (2) five percent if the appraised value of a homestead is more than \$1 million. (See **S.J.R. 28**, below.)

**S.B. 403 (Kolkhorst) – Property Tax Appraisals:** would provide that: (1) the market value of a parcel of commercial or residential real property may not be increased for the first two tax years after the tax year for which the market value of the property was reduced by at least 15 percent: (a) by the appraisal review board and the board’s determination is not overturned on appeal; or (b) as a result of the final determination of an appeal of an order of the appraisal review board; (2) an appraisal under (1) does not prohibit an increase in the market value of a parcel of commercial or residential real property attributable to an improvement to the property made after the most recent appraisal of the property that increases the market value of the property and the value of which is not included in the market value of the property for the preceding tax year; (3) repairs to or ordinary maintenance of an existing structure or the grounds or another feature of property are not considered an improvement to the property for purposes of (2); (4) the market value of a parcel of commercial or residential real property appraised under (1) is considered to be the market value of the property for purposes of state administration of taxes and the determination of school district property values; and (5) a parcel of commercial or residential real property appraised under (1) may not be used as a comparable property or a ratio study sample for purposes of determining whether another property is unequally appraised.

**S.B. 418 (Watson) – Property Tax Exemption:** would: (1) authorize the governing body of a taxing unit other than a school district to adopt a residence homestead property tax exemption, expressed as a dollar amount, of a portion of an individual’s residence homestead if the exemption is adopted by the governing body before July 1<sup>st</sup> in the manner provided by law for official action; (2) provide that the amount of the exemption is \$5,000 of the appraised value of the residence homestead, except that if the average market value of residence homesteads in the taxing unit in the tax year in which the exemption is adopted exceeds \$25,000, the governing body may authorize an exemption in a larger dollar amount not to exceed an amount equal to 20 percent of the average market value of residence homesteads in the taxing unit in the tax year in which the exemption is adopted; (3) provide that a city or county that adopted a percentage-based homestead exemption for the 2014 tax year may repeal the exemption by December 31, 2019, if the governing body adopts an exemption as provided by (1) in an amount greater than \$5,000; (4) provide that, for a taxing unit that has ceased granting a percentage-based homestead exemption and adopted an exemption under (1), an individual who would have been entitled to a percentage-based residence homestead exemption had the governing body not ceased granting the exemption is entitled to continue to receive the percentage-based exemption in lieu of the dollar-amount homestead exemption if the individual otherwise qualifies for the exemption and the amount of the percentage-based exemption exceeds the amount of the dollar-amount exemption; (5) for purposes of calculating the “current total value” for use in adopting a property tax rate, provide that a governing body that has adopted an exemption under (1) generally includes the total dollar amount of the exemptions granted; and (6) provide that an exemption granted under (1) is not included in the term “lost property levy” for purposes of calculating a property tax rate. (See **S.J.R. 29**, below.)

**S.B. 447 (Burton) – Appraisal Districts:** would, among other things: (1) require the chief appraiser of an appraisal district to be elected at the general election for state and county officers

every two years; and (2) provide that members of the appraisal review board are appointed by the chief appraiser of the appraisal district.

**S.B. 448 (Burton) – Property Tax Deferral and Abatement:** would provide that the chief appraiser may not make a determination that an individual who is 65 years of age or older is no longer entitled to receive a property tax deferral or abatement because the property for which the deferral or abatement was obtained is no longer the individual’s principal residence without first providing written notice to the individual stating that the chief appraiser believes the property may no longer be the individual’s principal residence.

**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.

**S.B. 594 (Creighton) – Property Tax Appraisal:** this bill is the same as **H.B. 1299**, above.

**S.B. 595 (Lucio) – Property Tax Installment Payments:** would provide that an individual is eligible to pay property taxes imposed on the individual’s residence homestead in installments if the individual’s household income for the household located at the individual’s residence homestead is not more than 80 percent of the applicable area median family income established by the United States Department of Housing and Urban Development.

**S.B. 629 (Schwertner) – Appraisal of Agricultural or Open-Space Land:** would, among other things, eliminate the requirement that a person pay interest along with additional taxes if land that has been designated for agricultural use in any year is sold or diverted to a nonagricultural use.

**S.B. 669 (Nelson) – Property Tax Protests:** would make several changes to the system for protesting or appealing certain property tax determinations.

**S.J.R. 1 (Campbell) – Property Tax Exemption:** would amend the Texas Constitution to provide that: (1) that the surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse’s residence homestead so long as the surviving spouse has not remarried since the death of the first responder; and (2) that a surviving spouse who receives an exemption under (1) is entitled to receive an exemption from taxation of a property that the surviving spouse subsequently qualifies as the surviving spouse’s residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the exemption applied so long as the surviving spouse has not remarried since the death of the first responder.

**S.J.R. 19 (Nichols) – Appraisal Cap:** would amend the Texas Constitution to permit the legislature to: (1) reduce the property tax appraisal cap on homesteads from ten percent to five

percent; and (2) authorize a county commissioners court to call an election to increase the homestead appraisal cap for all taxing jurisdictions in the county back to some percentage between six and ten. (See **S.B. 172**, above.)

**S.J.R. 23 (Crieghton) – Property Tax Exemption:** would amend the Texas Constitution to provide that the legislature may provide that a partially disabled veteran is entitled to an exemption from property taxation of a percentage of the market value that is equal to the percentage disability of the disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead. (See **S.B. 240**, above.)

**S.J.R. 28 (Creighton) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to provide for one percentage to be used when calculating the limitation on the maximum appraised value of a residence homestead with a lesser appraised value and another percentage to be used when calculating that limitation on a residence homestead with a greater appraised value. (See **S.B. 376**, above.)

**S.J.R. 29 (Watson) – Property Tax Exemption:** would amend the Texas Constitution to: (1) authorize the governing body of a taxing unit other than a school district to adopt a residence homestead property tax exemption, expressed as a dollar amount, of a portion of an individual's residence homestead if the exemption is adopted by the governing body in the manner provided by law for official action; (2) provide that the amount of the exemption is \$5,000 of the appraised value of the residence homestead, except that if the average market value of residence homesteads in the taxing unit in the tax year in which the exemption is adopted exceeds \$25,000, the governing body may authorize an exemption in a larger dollar amount not to exceed an amount equal to 20 percent of the average market value of residence homesteads in the taxing unit in the tax year in which the exemption is adopted; (3) provide that the legislature by general law may prohibit the governing body of a political subdivision that adopts an exemption under (1) from reducing the amount of or repealing the exemption; and (4) provide that, for a taxing unit which has ceased granting a percentage-based homestead exemption and adopted an exemption under (1), an individual who would have been entitled to a percentage-based residence homestead exemption had the governing body not ceased granting the exemption is entitled to continue to receive the percentage-based exemption in lieu of the dollar-amount homestead exemption if the individual otherwise qualifies for the exemption and the amount of the percentage-based exemption exceeds the amount of the dollar-amount exemption. (See **S.B. 418**, above).

## **Sales Tax**

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

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

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

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

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

**H.B. 232 (Alvarado) – Sales Tax Exemption:** would exempt certain feminine hygiene products from the sales tax if the sale takes place during a period beginning at 12:01 a.m. on the Friday before the 15th day preceding the uniform date for the first day of school under the Education Code and ending at 12 midnight on the following Sunday.

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

**H.B. 343 (Canales) – Sales Tax Exemption:** would exempt from sales taxes the sale, lease, or use of an otherwise taxable item sold to, or used by, a disabled veteran or the surviving spouse of a disabled veteran.

**H.B. 350 (Canales) – Sales Tax Exemption:** would exempt the sale, use, or consumption of college textbooks from sales taxes during two seven-day periods, one beginning in August and one beginning in January.

**H.B. 410 (Springer) – Sales Tax Exemption:** would exempt certain feminine hygiene products from the sales tax.

**H.B. 485 (Fallon) – Sales Tax Exemption:** would exempt firearms and hunting supplies from sales taxes during the last full weekend in August.

**H.B. 589 (Bohac) – Sales Tax Exemption:** would: (1) exempt from sales and use taxes 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) exempt the sale or storage, use, or other consumption of an e-reader, personal computer, or tablet computer from sales and use taxes if the device is purchased during a specified weekend preceding the beginning of the school year and not purchased over the Internet.



**H.B. 592 (Fallon) – Sales Tax Exemption:** would exempt from sales taxes a taxable item sold, leased, or rented within the boundaries of a United States military installation to a person who is a member of the United States armed forces on active duty if the sale, lease, or rental is made by a seller physically located at the installation.

**H.B. 660 (Villalba) – Sales Tax Exemption:** would exempt the sale of the state flag from sales taxes.

**H.B. 716 (Wu) – Sales Tax Exemption:** this bill is identical to **H.B. 410** by **Springer**, above.

**H.B. 803 (Dale) – Sales Tax Exemption:** would, among other things, provide that the sale to or storage, use, or other consumption of a taxable item by a qualifying space flight entity is exempted from sales taxes.

**H.B. 824 (Turner) – Sales Tax Exemption:** would exempt LED light bulbs from the sales and use tax if the sale takes place during a period beginning at 12:01 a.m. on the Saturday preceding the last Monday in May (Memorial Day) and ending at 11:59 p.m. on the last Monday in May.

**H.B. 976 (Giddings) – Sales Tax Exemption:** would exempt certain school art supplies from sales tax if the sale takes place during a period beginning at 12:01 a.m. on the Friday before the 15th day preceding the uniform date before which a school district may not begin instruction for the school year, and ending at 12 midnight on the following Sunday.

**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.

**H.B. 1300 (Springer) – Hotel Occupancy Tax:** would provide that: (1) if a city uses hotel occupancy tax (HOT) revenue to create, maintain, operate, or administer an electronic tax administration system, the city shall permit a hotel to withhold not more than one percent of the HOT as reimbursement for the cost of collecting the tax; (2) a city may provide the reimbursement in (1) be forfeited because of failure to pay or file a HOT report to the city; (3) a city may each year spend not more than the lesser of one percent or \$75,000 of HOT revenue during that year for the creation, maintenance, operation, and administration of electronic tax administration system; and (4) a city may not use HOT revenue to conduct an audit.

**H.B. 1325 (Nevarez) – Sales and Use Tax:** would: (1) provide that the surveying of real property is not a taxable service; and (2) repeal the statute excluding certain landman services relating to negotiating or securing land or mineral rights for acquisition or trade from being considered a taxable service.

**H.B. 1363 (Villalba) – Sales Tax Exemption:** would provide a sales tax exemption for: (1) tangible personal property used to construct or install an eligible pool safety enclosure if sold to a person who is in the business of constructing or installing fences, walls, gates, or similar structures and who will construct or install the enclosure; (2) an eligible pool safety cover if sold to a person who is in the business of installing that type of cover and who will install the cover; and (3) otherwise taxable services used to construct or install the enclosure or cover.

**H.B. 1370 (Springer) – Sales Tax Information:** would: (1) require the comptroller to provide on request to a city or other local governmental entity that has adopted a sales tax: (a) information relating to the gross sales, taxable sales, and taxable purchases by each person doing business in the city or other local governmental entity by individual outlet as reported to the comptroller on a sales and use tax return; (b) for a city or other local governmental entity with a population less than 150,000 that has adopted a sales tax, information relating to the amount of sales tax paid to the city or other local governmental entity during the preceding or current calendar year by each person doing business in the city or other local governmental entity who annually remits to the comptroller state and local sales tax payments of more than \$100; and (c) information relating to the gross sales, taxable sales, and taxable purchases by each person doing business in the county or other local governmental entity by individual outlet as reported to the comptroller on a sales and use tax return; and (2) repeal the statute: (a) requiring the comptroller to provide certain sales tax information as an aggregate total for all persons doing business in the defined area without disclosing individual tax payments; and (b) providing that if a city's request for certain sales tax information involves not more than three persons doing business in the defined area who remit sales taxes, the comptroller shall refuse to provide the information to the city or other local governmental entity unless the comptroller receives permission from each of the persons allowing the comptroller to provide information to the city or other local governmental entity as requested.

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

**S.B. 129 (Garcia) – Sales Tax Exemption:** would exempt certain feminine hygiene products from the sales tax.

**S.B. 133 (Creighton) – Sales Tax Exemption:** would exempt firearms and hunting supplies from sales taxes during the last full weekend in August.

**S.B. 162 (Rodriguez) – Sales Tax Exemption:** would exempt certain feminine hygiene products from the sales tax.

## **Purchasing**

**H.B. 89 (P. King) – Israel:** would provide that neither a state nor a political subdivision may enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. (Companion bill is **S.B. 134** by **Creighton**.)

**H.B. 648 (Parker) – Collective Bargaining Organizations:** would provide that a governmental entity, including a city, awarding a public work contract funded with state money, including the issuance of debt guaranteed by this state, may not: (1) prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or (2) discriminate against a person described by (1) based on the person’s involvement in the agreement, including the person’s status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

**H.B. 665 (Canales) – Contracts:** would provide that (1) a public body (which includes cities) cannot contract with a contractor unless the contractor certifies in writing to a public body that within the five years preceding the date of the contract, the contractor, including subcontractors, has not admitted guilt or been found guilty or liable in any judicial or administrative proceeding for a repeated or willful violation of the payment of wages or minimum wage statutes, the Fair Labor Standard Act, or any similar statute or regulation of any state that governs the payment of wages; (2) each contract with a public body has to have a specific prescribed statement included; (3) a contractor shall be barred from participating in contracts with a public body by the comptroller if the public body determines that a contractor is ineligible for a contract under (1) and reports to the comptroller its determination; and (4) each public body shall develop procedures for the administration of (1).

**H.B. 770 (Y. Davis) – Procurement:** would require that the iron, steel, and manufactured goods used in many state-aided city construction projects be produced in the United States, unless the governing body of the governmental entity responsible for the project determines that: (1) iron, steel, or specific manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (2) inclusion of iron, steel, or specific manufactured goods produced in the United States will increase the total cost of the iron, steel, or specific manufactured goods for the project by more than 15 percent.

**H.B. 1281 (Reynolds) – Professional Services:** would add attorneys to the list of professionals that must be procured according to the Professional Services Procurement Act.

**S.B. 23 (Schwertner) – E-Verify:** would provide that a state agency may not award a contract for goods or services within this state to a contractor unless the contractor registers with and participates in the E-verify program to verify employee information. (A city could conceivably be considered a “contractor” of the state in certain situations.)

**S.B. 60 (Zaffirini) – Local Preference:** would provide that a local governmental entity, including a city, that purchases agricultural products: (1) shall give preference to those produced or grown in this state if the cost to the local governmental entity is equal and the quality is equal; and (2) may give preference to those products produced or grown in this state if the cost to the

local governmental entity does not exceed 107 percent of the cost of agricultural products produced or grown outside of this state and the quality is equal.

**S.B. 134 (Creighton) – Israel:** this bill is the same as **H.B. 89**, above.

**S.B. 252 (V. Taylor) – Terrorists:** would provide that: (1) a governmental entity, including a city, may not enter into a governmental contract with a company that does business with Iran, Sudan, or any known terrorist organization; and (2) the comptroller shall prepare and maintain, and make available to each governmental entity, a list of companies known to have contracts with or provide supplies or services to a foreign terrorist organization.

**S.B. 262 (Zaffirini) – Automated Information Systems:** would provide that a local government purchasing an automated information system under the state’s multiple award contract schedule shall: (1) for a contract with a value of \$50,000 or less, directly award the contract to a vendor included on the list without submission of a request for pricing to other vendors on the schedule; (2) for a contract with a value of more than \$50,000 but not more than \$150,000, submit a request for pricing to at least three vendors included on the schedule in the category to which the contract relates; and (3) for a contract with a value of more than \$150,000 but not more than \$1 million, submit a request for pricing to at least six vendors included on the schedule in the category to which the contract relates or all vendors on the schedule if the category has fewer than six vendors.

**S.B. 452 (Hancock) – Public Works Contracts:** would provide that a governmental entity awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, may not: (1) prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or (2) discriminate against a person described by (1) based on the person’s involvement in the agreement, including the person’s status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

**S.B. 474 (Rodriguez) – Workers’ Compensation:** would provide that: (1) a contractor shall provide workers’ compensation insurance coverage for each employee of the contractor; (2) a subcontractor shall provide workers’ compensation insurance coverage for each employee of the subcontractor; (3) a governmental entity that enters into a building or construction contract shall require the contractor to, if the contractor uses a subcontractor on the public project, provide a written certification, submitted by each subcontractor, that the subcontractor provides workers’ compensation insurance coverage for each employee of the subcontractor employed on the public project; (4) each subcontractor on a public project shall provide the certificate described by Subsection (3) to the general contractor, who shall provide the subcontractor’s certificate to the governmental entity; and (5) if the contractor enters into a contract with a governmental entity for a public project, the coverage provided by the contractor and, if applicable, by each subcontractor must be satisfactory to the governing body of the governmental entity.

**S.B. 475 (Rodriguez) – Public Works Contracts:** would provide that: (1) to the extent consistent with federal law, a governmental entity that enters into a construction contract must

require that the contractor ensure that all employees working on the general construction have completed construction safety training; (2) before an employee works on the general construction site, the contractor must receive and provide to the governmental entity a certificate of training completion for the employee; (3) to the extent consistent with federal law, a governmental entity that enters into a construction contract must require that the contractor ensure that at least one supervisor working on the general construction site that is the subject of the construction contract has completed advanced construction safety training; (4) before work begins on the general construction site, the contractor must receive from at least one supervisor a certificate of training completion and provide the certificate to the governmental entity; (5) a governmental entity that enters into a construction contract shall include in the contract notice and penalty provisions that: (a) require the governmental entity to provide the contractor with written notice, hand delivered or by certified mail, of a violation by the contractor; (b) require the contractor to comply with the bill by the 20th day after the date the contractor receives any notice of noncompliance; (c) inform a contractor that the governmental entity may impose an administrative penalty if the contractor fails to comply with the bill after the 20th day after the date the contractor receives any notice of noncompliance; and (d) explain that a penalty amount may be withheld from a payment otherwise owed to the contractor under the construction contract; and (5) each governmental entity shall develop procedures for the administration of the bill.

## **Elections**

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

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

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

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

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

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

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

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

**H.B. 273 (Gonzales) – Ballot Propositions:** would require each proposition on the ballot to identify the name of the authority ordering the election on the measure and assign a number to the measure that corresponds to the order in which it is placed on the ballot.

**H.B. 288 (Keough) – Early Voting:** would provide that: (1) except as provided by (2), the period for early voting by personal appearance begins on the 10<sup>th</sup> day before election day and continues through the second day before election day; (2) for an election held on the May uniform election date and any resulting runoff election, the period for early voting by personal appearance begins on the seventh day before election day and continues through the second day before election day; (3) in a county with a population of 100,000 or more, early voting by personal appearance in a primary election or the general election for state and county officers shall be conducted at the main early voting polling place for at least 12 hours on each weekday of the early voting period; and (4) in an election ordered by a city, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on one weekday (as opposed to potentially 12 hours on two weekdays under current law if the early voting period consists of six or more weekdays).

**H.B. 365 (Springer) – Uniform Election Date:** would require the secretary of state to conduct a study regarding the feasibility of implementing a single uniform election date held in November.

**H.B. 384 (Murphy) – Voter Identification:** would: (1) require each voter registration certificate issued by the state to contain a photograph of the voter to whom the certificate is issued; (2) require the secretary of state to establish methods to obtain a photograph of each registered voter for use on the voter's voter registration certificate, which includes requiring the secretary of state to enter into agreements with the Department of Public Safety and other state agencies for assistance with assigning photographs to the appropriate voter's voter registration certificate; and (3) provide that a voter's voter registration certificate containing the voter's photograph is an acceptable form of photo identification for voting purposes.

**H.B. 389 (Murphy) – Voter Registration:** would: (1) provide that a person's residence, for purposes of registering to vote, is established at the first residence address in the following list that is applicable to the person: (a) the address stated on the person's driver's license; (b) the address stated on the person's personal identification card; (c) the address stated on a license to carry a concealed handgun; (d) the address where the person receives mail; (e) the address the person claims as a homestead; or (f) the registration address of a vehicle the person owns; (2) authorize a person who has no address to establish residence by executing an affidavit and filing it with the secretary of state; and (3) except from the provisions in (1) and (2), above: (a) a member of the armed forces; (b) a person enrolled as a full time student at an institution of higher education; (c) a person whose address is confidential as a crime victim; (d) a federal

judge, state judge, or spouse of a federal judge or state judge whose driver's license includes the street address of a courthouse; and (e) a peace officer whose driver's license omits the officer's actual residence address.

**H.B. 450 (Fallon) – Cell Phones:** would allow a person who is occupying a voting station to use a mobile phone to access information that was downloaded or created on the phone before the person entered the polling place.

**H.B. 469 (E. Johnson) – Voter Registration:** would: (1) require two voter registrars to be present at each polling place while the polls are open; (2) provide that a person who would be eligible to vote in an election but for the requirement to be a registered voter shall be accepted for voting in the precinct of the person's residence if, on the day the person offers to vote, the person submits a voter registration application and acceptable proof of identification; (3) require that persons voting under (2) be processed separately at the polling place from persons voting under regular procedures; and (4) require the secretary of state to adopt rules to ensure the accountability of election officers and to fairly implement same-day voter registration procedures.

**H.B. 529 (Schofield) – Voter Identification:** would provide that a person 70 years of age or older may use an acceptable form of identification that has expired for the purposes of voting if the identification is otherwise valid.

**H.B. 532 (Schofield) – Local Debt:** would prohibit a political subdivision from issuing a public security to purchase or lease tangible personal property if the expected useful life of the property ends before the maturity date of the public security.

**H.B. 533 (Schofield) – Primary Runoff Election Date:** would: (1) provide that the primary runoff election date for non-federal partisan offices is the second Tuesday in April following the general primary election; and (2) provide that the primary runoff election date for an election for federal office is the fourth Tuesday in May following the general primary election.

**H.B. 534 (Schofield) – Voter Assistance:** would: (1) require a person providing assistance to a voter to be a registered voter of the county in which the election is being held; (2) require a person providing assistance to voter to provide photo identification to an election officer; and (3) make it a Class A misdemeanor for a person, other than an election officer, to solicit voters to provide voting assistance, including assistance provided during early voting.

**H.B. 658 (Bernal) – Priority Voting for Voters with Impaired Mobility:** would: (1) allow an election officer to accept a person with a mobility problem that substantially impairs a person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived before the person; and (2) require that notice of the priority given to persons with a mobility problem that substantially impairs a person's ability to ambulate be posted: (a) at one or more locations in each polling place where it can be read by persons waiting to vote; (b) on the secretary of state's website; and (c) each internet website relating to elections maintained by a county.

**H.B. 672 (E. Johnson) – Voter Identification:** would provide that a student identification card issued by a public, private, or independent institution of higher education that contains the person’s photograph is an acceptable form of photo identification for voting.

**H.B. 675 (Fallon) – Early Voting at Temporary Branch Polling Place:** would provide that: (1) in an election in which the authority ordering the election has established at least five temporary branch polling places in the territory served by the early voting clerk, early voting by personal appearance at no less than 80 percent of the temporary branch polling places shall be conducted on the same days and during the same hours as voting is conducted at the main early voting polling place; (2) for all other elections, early voting by personal appearance at a temporary branch polling place may be conducted on any one or more days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch; and (3) the authority authorized to order early voting on a Saturday or Sunday may order such voting at any temporary branch polling place that is not required to conduct voting on the same days and during the same hours as voting is conducted at the main early voting polling place under (2).

**H.B. 907 (Shaheen) – Petitions:** would: (1) require the Texas Secretary of State (SOS) to prescribe the form, content, and procedure for a petition authorized or required to be filed under a law outside the Election Code in connection with an election; and (2) prohibit an authority (including a city) from accepting a petition that does not follow the official form prescribed by the SOS.

**H.B. 929 (Miller) – Voting by Mail:** would: (1) require that a marked ballot voted by mail that arrives after the time the polls are required to close on election day be counted if: (a) the ballot was cast from an address outside the United States; (b) the carrier envelope was placed for delivery before the time the polls are required to close on election day; and (c) the ballot arrives at the address on the carrier envelope not later than the eighth day after the date of the election, unless that date falls on a Saturday, Sunday, or legal state or national holiday, in which case the deadline is extended to the next regular business day; and (2) require that a marked ballot voted by mail that arrives after the time the polls are required to close on election day be counted if: (a) balloting materials are sent by the early voting clerk after the deadline prescribed by law; and (b) the ballot arrives at the address on the carrier envelope not later than the eighth day after the date of the election, unless that date falls on a Saturday, Sunday, or legal state or national holiday, in which case the deadline is extended to the next regular business day.

**H.B. 952 (J. Rodriguez) – Vote by Mail Application:** would: (1) provide that the officially prescribed application form for an early voting ballot must include, among other things, a space for entering an applicant’s email address; (2) require the early voting clerk, before rejecting an application for a ballot to be voted by mail, to make a reasonable effort to contact the applicant by e-mail, at any address provided on the application, to ask questions about the application; (3) provide that if the early voting clerk does not receive a response before the fourth day after the date the clerk tries to contact an applicant as described in (2), the clerk may reject the application; (3) authorize an applicant for an application for a ballot to be voted by mail to make clerical corrections to the application by email; (4) require the early voting clerk to attach to and maintain with the original application submissions and corrections provided by email; and (5)



provide that an applicant may not change the address or county of residence submitted on the original application to a different address or county of residence by email.

**H.B. 955 (J. Rodriguez) – Voter Registration:** would, among other things, provide that: (1) an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) a person who would be eligible to vote in an election but for the requirement to be a registered voter shall be accepted for voting in the precinct of the person’s residence if the person: (a) submits a voter registration application; (b) presents sufficient proof of identification; and (c) completes and signs a voter registration affidavit, in a form prescribed by the secretary of state, that contains an oath certifying that the person only cast one ballot in the election; (3) persons voting under (2) shall be processed separately at the polling place from persons who are voting under regular procedures; and (4) the secretary of state shall prescribe the procedures necessary to implement this section and to ensure the proper and orderly conduct of elections.

**H.B. 956 (Ortega) – Early Voting by Mail:** would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bill is **S.B. 426** by **Rodriguez**.)

**H.B. 962 (Arevalo) – Voter Registration:** would require the secretary of state to conduct a study to consider the feasibility of creating an entirely electronic process for overseas military personnel eligible for early voting by mail to: (1) register to vote; and (2) request an early voting ballot to be voted by mail.

**H.B. 998 (Alvarado) – Campaign Finance Reports:** would make electronic information temporarily stored as part of the preparation of campaign finance reports filed with the city clerk confidential.

**H.B. 1001 (Israel) – Local Canvass:** would require the presiding officer of the canvassing authority to note the completion of the canvass in the written minutes or recording of the meeting.

**H.B. 1002 (Israel) – Voter Registration:** would: (1) require the Department of Public Safety to issue a transaction receipt to each qualifying applicant for a driver’s license or personal identification certificate who completes a voter registration application; (2) provide that a person who votes a provisional ballot solely because the person’s name was not on the list of registered voters for the precinct in which the person voted may present a voter registration receipt issued under (1) as proof that the person is registered to vote in the precinct; (3) require an election officer to attach the receipt to the envelope containing the person’s provisional ballot; and (4) provide that a voter registration receipt indicating the voter registered in the precinct in which the voter voted that is attached to the envelope containing a provisional ballot or presented to the voter registrar is proof that a person who voted a provisional ballot solely because the person’s name was not on the list of registered voters for the precinct in which the person voted is eligible to vote in the election.

**H.B. 1005 (Israel) – Voter Identification:** would, among other things, provide that a voter must only present a voter registration certificate in order to vote, and no form of photo identification.

**H.B. 1006 (Alonzo) – Voter Registration:** would provide that a person who would be eligible to vote in an election, but who is not registered, shall be accepted for voting in the precinct of the person's residence if, on the day the person offers to vote, the person submits a voter registration application and presents proof of identification that establishes the person's residence.

**H.B. 1077 (Cyrier) – 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.

**H.B. 1262 (Villalba) – Polling Place:** would provide that: (1) if a building selected for a polling place is a school, the entity that owns or controls the building may deny the authority holding the election use of the building as a polling place if it can demonstrate that the use is reasonably likely to result in unsecured access to students on the building’s campus; and (2) item (1) does not apply if classes are suspended during the time the building is in use as a polling place.

**H.B. 1271 (Lang) – 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.

**H.B. 1305 (R. Anderson) – Election Records:** would require an authority preserving election records to store the records of each precinct separately in the order in which the records are received.

**H.B. 1307 (S. Thompson) – Voter Registration:** would provide that a person who has been convicted of a felony can register to vote if the person has: (1) completed any term of incarceration or community supervision, or completed a period of probation ordered by any court; (2) served at least 10 consecutive years of parole or mandatory supervision; or (3) been pardoned or otherwise released from the resulting disability to vote.

**H.B. 1360 (Shaheen) – Mechanical or Electronic Device:** would provide that a person may not use any mechanical or electronic means to record images or sound within 100 feet of a voting station except that a person occupying a voting station may use a mechanical or electronic device to photograph the person’s completed ballot.

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

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

**S.B. 144 (Garcia) – Cell Phones:** would allow a person who is occupying a voting station to use a mobile phone to access information that was downloaded or created on the phone before the person entered the polling place.

**S.B. 148 (Garcia) – Election Interpreters:** would: (1) allow an interpreter to be appointed by an election officer if the voter has not selected an interpreter; (2) provide that if selected by the voter, an interpreter may be any person other than the voter’s employer, an agent of the voter’s

employer, or an officer or agent of a labor union to which the voter belongs; and (3) provide that if appointed to serve as an interpreter by an election officer, an interpreter must be a registered voter of the county in which the voter needing the interpreter resides or a registered voter of an adjacent county.

**S.B. 153 (Bettencourt) – Voter Identification:** would provide that a person 70 years of age or older may use an acceptable form of identification that has expired for the purposes of voting if the identification is otherwise valid.

**S.B. 167 (Rodriguez) – Voter Registration:** would, among other things, provide: (1) that an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) that a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during early voting by personal appearance for voting the ballot for the precinct of the person's residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of residence: (i) a Texas driver's license or personal identification card that states the person's current address on the day the person seeks to vote; or (ii) a utility bill addressed to the person dated not earlier than the 30<sup>th</sup> day before the date the person seeks to vote along with one of several types of permissible identification; (3) that an election officer must make a copy of the proof of residence, attach it to the registration application, and return the original proof of residence to the voter; (4) that a person voting under (2), above, shall vote a provisional ballot; and (5) that the secretary of state may, by rule, designate additional documents that a person may offer to prove the person's residence to register and vote.

**S.B. 173 (Campbell) – Uniform Election Date:** would eliminate the May uniform election date.

**S.B. 230 (Menendez) – Countywide Polling Place:** would authorize the secretary of state to select any county to participate in the countywide polling place program.

**S.B. 231 (Menendez) – Voter Registration:** would require the voter registrar of each county to automatically register any county resident who is eligible to vote and: (1) is issued a Texas driver's license or a personal identification card by the Department of Public Safety (DPS); or (2) makes a change to a Texas driver's license or personal identification card issued by DPS.

**S.B. 232 (Menendez) – Voter Registration:** would, among other things, provide: (1) that an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) that a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during early voting by personal appearance for voting the ballot for the precinct of the person's residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of residence a photo identification that states the person's current address on the day the person seeks to vote; (3) that an election officer must return the original proof of residence to the voter; (4) that a person voting under (2), above, shall vote a provisional ballot;

and (5) that the secretary of state may, by rule, designate additional documents that a person may offer to prove the person's residence to register and vote.

**S.B. 284 (Watson) – Voter Identification:** would provide that the following are acceptable forms of photo identification for voting: (1) a student identification card issued by a public institution of higher education located in this state that contains the person's photograph; and (2) an identification card issued by a state agency of this state that contains the person's photograph.

**S.B. 363 (Perry) – Uniform Election Dates:** would: (1) provide that a general election held by a political subdivision other than a county may be held on the first Tuesday in March; and (2) eliminate the exception allowing other statutes to designate election days other than the uniform dates in May and November.

**S.B. 405 (Hall) – Elections:** would, among other things: (1) shorten the period for early voting by personal appearance to the tenth day before election day through the fourth day before election day; (2) for an election ordered by a city, reduce the time that early voting by personal appearance at the main early voting place must be conducted to at least 12 hours on only one weekday (instead of 12 hours on two weekdays under certain circumstances); (3) provide that the authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted on a Saturday or Sunday during the early voting period; (4) provide that a temporary branch polling place may be located in a movable structure but may not change locations during the early voting period; (5) provide that early voting by personal appearance at each permanent or temporary branch polling place shall be conducted on the same days and during the same hours as voting is conducted at the main early voting polling place; (6) prohibit the use of a voting system that uses direct recording electronic voting machines; (7) require the presiding judge of a precinct that has completed a vote count in which the total number of ballots counted differs by at least 0.5 percent from the number of people who signed the precinct's signature roster to conduct a recount; and (8) make it a Class A misdemeanor for a person to canvass a precinct's returns prior to the completion of a recount required by (7).

**S.B. 426 (Rodriguez) – Early Voting by Mail:** would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures.

**S.B. 466 (Lucio) – Petitions:** would: (1) require that a petition regarding an election on the repeal of an order, ordinance, or resolution be filed not later than the 90th day after the later of the date on which the order, ordinance, or resolution: (a) finally passed; or (b) was published; (2) require the city secretary or other authority responsible for verifying petition signatures to state all grounds for invalidating a signature and provide that, if a petition is invalidated and later refiled, the city secretary or authority responsible for verifying the signatures may not invalidate the subsequent petition on grounds that existed but were not raised during the initial determination of petition invalidity; (3) except from (1)-(2) a change in a provision of the municipal charter; (4) require the Texas Secretary of State (SOS) to prescribe a petition form in regard to filing a petition with a city in connection with an election, require a city to make the form available on its website and prohibit the city from invalidating a petition that doesn't contain information that the SOS form failed to provide or required to be provided; (5) provide that a signature on a petition filed in connection with an election is valid if the information

provided with the signature legibly provides enough information to demonstrate that the signer: (a) is eligible to have signed the petition; and (b) signed the petition within the time prescribed by law; (6) require a city to conspicuously post on its website, if any, information relating to citizen-initiated petitions and a link to the form described in (4); and (7) provide that any requirements in Chapter 277, Texas Election Code, preempt any requirements for the validity or verification of petition signatures prescribed by a home rule city.

**S.B. 467 (Lucio) – Ballot Propositions:** would require that a ballot proposition substantially submit a question with such definiteness and certainty in identifying the proposition’s chief features that the voters are not misled.

**S.B. 488 (Bettencourt) – 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.

**S.B. 616 (Campbell) – Charter Amendments:** would: (1) require that the ballot proposition for a proposed charter amendment substantially submit the question with such definiteness and certainty that voters are not misled; (2) authorize a registered voter residing in a city to file a writ of mandamus to compel compliance with (1) and prohibit a city from accepting pro bono legal services to defend the mandamus action; (3) require a court to award a plaintiff who substantially prevails in a mandamus action under (2) reasonable attorney’s fees, expenses, and court costs; and (4) allow a court to award a city that substantially prevails in a mandamus action under (2) court costs, but not reasonable attorney’s fees or expenses.

**S.B. 643 (Watson) – Voter Identification:** would, among other things: (1) add the following documentation as acceptable as proof of identification for voting purposes: (a) a government document that shows the name and address of the voter, including the voter’s voter registration certificate; (b) one of the following documents that shows the name and address of the voter: (i) a copy of a current utility bill; (ii) a bank statement; (iii) a government check; or (iv) a paycheck; or (c) a certified copy of a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person’s identity; (2) provide that, on offering to vote, a voter must present to an election officer at the polling place either: (a) one form of acceptable photo identification; or (b) a form of acceptable proof of identification under (1) accompanied by an affidavit described by (3); (3) provide that if the requirement for identification prescribed by (2)(a) is not met, an election officer shall notify the voter that the voter may be accepted for voting if the voter meets the requirement for identification prescribed by (2)(b) and executes an affidavit under penalty of perjury declaring the voter has a reasonable impediment to meeting the requirement for identification prescribed by (2)(a); (4) provide that an election officer may not question or challenge a voter concerning the voter’s lack of identification under (2)(a) or the voter’s reasonable impediment; (5) require the secretary of state to prescribe a specific form of the affidavit required under (3); (6) provide that an election watcher may not communicate in any manner with a voter regarding the election or any related voting procedures; and (7) allow a person to use certain forms of photo identification that expired no earlier than four years before the date of presentation.

**S.B. 660 (Watson) – Mobile Devices:** would: (1) provide that a person may not use a wireless communication device within 50 feet of a voting station (current law prohibits use of a wireless device within 100 feet of a voting station); (2) provide that if voting stations are located in a separate room from the area in which voters wait to vote or are accepted for voting, a person may not use a wireless communication device in the room in which voting stations are located and may use the device in any other area; (3) clarify that a person may not use any mechanical or electronic means to record or capture images or sound within 100 feet of a voting station; and (4) prohibit the presiding election judge from requiring a person who uses a device in violation of state law to leave the polling place.

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

## **Open Government**

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

**H.B. 349 (Canales) – Public Information:** would provide that: (1) information relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other event open to the general public and paid for in whole or part with public funds cannot be withheld under the competition or bidding exception of the Public Information Act; and (2) a contract provision that violates (1) is void.

**H.B. 526 (Schofield) – Public Information Act:** would provide that if a non-resident of Texas submits a public information act request, the governmental body may, but is not required to, accept or comply with the request.

**H.B 703 (Wu) – Public Information Act:** would provide that personal information of a child protective services caseworker or investigator would be confidential without the caseworker or investigator electing the information to be confidential.



**H.B. 760 (Raney) – Dates of Birth:** would provide that: (1) dates of birth are not “super-public information” and a governmental body has the discretion to redact dates of birth of a living person from any information without asking for a ruling from the office of the attorney general; (2) county, district and municipal clerks and city secretaries may disclose in the ordinary course of business a person’s date of birth contained in information held by the clerk or secretary and that disclosure is not official misconduct and does not subject them to civil or criminal liability of any kind.

**H.B. 792 (Capriglione) – Competitive Information:** would provide, in relation to the exception for disclosure in the Public Information Act for information related to competition or bidding, that: (1) the information is excepted from disclosure only if the governmental body demonstrates that release of the information would harm its interests by providing an advantage to a competitor or bidder in a particular competitive situation; (2) the exception does not apply to: (a) a bid or proposal, or information contained in a bid or proposal, after the governmental body executes or awards the contract to which the bid or proposal relates; or (b) an account, voucher, or contract, or information contained in or describing an account, voucher, or contract. (Note: This bill is meant to overturn the 2015 Texas Supreme Court opinion in *The Boeing Company and the Port of San Antonio v. Ken Paxton*.) (Companion bill is **S.B. 407** by Watson.)

**H.B. 793 (Capriglione) – Governmental Bodies:** would provide, for purposes of the applicability of the Public Information Act, that a governmental body includes the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that: (1) receives public funds or other public resources unless the receipt of the funds or other resources imposes a specific and definite obligation on the entity to provide a measurable amount of service in exchange for the funds or other resources as would be expected in an arms-length transaction for services between a vendor and purchaser; (2) is a party to a contract with a governmental body or involved in another relationship with a governmental body that involves public funds and that indicates a common purpose or objective or that creates an agency-type relationship between the entity and one or more governmental bodies; or (3) provides services traditionally provided by a governmental body. (Note: This bill is meant to overturn the 2015 Texas Supreme Court opinion in *Greater Houston Partnership v. Ken Paxton*.) (Companion bill is **S.B. 408** by Watson.)

**H.B. 839 (Ortega) – Competitive Information:** would provide that the exception in the Public Information Act allowing a governmental body to withhold information relating to competition or bidding does not apply to information contained in a bid or proposal after the bid is awarded or the contract is executed. (Companion bill is **S.B. 425** by Rodriguez.)

**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.

**H.B. 1278 (Dutton) – Public Information:** would provide that: (1) the home address, home telephone number, emergency contact information, social security number, family member

information and date of birth of a current or former district attorney, criminal district attorney, or county or municipal attorney and current or former employees whose jurisdiction includes any criminal law or child protective services matters is confidential; and (2) the home address of a person described in (1) may choose to keep confidential their home address in appraisal records.

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

**S.B. 388 (Burton) – Open Meetings Act:** would repeal the authority for a governing body to conduct economic development negotiations in an executive session pursuant to the Open Meetings Act.

**S.B. 407 (Watson) – Competitive Information:** this bill is the same as **H.B. 792**, above.

**S.B. 408 (Watson) – Governmental Bodies:** this bill is the same as **H.B. 793**, above.

**S.B. 425 (Rodriguez) – Public Information:** this bill is the same as **H.B. 839**, above.

**S.B. 456 (V. Taylor) – Legislative Access:** would: (1) provide, with some exceptions, that a member of the legislature, the lieutenant governor, a committee of the legislature, and each public member of the State Auditor’s Office, the Legislative Budget Board, the Texas Legislative Council, or the Sunset Advisory Committee is entitled to access for legislative purposes to all governmental information maintained by a governmental body, including confidential information; and (2) provide that the bill’s provisions should be liberally construed in favoring of granting a request and prevail over any conflict with another provision of law.

**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.

**S.B. 622 (Burton) – Legal Notices:** would provide that the proposed budget of a political subdivision must include a line item indicating expenditures for required newspaper notices that allows as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year.

**S.B. 623 (Burton) – Legal Notices:** would provide that:

1. “Public information” is defined as a public or legal notice that a governmental entity is required to publish under a statute or rule and any other information that a governmental entity submits for publication on the public information Internet website.
2. The comptroller shall develop and maintain an Internet website of public information, including archived public information.
3. The website described by (2), above, must be designed to: (a) allow a governmental entity to easily post public information or the comptroller to post public information on receipt of the information from the entity; (b) allow the public to search and sort the public information on the Internet website by: (i) a specific city or county; (ii) a governmental entity name; (iii) the type of governmental entity; (iv) the date the public information is submitted; (v) the date an event or deadline stated in the public information occurred; and (vi) any additional criteria approved by the comptroller; (c) allow the public to search and view archived public information posted on the Internet website; (d) allow a person to subscribe to email notices of public information associated with a specific governmental entity; (e) be easily accessible by the public 24 hours a day, seven days a week, through the Texas.gov Internet website that includes a direct link to the public information Internet website; (f) have a unique and easy to remember Internet website address; and (g) have adequate systems for protection, backup, and contingency planning to address power outages, systematic failures, and electronic security.
4. The comptroller shall develop a process for a governmental entity to access the public information Internet website to post public information or modify information previously posted by the entity or to submit the information or modified information to the comptroller for posting on the Internet website.
5. Each governmental entity: (a) shall submit for inclusion on the public information Internet website any public or legal notice the entity is required to publish under statute or rule; and (2) may submit any other public information the entity elects to submit.
6. A governmental entity’s submission of public information to the public information Internet website does not satisfy a publication requirement under other law.
7. Submission of public information to the Internet website shall be made in addition to any other publication requirement.
8. A governmental entity that in good faith attempts to submit public information to the public information Internet website and that satisfies the publication requirements for that information under other law is not subject to liability or other penalty for a failure in posting the public information to the public information Internet website or in delivery of an e-mail notice of the posted public information.

**Other Finance and Administration**

**H.B. 53 (Romero) – Settlement:** would: (1) prohibit a city or other governmental unit from entering a settlement of a claim or action if: (a) the settlement is equal to or more than \$30,000; and (b) a settlement condition requires a party seeking relief against the governmental unit to

agree not to disclose to facts, allegations, evidence, or other matters; and (2) limit the admissibility of certain evidence relating to settlement negotiations.

**H.B. 74 (Flynn) – U.S. Constitution:** would: (1) create a state legislative committee to review whether a federal action violates the U.S. Constitution; and (2) provide that the Texas attorney general may represent the state or a political subdivision of the state if either refuses to participate in the implementation of a federal action.

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

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

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

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

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

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

**H.B. 370 (Howard) – Ethics:** would require the clerk or secretary in a city that makes personal financial disclosure statements (statements filed by certain officers in cities of 100,000 or more) available to the public on the city's website redact the home address of the individual filing the statement before putting it on the website.

**H.B. 411 (Longoria) – Credit and Debit Card Purchases:** would require a merchant, including a city, to verify the identity of an individual for certain face-to-face debit or credit card transactions.

**H.B. 448 (Guillen) – State Parks Funding:** would provide that the Texas Parks and Wildlife Department may transfer an amount not to exceed 15 percent of all amounts collected during the previous month from vessel fees to the state parks account.

**H.B. 451 (Moody) – Workers’ Compensation:** would: (1) waive governmental immunity for claims against a public employer, including a city, that discriminates or retaliates against a first responder who has filed a workers compensation claim; and (2) cap damages at \$100,000 for each person’s claim.

**H.B. 487 (Guillen) – Rock Climbing:** would include rock climbing in the recreational use statute for tort liability purposes.

**H.B. 499 (Collier) – Workers’ Compensation:** would apply unfair insurance settlement practices to a claim by an insured or beneficiary under an insurance policy for workers’ compensation insurance.

**H.B. 500 (Geren) – Public Retirement Systems:** would, with certain exceptions, make a person who is a member in a public retirement system wholly or partly because the person held an elected office ineligible to receive a service retirement annuity if the member is convicted of a qualifying felony committed while in office and arising directly from the official duties of that elected office. (Companion bills are **S.B. 500** by **V. Taylor** and **H.B. 1273** by **Geren**.)

**H.B. 501 (Capriglione) – Personal Financial Statements:** would, among other things, change the content requirements of a personal financial statement that must be filed by certain city officers and candidates in cities with a population of 100,000 or more to include information about certain contracts with a governmental entity. (Companion bill is **S.B. 501** by **V. Taylor**.)

**H.B. 503 (Capriglione) – Qualifications for Office:** would: (1) provide that a person who is required to be a registered lobbyist is not eligible to be a candidate for an elected or appointed public office; and (2) except from (1): (a) an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer, provided that the officeholder does not receive a salary or wage for that office; and (b) the office of the presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office. (Companion bill is **S.B. 503** by **V. Taylor**.)

**H.B. 510 (S. Davis) – Payroll Deductions:** would, among other things: (1) prohibit the state or a political subdivision of the state from deducting or withholding from an employee’s salary or wages for payment of dues or membership fees to a labor organization or other similar entity, including a trade union, labor union, employees’ association, or professional organization; and (2) except from the prohibition described in (1) certain deductions of employees who work in a city with a population of more than 10,000 and are members of the fire department, police department, or who serve as emergency medical services personnel.

**H.B. 580 (Dale) – Driver’s Licenses/Personal Identification Certificates:** would provide that the Department of Public Safety would include the following statements on each limited term license: “This license is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle. This license does not establish eligibility for employment, voter registration, or public benefits.”

**H.B. 581 (Dale) – Driver’s Licenses/Personal Identification Certificates:** would, among other things, create a limited term driver’s license and personal identification certificate that: (1) is not acceptable for official federal purposes; and (2) does not establish eligibility for employment, voter registration, or public benefits.

**H.B. 582 (Dale) – Driver’s Licenses/Personal Identification Certificates:** would: (1) delete references to “refugees or asylees lawfully admitted into the United States” from the various license expiration statutes, which include driver’s license and personal identification certificates; and (2) require refugees or asylees lawfully admitted into the United States to give a full set of fingerprints with their application for a driver’s license.

**H.B. 640 (Phillips) – Halfway Houses:** would: (1) provide that a city may regulate the location of a halfway house by ordinance or order if the city finds it necessary to promote the public health, safety, or welfare; (2) require the owner or operator of a halfway house to provide written notice to the mayor and chief law enforcement officer of the city, if the proposed location of the halfway house is within the city limits, not later than the 60<sup>th</sup> day before the date a facility begins operations; (3) authorize a city to sue in district court for an injunction to prohibit a violation of a regulation adopted under (1); and (4) provide that a person who violates the regulation adopted under (1) commits a Class A misdemeanor.

**H.B. 649 (Hernandez) – Alcohol Permits:** would provide that a person, other than a local official, may anonymously protest the application for a mixed beverage permit or mixed beverage late hour permit.

**H.B. 738 (Shaheen) – Local Debt:** would, among other things, require a political subdivision that issues a general obligation bond to: (1) include the following amounts, with each stated as a total amount and per capita amount for the then-current population of the political subdivision, on the ballot proposition for the general obligation bond: (a) the then-current general obligation debt of the local government; (b) the maximum amount of additional general obligation debt that would be authorized if the proposition passed; and (c) the maximum estimated cost to repay the general obligation debt that would be authorized by the proposed amendment, including principal and interest, at a stated likely interest rate; (2) print the ballot in accordance with a specific format required by state law; and (3) certify the then-current general obligation debt, likely interest rate for the proposed bonds, and estimated maximum repayment cost in accordance with the likely interest rate for purposes of the information required to be on the ballot proposition.

**H.B. 739 (Shaheen) – Local Debt:** would require: (1) a ballot proposition submitted for an election to authorize a political subdivision to issue bonds to state: (a) as a total amount and as a

per capita amount, the then-current combined principal and interest required to pay all outstanding debt obligations of the political subdivision on time and in full; (b) as a total amount and as a per capita amount, the estimated combined principal and interest required to pay the bonds to be authorized on time and in full; and (c) if the bonds are supported by property taxes, the annual increase in property taxes attributable to the bonds to be issued that each homeowner of an average-priced home within the political subdivision may be required to pay; (2) a political subdivision to post the ballot proposition language to its website, if the political subdivision maintains a website, as soon as practicable after the official ballots have been prepared and maintain the proposition on the website until the day following the election; and (3) the secretary of state to develop a form of the ballot for a local bond election, but provide that a political subdivision is not required to use the form.

**H.B. 742 (Farrar) – Breastfeeding:** would provide that: (1) a person may not interfere with or restrict the right of a mother to breast-feed in any location the mother and child are authorized to be, and the mother’s authority to be on the premises may not be revoked just because she is breast-feeding; (3) the comptroller shall notify in its tax e-newsletter and seminars about the right to breast-feed; (4) a mother may bring a civil action against a person who is allegedly violated the mother’s right to breast-feed; and (5) if mother prevails in a civil action, she is entitled to: (a) injunctive relief; (b) damages up to \$500 for each day a violation occurred; and (c) reasonable attorney’s fees and court costs.

**H.B. 744 (Farrar) – Attorney Fees:** would provide that attorney’s fee cannot be recovered from the state, an agency or institution of the state, or a political subdivision of the state if the claim is for rendered services; performed labor; furnished material; freight or express overcharges; lost or damaged freight or express; killed or injured stock; a sworn account; or an oral or written contract except where the law allows.

**H.B. 894 (Raymond) – Eight Liners:** would provide, among other things, that: (1) on proper petition by the required number of voters of a county or of a justice precinct or city in a county, the commissioners court of the county shall order a local option election in that political subdivision to determine whether the operation of eight-liners shall be legalized or prohibited in the political subdivision; (2) the county commissioners court, at its next regular session on or after the 30th day after the date the petition is filed, shall order a local option election to be held on the issue; (3) the comptroller shall collect a \$350 annual fee on each eight-liner that an owner exhibits or displays, or permits to be exhibited or displayed, in this state; (4) the comptroller shall deposit 30 percent of each fee collected to the credit of the general revenue fund and: (a) for an eight-liner located in a city, the comptroller shall remit 70 percent of the fee to the city; or (b) for an eight-liner located outside a city, the comptroller shall remit 70 percent of the fee collected to the county; and (5) modify the definition of gambling in the Penal Code to clearly authorize the use of Eight Liners in an area that has voted to allow them.

**H.B. 919 (Kacal) – Workers’ Compensation Coverage:** would provide that a local government employee is included in workers’ compensation insurance coverage in the same manner as a state employee while the local government employee is engaged in training for or acting as a member of an activated intrastate fire mutual aid system team or regional incident management team.

**H.B. 924 (Turner) – Minimum Wage:** would provide that the minimum wage is not less than the greater of \$10.10 an hour or federal minimum wage under the Fair Labor Standard Act. (Companion bill is **H.B. 229** by **Menendez**) (See **H.J.R. 56**, below).

**H.B. 937 (Thompson) – Minimum Wage:** would provide for an increment increase in minimum wage to \$10.10 an hour or the federal minimum wage under the Fair Labor Standard Act by the year 2020.

**H.B. 954 (Rodriguez) – Minimum Wage:** would provide that (1) a city may adopt a minimum wage that is greater than the minimum wage established by the state to be paid by an employer to each employee for services performed in the city; (2) private entities that enter into a contract or agreement, including a non-annexation agreement, with the city must comply with the greater minimum wage established by the city; and (3) the bill will not apply to person covered by the Fair Labor Standard Act. (Companion bill is **S.B. 427** by **Rodriguez**.)

**H.B. 992 (Walle) – Minimum Wage:** would provide that the minimum wage is not less than the greater of \$15.00 an hour or federal minimum wage under the Fair Labor Standard Act. (Companion bill is **H.B. 285** by **Alonzo**.) (See **H.J.R. 57**, below.)

**H.B. 1003 (Capriglione) – Public Funds Investment Act:** would make numerous changes to the Public Funds Investment Act, including:

1. providing that interest-bearing banking deposits that are guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund are considered authorized investments;
2. providing that an investment in negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit agency, or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency, is an authorized investment;
3. providing, with regard to the execution of a repurchase agreement by an investing entity, that an issuer may agree to waive sovereign immunity from suit or liability for breach of the agreement;
4. providing that a no-load money market mutual fund is an authorized investment if the mutual fund complies with certain Federal Securities and Exchange Commission rules, without regard for whether it has a dollar-weighted average stated maturity of 90 days or fewer or includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share;
5. providing that a no-load money market mutual fund is an authorized investment if the mutual fund is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than the highest liquidity rating given to United States Treasury obligations (instead of AAA or its equivalent);
6. providing, with regard to the execution of a guaranteed investment contract by an investing entity, that an issuer may agree to waive sovereign immunity from suit or liability for breach of the agreement;



7. requiring an investment pool to furnish to the investment officer or other representative of an investing entity the pool's policy regarding holding deposits in cash;
8. if the ratio of the market value of the portfolio divided by the book value of the portfolio is less than .995 or greater than 1.005, requiring the governing body of an investment pool to take action as necessary to eliminate or reduce, to the extent reasonably practicable, any dilution or unfair result to existing participants, including a sale of portfolio holdings to attempt to maintain the ratio between .995 and 1.005;
9. providing that an investment pool must be continuously rated no lower than the highest liquidity rating given to United States Treasury obligations (instead of AAA or AAA-m or its equivalent rating);
10. providing that, to the extent of any conflict, the Public Funds Investment Act prevails over a conflicting city charter provision regarding the ability to enter into a hedging contract;
11. requiring a governing body of an eligible entity to establish its policy regarding hedging transactions;
12. providing that an eligible entity may enter into hedging contracts and related security and insurance agreements related to commodities used in the general operations of an eligible entity or used in connection with the acquisition or construction of a capital project by the eligible entity;
13. requiring that a hedging transaction must comply with the regulations of the federal Commodity Futures Trading Commission and the federal Securities and Exchange Commission;
14. providing that an eligible entity may credit any amount the entity receives under a hedging contract or agreement against expenses associated with a commodity purchase; and
15. providing that an eligible entity's payment under a hedging contract or agreement may be considered: (a) an operation and maintenance expense of the eligible entity; (b) an acquisition expense of the eligible entity, or (c) a construction expense of the eligible entity.

**H.B. 1038 (Rinaldi) – Costs and Attorney Fees:** would require a court to award costs and attorney's fees to the prevailing party in a civil proceeding where the motion is dismissed only if the prevailing party is the party that filed the motion to dismiss.

**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.

**H.B. 1228 (P. King) – Miscellaneous Gross Receipts Tax:** would phase-out and repeal the state’s miscellaneous gross receipts tax on utility companies.

**H.B. 1238 (VanDeaver) – Public Funds Investment Act:** would provide that a public housing authority may satisfy the investment training requirement by requiring the treasurer, the chief financial officer if the treasurer is not the chief financial officer, the investment officer, or, if the authority does not have a treasurer, chief financial officer, or investment officer, a commissioner of the authority to attend at least five hours of appropriate instruction in each two-year period that begins on the first day of that housing authority’s fiscal year and consists of the two consecutive fiscal years after that date.

**H.B. 1273 (Geren) – Public Retirement Systems:** this bill is identical to **H.B. 500**, above. (Companion bill is **S.B. 500** by **V. Taylor**.)

**H.B. 1283 (Geren) – Ethics:** would, among things: (1) make a person who is a member in a public retirement system wholly or partly because the person held an elected office ineligible to receive a service retirement annuity if the member is convicted of a qualifying felony committed while in office and arising directly from the official duties of that elected office; (2) change the content requirements of a personal financial statement that must be filed by certain city officers and candidates in cities with a population of 100,000 or more to include information about certain contracts with a governmental entity; (3) provide that a person who is required to be a registered lobbyist is not eligible to be a candidate for an elected or appointed public office; and (4) except from (3): (a) an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer, provided that the officeholder does not receive a salary or wage for that office; and (b) the office of the presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office. (Companion bill is **S.B. 14** by **V. Taylor**.)

**H.B. 1310 (Sanford) – Local Debt:** would provide that a city or county shall include in any publicly disseminated information relating to the proposed issuance of bonds, including information provided on the Internet website of the city or county, the following information: (1) the purpose for which the bonds are issued; (2) the amount of the bonds; and (3) the rate of interest on the bonds.

**H.B. 1316 (Swanson) – Lobbying:** would prohibit a political subdivision that receives state funding or a private entity that receives state funds from paying expenses for lobbying.

**H.B. 1356 (Goldman) – Certificates of Obligation:** would: (1) 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; (2) require a city issuing a CO to maintain an Internet website and to continuously post notice of intention to issue a CO on its website for 45 days before the passage of the CO issuance ordinance; (3) 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; (f) the maturity date of the COs to be authorized; and (g) a specific statement of the process by which a petition may be submitted requesting an election on the issuance of the COs; (4) change the threshold number of voters needed to petition to force an election on the issuance of a CO from five percent of the qualified voters of the issuer to five percent of the registered voters of the issuer; and (5) make COs issued for personal or professional services subject to the notice requirements.

**H.B. 1359 (White) – Monuments/Memorials:** would provide that: (1) a person commits an offense if the person intentionally and without authorization removes, relocates, or alters a monument or memorial; (2) if the person convicted of the offense described in (1) is a member of a public retirement system, the judge must make an affirmative finding of fact and enter an

affirmative finding in the judgment in the case; (3) to be eligible to run for public office, a person cannot be finally convicted of the offense described in (1); (4) a governmental entity shall discharge an employee or refuse to hire an applicant who has been convicted of the offense in (1) if the governmental entity obtains this information through a criminal history record information review; (5) a governmental entity may not contract a person who is convicted of the offense described in (1); (6) a member or an annuitant of a public retirement system that has been finally convicted of the offense described in (1) will not be eligible to receive a full service retirement annuity from a public retirement system; (7) full service retirement annuity shall be resumed if the member or annuitant meets certain requirements concerning the conviction; and (8) public retirement system shall adopt rule to put a system in place to implement (6).

**H.B. 1362 (Shaheen) – Multi-Occupancy Private Spaces:** would provide that: (1) a city may not adopt or enforce an order, rule, policy, ordinance, or other measure that limits the ability of a private entity to adopt or enforce a policy on the use of the private entity’s multi-occupancy private spaces by one or more sexes or genders, including for the term of a lease by a private entity of a city facility; (2) the attorney general may: (a) bring an action for an injunction to prevent or restrain a violation of the bill; and (b) recover reasonable costs and attorney’s fees incurred in obtaining an injunction prohibiting the conduct in (1); and (3) sovereign and governmental immunity to suit and from liability is waived and abolished to the extent of liability created by the bill.

**H.B. 1364 (S. Thompson) – Asset Forfeiture:** would repeal civil asset forfeiture provisions and establish criminal asset forfeiture in this state, and among other things: (1) authorize a convicting court to order a person convicted of violating a law subject to forfeiture to forfeit certain property, but only after the state establishes by clear and convincing evidence that the requirements for forfeiture are met or enters into a court-approved plea agreement for the forfeiture of the property; (2) provide that contraband is not subject to forfeiture, but must be disposed in accordance with state law; (3) establish procedures for the seizure of real and personal property and for the defendant to challenge the seizure; (4) provide that a forfeiture proceeding must be held following the trial of the related alleged offense; (5) require that the county treasurer dispose of all forfeited and abandoned property and deposit the money in the general revenue fund of the county, except that the court may order a portion of the proceeds to be used to pay all outstanding recorded liens and for the expenses for the seizure, storage and maintenance or custody of the items; (6) prohibit a law enforcement agency from: (a) retaining any forfeited or abandoned property for the agency’s use; or (b) selling any forfeited or abandoned property directly or indirectly to an employee, a person related to an employee, or another law enforcement agency; (7) require law enforcement agencies to report certain forfeiture information to the Department of Public Safety; (8) require a law enforcement agency to return property under certain circumstances and make the agency responsible for any damage, storage fees, and related costs applicable to the property; and (9) prohibit the transfer of seized property to the federal government, with some exceptions. (Companion bill is **S.B. 380** by **Burton**.)

**H.J.R. 22 (Raymond) – State Taxation:** would: (1) prohibit the legislature from enacting a general law that imposes a state tax or amends provisions relating to a state tax if the tax is identified as another type of charge (such as a fee, levy, surcharge, assessment, or penalty); (2)

require the legislature to revise every reference in state law to a fee, levy, surcharge, assessment, penalty, or other charge of any kind imposed for a purpose other than to raise revenue for general purposes to refer to the charge as a “regulatory tax”; and (3) provide that a regulatory tax identified in state law as a fee, levy, surcharge, assessment or penalty is void and may not be collected on or after January 1, 2020.

**H.J.R. 55 (Alvarado) – Gambling:** would amend the Texas Constitution to provide that the legislature shall establish a state gaming commission to administer the laws regulating gaming activities and may authorize and provide for regulation of the conduct of one or more types of gaming, including casino gaming, at locations on coastal barrier islands at least 25 miles in length that are accessible by a public road on one or more bridges, on dredge spoil islands at least 18 miles in length that are located in coastal counties, for which a license to conduct pari-mutuel wagering on horse or greyhound races is in effect, and in cities with a population of at least 675,000.

**H.J.R. 56 (Turner) – Minimum Wage:** would amend the Texas Constitution to provide that that: (1) an employer in this state shall pay to an employee for services performed by the employee not less than the greater of \$10.10 an hour or the federal minimum wage under the Fair Labor Standard Act; and (2) the required minimum wage would not apply to patients and client of Texas Department of Mental Health and Mental Retardation if they meet certain conditions. (See **H.B. 924**, above.)

**H.J.R. 57 (Walle) – Minimum Wage:** would amend the Texas Constitution to provide that that: (1) an employer in this state shall pay to an employee for services performed by the employee not less than the greater of \$10.10 an hour or the federal minimum wage under the Fair Labor Standard Act; and (2) the required minimum wage would not apply to patients and client of Texas Department of Mental Health and Mental Retardation if they meet certain conditions. (See **H.B. 992**, above.)

**S.B. 14 (V. Taylor) – Ethics:** this bill is identical to **H.B. 1283**, above.

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

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

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

or city's rules and uses that password to file the statement; and (4) allow personal financial statements to be filed electronically with a city by using software developed by the commission if the city secretary has adopted related rules and procedures.

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

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

**S.B. 110 (Huffines) – Term Limits:** would: (1) require the governing body of a political subdivision to adopt term limits for each elected officer no later than January 1, 2018; and (2) require that the term limits in (1), above, not allow a person to serve longer than 12 years in office, regardless of whether the terms are consecutive and regardless of whether the office is in a different precinct or place.

**S.B. 152 (Bettencourt) – Local Retirement Systems:** would, among other things, provide that a city that is the sponsoring authority of a public retirement system that was created under a state statute, but is not a part of a statewide public retirement system, may adopt by ordinance or resolution provisions that prospectively supplement or supersede the operative provisions of the public retirement system.

**S.B. 165 (Rodriguez) – Discrimination:** would: (1) provide, with certain exceptions, that a person commits a discriminatory practice in violation of law if the person, because of sexual orientation or gender identity or expression of an individual, denies the individual full and equal accommodation in a place of public accommodation or otherwise discriminates against or segregates the individual based on sexual orientation or gender identity or expression; (2) authorize a person aggrieved because of a violation of law described in (1), above, to file a civil action in district court; and (3) add sexual orientation and gender identity or expression as a protected class in existing state anti-discrimination provisions.

**S.B. 200 (Campbell) – Local Debt:** would, among other things: (1) require the comptroller to create an Internet database, known as the Political Subdivision Public Information Warehouse, that contains information regarding all active political subdivisions in the state that are authorized to impose an ad valorem or sales and use tax to issue bonds, notes, or other obligations; (2) require the warehouse database to include the following information: (a) the name of the political subdivision; (b) the rate of any sales and use tax the political subdivision imposes; (c) various property tax rates for the most recent tax year; (d) the total amount of the political subdivision's debt, including the principal, interest, and year in which the debt would be paid; (e) the political subdivision's Internet website address, or if the political subdivision does not operate a website, contact information to enable a member of the public to obtain information from the political subdivision; and (f) the Internet website address for the appraisal district in

each county in which a political subdivision has territory; (3) authorize, but not require, the warehouse database to include the following information: (a) information describing the political subdivision's boundaries; (b) the political subdivision's current budget; (c) each current check registry published by the political subdivision's governing body; and (d) any other current financial audit or annual report published by the political subdivision's governing body; (4) authorize the comptroller to consult with the appropriate person from each political subdivision to obtain the information necessary to operate and update the warehouse database; (5) require the governing body of a political subdivision that publishes the check registry on its website to provide a link to the webpage containing the information to the comptroller; (6) require the comptroller to update tax rate information at least annually; (7) require a political subdivision to transmit records and other information to the comptroller annually in a form and in the manner prescribed by the comptroller, for purposes of operating the Political Subdivision Public Information Warehouse; and (9) require a political subdivision to transmit to the comptroller: (a) its most recently adopted annual budget; (b) its most recently adopted annual financial report; and (c) the address of the Internet website maintained by the political subdivision, if any.

**S.B. 201 (Campbell) – Local Debt:** would require a proposition in an election to issue local debt to state: (1) the purpose for which the debt obligations are to be authorized; (2) the principal amount of the debt obligations to be authorized; (3) that taxes sufficient to pay the annual principal and interest of the debt obligations may be imposed; (4) the aggregate amount of the outstanding principal of the political subdivision's debt obligations as of the beginning of the political subdivision's fiscal year in which the election is ordered; and (5) the ad valorem debt service tax rate for the political subdivision at the time the election is ordered.

**S.B. 208 (West) – Metal Recycling:** would: (1) require a metal recycling entity to report to the Texas Department of Public Safety (DPS) each sale or attempted sale of an explosive weapon or explosive component; (2) require the DPS to use the statewide electronic reporting system that tracks the sale of regulated metal to also track the sale or attempted sale of an explosive weapon or an explosive component; (3) make it a criminal offense for: (a) either a person to sell to a metal recycling entity or a metal recycling entity to buy an explosive component or explosive weapon; and (b) a metal recycling entity to store an explosive component or explosive weapon on its premises; (4) authorize a court to order restitution to a city for certain costs related to responding to an offense in (3), above; and (5) authorize the imposition of certain administrative penalties in relation to the metal recycling laws.

**S.B. 210 (Kolkhorst) – State Agency Rules:** would prohibit a state agency from adopting a proposed rule that imposes a cost on a local government, unless the state agency first: (1) repeals two state agency rules that impose total costs equal to or greater than the cost imposed by the proposed rule; (2) amends two state agency rules to decrease the total costs imposed by an amount equal to or greater than the cost imposed by the proposed rule; or (3) repeals one state agency rule and amends one state agency rule to decrease the total costs imposed by an amount equal or less than the proposed rule.

**S.B. 241 (Burton) – Lobbying:** would: (1) prohibit a city council from spending public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature if the city imposes a tax; (2) except from the prohibition in (1), above: (a)

an officer or employee of a city providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or member; (b) an elected officer of a city advocating for or against or otherwise influencing the outcome of legislation while acting as an officer of the city; and (c) an employee of a city advocating for or against or otherwise influencing the outcome of legislation if those actions would not require the person to register as a lobbyist; (3) allow a city council to spend, in the name of the city, public money for membership fees and dues of a nonprofit state association or organization of similarly situated political subdivisions only if: (a) a majority of the city council votes to approve membership in the association or organization; (b) the association or organization exists for the betterment of local government and the benefit of all local officials; (c) the association or organization is not affiliated with a labor organization; (d) neither the association or organization nor an employee of the same directly or indirectly influences or attempts to influence the outcome of legislation; and (e) the association or organization does not directly or indirectly contribute money, services, or other valuable things to a political campaign or endorse a candidate or group of candidates for public office; (4) provide that (3)(d), above, does not prevent a person from providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or member; and (5) provide that if a city, association, or organization engages in certain prohibited activities described above, a taxpayer is entitled to seek injunctive relief and may recover reasonable attorney's fees and costs if successful in seeking such relief.

**S.B. 245 (Burton) – Local Debt:** this bill would make numerous additions to the laws governing the issuance of local debt. Specifically, the bill would:

1. require a political subdivision to conduct a public hearing prior to holding an election to authorize the issuance of bonds;
2. require the public hearing to be held not earlier than the day the governing body adopts the election order or later than the first day before the date the period for early voting for personal appearance begins for the election;
3. require the political subdivision to provide notice of the hearing not earlier than the 30<sup>th</sup> day or later than the 15<sup>th</sup> day before the date of the hearing by: (a) publishing notice in at least one newspaper of general circulation in the county in which the political subdivision is located; (b) posting notice on the political subdivision's Internet website and each other Internet website for which the political subdivision controls the content of the posting, including a social media site; (c) including the notice in the political subdivision's newsletter, circular, or similar document designed to provide information to residents of the political subdivision, regardless of how it is delivered, if the political subdivision periodically delivers such a document; and (d) sending by first-class mail to each owner of taxable property located in the political subdivision a voter information document (discussed in (5), below) and cover letter that includes the date of the hearing, purpose of the hearing, language that will appear on the ballot, and the estimated increase in the property tax debt levy of the political subdivision for all taxable property owned by the property owner and located in the political subdivision;
4. require the Texas Ethics Commission to provide guidelines for political subdivisions regarding the manner in which the hearing is conducted and what type of information can



be provided on the voter information document without violating electioneering and political advertising laws;

5. require a political subdivision to prepare a voter information document for each proposition to be discussed at the hearing, which must state: (a) the language that will appear on the ballot; (b) the purpose for which the bonds are to be authorized; (c) the maturity date of the bonds to be authorized; (d) the taxes sufficient to pay the annual principal or and interest on the bonds; (e) the maximum rate of interest for the bonds to be authorized; (f) the following information formatted as a table: (i) the property tax debt rate expressed in dollars per \$100 valuation of all taxable property in the political subdivision stated as the existing rate, estimated rate if the bonds are authorized, and the estimated increase in the rate if the bonds are authorized; and (ii) the amount expressed in dollars of the property tax debt levy of the political subdivision per residence with a taxable value of \$100,000 stated as the existing levy, estimated levy if the bonds are authorized, and estimated increase in the levy if the bonds are authorized; (g) the following information formatted as a second table and stated as a total amount and per capita amount: (i) the principal of the bonds to be authorized; (ii) the estimated interest for the bonds to be authorized; (iii) the estimated combined principal and interest required to pay on time and in full the bonds to be authorized; and (iv) as of the date the political subdivision adopts the bond election order, the principal and estimated remaining interest of all outstanding debt obligations of the political subdivision payable from property taxes; (h) the following information as of the date the political subdivision adopts the bond election order, formatted as a third table: (i) the principal of all outstanding secured self-supporting debt obligations of the political subdivision; (ii) the estimated remaining interest of all outstanding secured self-supporting debt obligations of the political subdivision; and (iii) the estimated combined principal and interest required to pay on time and in full all outstanding secured self-supporting debt obligations of the political subdivision; and (i) any other information that the political subdivision considers relevant or necessary to explain the values required to be in the voter information document;
6. require a political subdivision to determine each estimate or projection required or authorized by (5), above, in the manner prescribed by comptroller rule;
7. require each voter information document to be printed: (a) on not more than two pages that are not wider than 8 ½ inches and not longer than 14 inches; (b) in type not smaller than 12-point type; and (c) in the form prescribed by the secretary of state;
8. require the governing body of the political subdivision to make a copy of each voter information document available to each individual attending the hearing;
9. require the secretary of state to prescribe the form of the voter information document;
10. provide that a good faith estimate or projection required or authorized by (5), above, determined in the manner prescribed by comptroller rule, does not constitute a breach of contract with the voters solely because the estimate or projection is later determined to be incorrect;
11. require a sample of the ballot printed for a bond election to be posted on the political subdivision's Internet website as soon as practicable after the official ballots have been prepared and must remain posted until the day following the election;
12. require a political subdivision to maintain an Internet website to comply with this subchapter; and

13. require the comptroller to adopt rules to implement the requirements of the bill, including rules that prescribe the manner by which a political subdivision must determine each estimate or projection required or authorized by this subchapter.

**S.B. 267 (Schwertner) – Hospital Regulation:** would: (1) require the Department of State Health Services (DSHS) to annually inspect ten percent of the hospitals licensed under the Texas Hospital Licensing Law; (2) authorize DSHS to issue an emergency order to suspend a license in some circumstances; (3) increase the administrative penalty that may be assessed against a hospital for certain violations; and (4) authorize the imposition of a perpetual care fee on each hospital.

**S.B. 281 (V. Taylor) – 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.

**S.B. 295 (Hinojosa) – Capital Appreciation Bonds:** would exempt refunding bonds and capital appreciation bonds for the purposes of financing transportation projects from recently enacted limitations on the ability of local governments to issue capital appreciation bonds generally.

**S.B. 351 (Watson) – Disaster Recovery:** would establish a state disaster recovery fund and authorize grant awards from the fund to state or local governmental entities or a volunteer fire department that participates in disaster recovery in an area the governor declares to be in a state of disaster.

**S.B. 385 (Burton) – Passenger Rail Projects:** would provide that: (1) a political subdivision may not accept or use federal funds for the construction, maintenance, or operation of a commuter rail or other passenger rail project, including for the repayment of debt issued for a project, unless the acceptance or use of the funds is approved by a majority of voters at an election called for the purpose of authorizing the acceptance or use of the funds; (2) a political subdivision authorized to use federal funds under (1) that has not begun to construct the project before the fifth anniversary of the date of the election may not use the funds unless approved by the voters at another election called for the purpose of authorizing the use of the funds; and (3) a political subdivision, a metropolitan planning organization, or the Texas Department of Transportation may not include in a transportation plan adopted by the entity a commuter rail or other passenger rail project financed wholly or partly with federal funds unless acceptance or use of the funds has been approved by election under (1) or (2).

**S.B. 386 (Burton) – Local Debt:** would prohibit a political subdivision from using federal funds to make payments for a debt obligation of the political subdivision.

**S.B. 387 (Burton) – Local Debt:** would: (1) require a bond proposition to state each specific purpose for which the bonds are to be authorized, if approved; (2) 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; (3) require the election order and the notice of the election for an election authorized to be held under (2)(c) to state the proposed purpose for which the bond proceeds are to be used; and (4) require a political subdivision to hold the election in the same manner as an election to issue bonds in the political subdivision.

**S.B. 445 (Burton) – Lobbying:** would, in regard to a city that imposes a tax or has the authority to issue bonds: (1) authorize the city to spend money directly or indirectly to influence or attempt to influence the outcome of any legislation pending before the legislature only if the expenditure is authorized by a majority vote of the city council in an open meeting as a stand-alone item on the agenda; (2) require the city to report to the Texas Ethics Commission (TEC) and publish on the city’s website: (a) the amount of money authorized for the purpose of directly or indirectly influencing or attempting to influence the outcome of any legislation pending before the legislature; (b) the name of any person retained or employed by the city who must register as a lobbyist; and (c) an electronic copy of any contract for services entered into by the city with a person retained or employed by the city who must register as a lobbyist; (3) require the city to report to the TEC and publish on the city’s website the amount of public money spent for membership fees and dues of any nonprofit state association or organization of similarly situated political subdivisions or entities that directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature; (4) require the TEC to make available to the public an online searchable database containing the reports submitted under (2); and (5) authorize a taxpayer of the city or a person who is served by or receives services from the city to seek injunctive relief against the city to prevent activity in violation of (1)-(3).

**S.B. 446 (Burton) – Federal Funds:** would: (1) require a political subdivision, before accepting or expending a federal grant or other federal funds that have not been appropriated by the legislature, to report to the comptroller: (a) the total amount of funds to be received or expended; and (b) the proposed use of the funds; and (2) authorize the comptroller to develop and maintain an online reporting system and require the comptroller to make available to the public a searchable database of information reported under (1).

**S.B. 460 (Lucio) – 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.

**S.B. 461 (Lucio) – 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.

**S.B. 500 (V. Taylor) – Public Retirement Systems:** this bill is identical to **H.B. 500** and **H.B. 1273**, above.

**S.B. 501 (V. Taylor) – Personal Financial Statements:** this bill is identical to **H.B. 501** by **Capriglione**, above.

**S.B. 503 (V. Taylor) – Qualifications for Office:** this bill is identical to **H.B. 503**, above.

**S.B. 509 (Huffman) – Public Retirement Systems:** would require any public retirement system, other than the Texas Municipal Retirement System (TMRS), to select an independent firm to evaluate the system’s investment practices and performance. (The evaluation would be conducted biennially for systems with assets over \$100 million and every five years for systems with assets under \$100 million.) The bill would also require the governing body of each public retirement system to submit to the Pension Review Board an annual investment performance report including: (1) commission and fees paid by the retirement system, and (2) a copy of the retirement system’s most recent evaluation.

**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.

**S.B. 596 (Lucio) – Tax on Sweetened Beverages:** would impose an additional state sales tax on the sale to a retailer of certain sweetened beverages and ingredients used to make certain sweetened beverages with the tax revenue going to the credit of the state’s general fund, but would not provide for an equivalent city sales tax.

**S.B. 635 (Huffines) – Court Costs and Attorneys’ Fees:** would provide that: (1) if a court determines that an order, ordinance, or similar measure of a political subdivision is unenforceable because it is preempted by the state constitution or a state statute, the court shall award the prevailing person court costs and reasonable and necessary attorney’s fees to be paid by the political subdivision; and (2) if a court determines that an officer of a political subdivision has failed to perform an act of the office required by the state constitution or a state statute, the court shall award the prevailing person court costs and reasonable and necessary attorney’s fees to be paid by the political subdivision.

**S.B. 641 (Bettencourt) – City Budgets:** would, among other things, for a city with a population of 225,000 or more: (1) require the budget officer to prepare, in plain language and in an easily readable and understandable format, a zero-based budget every 12<sup>th</sup> year that contains: (a) a description of the discrete activities the city conducts or performs with: (i) a justification for each activity by reference to a statute, charter provision, ordinance, or other legal authority; and (ii) an evaluation of the effectiveness and efficiency of the city’s policies, management, fiscal affairs, and operations in relation to each activity; (b) for each activity identified under (a), a quantitative estimate of any adverse effects that reasonably may be expected to result if the activity were discontinued, together with a description of the methods by which the adverse effects were estimated; (c) for each activity identified under (a), an itemized account of expenditures required to maintain the activity at any minimum level of service required by statute, charter provision, ordinance, or other legal authority, together with a concise statement of the quantity and quality of service required at that minimum level; (d) for each activity identified under (a), an itemized account of expenditures required to maintain the activity at the current level of service or performance, together with a concise statement of the quantity and quality of service or performance provided at that level; (e) a ranking of activities identified under (a) that illustrates the relative importance of each activity to the overall goals and purposes of the city at current service levels; and (f) recommendations to the governing body of the city regarding whether the city should continue funding each activity identified under (a), and, if so, at what level; (2) provide that in preparing the zero-based budget, the budget officer may require any city officer or board to provide information necessary for the budget officer to properly prepare the budget; (3) require the budget officer to file a copy of the zero-based budget with the city clerk on or before the date the proposed budget is filed; (4) require a copy of the zero-based budget to be available for public inspection and require a city that maintains an Internet website to ensure that the zero-based budget is posted on the website; and (5) require the city council to consider information presented in the zero-based budget in addition to the proposed budget at a public hearing held to adopt a budget.

**S.B. 642 (Bettencourt) – Local Debt:** would: (1) require a proposition submitted to the voters for approval of the imposition, increase, or reduction of a tax to specifically state, as applicable: (a) with respect to a proposition that only seeks voter approval of the imposition or increase of a tax: (i) the estimated additional tax burden that would be imposed on a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, after the imposition or increase of the tax, if approved; and (ii) a detailed description of the purposes for which the tax is to be imposed or increased, if approved; and (b) with respect to a proposition that only seeks voter approval of the reduction of a tax, the estimated tax reduction for a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, if the reduction of the tax is approved; (2) provide that a proposition under (1) relating to the approval of the issuance of bonds may not exceed 5,000 characters or a different limit prescribed by the secretary of state that ensures that the length of the proposition does not exceed one page of the ballot or one screen on an electronic voting machine; and (3) 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 total amount of the political subdivision’s debt secured by property taxes currently outstanding; (d) the total amount of the

political subdivision's current payment on debt secured by property taxes; (e) the amount of taxes required to be imposed on a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, to repay the political subdivision's current debt obligations secured by property taxes; and (f) the estimated tax burden that would be imposed on a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, to repay the bonds to be authorized, if approved.

**S.B. 651 (Perry) – Occupational License:** would: (1) prohibit a state agency that issues a license or otherwise regulates a business, occupation, or profession from adopting any rule, regulation, or policy that imposes a penalty that: (a) limits an applicant's ability to obtain a license based on a sincerely held religious belief; or (b) burdens a license holder's free exercise of religion, freedom of speech regarding a sincerely held religious belief, or membership in a religious organization; (2) except from (1) any rule, regulation, or policy essential to enforcing a compelling governmental purpose and narrowly tailored to accomplish that purpose; and (3) provide administrative or judicial relief for a violation of the prohibition in (1).

**S.B. 656 (Zaffirini) – 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.

**S.B. 658 (Perry) – Rock Climbing:** would include rock climbing in the recreational use statute for tort liability purposes. (Companion bill is **H.B. 487** by **Guillen**.)

**S.B. 662 (Huffines) – Asset Forfeiture:** would: (1) require that the audit for asset forfeiture include a detailed report itemizing all seizures of proceeds or property, indicating the specific criminal offense on which each seizure was based, indicating whether charges were brought in connection with the offense, and describing the disposition of any charges; and (2) require the attorney general to publish an annual report summarizing the results of asset forfeiture audits.

**S.B. 663 (Huffines) – Asset Forfeiture:** would provide that forfeited property be transferred to the comptroller and otherwise make the comptroller responsible for certain aspects of the disposition of proceeds and property from asset forfeiture proceedings.

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



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

## **Municipal Courts**

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

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

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

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

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

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

**H.B. 244 (Anchia) – Magistrates:** would require a magistrate to inform an arrestee that a plea of guilty or no contest for the offense charged may affect the person’s eligibility for enlistment or reenlistment in the United States armed forces or may result in the person’s discharge from the armed forces.

**H.B. 325 (Canales) – Expunction of Records:** would: (1) entitle a person to have arrest records expunged if: (a) the person was placed on deferred adjudication community supervision for a charge that was subsequently dismissed; (b) the person has not been arrested for certain offenses after being placed on deferred adjudication; and (c) depending on the offense, either five years (for misdemeanor offenses) or ten years (for felony offenses) have passed; (2) prohibit certain business entities from publishing criminal history record information and require them to destroy

the same upon receipt of notice of an order of expunction; and (3) authorize a close relative of a deceased person to file for expunction on behalf of the deceased.

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

**H.B. 419 (White) – Drug Offenses:** would require a municipal court judge to inform a defendant who is entering a plea of guilty or no contest to a drug offense, for which the complaint is based on the results of a field test, that the prohibited substance was identified by a field test conducted by law enforcement and not by a forensic analysis conducted by a crime lab.

**H.B. 551 (Collier) – Drug Offenses:** would allow a judge that grants a petition for expunction of a criminal record to order the fee be returned to the petitioner.

**H.B. 567 (White) – Fine-Only Offenses:** would: (1) prohibit a police officer from arresting an individual for an offense punishable by fine only, unless the offense is public intoxication or an alcohol offense involving a minor; and (2) require an officer who stops a motor vehicle for an offense punishable by fine only to notify the person that: (a) the alleged offense is a misdemeanor punishable by fine only, and (b) the officer may not arrest the person based solely on that offense. (Companion bills are **H.B. 571** by **Johnson** and **S.B. 271** by **Burton**.)

**H.B. 571 (Johnson) – Magistrate:** this bill is the same as **H.B. 567**, above.

**H.B. 608 (Dutton) – Magistrate:** would require a magistrate to release a defendant charged with a misdemeanor on personal bond, unless the magistrate makes and files an affirmative finding of fact that extenuating circumstances justify not releasing the defendant on personal bond.

**H.B. 662 (Canales) – Jail Time:** would require a judge to give a defendant credit toward payment of costs imposed on the defendant at a rate of \$100 for each day the defendant was confined in jail.

**H.B. 663 (Canales) – Court Reporter:** would: (1) transfer the responsibility for maintaining shorthand notes from the court reporter to the court clerk; and (2) task the court clerk with establishing a transcription fee.

**H.B. 667 (Canales) – Expunctions:** would prohibit a person from waiving their right to an expunction as part of a criminal plea agreement.

**H.B. 669 (Canales) – Magistrate:** would require a magistrate's name be in typewritten form with the magistrate's signature on each order pertaining to a criminal matter that is issued by a magistrate.

**H.B. 681 (Wu) – Court Records:** would: (1) require a municipal court to make all records and files of a final conviction or dismissal after deferral of a fine-only misdemeanor confidential after

the fifth anniversary of the disposition; and (2) only allow inspection by: (a) judges or court staff, (b) a federal or state criminal justice agency, (c) the Department of Public Safety, (d) the prosecuting attorney, (e) defendant's counsel, or (f) a vehicle insurance company.

**H.B. 736 (Shaheen) – Uncollectible Fees:** would: (1) authorize a trial court, in a criminal action or proceeding, to make a finding that a fee or item of cost imposed in the action or proceeding is uncollectible if certain court officers request such a finding and the officer believes: (a) the defendant is deceased; (b) the defendant is serving a life sentence or life without parole; or (c) the fee has been unpaid for at least 10 years; (2) authorize a court in which a court cost or fee was imposed on a party in a civil case to make a finding that the cost or fee is uncollectible if the clerk requests such a finding and the cost or fee has been unpaid for at least 20 years; and (3) provide that neither (1) nor (2) applies to a court cost or fee imposed by the Texas Supreme Court, Texas Court of Criminal Appeals, or any Texas court of appeals.

**H.B. 774 (E. Johnson) – Arrests for Fine-Only Offenses:** would: (1) prohibit a police officer from arresting an individual for an offense punishable by fine only, unless the offense is public intoxication or an alcohol offense involving a minor; and (2) require an officer who stops a motor vehicle for an offense punishable by fine only to notify the person that: (a) the alleged offense is a misdemeanor punishable by fine only; and (b) the officer may not arrest the person based solely on that offense. (Companion bills are **H.B. 567** by **White**, **H.B. 571** by **J. Johnson**, and **S.B. 271** by **Burton**.)

**H.B. 1012 (Alonzo) – Expunction:** would: (1) expand the right to expunction from records and files relating to the arrest to those relating to the offense for which the person was arrested; and (2) reduce the number of days that have elapsed before a person can request an expunction from 180 to 30.

**H.B. 1015 (Dutton) – Juvenile Court:** would increase the age of a child for criminal responsibility purposes under the jurisdiction of a juvenile court.

**H.B. 1016 (Krause) - Court Fees:** would provide that a court may: (1) defer surcharges assessed under the driver responsibility program against a person who participates in a drug court program; or (2) reduce or waive the surcharge if the person successfully completes the drug court program.

**H.B. 1027 (Hernandez) – Self-Help Resources:** would require a municipal court clerk to: (1) post a link to self-help and legal aid resources on the municipal court's internet website; and (2) display a sign in the court building with self-help and legal aid resources.

**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 loses evidence of a crime.

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

**H.B. 1266 (Geren) – Motion for Continuance:** would require a trial court, if it sets a hearing or trial without providing notice to the attorneys at least three business days before the start of the hearing or trial, to grant a continuance of a criminal action on oral or written motion of either party.

**S.B. 42 (Zaffirini) – Municipal Court:** would provide that: (1) a municipal judge shall establish a court security committee composed of: (a) the presiding municipal judge or judge’s designee; (b) a representative of a law enforcement agency or entity that provide security for the court; (c) a representative of the city; and (d) any person that the committee determines necessary to assist the committee; (2) a court security committee shall establish the policies and procedures necessary to provide adequate security to the municipal court served by the presiding or municipal judge; (3) a person may not serve as a court security officer for a municipal court unless the person holds a court security certification issued by the Texas Commission on Law Enforcement; and (4) a person has before the first anniversary of the date the officer begins providing security for the court to obtain court security certification.

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

**S.B. 259 (Huffines) – Jury Summons Questionnaire:** would allow a court to provide a link to the jury questionnaire on the court’s website in lieu of mailing a copy of the questionnaire with a jury summons.

**S.B. 265 (Watson) – Municipal Court:** would provide that a magistrate shall inform the person arrested that a plea of guilty or nolo contendere for the offense charged may result on other negative consequences in addition to the criminal punishment for the offense.

**S.B. 266 (Watson) – Municipal Court:** would reduce various fees associated with the driver responsibility program.

**S.B. 271 (Burton) – Magistrate:** this bill is the same as **H.B. 567** and **H.B. 571**, above.

**S.B. 326 (Burton) – Expunctions:** would allow a judge that grants a petition for expunction of a criminal record to order the fee be returned to the petitioner. (Companion bill is **H.B. 551** by **Collier**.)

**S.B. 342 (Perry) – Court Cost:** would increase from \$50 to \$75 the fee assessed in municipal court to pay for the services of a peace officer who has executed or processed an arrest warrant, capias, or capias pro fine.

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

**S.B. 599 (Burton) – Court Fees:** would provide that: (1) a court may defer surcharges assessed under the driver responsibility program against a person who participates in a drug court program; and (2) a court may reduce or waive the surcharge if the person successfully completes the drug court program. (Companion bill is **H.B. 1016** by **Krause**.)

## **Community and Economic Development**

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

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

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

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

**H.B. 256 (Hernandez) – Nuisance Abatement:** would add city attorneys to the list of individuals authorized to sue in the name of the state to enjoin the common nuisance of selling, bartering, manufacturing, storing, possessing or consuming an alcoholic beverage in a room, building, boat, structure, or other place in violation of the Texas Alcoholic Beverage Code.

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

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

**H.B. 312 (J. Johnson) – Disaster Recovery:** would: (1) establish a disaster recovery fund and authorize grant awards from the fund to state or local governmental entities or a volunteer fire department that participates in disaster recovery in an area the governor declares to be in a state of disaster; and (2) require the comptroller to transfer \$30 million from the volunteer fire department assistance fund account in the general revenue fund to the disaster recovery fund account.

**H.B. 361 (Huberty) – Election Signs:** would: (1) provide an exemption from the laws prohibiting signs from being placed in the rights-of-way of public roads and state highways, including the prohibition on placing a sign in the right-of-way of a road or highway maintained by a city without city authorization, for a political sign that: (a) is on private property; (b) is erected not earlier than the 90<sup>th</sup> day before the date of the election and is removed not later than the 10<sup>th</sup> day after the date of the election; (c) is constructed of lightweight material; and (d) has a surface area not larger than 50 square feet; and (2) repeal the law requiring notice on any political advertising sign that the sign cannot be placed in the right of way of a highway.

**H.B. 412 (Huberty) – Fireworks:** would, among other things, allow a licensed fireworks manufacturer, distributor, or jobber (i.e., a person who purchases fireworks only for resale to retailers) to offer fireworks for retail sale to the public at a location for which the manufacturer, distributor, or jobber obtains a retail location permit from the state fire marshal’s office.

**H.B. 424 (Huberty) – Annexation:** would completely rewrite the Municipal Annexation Act to severely curtail the ability of cities to annex property. Generally, the bill would provide that:

1. a city wholly or partly located in a county with a population of 500,000 or more may not annex an area with a population of 200 or more unless: (a) the city holds an election in the area that approves the annexation; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area;
2. a city wholly located in one or more counties each with a population of less than 500,000 that proposes to annex an area in a county with a population of 500,000 or more must meet the requirements of (1)(a) and (1)(b), above; and
3. with certain very limited exceptions, beginning September 1, 2017, a city may not enter into a strategic partnership agreement that provides for limited purpose annexation.

More specifically, the bill would provide – among many other things – that:

1. a new chapter 43, subchapter A-1, of the Local Government Code is created that applies only to a city: (a) wholly located in one or more counties each with a population of less than 500,000; and (b) a city wholly or partly located in a county with a population of 500,000 or more that proposes to annex an area in a county with a population of 500,000 or more;
2. most of the existing, statutory authority to annex is transferred into the newly-created subchapter A-1;
3. existing subchapter C (“plan” annexation procedures) applies only to a city wholly located in one or more counties each with a population of less than 500,000 (unless the city proposed to annex an area in a county with a population of 500,000 or more, in which case subchapter C-4, described below, applies);
4. existing subchapter C-1 (“exempt” annexation procedures) applies only to an area that is proposed for annexation by a city wholly located in one or more counties each with a population of less than 500,000 and that is not required to be included in a municipal annexation plan (unless the city proposed to annex an area in a county with a population of 500,000 or more, in which case subchapter C-4, described below, applies);

5. a new subchapter C-3 is created that applies only to a city: (a) wholly or partly located in a county with a population of 500,000 or more; and (b) wholly located in one or more counties each with a population of less than 500,000 that proposes to annex an area in a county with a population of 500,000 or more;
6. the new subchapter C-3 would authorize annexation if each owner of land in the area requests annexation, two public hearings are held, and the governing body negotiates and enters into a written agreement with the owners of land in the area for the provision of services in the area;
7. a new subchapter C-4 is created that applies only to a city: (a) wholly or partly located in a county with a population of 500,000 or more; and (b) wholly located in one or more counties each with a population of less than 500,000 that proposes to annex an area in a county with a population of 500,000 or more;
8. the new subchapter C-4 would authorize annexation of an area with a population of less than 200 only if the city obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area;
9. the governing body of a city that proposes to annex an area under subchapter C-4 must, among other things, adopt a resolution that includes a description of the services to be provided to the area.
10. not later than the seventh day after the date the governing body adopts the resolution under (9), above, the city must mail to each resident in the area proposed to be annexed notification of the proposed annexation that includes: (a) notice of a public hearing required by the bill; (b) an explanation of the petition process; and (c) a description, list, and schedule of services to be provided by the city;
11. A new subchapter C-5 is created that applies only to a city: (a) wholly or partly located in a county with a population of 500,000 or more; and (b) wholly located in one or more counties each with a population of less than 500,000 that proposes to annex an area in a county with a population of 500,000 or more;
12. the new subchapter C-5 would authorize the election of an area with a population of 200 or more only if the following conditions are met, as applicable: (a) the city holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation and a majority of the votes received at the election approve the annexation; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area;
13. the governing body of the municipality that proposes to annex an area under subchapter C-5 must, among other things, follow procedures that are similar to (10), above;
14. with certain very limited exceptions, beginning September 1, 2017, a city may not enter into a strategic partnership agreement that provides for limited purpose annexation;
15. with certain very limited exceptions, beginning September 1, 2017, the following cities may not annex an area for the limited purposes of applying their planning, zoning, health, and safety ordinances in the area: (a) a city wholly or partly located in a county with a population of 500,000 or more; or (b) a city wholly located in one or more counties each with a population of 500,000 or less that proposes to annex an area in a county with a population of 500,000 or more;
16. a city wholly or partly located in a county with a population of 500,000 or more may by ordinance annex a road or the right-of-way of a road on request of the owner of the road



or right-of-way or the governing body of the political subdivision that maintains the road or right-of-way under the procedures applicable to a municipality wholly located in one or more counties each with a population of less than 500,000;

17. disannexation for a claim of failure to provide services is made easier;
18. a city may annex an area that is noncontiguous to the boundaries of the city if the area is in the city's extraterritorial jurisdiction;
19. various exemptions from certain annexation requirements for the City of Houston are removed; and
20. subchapters C-3 through C-5, described above, do not affect the procedures in current law applicable to a certain defense community.

**H.B. 445 (Frank) – Wind Energy:** would, among other things, provide that a city may not enter into a tax abatement agreement for property where a wind-powered energy device is installed or constructed if the property is located within 30 nautical miles of the boundaries of a military aviation facility in Texas.

**H.B. 528 (Schofield) – Eminent Domain:** would, in relation tolling a property owner's right of repurchase: (1) eliminate the following as elements establishing "actual progress" on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner's property was acquired; or (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress.

**H.B. 616 (Leach) – Low Income Housing Tax Credits:** would eliminate the following as a criteria used by the Texas Department of Housing and Community Affairs to rank low income housing tax credit applications: "the level of community support for the application, evaluated on the basis of a written statement from the state representative who represents the district containing the proposed development site;" and (2) retain the requirement that the Department notify and receive comments from elected officials on low income housing tax credit applications in their area.

**H.B. 622 (Leach) – Economic Development Corporations:** would provide that an economic development corporation must comply with the same procurement process methods for the design and construction of projects and construction services with which its authorizing city must comply.

**H.B. 640 (Phillips) – Halfway Houses:** would provide that: (1) a city may regulate the location of a halfway house by ordinance if the city finds it necessary to promote the public health, safety or welfare; (2) the owner or operator of a halfway house must give notice to the city not less than 60 days before it begins operations; and (3) a city to sue for an injunction to prohibit a violation and person who violates the regulation commits a Class A misdemeanor.

**H.B. 741 (Bernal) – Payday Lending:** would: (1) provide that a credit services organization may not offer an extension of consumer credit or provide advice or assistance to a consumer with

regard to obtaining an extension of consumer credit unless the credit services organization finds, using independently-verifiable documentation of income and obligations, that the consumer can reasonably repay in cash, in the time and schedule of payments established by contract and by all applicable law, the extension of consumer credit and all associated fees and costs and pay all known obligations concurrently; and (2) require the credit services organization to retain all documentation used to establish the affordability of an extension of consumer credit.

**H.B. 779 (Shaheen) – Moving Image Industry Incentive Program:** would abolish the Music, Film, Television, and Multimedia Office in the office of governor and the moving image industry incentive program.

**H.B. 780 (Shaheen) – Zoning:** would: (1) authorize a city to enact: (a) reasonable zoning rules that limit the use of land for dispensing organizations or the cultivation or production of low-THC cannabis to specified areas; and (b) ordinances, orders, or other rules that regulate the time, place, and manner of dispensing organization operations; and (2) provide that a rule, ordinance, order, resolution or other city regulation that prohibits or has the effect of prohibiting the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by the Health and Safety Code, is void and unenforceable.

**H.B. 797 (Minjarez) – Defense Communities:** would: (1) provide that a city in which a military installation is located shall work closely with the military installation to ensure the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study is publicly- available on the local government’s website; (2) add to the seller’s disclosure of property condition a notice if the property is located near a military installation and may be affected by high noise or air installation compatible use zones or other operations; and (3) require that information related to high noise and compatible use zones be accessible on the website of the city in which the military installation is located. (Companion bill is **H.B. 890** by **Geren**.)

**H.B. 840 (Ortega) – Local Minimum Wage:** would authorize a city to adopt a minimum wage that is greater than the federal minimum wage to be paid by an employer to each employee for services performed in the city. (Companion bill is **S.B. 427** by **Rodriguez**.)

**H.B. 863 (Hernandez) – Construction Contracts:** would provide that: (1) a governmental entity that enters into a construction contract must require that the contractor ensure that all employees working on the general construction site have completed at least 10 hours of construction safety training; (2) before an employee works on the general construction site, the contractor must receive and provide to the governmental entity a certificate of training completion for the employee; (3) a governmental entity that enters into a construction contract shall include in the contract notice and penalty provisions that: (a) require the governmental entity to provide the contractor with written notice of a violation of the bill by the contractor; (b) require the contractor to comply by the 20th day after the date the contractor receives any notice of noncompliance; (c) inform a contractor that the governmental entity may impose an administrative penalty if the contractor fails to comply after the 20th day after the date the contractor receives any notice of noncompliance; and (d) explain that a penalty amount may be withheld from a payment otherwise owed to the contractor under the construction contract; and (4) each governmental entity shall develop procedures for the administration of the bill.

**H.B. 877 (Turner) – Credit Access Business:** would prohibit a credit access business from making a telemarketing call to a consumer whose name and telephone number are on the Texas no-call list.

**H.B. 890 (Geren) – Defense Communities:** this bill is the same as **H.B. 797**, above.

**H.B. 898 (Workman) – Permit Vesting:** would, in relation to the permit vesting statute, provide that: (1) a regulatory agency may not impose a fee for the agency to review an application for determination of the applicability of the statute to the applicant's project; (2) a permit applicant may request mandatory mediation regarding any regulatory agency determination that the statute does not apply to the applicant's project; and (3) a political subdivision that has been found by a court to have violated the statute is liable for actual damages, reasonable attorney's fees, administrative and court costs, and the applicant's portion of the cost of any mediation that did not result in an agreement.

**H.B. 975 (Giddings) – Payday Lending:** would provide that: (1) a credit services organization or a representative of a credit services organization may not, unless the credit services organization or representative of the credit services organization has extrinsic evidence sufficient prove that the consumer has committed theft or issued a bad check: (a) file a criminal complaint or threaten to file a criminal complaint related to an extension of consumer credit against the consumer; (b) refer or threaten to refer a consumer to a prosecutor for the collection and processing of a check or similar sight order that was issued in relation to an extension of consumer credit; (2) for a violation of (1) against a consumer, a consumer may bring an action to: (a) obtain injunctive relief to restrain the violation or to correct any negative credit issues caused by the violation; (b) void the contract for the debt or the debt services; or (c) recover any actual damages sustained as a result of the violation; (3) a consumer who successfully maintains an action under (2) is entitled to reasonable attorney's fees and court costs; (4) if the attorney general reasonably believes that a person is violating or is about to violate (1), the attorney general may bring an action in the name of this state against the person to restrain or enjoin the person from violating (1); and (5) a consumer who successfully maintains an action under (2) is entitled to not less than \$100 for each violation.

**H.B. 982 (Wray) – Wet/Dry Status:** would provide that, with certain limitations, a city whose local option status allows for the legal sale of mixed beverages as a result of an election held on or after January 1, 1985, may adopt an ordinance authorizing the sale of mixed beverages for on-premise consumption in an area annexed by the city after that election.

**H.B. 1047 (Thierry) – Community Development Grocery Store:** would establish a community development grocery store and healthy corner store revolving loan fund program.

**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; (12) 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.

**H.B. 1239 (VanDeaver) – Municipal Housing Authority:** would: (1) require a commissioner of a housing authority to reside in the area over which the authority has jurisdiction or an area outside the jurisdiction, as determined by the city; and (2) provide that a commissioner of a housing authority must meet the same requirements that apply to a person who seeks to become a tenant of a public housing project.

**H.B. 1251 (Sanford) – Economic Development Corporations:** would require an economic development corporation to: (1) broadcast over the Internet live video and audio of each open meeting held by the board of directors of the corporation; and (2) make available through the corporation’s Internet website archived video and audio for each meeting for which live video and audio was provided under (1).

**H.B. 1252 (Sanford) – Property Tax Abatement:** would provide that property subject to a tax abatement agreement under Texas Tax Code Chapter 312 may not be used as a gambling establishment.

**H.B. 1277 (Moody) – Housing Authority Commissioner:** would allow a recipient of housing assistance through a housing authority’s project-based rental assistance program to be appointed as a commissioner of a housing authority. (Companion bills are **S.B. 593** by **Rodriguez** and **H.B. 1193** by **Blanco**.)

**H.B. 1279 (Shaheen) – Smoking Bans:** would provide that a county or city may not adopt or enforce an order, ordinance, or similar measure that prohibits smoking on the premises of a business that allows smoking and for which at least 20 percent of the business's revenue is derived from the sale of cigars.

**H.B. 1352 (Pickett) – Economic Development:** would provide that: (1) a city can convey land to an entity under a chapter 380 economic development agreement; (2) the city may transfer the property without going through the notice and bid process; (3) an agreement between the city and the entity would be the consideration for the transfer of the property with provisions that the property will be used to promote the economic development public purpose of the city and a provision that grants the city sufficient control to ensure that the public purpose is being accomplished; (4) the city must publish notice of the transfer in a newspaper of general circulation in the county that the property is located or, if there is no such newspaper, in an adjoining county; and (5) the notice must include a location and description of the real property and be published two separate days within 10 days before the date the property or an interest in the property is transferred. (Companion is **S.B. 438** by **Rodriguez**.)

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

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

**H.J.R. 40 (Schofield) – Eminent Domain:** would amend the Texas Constitution to provide that a person whose property is taken through eminent domain or that person's heirs, successors, or assigns, is entitled to repurchase the property at the price paid when taken if: (1) the public use for which the property was acquired through eminent domain is canceled; (2) no actual progress is made toward the public use during a prescribed period of time; or (3) the property is unnecessary for the public use.

**H.J.R. 61 (Martinez) – Border Property:** would provide that a political subdivision may unconditionally donate to the United States real property and improvements to that property, technology, or equipment acquired by the political subdivision to promote border security or international trade.

**H.J.R. 62 (Keough) – Home Schooling:** would provide that an agency of the state government, including the legislature, or a political subdivision or agency of a political subdivision of this state may not regulate the educational program of a private school or home school in this state.

**S.B. 24 (Huffman) – Sermons:** would prohibit a governmental unit from, in any civil action or other civil or administrative proceeding to which the governmental unit is a party, compelling the production or disclosure of a written copy or audio or video recording of a sermon delivered by a religious leader during religious worship of a religious organization or compel the religious leader to testify regarding the sermon.

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

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

**S.B. 105 (Hall) – Event Trust Funds:** would abolish the Pan American Games Trust Fund, the Olympic Games Trust Fund, the Major Events Reimbursement Program Fund, the Motor Sports Racing Trust Fund, and the Events Trust Fund.

**S.B. 243 (Burton) – Eminent Domain:** would provide that: (1) the bill applies only to the condemnation of property by a public entity exercising its eminent domain authority to take a residence homestead that is located outside the territorial boundaries of the entity or a private entity exercising its eminent domain authority; (2) not later than the 30th day after the date the property owner receives a final offer from the entity, the property owner may file a petition with the commissioners court of the county for the disapproval of the condemnation; (3) if the property owner files the petition with the commissioners court, the commissioners court shall hold a hearing to determine whether to approve the condemnation of the property; and (4) the entity may not initiate a condemnation proceeding for the property unless a majority of the commissioners court approves the condemnation of the property.

**S.B. 244 (Burton) – Moving Image Industry Incentive Program:** would abolish the moving industry incentive program.

**S.B. 341 (Perry) – Alcohol/Synthetic Marijuana:** would provide that a county judge shall deny an application for a retail dealer’s on-premise alcohol license if the applicant or applicants spouse has been recently convicted of an offense involving synthetic marijuana.

**S.B. 371 (Watson) – Alcoholic Beverage Licenses:** would: (1) prohibit a county judge from refusing to approve an application for a license as a distributor or retailer if the premises on which beer is to be sold for on-premises consumption does not have: (a) running water, if it is available; or (b) separate free toilets for males and females, properly identified, on the premises for which the license is sought or, if the premises is a restaurant that derives less than 50 percent of its gross revenue from the sale of alcohol, is 2,500 square feet or less, and has an occupancy rating of 50 persons or less, at least one toilet, properly identified, on the premises for which the

license is sought; and (2) prohibit the Texas Alcoholic Beverage Commission or administrator from suspending for not more than 60 days or cancelling an original or renewal retail dealer's on- or off-premise license if it is found, after notice and a hearing, that the licensee does not have at the licensed premises: (a) running water, if it is available; and (b) separate free toilets for males and females, properly identified, on the premises for which the license is sought or, if the premises is a restaurant that derives less than 50 percent of its gross revenue from the sale of alcohol, is 2,500 square feet or less, and has an occupancy rating of 50 persons or less, at least one toilet, properly identified, on the premises for which the license is sought.

**S.B. 373 (Hall) – English as Official State Language:** would: (1) designate the English language as the official language of the state; and (2) provide that an unofficial and nonbinding translation or explanation of an official state document, written material, or website content may be provided or published separately in a language other than the official language only if the translation or explanation: (a) is made and distributed without cost to the state; (b) is appropriately labeled as unofficial and nonbinding; and (c) states the actions required to obtain or view the official state document, written material, or website content.

**S.B. 377 (Campbell) – Wind Energy:** would, among other things, provide that a city may not enter into a tax abatement agreement for property where a wind-powered energy device is installed or constructed if the property is located within 30 nautical miles of the boundaries of a military aviation facility in Texas.

**S.B. 379 (Perry) – Eminent Domain:** would clarify that failure of an entity to comply with certain eminent domain reporting requirements could result in a penalty of up to \$1000 (Note: Current law requires the penalty for failure to comply with reporting requirements to be \$1,000.)

**S.B. 389 (Burton) – Major Events Reimbursement Program:** would abolish the Major Events Reimbursement Program.

**S.B. 390 (Burton) – Motor Sports Racing Trust Fund:** would abolish the Motor Sports Racing Trust Fund.

**S.B. 391 (Burton) – Events Trust Fund:** would abolish the Events Trust Fund.

**S.B. 392 (Burton) – Events Trust Funds:** would abolish the Major Events Reimbursement Program, the Events Trust Fund, and the Motor Sports Racing Trust Fund.

**S.B. 393 (Burton) – Texas Enterprise Fund:** would abolish the Texas Enterprise Fund.

**S.B. 397 (Kolkhorst) – Local Mental Health Authorities:** would: (1) provide that if a local mental health authority has a governing body, the governing body must include one representative of a local law enforcement agency of a city or county in the local authority's service area; and (2) provide that if a local mental health authority does not have a governing body, the local authority shall consult with a designated representative of a local law enforcement agency of a city or county in the local authority's service area regarding the use of the funds received from the Department of State Health Services for community mental health



and intellectual disability services and chemical dependency services for persons who are dually diagnosed as having both chemical dependency and mental illness or an intellectual disability.

**S.B. 427 (Rodriguez) – Local Minimum Wage:** this bill is the same as **H.B. 840**, above.

**S.B. 438 (Rodriguez) – Economic Development:** would provide that: (1) a city can convey land to an entity under a chapter 380 economic development agreement; (2) the city may transfer the property without going through the notice and bid process; (3) an agreement between the city and the entity would be the consideration for the transfer of the property with provisions that the property will be used to promote the economic development public purpose of the city and a provision that grants the city sufficient control to ensure that the public purpose is being accomplished; (4) the city must publish notice of the transfer in a newspaper of general circulation in the county that the property is located or, if there is no such newspaper, in an adjoining county; and (5) the notice must include a location and description of the real property and be published two separate days within 10 days before the date the property or an interest in the property is transferred.

**S.B. 465 (Lucio) – Annexation:** would provide that: (1) the qualified voters residing in an area that is included in a city’s annexation plan are entitled to vote in municipal elections regarding the election or recall of members of the governing body of the city, the election or recall of the controller, if the office of controller is an elective position of the city, and the amendment of the municipal charter; (2) the voters may not vote in any municipal bond election; (3) on or after the 15th day but before the fifth day before the date of the first election held after the date a city adopts or amends its annexation plan to include an area, the city shall publish notice in the form of a quarter-page advertisement in a newspaper of general circulation in the area notifying the residents of the area regarding the eligibility to vote in the election and stating the location of all polling places for the residents; and (4) a resident in a city’s plan is not eligible to be a candidate for or to be elected to a municipal office.

**S.B. 471 (Lucio) – Annexation:** would provide that an area is exempt from the three-year municipal annexation plan requirement if it contains fewer than 50 separate tracts of land on which one or more residential dwellings are located on each tract. (Note: Current law exempts areas with 100 separate tracts of land.)

**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.

**S.B. 600 (Burton) – Texas Economic Development Act:** would repeal Chapter 313 of the Texas Tax Code (school tax limitations under the Texas Economic Development Act).

**S.B. 626 (Schwertner) – Eminent Domain:** would provide that: (1) the required Landowner’s Bill of Rights must disclose that a condemning entity that makes a bona fide offer to acquire from the property owner real property for a public use must: (a) make a separate offer to acquire

from the owner any of the owner's other real property the entity wants to acquire that is not reasonably necessary to complete the public use of the property for which the bone fide offer is made; and (b) include a statement in the separate offer that the property that is the subject of the separate offer is not subject to condemnation by the entity; and (2) in conjunction with a bona fide offer to acquire real property for a public use, an entity with eminent domain authority must make a separate offer to acquire from a property owner any of the owner's other real property the entity wants to acquire that is not reasonably necessary to complete the public use of the property and include a statement in the offer that the property that is the subject of that offer is not subject to acquisition through eminent domain.

**S.B. 627 (Schwertner) – Eminent Domain:** would provide that the required Landowner's Bill of Rights must include: (1) the condemning entity's obligations to the property owner, including the responsibility for any damages arising from an examination or survey of the property; (2) the property owner's options during a condemnation, including the property owner's right to: (i) refuse to grant permission to the condemning entity to enter the property and conduct an examination or survey of the property; (ii) negotiate the terms of the examination or survey of the property; and (3) the condemning entity's right to sue for a court order authorizing the examination or survey if the property owner refuses to grant permission for the examination or survey.

**S.B. 628 (Schwertner) – Eminent Domain:** would, in relation to tolling a property owner's right of repurchase: (1) eliminate the following as elements establishing "actual progress" on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner's property was acquired; or (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress.

**S.B. 636 (Huffines) – Building Codes:** would: (1) lower the population threshold in current law from 100,000 to 40,000 to invoke certain notice and hearing procedures for changes in a city's building code; and (2) impose new requirements: (a) that a city publish a detailed cost-benefit analysis of a building code or code amendments; and (b) that would mandate, for an amendment that addresses existing or potential harm to health and safety: (i) scientific evidence supporting the probability or likelihood that the harm has occurred or will occur; and (ii) scientific evidence supporting the probability or likelihood that the amendment will prevent or address the harm.

**S.B. 650 (Bettencourt) – Tax Increment Financing:** would make numerous changes to the tax increment financing statute, including: (1) providing that an area may be characterized as a tax increment reinvestment zone (TIRZ) if: (a) the area is described in a petition requesting that the area be designated as a reinvestment zone, if the petition is submitted to the governing body of the city or county by the owners of property constituting at least 50 percent of the appraised value of the property in the area according to the most recent certified appraisal roll for the county in which the area is located; and (b) the area is unproductive, underdeveloped, or blighted; (2) requiring the attorney general to determine the meaning of "unproductive," "underdeveloped," and "blighted" for purposes of (1)(b); (3) providing that the TIRZ board of

directors may not use the tax increment fund to pay project costs located outside of the TIRZ; (4) requiring a city to provide notice of the date, time, and place of the meeting at which the governing body of the city will vote on an ordinance to issue tax increment bonds or notes by delivering notice by mail to: (a) each property owner in the city; (b) the commissioners court of each county in which a portion of the TIRZ is located; and (c) each state senator and representative whose district includes territory in a county in which a portion of the TIRZ is located; (5) requiring the city to deliver notice of the submission of tax increment bonds and the record of proceedings related to the authorization of the bonds and sent to the attorney general for approval to: (a) the commissioner's court of each county in which a portion of the TIRZ is located; and (b) each state senator and representative whose district includes territory in a county in which a portion of the TIRZ is located; (6) providing that a city designating a TIRZ may not undertake the initial issuance of tax increment bonds for the zone unless: (a) the city provides evidence to the attorney general demonstrating that the zone: (i) meets the legal criteria for a TIRZ; and (ii) is not ineligible for designation as a TIRZ; and (b) the attorney general determines that the evidence is legally sufficient; (7) requiring the attorney general to provide a legal sufficiency determination not later than the 60<sup>th</sup> business day after the date the evidence required by (6) is received; (8) providing that if the attorney general cannot provide a legal sufficiency determination within 60 business days, the attorney general shall notify the city in writing of the reason for the delay and may extend the review period for not more than 30 business days; (9) providing that after the attorney general issues a legal sufficiency determination, the city may supplement the evidence submitted or amend the ordinance designating the TIRZ to facilitate a redetermination by the attorney general of the prior legal sufficiency determination; (10) repealing the ability to use revenue in the tax increment fund to pay for costs associated with certain transportation or transit projects; and (11) repealing the ability to transfer funds in the tax increment fund for one TIRZ to another TIRZ.

**S.B. 655 (Bettencourt) – Annexation/Extraterritorial Jurisdiction:** would provide that: (1) a home rule city shall make publicly available a digital map (in addition to a paper map under current law) reflecting annexations and extraterritorial jurisdiction (ETJ) changes; (2) a city, before the 90th day after the date it adopts or amends an annexation plan, shall give written notice with certain provisions to each property owner in any area that would be newly included in the city's extraterritorial jurisdiction as a result of the proposed annexation; (3) a home rule city, before the 90th day after the date it adopts or amends an annexation plan, shall create and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the city's ETJ as a result of the proposed annexation; (4) in addition to publishing notice of annexation hearings in a newspaper of general circulation in the city and area to be annexed, the notice must be published in a newspaper of publish notice of the hearings in a newspaper of general circulation in any area that would be newly included in the city's ETJ resulting from the proposed annexation; and (5) if applicable, the notice for each annexation hearing must include: (a) a statement that the completed annexation of the area will expand the city's ETJ; (b) a description of the area that would be newly included in the city's ETJ; (c) a statement of the purpose of ETJ designation; and (d) a list of municipal ordinances that would be applicable in the area that would be newly included in the city's ETJ; and (6) in addition to the notice requirements for a plan-exempt annexation, a home rule city, before it may institute annexation proceedings, shall create and make publicly available a digital map that

identifies the area proposed for annexation and any area that would be newly included in the city's ETJ as a result of the proposed annexation.

**S.J.R. 20 (Estes) – Sporting Goods Sales Tax:** would amend the Texas Constitution to provide that, for each state fiscal year, the net revenue received from the collection the sporting goods sales tax that is automatically appropriated when received to the Parks and Wildlife Department and the Texas Historical Commission and is allocated between those agencies as provided by general law.

**S.J.R. 33 (Huffines) – Home Schooling:** would provide that an agency of the state government, including the legislature, or a political subdivision or agency of a political subdivision of this state may not regulate the educational program of a private school or home school in this state.

## **Personnel**

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

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

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

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

**H.B. 285 (Alonzo) – Employment Law:** would provide that the minimum wage is not less than the greater of \$15.00 an hour or the current federal minimum wage.

**H.B. 290 (E. Johnson) – Employment Discrimination:** would: (1) prohibit an employer from including a question about wage history information on an employment application form, inquiring or considering an applicant's wage history information, or obtaining wage history information from a previous employer (unless the information is public under the Public Information Act) until a written offer of employment is made; (2) provide that an employer commits an unlawful employment practice if the employer discriminates among employees on

the basis of sex by paying wages to an employee at a rate less than that at which the employer pays wages to an employee of the opposite sex for the same or substantially similar work, unless the pay is made under a seniority or merit system, a system that measure earnings by production, or a differential based on a bona fide factor other than sex; (3) provide that an employer commits an unlawful employment practice if the employer retaliates against an employee as a result of the employee's involvement in exercising his or her rights under this wage discrimination law; and (4) require an employer to post notice about this wage discrimination law and compile and maintain certain wage information for a period of at least three years.

**H.B. 334 (Collier) – Credit History:** would, among other things, (1) prohibit an employer from requiring an applicant or employee to submit a credit report or authorize access to a credit report or credit history as a condition of employment; (2) prohibit the discharge, discipline, discrimination against, or denial of employment or promotion on the basis of the credit report or because the employee or applicant refused to authorize access to the credit report; (3) provide administrative penalties for employers that commit violations concerning prohibited use of the credit information; (4) provide that the employee or applicant aggrieved by the violation of the prohibited use of the credit information may bring a civil action against the employer in district court in the county in which the alleged violations occurred or in which the alleged violator's residence or principal place of business is located; (5) provide that the Texas Workforce Commission may bring a civil action to restrain an employer's violations of prohibited use of credit information; and (6) exempt peace officers from the bill's prohibitions.

**H.B. 381 (Collier) – Workers' Compensation:** would waive a city's immunity for workers' compensation claims up to the liability limits in the Tort Claims Act.

**H.B. 443 (Walle) – Personnel:** would require a public employer, including a city, to provide a place, other than a bathroom (whether single or multiple user), for an employee to express breast milk.

**H.B. 473 (Moody) – First Responders' Workers' Compensation:** would apply to, among others, fire fighters and police officers in non-civil-service cities and would provide that: (1) an employer may not discharge, indefinitely suspend, or terminate them from employment based on their inability to perform the duties for which they were elected, appointed, or employed because of an injury before the person is certified as having reached maximum medical improvement under workers' compensation; (2) an employer who violates the prohibition in (1) is liable for reasonable damages incurred by the person as a result of the violation and is entitled to reinstatement in the former position of employment; and (3) sovereign immunity is waived for purposes of the bill.

**H.B. 475 (Reynolds) – Employment Law:** would: (1) provide that the minimum wage is not less than the greater of \$15.00 an hour or federal minimum wage under the Fair Labor Standard Act (FLSA); and (2) allow a municipal ordinance or charter provision governing wages in private employment, other than wages under a public contract, to apply to persons covered by the FLSA. (Companion bill is **H.B. 285** by **Alonzo**.)

**H.B. 548 (Deshotel) – Employment Law:** would provide that: (1) employers can only inquire about an applicant’s criminal history record information after the employer has determined that the applicant is otherwise qualified and has conditionally offered that applicant employment or has invited the applicant to an interview; (2) employers can only consider any criminal history record information regarding an offense that occurred or allegedly occurred more than seven years before the date of the employment decision; and (3) the bill does not apply to applicants where consideration of criminal history record information is required by law.

**H.B. 563 (Israel) – Whistleblower:** would expand the definition of “appropriate law enforcement authority” for purposes of whistleblower retaliation claims to include a supervisor, officer, or other manager of the governmental entity. (This bill is likely a reaction to a series of cases narrowly construing the term “appropriate law enforcement authority.”)

**H.B. 577 (Workman) – Criminal History Information:** would provide that a political subdivision may not adopt or enforce any ordinance or other local regulation that prohibits, limits, or otherwise regulates a private employer’s ability to request, consider, or take employment action based on the criminal history record information of an applicant or employee.

**H.B. 625 (J. Johnson) – Peace Officers:** would provide that: (1) every peace officer shall submit to a psychological examination once every 24 months; (2) the Texas Commission on Law Enforcement (TCOLE) shall promulgate rules that provide: (a) grounds for which a law enforcement agency may exempt a peace officer from the above requirement; and (b) procedures to ensure timely and accurate reporting by law enforcement agencies and persons licensed of the results of a psychological examinations; and (3) TCOLE shall suspend the license of a peace officer who fails to comply with the testing.

**H.B. 632 (Fallon) – Public Retirement Benefits:** would limit the amount of retirement benefits any member of a public retirement system, including the Texas Municipal Retirement System, may receive to an amount no larger than certain military salaries or certain federal deputy positions, regardless of the amount in the account or the years of service of the public official.

**H.B. 656 (Minjarez) – Employee Leave:** would entitle an employee who has been employed by an employer for at least one year to 30 days of leave to: (1) attend to the employee’s own health condition; (2) care for certain family members; or (3) to spend time with a child after birth, adoption, or foster care placement.

**H.B. 718 (Wu) – Family Care Leave:** would provide that an employee who is employed for at least six months by an employer who employs 10 or more employees is eligible for paid family care leave for a period of eight weeks due to: (1) the birth of the employee’s child; or (2) the placement of the child with the employee in connection with the adoption or foster care of the child by the employee.

**H.B. 786 (VanDeaver) – Volunteer Emergency Responders:** would: (1) provide that a city that employs 20 or more employees may not terminate or suspend the employment of, or in any other manner discriminate against, an employee who is a volunteer emergency responder and who is absent from or late to the employee’s employment because the employee is responding to

an emergency in the employee's capacity as a volunteer emergency responder; (2) prohibit an employee who is a volunteer emergency responder from being absent from the employee's employment for more than 14 days in a calendar year unless the employee's absence is approved by the employer; (3) require an employee described in (1) to make a reasonable effort to notify the employer that the employee may be absent or late, and if the employee is unable to provide the notice due to the extreme circumstances of the emergency or inability to contact the employer, require the employee to submit to the employer, on the employer's request, a written verification of participation in an emergency activity that contains certain information; (4) authorize a city described in (1) to reduce the wages otherwise owed to the employee for any pay period because the employee took time off responding to an emergency or, in lieu of reducing an employee's wages, require the employee to use existing vacation leave time, personal leave time, or compensatory leave time for the absence, except as otherwise provided by a collective bargaining agreement; (5) provide that an employee whose employment is suspended or terminated in violation of (1) is entitled to: (a) reinstatement to the employee's former position or a comparable position; (b) lost wages; and (c) reinstatement of any fringe benefits and seniority rights; and (6) provide that an employee whose employer violates (1) may bring a civil action against the employer to enforce the employee's rights.

**H.B. 827 (Blanco) – Veterans:** would require the Texas Workforce Commission to develop and maintain a web-based, searchable database: (1) that converts a veteran's military service experience into approximate equivalent civilian experience and skills; and (2) through which prospective employers may qualify a veteran's military service experience and employment qualifications related to specific skills.

**H.B. 873 (Pickett) – Peace Officers:** would provide that an establishment serving the public, such as a restaurant or hotel, may not prohibit or otherwise restrict a peace officer or special investigator from carrying on the establishment's premises a weapon that the peace officer or special investigator is otherwise authorized to carry, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon.

**H.B. 982 (Wray) – Licensed Carry:** would provide that: (1) a political subdivision that employs or supervises a first responder (defined as a public safety employee or volunteer whose duties include responding rapidly to an emergency) may not prohibit a first responder who holds a license to carry a handgun from carrying a handgun in the actual discharge of the first responder's duties; and (2) a first responder who is in the discharge of official duties can carry in many places that other license holders may not.

**H.B. 1009 (Alonzo) – Wildland Firefighting:** would: (1) prohibit a city employee in a civil service city from performing a duty classified as a wildland firefighting duty, including a prescribed burn, unless that person is a permanent, full-time fire department civil service employee regularly assigned to perform certain fire protection personnel duties, regardless of whether the person holds a certificate issued by the Texas Commission on Fire Protection (commission); (2) except from the prohibition in (1) an employee who is acting as a member of a volunteer fire department and not a city employee while performing a wildland firefighting duty; and (3) require the commission to adopt rules to implement (1) and (2).

**H.B. 1304 (Longoria) – Employment Classification:** would allow the Texas Workforce Commission to assess a penalty against a person, which would include a city, not to exceed \$200 for each individual that has not been properly classified as an employee or independent contractor in accordance with Chapter 201 of the Labor Code. (Companion bill is **S.B. 592** by **Lucio**.)

**H.B. 1337 (Leach) – Licensed Carry:** would provide that a political subdivision that employs a firefighter may not prohibit a firefighter who holds a license to carry a handgun from carrying or storing a handgun at the fire station to which the firefighter is assigned during the firefighter's duty hours.

**H.B. 1344 (Cain) – Immigration/Whistleblower:** would, in relation to the Texas Whistleblower Statute, provide that a state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports to an appropriate law enforcement authority the existence of a policy of the employing governmental entity that prohibits or discourages the enforcement of state or federal immigration law.

**S.B. 13 (Huffman) – Union Dues/Payroll Deductions:** would provide that: (1) the state or a political subdivision of the state may not deduct or withhold, or contract to deduct or withhold, from an employee's salary or wages payment of dues or membership fees to a labor organization or other similar entity, including a trade union, labor union, employees' association, or professional organization; (2) item (1) does not affect the ability of the state or a political subdivision of the state to deduct or withhold from an employee's salary or wages an amount for donation to a charitable organization determined to be eligible for participation in the state employee charitable campaign; (3) a city over 10,000 population is authorized to utilize payroll deductions for a member of the city's police department (so long as the department is not subject to a collective bargaining or meet and confer agreement) and fire/emergency services departments; and (4) a meet and confer agreement may not contain a provision deducting or withholding payment of dues, fees, or contributions to a labor organization or other similar entity, including a trade union, labor union, employees' association, or professional organization in violation of the bill.

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

**S.B. 191 (Garcia) – Mandated Leave:** would provide that a non-exempt employee who works for an employer with more than 25 employees at a single location, including a city, is entitled to certain leave to participate in academic, disciplinary, and other activities of a child or grandchild.



**S.B. 223 (Menendez) – Employment Compensation:** would expand the remedies available for discrimination in payment of compensation.

**S.B. 229 (Menendez) – Employment Law:** would provide that: (1) an employer shall pay to each employee not less than the greater of \$10.10 an hour or the current federal minimum wage; and (2) repeal the prohibition against a city adopting a higher minimum wage for persons living within the city. (See **S.J.R. 22**, below.)

**S.B. 279 (Zaffirini) – Expression of Breast Milk:** would require a public employer that constructs or renovates any public building to ensure that the building includes a publicly accessible place, other than a bathroom, where a member of the public can express breast milk.

**S.B. 283 (Watson) – Employment Discrimination:** would expand the offense of unlawfully prohibiting an employee from voting to include: (1) refusing to allow an employee to be absent to vote during early voting; or (2) threatening to subject the employee to a penalty for attending the polls to vote while early voting is in progress.

**S.B. 285 (Watson) – Employee Leave:** would: (1) require an employer to give an employee paid time off to obtain an election identification certificate if: (a) the person does not have a form of identification necessary to vote; and (b) the person is a registered voter in this state or is eligible for registration; (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 to obtain an election identification certificate; (4) provide that the use of leave time to obtain an election identification certificate may not be restricted by a term or condition adopted under a collective bargaining agreement entered into on or after September 1, 2017; (5) prohibit an employer from reducing the pay otherwise owed to an employee for any pay period lasting eight hours or less because the employee took time off during that pay period for the purpose of an absence from work to obtain an election identification certificate; (6) upon returning to work, require an employee to provide reasonable documentation to the employer on the employer's request regarding the employee's absence from work to obtain an election identification certificate; (7) create a cause of action for retaliation for an employee who is suspended or terminated for taking time off to obtain an election identification certificate; and (8) require an employer to post a conspicuous sign, designed by the Texas Workforce Commission, in the employer's workplace regarding employees' right to time off from work to obtain an election identification certificate.

**S.B. 369 (Garcia) – Union Representation:** would provide that: (1) a public employee can request to have representation from any labor organization for which the employee is eligible for membership by virtue of their employment if the public employee is in an investigatory interview the employee thinks will lead to disciplinary action; (2) a public employer shall either: (a) grant the request and delay the interview until representation arrives and has had an opportunity to consult privately with the employee; (b) deny the request and end the interview; or (c) offer the employee the choice of continuing the interview unrepresented or accepting any disciplinary action determined by the employer without an interview; (3) a public employer that

allows a public employee to obtain representation must provide the employee a reasonable amount of time to obtain representation; (4) a public employee is not entitled to representation in: (a) interviews to improve an employee's work techniques; (b) interviews that are not for disciplinary purposes; (c) interviews to inform employee of the employer's decision of final disciplinary action; or (d) conversations initiated by the employee about previously determined disciplinary action; and (5) a public employer is not required to inform the public employee of the employee's right to representation.

**S.B. 472 (Lucio) – Employment Discrimination:** would make it an unlawful employment discrimination practice to discriminate against an individual based on the individual's status as a military service member or military veteran and, among other things, allow a city to create a local commission to secure for individuals in the city freedom from discrimination on the basis of the individual's status as a military service member or military veteran.

**S.B. 473 (Rodriguez) – Rest Breaks:** would provide that: (1) a "construction employer," which might include a city, shall provide at least a 15-minute paid rest break for every four hours of work to each construction employee; (2) each construction employer shall, at the time of hiring, provide notice in both English and Spanish to each construction employee notice by a poster in English and Spanish of the employee's entitlement to paid rest breaks; and (3) provide a grievance procedure for a construction employer through the Texas Workforce Commission.

**S.B. 476 (Rodriguez) – Wage Claims and Retaliation:** would: (1) prohibit an employer from suspending or terminating the employment of or in other manner disciplining, discriminating against, or retaliating against an employee who in good faith seeks to recover wages owed to the employee by: (a) filing a complaint with a governmental entity; (b) seeking or accepting assistance from a nonprofit, an employee rights organization, or an attorney; (c) exercising or attempting to exercise a right granted by a contract, local ordinance, or federal or state law; or (d) filing a wage claim with the Texas Workforce Commission (commission); (2) authorize an employee who is the subject of an adverse employment action prohibited in (1) to bring suit against an employer and potentially recover certain damages, court costs, and attorney fees in addition to reinstatement; (3) provide that the commission handle complaints under (1) in the same manner as wage claims; (4) provide that wage claims be filed not later than the second anniversary of (rather than 180th day after) the date the wages claims became due; (5) require (rather than allow) the commission to assess an administrative penalty against an employer who acts in bad faith in not paying wages; and (6) provide that an employer's failure to comply with the recordkeeping requirements of the Fair Labor Standards Act or requirement to provide an earnings statement creates a rebuttable presumption that the employee's hours worked, pay rate, and earnings are equal to the amounts provided in the employee's testimony or records presented at the hearing.

**S.B. 483 (Miles) – Police Officer Complaints:** would, for purpose of the state's civil service, collective bargaining, and written complaint laws, require that: (1) a complaint filed against a police officer alleging conduct by the police officer constituting official oppression must be retained by the employing department of the political subdivision for at least five years after the police officer's employment with the political subdivision ends; and (2) the complaint generally cannot be withheld pursuant to a discretionary exception under the Public Information Act.

**S.B. 592 (Lucio) – Unemployment Compensation:** would provide that: (1) an individual performing a service for wages or under an express or implied contract of hire is presumed to be an employee of the person for whom the service is performed; (2) the presumption in (1) may be rebutted if the person for whom the service is performed shows to the satisfaction of the Texas Workforce Commission (TWC) that the individual’s performance of the service has been and will continue to be free from control or direction under the contract; (3) a person shall properly classify, as an employee or independent contractor in accordance with the Unemployment Compensation Act, any individual the person directly retains and compensates for the performance of a service; (4) the TWC may assess a penalty against a person who fails to classify an individual mentioned in (3) in an amount not to exceed \$200 for each individual that the person has not properly classified. (Companion bill is **H.B. 1304** by **Longoria**.)

**S.J.R. 22 (Menendez) – Employment Law:** would propose an amendment to the Texas Constitution that would, with certain exceptions, provide that an employer in this state shall pay to an employee for services performed by the employee not less than the greater of \$10.10 an hour or the current federal minimum wage. (See **S.B. 229**, above.)

## **Public Safety**

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

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

The bill would prohibit certain city actions by providing that:

1. a “local entity” is defined to include, among others, a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney (but would exempt schools and hospitals);
2. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
3. a local entity shall not prohibit or discourage a person who is a commissioned peace

officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney from doing any of the following: (a) inquiring into the immigration status of a person under a lawful detention or under arrest; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest: (i) sending the information to or requesting or receiving the information from Citizenship and Immigration Services or ICE, including information regarding a person's place of birth; (ii) maintaining the information; or (iii) exchanging the information with another local entity or a federal or state governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or (d) permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws; and

4. a local entity or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing immigration laws except to the extent permitted by the United States or Texas Constitutions.

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

1. any person, including an employee of a local entity filing anonymously, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws.
2. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief and may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; and
3. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws.
- 4.

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

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

**H.B. 62 (Craddick) – Cell Phone Ban:** would: (1) require driver education training to include information on the effect of using a wireless communication device or engaging in other actions that may distract a driver; (2) increase the penalty for a person younger than 18 years of age who uses a wireless communications device while driving in certain circumstances; (3) with certain exceptions, prohibit a driver from using a wireless communication device to read, write, or send

an electronic message while operating a motor vehicle unless the vehicle is stopped; (4) prohibit a peace officer who stops a vehicle for an alleged violation of (3), above, from taking possession of or inspecting the device unless authorized by state law; and (5) prohibit the assignment of points under the Driver Responsibility Program when a person is convicted of texting while driving.

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

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

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

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

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

**H.B. 110 (Krause) – Firearms:** would, among other things: (1) prohibit the state or a political subdivision of the state from contracting with or in any other manner providing assistance to a federal agency or official with respect to the enforcement of a federal statute, rule, or regulation purporting to regulate a firearm, a firearm accessory, or firearm ammunition if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under the laws of this state; and (2) provide that the attorney general shall defend

any agency or political subdivision of the state if the federal government attempts to sue or prosecute it based on the bill's requirements.

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

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

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

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

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

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

1. a "local entity" is defined to include, among others, a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney (but would exempt schools and hospitals, but not hospital peace officers);
2. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
3. a local entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney from doing any of the following: (a) inquiring into the immigration status of a person under a lawful detention or under arrest; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest: (i) sending the information to or requesting or receiving the information from Citizenship and Immigration Services or ICE, including information regarding a person's

place of birth; (ii) maintaining the information; or (iii) exchanging the information with another local entity or a federal or state governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or (d) permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws; and

4. a local entity or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing immigration laws except to the extent permitted by the United States or Texas Constitutions.

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

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

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

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

**H.B. 178 (Lucio) – Vehicle Financial Responsibility:** would: (1) require a peace officer/law enforcement agency to: (a) impound a motor vehicle when the vehicle is involved in an accident

and the operator fails to maintain evidence of financial responsibility; (b) provide a written explanation as to how the owner may recover the vehicle; and (c) send notice of the impoundment to the lienholder and owner; (2) provide the conditions under which an impounded vehicle may be released to the owner; (3) allow an impounded vehicle to be released to a lienholder if the owner does not, before the 61st day after impoundment, comply with the conditions for release of the vehicle; and (4) provide for the forfeiture of an impounded vehicle and authorize sale by auction.

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

**H.B. 191 (Bernal) – Licensed Carry:** would provide that, in relation to the notice required to prohibit licensed carry (e.g., “30.06” and “30.07” signs): (1) the Department of Public Safety (DPS) shall adopt rules that prescribe the size of a sign and the lettering on the signs; (2) the rules may not require that the signs be larger than 8.5 inches by 11 inches for each language in which the sign must be posted; (3) DPS by rule shall adopted a Spanish translation of the language required to be on the signs; and (4) DPS shall make available on its website a printable copy of the English and Spanish versions of the signs.

**H.B. 207 (Springer) – Sex Offenders:** would: (1) define “child safety zone” as premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children; (2) exclude a church from the definition of child safety zone; (3) authorize the governing body of a general law city by ordinance to restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the city; (4) create an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender is in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes; (5) limit the distance imposed by ordinance under (3), above, to, 1,000 feet; (6) require an ordinance to establish procedures for a registered sex offender to apply for an exemption from the ordinance; and (7) require the ordinance to exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted.

**H.B. 229 (Canales) – Custodial Interrogations:** would: (1) require a law enforcement agency to make a complete, contemporaneous, audio or audiovisual electronic recording of a custodial interrogation that occurs in a place of detention and is of a person suspected of committing or charged with certain crimes; (2) exempt the recording described in (1), above, from public disclosure; (3) provide that evidence from an interrogation by a federal or out-of-state law enforcement agency is not admissible in a criminal proceeding unless it complies with that agency’s custodial interrogation procedures; (4) require preservation of the electronic recording of a custodial interrogation for a specified time; and (5) provide that an oral, sign language, or written statement of an accused made as a result of a custodial interrogation is admissible



without an electronic recording if the attorney introducing the statement shows good cause for the lack of recording.

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

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

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

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

**H.B. 255 (Anchia) – Licensed Carry:** would: (1) prohibit a person who holds a license to carry a handgun from carrying on the premises or property of an indoor or outdoor arena, stadium, golf course, automobile racetrack, amphitheater, auditorium, theater, museum, zoo, civic center, or convention center, unless the license holder is a participant in an event conducted at the facility and a handgun is used in the event; and (2) provide that the prohibition in (1) is not effective without proper notice.

**H.B. 272 (S. Thompson) – Human Trafficking Training:** would require an applicant for a commercial driver’s license to provide proof that the applicant successfully completed a recognition and prevention of human trafficking course. (Companion bill is **S.B. 128** by **Garcia**.)

**H.B. 275 (Gonzales) – Driver Responsibility Program:** would repeal the driver responsibility program. (Companion bills are **S.B. 90** by **Hall** and **H.B. 67** by **White**.)

**H.B. 281 (Howard) – Evidence Collection Kits:** would require the Department of Public Safety to develop and implement a statewide electronic tracking system for evidence collection kits used to collect and preserve evidence of a sexual assault.

**H.B. 282 (Anchia) – Licensed Carry:** would provide that any institution of higher education (as opposed to only a private institution under current law) may prohibit concealed carry on its campus. (Companion bill is **H.B. 391** by **Howard**.)

**H.B. 305 (Minjarez) – Bullying:** would provide that the principal or principal’s designee of public, private, or secondary school shall make a report to any municipal police department in which the school is located if the principal has reasonable grounds to believe that a student engaged in conduct that constitutes an offense of assault or cyberbullying. (Companion bill is **S.B. 180** by **Menendez**.)

**H.B. 306 (Minjarez) – Bullying:** would provide that the principal or principal’s designee of public, private, or secondary school shall make a report to any municipal police department in which the school is located if the principal has reasonable grounds to believe that a student engaged in conduct that constitutes an offense of assault or cyberbullying. (Companion bill is **S.B. 179** by **Menendez**.)

**H.B. 323 (Canales) – Asset Forfeiture:** would require: (1) a law enforcement agency that seizes property to reimburse the owner or interest holder for court costs, storage fees, and reasonable attorney’s fees if a court determines the property is not subject to forfeiture; and (2) the agency to use certain funds received from forfeited property to pay the owner or interest holder.

**H.B. 324 (Canales) – Grand Jury Proceedings:** would: (1) require that an entire grand jury proceeding be recorded if the accused person is employed by the state or a political subdivision of the state and the offense is alleged to have been committed during the course and scope of the person’s duties as an employee; and (2) make the recording in (1), above, subject to public release if the grand jury finds no bill of indictment.

**H.B. 328 (Workman) – Immigration:** would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would provide that:

1. if a local government fails to assist or cooperate with a federal immigration officer, as reasonable and necessary to enforce federal immigration laws with respect to an individual who is under a lawful detention or under arrest, and who is then released by the local government, the local government is liable for damages arising from the individual’s actions following release (the bill does not create liability for damages sustained by the individual following release);
2. not later than 48 hours after a person is arrested and before the person is released on bond, a law enforcement agency performing the booking process shall: (a) review any information available under the federal Priority Enforcement Program operated by Immigration and Customs Enforcement (ICE) or a successor program; or (b) request information regarding the person’s immigration status from: (i) a peace officer or other law enforcement officer of this state who is authorized under federal law to verify a person’s immigration status; or (ii) a federal immigration officer;
3. a law enforcement agency that has custody of a person subject to an immigration detainer issued by ICE shall provide to the judge or magistrate authorized to grant or deny the

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

The bill would prohibit certain city actions by providing that:

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

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

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages

the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws;

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

**H.B. 344 (Canales) – Asset Forfeiture:** would raise the state's burden of proof from "preponderance of the evidence" to "clear and convincing evidence" in proceedings related to the seizure of property as a substitute for contraband, and in certain other forfeiture hearings.

**H.B. 348 (Canales) – Asset Forfeiture:** would: (1) provide that property that is contraband is not subject to seizure and forfeiture if: (a) the property is not otherwise unlawful to possess; and (b) the property would not be admissible as evidence in the prosecution of the underlying offense; and (2) limit the evidence that may be presented by the state in a forfeiture proceeding to that evidence that could be presented in the prosecution of the underlying offense giving rise to the forfeiture.

**H.B. 355 (Raney) – Sex Offenders:** would prohibit a registered sex offender from residing on the campus of a public or private institution of higher education.

**H.B. 359 (Cyrrier) – Motor Vehicle Sales Tax Exemption:** would exempt the purchase of an emergency medical services chief or supervisor vehicle from the motor vehicle sales tax when purchased by an entity that has an agreement with a local governmental entity to provide emergency ambulance services.

**H.B. 375 (Stickland) – Handguns:** would provide that: (1) a person who is not otherwise prohibited by law may, without a license, openly carry a handgun; (2) a person under (1) may not openly carry a handgun in certain places, including on the premises where a meeting of a governmental entity is taking place if proper notice is given (and most other places a person who is licensed to carry under current law may not carry); (3) a city may not regulate the carrying of a firearm at a public park or parade, rally, or political meeting in the city; (4) a person who is not

otherwise prohibited by law may, without a license, concealed carry a handgun on a college campus; (5) the mere possession or carrying of a handgun, openly or concealed, with or without a license, shall not constitute reasonable belief for a peace officer to disarm or detain an otherwise law-abiding person; and (6) the holder of a license to carry may have a defense to prosecution for carrying a handgun on the premises of a court or polling place, among others (current law prohibits even licensed carry on those premises).

**H.B. 387 (Murphy) – Sex Offenders:** would: (1) define “child safety zone” as premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children; (2) exclude a church from the definition of child safety zone; (3) authorize the governing body of a general law city by ordinance to restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the city; (4) create an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender is in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes; (5) limit the distance imposed by ordinance under (3), above, to, 1,000 feet; (6) require an ordinance to establish procedures for a registered sex offender to apply for an exemption from the ordinance; and (7) require the ordinance to exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted. (Companion bills are **S.B. 76** by **Nelson** and **S.B. 197** by **Nichols**.)

**H.B. 391 (D. Howard) – Licensed Carry:** this bill is identical to **H.B. 282**, above.

**H.B. 392 (D. Howard) – Licensed Carry:** would prohibit licensed carry at certain nursing facilities, hospitals, and mental health facilities.

**H.B. 401 (Villalba) – Animals and Children in Vehicles:** would: (1) limit the liability of a person who, by force or otherwise, enters a motor vehicle for the purpose of removing a vulnerable individual or a animal from the vehicle; (2) provide that a person’s conduct is justified when the person, by force or otherwise, enters a motor vehicle to remove a vulnerable individual or animal; (3) make it a Class C misdemeanor offense to leave a nonlivestock animal in a vehicle unattended by an adult and exposed to harm while confined in the vehicle; (4) not preempt a city ordinance that was more stringent as to an offense described in (3), above; and (4) provide that leaving an animal unattended in a vehicle under circumstances that expose the animal to life-threatening heat or cold without providing protection to the animal is punishable as an animal cruelty offense. (Companion bill is **S.B. 69** by **Zaffirini**.)

**H.B. 414 (Collier) – Electronic Recording of Interrogations:** would, among other things: (1) require a police department to make an audio or audiovisual electronic recording of custodial interrogations of persons suspected of or charged with felony offenses; (2) set out good cause reasons that make electronic recording infeasible; and (3) exempt the electronic recording from release under the Texas Public Information Act, except when it must be released under the law enforcement exception.

**H.B. 429 (Villalba) – Offense Against Peace Officer:** would, in some circumstances, increase the punishment for an offense committed against a person because of the person’s status as a peace officer, firefighter, or emergency medical services personnel.

**H.B. 435 (T. King) – Licensed Handgun Carry:** would provide that: (1) a governmental unit, including a city, is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun; (2) the discharge of a handgun by an individual described by (1) is outside the course and scope of the individual's duties as volunteer emergency services personnel; (2) the bill may not be construed to waive the immunity from suit or liability of a governmental unit; and (2) an individual described by (1) may carry a handgun essentially anywhere a peace officer may do so.

**H.B. 447 (Bell) – Licensed Handgun Carry:** would provide that: (1) a person with control over the premises of a business who forbids entry by a license holder with a handgun is liable for damages that could have been prevented by the otherwise lawful use of a handgun by a license holder who would otherwise have carried a handgun onto the premises; and (2) a person with control over the premises of a business who allows entry by a license holder with a handgun is not liable based solely on that permission for damages arising from the lawful carrying of a handgun on the premises. (It is unclear how the bill would apply to cities because it does not define “business.”)

**H.B. 461 (Dale) – Law Enforcement:** would, among other things, provide that law enforcement agencies with responsibility for serving a notice of an application for protective order together with an associated temporary ex parte order shall: (1) make the initial attempt to serve the notice and order within a 48-hour period immediately after receiving the notice and order; (2) if the initial attempt is unsuccessful, try two more attempts to serve notice and order within that same 48-hour period with one attempt being at a different location than the initial attempt; (3) send a copy of notice and order to the respondent by first class mail to the last known address within the 24-hour period immediately following receipt of the notice and order unless personal service is completed during that 24-hour period or a mailing address is unknown; and (4) if unable to serve after three attempts, seek court order authorizing service by affixing notice and order to front door of last known residence and provide sworn statement to the court describing their attempts to personally serve the notice and order.

**H.B. 465 (Anchia) – Licensed Handgun Carry:** would expand the current prohibitions against a license holder carrying: (1) near a school to include the “campus and grounds” of the school; and (2) in an amusement park to include a park of at least 10 acres that has security guards at all times.

**H.B. 466 (Anchia) – Licensed Handgun Carry:** would provide that a city over 750,000 population may hold an election on the question of whether the city can adopt an ordinance to prohibit a person who holds a license to carry a handgun from carrying in that city.

**H.B. 478 (Israel) – Animals and Children in Vehicles:** would, in certain circumstances, limit the liability of a person who, by force or otherwise, enters a motor vehicle for the purpose of removing a vulnerable individual or a domestic animal from the vehicle.

**H.B. 479 (Metcalf) – Traffic Enforcement Cameras:** would prohibit a local authority from implementing or operating an automated traffic control system with respect to a highway or street under its jurisdiction.

**H.B. 497 (Rinaldi) – 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.”)

**H.B. 512 (S. Davis) – Wireless Communication Devices:** would require a city to post a sign stating that use of wireless communication device is prohibited at each entrance to a school crossing zone.

**H.B. 519 (Turner) – Child Safety Seats:** would provide that a person commits an offense if the person operates a passenger vehicle transporting a child who is younger than two years of age and does not keep the child secured during the operation of the vehicle in a rear-facing child passenger safety seat system. (Companion bill is **S.B. 278** by **Zaffirini**.)

**H.B. 520 (Turner) – Cell Phone Ban:** would: (1) provide that it is in a misdemeanor offense to use at least one hand to read, write, or send a text-based communication with a wireless communication device while operating a motor vehicle when a person under 18 years of age is in the vehicle, unless the vehicle is stopped; (2) provide that it is an offense if a person uses a wireless communication device while operating a passenger bus with a passenger who is under 18 years of age, unless the bus is stopped; (3) provide that it is an offense for the operator of a motor vehicle to use a wireless communication device while on the property of a public school for which a local authority has designated a school crossing zone, during the time a reduced speed limit is in effect, unless the vehicle is either stopped or the operator uses a hands-free device; (4) require a local authority that enforces the prohibition in (3) to post warning signs or, alternatively, if the local authority prohibits the use of wireless communication devices while driving throughout the jurisdiction, to post warning signs at certain jurisdictional entry points; (5) provide that is an offense for: (a) a person under 18 years of age to operate a motor vehicle while using a wireless communication device, except in case of emergency; (b) a person under 17 years of age who holds a restricted motorcycle or moped license to operate the motorcycle or moped while using a wireless communication device, except in case of emergency; (6) prohibit a peace officer from stopping a vehicle solely for the purpose of determining whether the operator of the vehicle has violated the prohibitions in (5); and (7) provide that a local ordinance relating to the use of a wireless communication device by the operator of a motor vehicle that is consistent with or more stringent than (1)-(6) is not preempted.

**H.B. 554 (White) – Fireworks:** would expand the days that a retail fireworks permit holder may sell fireworks to the public.

**H.B. 556 (Keough) – Licensed Handgun Carry:** would provide that a person with control over the premises of a business or an apartment complex who: (1) forbids entry on the premises by a license holder with a concealed handgun is strictly liable to a license holder who would otherwise have carried a concealed handgun onto the premises for damages for personal injury or death resulting from an occurrence on the premises: (a) in which the license holder would have been justified in using deadly force; and (b) that could have been prevented by the otherwise lawful use of a handgun by the license holder; and (2) allows entry on the premises by a license holder with a handgun is not liable based solely on that permission for damages arising from the lawful carrying of a handgun on the premises. (It is unclear how the bill would apply to cities because it does not define “business.”)

**H.B. 560 (Springer) – Licensed Carry:** would, among other things: (1) authorize a license holder to carry in many places that carrying is currently prohibited, such as any property owned by a governmental entity, in a bar, in a courtroom, or into the secured area of an airport; (2) attempt to clarify that a license holder is prohibited from carrying a handgun only on the portion of: (a) any grounds or building on which an activity sponsored by a school or educational institution is being conducted; or (b) the premises of a polling place where voting or other election-related activities are occurring on the day of an election or during early voting; and (3) reduce the penalties that can be imposed when a license holder carries into an impermissible area.

**H.B. 561 (Murphy) – Golf Carts and Utility Vehicles:** would: (1) authorize a master planned community to adopt reasonable safety and maintenance rules for the operation of a golf cart and a commercial utility vehicle in the community; (2) authorize the Texas Department of Motor Vehicles to register commercial utility vehicles for operation on public highways; (3) allow the operation of a commercial utility vehicle: (a) in a master planned community that has in place a uniform set of restrictive covenants and for which a county or city has approved a plat; or (b) on a public or private beach; (4) authorize an employee or agent of a political subdivision to operate its commercial utility vehicles on any public highway; (5) authorize a city to allow the operation of a commercial utility vehicle on all or part of a public highway that is in the city and has a posted speed limit of not more than 35 miles per hour; and (6) set out the required equipment that must be on a commercial utility vehicle.

**H.B. 564 (Hernandez) – Commercial Motor Vehicles:** would create a defense to prosecution for the offenses of no registration, no license plate, failure to carry or present vehicle license receipt, failure to display overweight vehicle permit, and failure to keep cab card in the cab of the vehicle, if the defendant: (1) was the operator of the commercial motor vehicle; and (2) was not the owner of the commercial motor vehicle.

**H.B. 574 (Thompson) – Cite and Release:** would: (1) require a city police department to adopt a written policy regarding the issuance of citations for misdemeanor offenses punishable by fine only; (2) prohibit a peace officer from arresting an offender for a misdemeanor punishable by fine only, other than public intoxication; and (3) require a peace officer to issue a citation in lieu of taking a person who commits a fine only misdemeanor before a magistrate.

**H.B. 575 (S. Thompson) – Drug Offenses:** would reduce the penalty for possession of controlled substances in Penalty Group 1 to provide that an offense is a state jail felony if the



amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, a usable quantity that is more than 0.02 grams but less than one gram.

**H.B. 590 (Bohac) – First Responders:** would provide that a first responder who in good faith provides roadside assistance is not liable for an act or omission that occurs while providing the assistance.

**H.B. 597 (Moody) – Graffiti:** would allow a court to defer proceedings for a defendant charged with a graffiti offense pending the defendant's completion of a graffiti pretrial diversion program.

**H.B. 602 (Workman) – Driver Education:** would provide that the Texas Commission on Licensing and Regulation by rule shall require that one hour of instruction relating to law enforcement procedures for traffic stops, including information regarding appropriate interactions with law enforcement, be included in the curriculum of each driver education course.

**H.B. 606 (Springer) – Licensed Carry:** would provide that: (1) a person, including a business or other entity, who owns, controls, or manages property and who has authority to forbid the carrying of handguns on the property is immune from civil liability with respect to any claim that is based on the person's failure to exercise the option to forbid the carrying of handguns by a license holder on the property by providing notice under the Penal Code; and (2) the bill does not limit the liability of a person for an injury caused by the person's gross negligence.

**H.B. 611 (Leach) – Immigration:** would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would provide that:

1. a peace officer may not stop a motor vehicle or conduct a search of a business or residence solely to enforce a federal law relating to immigration, unless the officer is acting: (a) at the request of, and providing assistance to, an appropriate federal law enforcement officer; or (2) under the terms of an agreement between the law enforcement agency employing the officer and the federal government under which the agency receives delegated authority to enforce federal law relating to immigrants or immigration;
2. a peace officer may arrest an undocumented person only if the officer is acting to preserve the peace under his or her basic authority to enforce laws;
3. if a person is arrested and is unable to provide proof of lawful presence in the U.S., not later than 48 hours after the person is arrested and before the person is released on bond, a law enforcement agency performing the booking process shall: (a) review any information available from the federal Priority Enforcement Program or a successor program; and (b) if information obtained under (a) reveals that the person is not a citizen or national of the U.S. and is unlawfully present in the U.S.: (i) provide notice of that fact to the judge or magistrate authorized to grant or deny the person's release on bail (the judge is then required to record the status in the court's records); and (ii) record that fact in the person's case file;
4. a law enforcement agency that has custody of a person subject to an immigration detainer issued by Immigration and Customs Enforcement (ICE) shall: (a) provide to the judge or magistrate authorized to grant or deny the person's release on bail notice that the person

is subject to an immigration detainer (the judge is then required to record the status in the court's records); (b) record in the person's case file that the person is subject to an immigration detainer; and (c) comply with, honor, and fulfill the requests made in the detainer; and

5. if a criminal defendant is in the U.S. illegally and is to be confined to jail by a court judgment, the judge shall issue an order requiring the correctional facility to reduce the defendant's sentence by a period of not more than seven days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

The bill would prohibit certain city actions by providing that:

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

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

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws.
2. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general shall, not later than the 10th day after the date of the determination, provide written notification to the entity that: (a) the complaint has been filed; (b) the attorney general has determined that the complaint is valid; (c) the attorney general is

authorized to file an action to enjoin the violation if the entity does not come into compliance on or before the 90th day after the date the notification is provided; and (d) the entity will be denied state grant funds for the state fiscal year following the year in which a final judicial determination is made.

3. not later than the 30th day after the day a local entity receives written notification of a complaint, the local entity shall provide the attorney general with a copy of: (a) the entity's written policies related to immigration enforcement actions; (b) each immigration detainer received by the entity from the Department of Homeland Security; and (c) each response sent by the entity for a detainer;
4. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief and may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; and
5. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws (the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to a city).

Finally, the bill would provide that not later than January 1, 2018, each local law enforcement agency shall: (a) formalize in writing any unwritten, informal policies relating to the enforcement of immigration laws; and (b) update the agency's policies to be consistent with the bill and to include provisions prohibiting an agency officer or employee from preventing agency personnel from taking immigration enforcement actions described by the bill. (Companion bill is **S.B. 4** by **Perry**.)

**H.B. 628 (Howard) – E-Cigarettes and Cigarettes:** would raise the legal age to purchase tobacco products from 18 to 21 years of age.

**H.B. 638 (Workman) – Drones:** would, with certain exceptions, make it an offense to operate a drone over or near a corrections facility, including a municipal jail.

**H.B. 659 (Villalba) – Security Officers:** would, among other things, provide that a political subdivision may not require a religious organization to contract with or employ a peace officer to provide security services for the religious organization unless the requirement is for a religious organization to contract with or employ a peace officer to: (a) provide security services for a public event; (b) provide security services for a private event held at a public facility that is owned or leased by a political subdivision of this state; (c) conduct a public escort; or (d) direct traffic on a public roadway.

**H.B. 673 (E. Johnson) – Criminal Justice Web Portal:** would require the attorney general to develop and maintain a web portal to collect, compile, and analyze data related to criminal justice, including any reports that law enforcement is required to submit to the attorney general.

**H.B. 676 (Wu) – Age of Criminal Responsibility:** would: (1) define a child to be a person between 10 and 17; (2) raise the age for criminal responsibility for sexual abuse from 17 to 18, when the victim is younger than 14; (3) raise the age for criminal responsibility for sending sexually explicit communications from 17 to 18; (4) raise the age of criminal responsibility for certain traffic offenses from 17 to 18; (5) prohibit a court from issuing a *capias pro fine* until an individual reaches 18; (6) raise the age a municipal court can hold a defendant in contempt from 17 to 18; (7) prohibit a law enforcement officer from taking an individual into custody for an offense alleged to occur before the individual’s 18<sup>th</sup> birthday; and (8) prohibit a municipal court from issuing a warrant to an individual that committed an offense when the individual was under the age of 18.

**H.B. 680 (Wu) – Marihuana:** would, with some exceptions, provide that the possession of .35 ounces or less of marihuana is a Class C misdemeanor.

**H.B. 683 (Wu) – False Identification as a Peace Officer:** would: (1) expand the offense of possession or use of law enforcement identification, insignia, or vehicles to apply in all cities with a population of 750,000 or more; (2) clarify that, for purposes of the offense of false identification as a peace officer, an item bearing an insignia of a law enforcement agency includes an item that contains the word “police,” “sheriff,” “constable,” “trooper,” “ranger,” “agent,” or any other designation commonly used by law enforcement agencies in the state; and (3) clarifies that, for purposes of the offenses of false identification as a peace officer and misrepresentation of property, that a person commits an offense if the person misuses or misrepresents a vehicle.

**H.B. 731 (Bohac) – Intimidation by Gang Member:** would provide that a person commits a third-degree felony if the person: (1) is the member of a criminal street gang; and (2) with intent to cause another person to perform or to omit the performance of any act, communicates to the other person, directly or indirectly, by any means, a threat to: (a) inflict bodily injury on the person threatened or any other person; (b) damage or destroy property; (c) subject any person to physical confinement or restraint; or (d) commit an offense punishable as a Class A misdemeanor or any higher category of offense.

**H.B. 732 (Bohac) – Red Light Cameras:** would require that red light camera signs list the possible monetary penalties for violations in addition to the information required by current law.

**H.B. 749 (Farrar) – Animal Cruelty:** would: (1) to the extent that certain funding becomes available, require the Texas Department of Public Safety (DPS) to establish a database containing information about certain persons convicted of or receiving deferred adjudication community supervision for certain offenses involving animal cruelty; (2) require that a person described in (1) register or verify registration with a local law enforcement authority: (a) annually; (b) every 90 days if the person is determined to be high risk; or (c) every 30 days if the person doesn’t have a permanent address; (3) require local law enforcement to promptly forward animal cruelty registration information to DPS for use in the database; and (4) require DPS to establish procedures so that peace officers and animal control officers who provide certain identifying information to DPS will automatically be provided information as to whether a person is required to be registered in the animal cruelty database.

**H.B. 754 (Fallon) – Immigration:** would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would provide that:

1. a peace officer may not stop a motor vehicle or conduct a search of a business or residence solely to enforce a federal law relating to immigration, unless the officer is acting: (a) at the request of, and providing assistance to, an appropriate federal law enforcement officer; or (2) under the terms of an agreement between the law enforcement agency employing the officer and the federal government under which the agency receives delegated authority to enforce federal law relating to immigrants or immigration;
2. a peace officer may arrest an undocumented person only if the officer is acting to preserve the peace under his or her basic authority to enforce laws;
3. if a person is arrested and is unable to provide proof of lawful presence in the U.S., not later than 48 hours after the person is arrested and before the person is released on bond, a law enforcement agency performing the booking process shall: (a) review any information available from the federal Priority Enforcement Program or a successor program; and (b) if information obtained under (a) reveals that the person is not a citizen or national of the U.S. and is unlawfully present in the U.S.: (i) provide notice of that fact to the judge or magistrate authorized to grant or deny the person's release on bail (the judge is then required to record the status in the court's records); and (ii) record that fact in the person's case file;
4. a law enforcement agency that has custody of a person subject to an immigration detainer issued by Immigration and Customs Enforcement (ICE) shall: (a) provide to the judge or magistrate authorized to grant or deny the person's release on bail notice that the person is subject to an immigration detainer (the judge is then required to record the status in the court's records); (b) record in the person's case file that the person is subject to an immigration detainer; and (c) comply with, honor, and fulfill the requests made in the detainer; and
5. if a criminal defendant is in the U.S. illegally and is to be confined to jail by a court judgment, the judge shall issue an order requiring the correctional facility to reduce the defendant's sentence by a period of not more than seven days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

The bill would prohibit certain city actions by providing that:

1. a "local entity" is defined to include, among others, a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney (but would exempt schools and hospitals, but not hospital peace officers);
2. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
3. a local entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney from doing any of the following: (a) inquiring into the immigration status of a person under a lawful detention or under arrest; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under

arrest: (i) sending the information to or requesting or receiving the information from Citizenship and Immigration Services or ICE, including information regarding a person's place of birth; (ii) maintaining the information; or (iii) exchanging the information with another local entity or a federal or state governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or (d) permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws; and

4. a local entity or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing immigration laws except to the extent permitted by the United States or Texas Constitutions.

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

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

Finally, the bill would provide that not later than January 1, 2018, each local law enforcement agency shall: (a) formalize in writing any unwritten, informal policies relating to the enforcement

of immigration laws; and (b) update the agency's policies to be consistent with the bill and to include provisions prohibiting an agency officer or employee from preventing agency personnel from taking immigration enforcement actions described by the bill. (Companion bill is **S.B. 4** by **Perry**.)

**H.B. 762 (Shaheen) – Immigration:** would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would prohibit certain city actions by providing that:

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

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

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws;
2. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general shall, not later than the 10th day after the date of the determination, provide written notification to the entity that: (a) the complaint has been filed; (b) the attorney general has determined that the complaint is valid; (c) the attorney general is authorized to file an action to enjoin the violation if the entity does not come into compliance on or before the 90th day after the date the notification is provided; and (d)

the entity will be denied state grant funds for the state fiscal year following the year in which a final judicial determination is made;

3. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief and may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; and
4. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws (the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to a city).

**H.B. 763 (Shaheen) – Immigration:** would: (1) require a law enforcement agency, within 48 hours after a person is arrested and before the person is released on bond, to: (a) review any information available about the person under the federal Priority Enforcement Program; or (b) request information regarding the person's immigration status from a peace officer or other law enforcement officer that is authorized to verify a person's immigration status or a federal immigration officer; (2) exempt a law enforcement agency from checking immigration status if a transferring agency already checked such status; and (3) require law enforcement agency that has custody of a person subject to an immigration detainer to provide that information to the judge or magistrate authorized to grant or deny a person's release and detain the person as required by the immigration detainer.

**H.B. 764 (Shaheen) – Immigration:** would provide that: (1) a local government that releases from custody a person who is the subject of an immigration detainer issued by United States Immigration and Customs Enforcement is liable for damages resulting from a felony committed by the person in Texas within four years following the person's release; and (2) there is no liability for damages sustained by a person who is subject to an immigration detainer following the person's release by a local government.

**H.B. 765 (Shaheen) – Immigration:** would: (1) require a political subdivision, including a city, to register and participate in the E-verify program to verify information of all new employees; and (2) eliminate state funding for any political subdivision who does not register and participate in the E-verify program.

**H.B. 790 (Lozano) – Criminal Law:** would remove a “dagger, including but not limited to a dirk, stiletto, and poniard” from the definition of illegal knife.

**H.B. 805 (Dale) – Asset Forfeiture:** would: (1) provide that property that is contraband is not subject to seizure and forfeiture if: (a) the property is not otherwise unlawful to possess; and (b) the property would not be admissible as evidence in the prosecution of the underlying offense; and (2) limit the evidence that may be presented by the state in a forfeiture proceeding to that evidence that could be presented in the prosecution of the underlying offense giving rise to the forfeiture. (Companion bill is **H.B. 348** by **Canales**.)



**H.B. 808 (Fallon) – Red Light Cameras:** would: (1) prohibit a local entity from implementing or operating a photographic traffic signal enforcement system with respect to a highway or street under the jurisdiction of the entity (with certain on-site law enforcement and toll exceptions); (2) authorize the attorney general to enforce the prohibition in (1); and (3) prohibit a local entity from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system (with certain on-site law enforcement and toll exceptions). (Companion bill is **S.B. 88** by **Hall**.)

**H.B. 809 (VanDeaver) – Traffic Accidents:** would prohibit a person operating a motor vehicle from using an electronic device to photograph or film a traffic accident, except for a police officer using a camera mounted on an authorized emergency vehicle.

**H.B. 812 (Wu) – Solicitation:** would prohibit an individual from standing in a roadway for any purpose other than to solicit a charitable contribution if authorized to do so by the authority with jurisdiction over the roadway.

**H.B. 813 (J. Johnson) – Cite and Release:** would: (1) prohibit a peace officer from arresting an offender for a fine-only misdemeanor, other than an alcohol-related offense; and (2) require a peace officer to issue a citation to a person who commits a fine-only misdemeanor in lieu of taking them before a magistrate.

**H.B. 814 (J. Johnson) – Vehicle Searches:** would prohibit a peace officer from searching a vehicle stopped for a traffic violation unless the peace officer: (1) has probable cause to conduct the search; (2) obtains the written consent of the vehicle operator; (3) obtains oral consent of the vehicle operator on an audio or video recording; or (4) has a reasonable and articulable fear that the operator poses a threat to the safety of the officer or another person.

**H.B. 825 (Blanco) – Immigration:** would provide that: (1) in the course of investigating an alleged criminal offense, a peace officer may inquire as to the nationality or immigration status of a victim of or witness to the offense only if the officer determines that the inquiry is necessary to: (a) investigate the offense; or (b) provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement; and (2) the bill does not prevent a peace officer from: (a) conducting a separate investigation of any other alleged criminal offense; or (b) inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense if the officer has probable cause to believe that the victim or witness has engaged in specific conduct constituting a separate criminal offense. (Companion bill is **S.B. 169** by **Rodriguez**.)

**H.B. 835 (Stephenson) – Asset Forfeiture:** would, in regard to the proceeds from asset forfeiture: (1) require that the audit to the attorney general include a detailed report that itemizes all seizures and indicates the specific criminal offense on which each seizure was based and whether charges were brought in connection with the offense; (2) add the following as permissible expenditures for law enforcement purposes: (a) audit preparation and professional fees paid to a person or entity under a contract or as authorized by law; and (b) the costs of preparing any reports required to be submitted with the audit form to the attorney general; and (3) add the following as permissible expenditures of an attorney's office: (a) witness-related

costs; and (b) audit costs and fees, including audit preparation and professional fees paid to a person or entity under a contract or as authorized by law and costs of preparing any reports required to be submitted with the audit form to the attorney general.

**H.B. 848 (Schubert) – Sex Offenders:** would: (1) define “child safety zone” as premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children; (2) exclude a church from the definition of child safety zone; (3) authorize the governing body of a general law city by ordinance to restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the city; (4) create an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender is in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes; (5) limit the distance imposed by ordinance under (3), above, to, 1,000 feet; (6) require an ordinance to establish procedures for a registered sex offender to apply for an exemption from the ordinance; and (7) require the ordinance to exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted. (Companion bill is **H.B. 207** by **Springer**.)

**H.B. 854 (Reynolds) – Officer-Involved Injuries:** would require a local law enforcement agency employing a peace officer who causes serious injury or death while acting as a peace officer to report the incident to the attorney general.

**H.B. 859 (Reynolds) – School Bus Cameras:** would: (1) allow a board of trustees of a school district, by resolution, to impose a penalty for passing a school bus; and (2) provide the requirements of a school bus monitoring system used to detect such infractions.

**H.B. 866 (Moody) – Lethal Violence Protective Order:** would: (1) require a person under a lethal violence protective order to relinquish any firearms owned or in possession of the individual to a law enforcement agency; and (2) require a law enforcement officer who takes possession of a firearm to provide the person a written copy of the receipt for the firearm and written notice of the procedure for the return of the firearm. (Companion bill is **S.B. 434** by **Rodriguez**)

**H.B. 889 (Geren) – Immigration:** would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would provide that:

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

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

The bill would prohibit certain city actions by providing that:

5. 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);
6. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
7. 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
8. 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:

6. 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.
7. 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.
8. not later than the 30th day after the day a local entity receives written notification of a complaint, the local entity shall provide the attorney general with a copy of: (a) the entity's written policies related to immigration enforcement actions; (b) each immigration detainer received by the entity from the Department of Homeland Security; and (c) each response sent by the entity for a detainer;
9. 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
10. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws (the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to a city).

Finally, the bill would provide that not later than January 1, 2018, each local law enforcement agency shall: (a) formalize in writing any unwritten, informal policies relating to the enforcement of immigration laws; and (b) update the agency's policies to be consistent with the bill and to include provisions prohibiting an agency officer or employee from preventing agency personnel from taking immigration enforcement actions described by the bill. (Companion bills are **H.B. 611** by **Leach**, **H.B. 754** by **Fallon**, and **S.B. 4** by **Perry**.)

**H.B. 893 (Raymond) – Criminal History Record:** would provide that: (1) the criminal history record information of a person convicted of driving while intoxicated, driving while intoxicated with child passenger, intoxication assault, or intoxication manslaughter within a preceding 10-year period is public information, except for the person's social security number, driver's license or personal identification certificate number or telephone number and any information that would identify the victim; (2) the Department of Public Safety (DPS) shall create and maintain an Internet website to allow any person to search and receive this information free of charge; (3)

DPS shall remove information from the website as soon as practicable after the earliest of: (a) the 10<sup>th</sup> anniversary of the date of the conviction; (b) the date the conviction is reversed on appeal; or (c) the date on which an order of expunction is entered; and (4) DPS shall establish a procedure under which peace officers or certain law enforcement employees may be provided any criminal history record of a person convicted of the mentioned intoxication offenses with the procedure allowing the peace officer to request the information and receive the information within the duration of a reasonable motor vehicle stop.

**H.B. 899 (Nevarez) – Licensed Carry:** would provide that, in relation to the notice required to prohibit licensed carry (e.g., “30.06” and “30.07” signs), the Department of Public Safety (DPS) shall adopt rules that prescribe the size of a sign and the lettering on the signs.

**H.B. 909 (Romero) – Emergency Detention:** would increase the preliminary examination period for mental health protective custody from 48 to 72 hours.

**H.B. 916 (Thierry) – Law Enforcement:** would provide that if an officer or employee of a financial institution has a good faith belief that financial abuse of an elderly person has occurred or is occurring, the financial institution shall notify the appropriate local law enforcement agency with the jurisdiction over the city in which the elderly person resides of the suspected financial abuse for purposes of investigating and determining whether an offense of exploitation of the elderly has occurred.

**H.B. 920 (Kacal) – All-Terrain and Recreational Vehicles:** would: (1) reduce from eight to six feet the height of the orange flag that must be placed on an all-terrain vehicle that is operated on a public street, road, or highway; and (2) authorize all law enforcement, firefighting, ambulance, medical, emergency service, and volunteer firefighter personnel (rather than just “peace officers” under current law) to operate an all-terrain vehicle on a public street, road, or highway when performing official duties.

**H.B. 925 (Villalba) – Booting of Vehicles:** would provide: (1) the maximum fee charged for the removal of a boot on a vehicle may not exceed \$100; and (2) requirements for boot removal from vehicles by a booting company.

**H.B. 959 (Thierry) – Law Enforcement:** would provide that, if an officer or employee of a financial institution that has a good faith belief that financial abuse of an elderly person has occurred or is occurring, then the financial institution shall notify the appropriate local law enforcement agency with the jurisdiction over the city in which the elderly person resides of the suspected financial abuse for purposes of investigating and determining whether an offense of exploitation of the elderly has occurred.

**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.

**H.B. 1224 (Geren) – Red Light Cameras:** would provide that neither the county assessor-collector nor the Texas Department of Motor Vehicles may refuse to transfer the title of or register a motor vehicle alleged to have been involved in a violation of this chapter solely: (1) based on the alleged red light camera violation; or (2) because the owner of the motor vehicle is delinquent in the payment of a red light camera civil penalty.

**H.B. 1236 (Martinez) – Unprotected Road User:** would: (1) require the operator of a motor vehicle passing an unprotected road user (e.g., pedestrian, utility worker, bicyclist, or motorcyclist) to either vacate the lane in which the user is located if the highway has two or more marked lanes or to pass the user at a safe distance; (2) require the operator of a motor vehicle that is making a turn at an intersection to yield the right-of-way to an unprotected road user; (3) prohibit the operator of a motor vehicle from overtaking an unprotected road user and turning in front of the user unless the operator is clear of the user; (4) prohibit the operator of a motor vehicle from maneuvering the vehicle in a manner that intimidates, harasses, or threatens an unprotected road user; (5) provide that a violation of (1)-(4) is a misdemeanor offense; and (6) provide that it is a defense to prosecution for (1)-(4) that the unprotected road user was acting in violation of the law.

**H.B. 1247 (Pickett) – Vehicle Storage Facilities:** would require the operator of a vehicle storage facility to: (1) send written notice to a vehicle owner to an address obtained either: (a) directly from the governmental entity with which the vehicle is registered; or (b) from a private entity authorized by the governmental entity to obtain title, registration, and lienholder information; and (2) obtain a report from the National Motor Vehicle Title Information System



showing that there is no record of a registered owner or lienholder in order to qualify for an exemption from the newspaper notice requirement.

**H.B. 1249 (Goldman) – Emergency Medical Service:** would: (1) make it a Class C misdemeanor for a person to operate a motor vehicle that resembles an emergency medical service (EMS) vehicle, unless the person uses the vehicle as an EMS vehicle or for other legitimate governmental functions; and (2) provide that a motor vehicle resembles an EMS vehicles if it has the following on the exterior of the vehicle: the word “ambulance” or a derivation of that word; a star of life; a Maltese cross; forward-facing flashing red, white, or blue lights; a siren; the words “critical care transport,” “emergency medical service” or “mobile intensive care unit;” or the acronym “EMS” or “MICU.”

**H.B. 1289 (Murr) – Emergency Detention:** would give a peace officer the option of transferring a person in custody under emergency detention to the following persons, who would be responsible for immediately transporting the detainee to a mental health facility: a special officer for mental health, the administrator of a mental health facility, a representative of the local mental health authority, a qualified transportation service provider, a sheriff, a constable, a relative, or other responsible person.

**H.B. 1301 (Dutton) – Asset Forfeiture:** would provide that a final conviction for an underlying offense is required for the forfeiture of contraband and that a court must dismiss a forfeiture proceeding on proof of a dismissal or acquittal of the underlying offense.

**H.B. 1302 (R. Anderson) – Overweight Vehicles:** would provide a municipal court with jurisdiction over any offense involving the operation of an overweight vehicle. (Note: current law provides that a municipal court has jurisdiction of an offense in which the fine does not exceed \$500.)

**H.B. 1308 (Holland) – Immigration:** would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would provide that:

1. a peace officer may not stop a motor vehicle or conduct a search of a business or residence solely to enforce a federal law relating to immigration, unless the officer is acting: (a) at the request of, and providing assistance to, an appropriate federal law enforcement officer; or (2) under the terms of an agreement between the law enforcement agency employing the officer and the federal government under which the agency receives delegated authority to enforce federal law relating to immigrants or immigration;
2. a peace officer may arrest an undocumented person only if the officer is acting to preserve the peace under his or her basic authority to enforce laws;
3. if a person is arrested and is unable to provide proof of lawful presence in the U.S., not later than 48 hours after the person is arrested and before the person is released on bond, a law enforcement agency performing the booking process shall: (a) review any information available from the federal Priority Enforcement Program or a successor program; and (b) if information obtained under (a) reveals that the person is not a citizen or national of the U.S. and is unlawfully present in the U.S.: (i) provide notice of that fact to the judge or magistrate authorized to grant or deny the person’s release on bail (the

judge is then required to record the status in the court's records); and (ii) record that fact in the person's case file;

4. a law enforcement agency that has custody of a person subject to an immigration detainer issued by Immigration and Customs Enforcement (ICE) shall: (a) provide to the judge or magistrate authorized to grant or deny the person's release on bail notice that the person is subject to an immigration detainer (the judge is then required to record the status in the court's records); (b) record in the person's case file that the person is subject to an immigration detainer; and (c) comply with, honor, and fulfill the requests made in the detainer; and
5. if a criminal defendant is in the U.S. illegally and is to be confined to jail by a court judgment, the judge shall issue an order requiring the correctional facility to reduce the defendant's sentence by a period of not more than seven days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

The bill would prohibit certain city actions by providing that:

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

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

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages

the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws.

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

Finally, the bill would provide that not later than January 1, 2018, each local law enforcement agency shall: (a) formalize in writing any unwritten, informal policies relating to the enforcement of immigration laws; and (b) update the agency's policies to be consistent with the bill and to include provisions prohibiting an agency officer or employee from preventing agency personnel from taking immigration enforcement actions described by the bill. (Companion bill is **S.B. 4** by **Perry**, among others.)

**H.B. 1313 (Vallalba) – School Marshals:** would provide for the establishment of school marshal grant programs by the criminal justice division of the governor's office and the adoption of a school marshals promotion program.

**H.B. 1322 (Burns) – Search Warrants:** would provide that a justice of the peace may issue a search warrant to collect a blood specimen for certain intoxication offense.

**H.B. 1327 (Metcalf) – Criminal Penalties:** would provide that in certain circumstances, which includes failing to stop for, fleeing from, or evading a pursuing law enforcement officer in violation of evading arrest or detention or fleeing or attempting to elude a police officer, the penalty for intoxication assault and intoxication manslaughter will be enhanced to second degree felony.

**H.B. 1339 (Burne) – Sex Offenders:** would: (1) define “child safety zone” as premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children; (2) exclude a church from the definition of child safety zone; (3) authorize the governing body of a general law city by ordinance to restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the city; (4) create an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender is in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes; (5) limit the distance imposed by ordinance under (3), above, to, 1,000 feet; (6) require an ordinance to establish procedures for a registered sex offender to apply for an exemption from the ordinance; and (7) require the ordinance to exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted. (Companion bill is **H.B. 207** by **Springer**.)

**H.B. 1348 (Cain) – Smoking Bans:** would provide that a county or city may not adopt or enforce an order, ordinance, or similar measure that prohibits smoking on the premises of a business that allows smoking and for which at least 20 percent of the business’s revenue is derived from the sale of cigars.

**H.B. 1350 (Cain) – Sidewalks:** would repeal the Transportation Code provision requiring that pedestrians walk on the left side of the roadway or the shoulder of the highway facing oncoming traffic, if a sidewalk is not available.

**H.B. 1357 (Moody) – Family Violence:** would, among other things: (1) change the definition of “family violence” to include certain acts or threat against an animal with the intent to coerce, control, punish or intimidate the actor’s family member or a person whom the actor is dating; and (2) change the penalties for certain animal cruelty offenses.

**H.J.R. 46 (Howard) – Cannabis:** would amend the Texas Constitution to authorize the Texas legislature to authorize and regulate the possession, cultivation, and sale of cannabis in Texas.

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

11. a peace officer may not stop a motor vehicle or conduct a search of a business or residence solely to enforce a federal law relating to immigration, unless the officer is acting: (a) at the request of, and providing assistance to, an appropriate federal law enforcement officer; or (2) under the terms of an agreement between the law enforcement agency employing the officer and the federal government under which the agency receives delegated authority to enforce federal law relating to immigrants or immigration;
12. a peace officer may arrest an undocumented person only if the officer is acting to preserve the peace under his or her basic authority to enforce laws;
13. if a person is arrested and is unable to provide proof of lawful presence in the U.S., not later than 48 hours after the person is arrested and before the person is released on bond,

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

The bill would prohibit certain city actions by providing that:

9. 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);
10. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
11. 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
12. 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.

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11. 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.
12. 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.
13. not later than the 30th day after the day a local entity receives written notification of a complaint, the local entity shall provide the attorney general with a copy of: (a) the entity's written policies related to immigration enforcement actions; (b) each immigration detainer received by the entity from the Department of Homeland Security; and (c) each response sent by the entity for a detainer;
14. 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
15. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws (the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to a city).

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

**S.B. 12 (West) – Bulletproof Vests:** would require the governor's criminal justice division to establish and administer a grant program to provide financial assistance to a law enforcement agency seeking to equip its peace officers with bulletproof vests.

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

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

a lane of travel; or (b) the operator is at least 18 years old and the wireless device is used with a hands-free device; (3) prohibit the operator of a passenger bus with a minor on board from using a wireless communication device; and (4) preempt all city ordinance, rules, or regulations related to the use of a wireless communication device by the operator of a motor vehicle.

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

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

**S.B. 86 (Hall) – Handguns:** would provide that an owner of property on 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 property owner’s failure to exercise the option to forbid the carrying of handguns on the property, unless the liability arises from a willful or wanton act or gross negligence by the owner.

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

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

recorded image produced by a photographic traffic signal enforcement system (with certain on-site law enforcement and toll exceptions).

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

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

**S.B. 93 (Hall) – Firearms:** would provide that: (1) the bill applies to state agencies and political subdivisions, including the governing body of a city, an officer or employee of the city, the municipal attorney, the municipal police department, or “other body that is part of a city;” (2) an entity described by (1) may not use public funds to enforce a federal statute, order, rule, or regulation or an international law purporting to regulate a firearm, a firearm accessory, or firearm ammunition, or the carrying of those items, if the federal statute, order, rule, or regulation or international law imposes a prohibition, restriction, or other regulation, such as a capacity, size, or configuration limitation, that does not exist under the laws of this state; (3) an entity may not receive state grant funds if the entity adopts a rule, order, ordinance, or policy under which the entity requires the enforcement of any federal statute, order, rule, or regulation or an international law or if the entity, by consistent actions, requires the enforcement of any federal statute, order, rule, or regulation or an international law; (4) state grant funds for the entity shall be denied for the fiscal year following the year in which a final judicial determination in an action brought under the bill is made that the entity has intentionally required the enforcement of any federal statute, order, rule, or regulation or an international law; (5) any citizen residing in the jurisdiction of an entity may file a complaint with the attorney general if the citizen offers evidence to support an allegation that the entity has violated the bill; (6) if the attorney general determines that a complaint is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Travis County or in a county in which the principal office of the entity is located to compel the entity to comply with the bill; and (7) the attorney general shall defend any entity described by (1) that the federal government attempts to sue or prosecute for an action or omission consistent with the requirements of this section.

**S.B. 106 (Hall) – Eight Liners:** would clarify that eight liners are illegal gambling devices.

**S.B. 111 (Huffines) – Traffic Enforcement Cameras:** would: (1) with the exception of tollway enforcement, prohibit the state or a political subdivision from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic enforcement system; and (2) repeal a Transportation Code provision that defines “regulating” to include criminal, civil, and administrative enforcement, and thereby, potentially impact the enforcement authority of cities over various activities on a highway under the jurisdiction of the city.



**S.B. 128 (Garcia) – Human Trafficking Training:** this bill is identical to **H.B. 272**, above.

**S.B. 156 (Hinojosa) – Asset Forfeiture:** would: (1) raise the state’s burden of proof from “preponderance of the evidence” to “clear and convincing” in certain criminal asset forfeiture proceedings; and (2) limit: (a) the transfer of and forfeitable property to the federal government; and (b) cooperation in federal forfeiture actions.

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

**S.B. 170 (Rodriguez) – Marijuana:** would make: (1) possession of less than one ounce of marijuana a civil offense; and (2) the identity of a person cited or found liable for a civil marijuana penalty confidential under the Public Information Act. (Companion bill is **H.B. 81** by **Moody**.)

**S.B. 179 (Menendez) – Bullying:** this bill is identical to **H.B. 306**, above.

**S.B. 180 (Menendez) – Bullying:** this bill is identical to **H.B. 305**, above.

**S.B. 183 (Uresti) – E-Cigarettes and Cigarettes:** would raise the legal age to purchase tobacco products from 18 to 21 years of age.

**S.B. 188 (Uresti) – Animals in Vehicles:** would: (1) limit the civil liability of a person who, under certain circumstances, enters a motor vehicle for the purpose of removing a domestic animal from the vehicle; (2) provide that a person’s conduct is justified when the person, by force or otherwise, enters a motor vehicle to remove a domestic animal in order to avoid imminent harm to the animal; and (3) provide that the offense of animal cruelty includes depriving an animal of adequate ventilation or exposing an animal to prolonged and life-threatening heat or cold.

**S.B. 197 (Nichols) – Sex Offenders:** this bill is identical to **H.B. 387**, above.

**S.B. 202 (West) – Traffic Stops:** would provide that: (1) the State Board of Education and the Texas Commission on Law Enforcement enter into a memorandum of understanding that establishes each agency’s respective responsibilities in developing instruction on proper interaction with peace officers during traffic stops and other in-person encounters; and (2) require training in such interactions to ninth-graders and peace officers.

**S.B. 220 (Menendez) – Licensed Carry:** would prohibit licensed carry at certain mental health facilities.

**S.B. 227 (Huffman) – Controlled Substances:** would modify the Texas Controlled Substances Act by repealing the provision that removes a substance from the Penalty 2 Group if the Federal Drug Administration approves the substance.

**S.B. 228 (Uresti) – E-Cigarettes and Cigarettes:** would provide that a city may raise the legal age to purchase tobacco products from 18 to 21 years of age.

**S.B. 233 (Menéndez) – Law Enforcement Training:** would: (1) require the Texas Commission on Law Enforcement to establish, as part of the minimum curriculum requirements for preparatory and advanced courses and programs for schools, a statewide education and training program on proper procedures for traffic stops; and (2) require an officer to complete a program established under (1), above, not later than the second anniversary of the date the officer is licensed or the date the officer applies for an intermediate proficiency certificate, whichever is earlier.

**S.B. 256 (Taylor of Collin) – Confidentiality:** would provide, among other things, that: (1) victims of sexual abuse and trafficking of persons are added to the address confidentiality program administered by the Office of the Attorney General; and (2) eligibility to participate in the address confidentiality program is clarified by adding different situations that make the applicant eligible for the program, including a child or another person in the applicant's household being eligible for the program.

**S.B. 278 (Zaffirini) – Child Safety Seats:** would provide that a person commits an offense if the person operates a passenger vehicle transporting a child who is younger than two years of age and does not keep the child secured during the operation of the vehicle in a rear-facing child passenger safety seat system. (Companion bill is **H.B. 519** by **Turner**.)

**S.B. 294 (Hinojosa) – School Law Enforcement:** would provide that: (1) school district peace officers, security personnel, and other employees and peace officers may not use a stun gun or Taser to subdue a student on school property or while attending a school-sponsored or school-related activity off of school property; and (2) if the student possesses a weapon that the person sees, and the person believes that the student poses an imminent risk of causing bodily injury to another student, the person may use a stun gun or Taser to subdue the student.

**S.B. 344 (West) – Emergency Detention:** would: (1) authorize a peace officer who apprehends a person believed to have a mental illness to transfer that person to a licensed paramedic for transport to an appropriate facility so long as the officer determines it is safe for both the person and paramedic; (2) require a peace officer who transfers a person to a licensed paramedic under (1) to provide certain oral notice to the person and a completed notification of detention to the paramedic; and (3) require a paramedic who transfers a person under (1) to file a notification of emergency detention with the facility.

**S.B. 380 (Burton) – Asset Forfeiture:** would repeal civil asset forfeiture provisions and establish criminal asset forfeiture in this state, and among other things: (1) authorize a convicting court to order a person convicted of violating a law subject to forfeiture to forfeit certain property, but only after the state establishes by clear and convincing evidence that the requirements for forfeiture are met or enters into a court-approved plea agreement for the forfeiture of the property; (2) provide that contraband is not subject to forfeiture, but must be disposed in accordance with state law; (3) establish procedures for the seizure of real and personal property and for the defendant to challenge the seizure; (4) provide that a forfeiture proceeding must be held following the trial of the related alleged offense; (5) require that the county treasurer dispose of all forfeited and abandoned property and deposit the money in the general revenue fund of the county, except that the court may order a portion of the proceeds to be used to pay all outstanding recorded liens and for the expenses for the seizure, storage and maintenance or custody of the items; (6) prohibit a law enforcement agency from: (a) retaining any forfeited or abandoned property for the agency’s use; or (b) selling any forfeited or abandoned property directly or indirectly to an employee, a person related to an employee, or another law enforcement agency; (7) require law enforcement agencies to report certain forfeiture information to the Department of Public Safety; (8) require a law enforcement agency to return property under certain circumstances and make the agency responsible for any damage, storage fees, and related costs applicable to the property; and (9) prohibit the transfer of seized property to the federal government, with some exceptions.

**S.B. 381 (Burton) – Law Enforcement:** would provide that: (1) a peace officer who stops a motor vehicle for any alleged violation of a law or ordinance regulating traffic may not search the vehicle unless the peace officer: (a) has probable cause; (b) obtains the operator’s written consent on a form that is promulgated by the Texas Commission on Law Enforcement; (c) obtains the operator’s oral consent and ensures that the oral consent is evidenced by an audio and video recording by a body-worn camera; or (d) has a reasonable and articulable fear that the operator or another person in the vehicle poses a threat to the safety of the peace officer or another person; and (2) the Texas Commission on Law Enforcement must establish rules regarding: (a) a form to obtain written consent for a vehicle search; and (b) audio and video recordings used as evidence of an operator’s oral consent.

**S.B. 395 (Campbell) – Drones:** this bill is identical to **H.B. 638** by **Workman**, above.

**S.B. 401 (Huffman) – Forfeiture of Contraband:** would: (1) require a peace officer that seizes property as contraband without a warrant to make application for a warrant no later than 48 hours after the seizure and require the property to be returned if no warrant is issued; (2) require a court to dismiss a forfeiture proceeding and return the property if the court determines that property was not seized in accordance with (1); (3) require that any order of return of property in (2) be stayed upon notice and perfection of an appeal by the state’s attorney; (3) make a law enforcement agency in custody of seized property liable for all associated storage costs; (4) raise the state’s burden of proof from “preponderance of the evidence” to “clear and convincing evidence” in forfeiture proceedings; (5) authorize a court to order the attorney representing the state to pay court costs, including deposition fees and attorney’s fees, if a forfeiture proceeding is dismissed or it is determined that the property is not forfeitable; and (6) allow the expenditure of forfeiture funds for storage costs, court costs, and attorney fees described in (3) and (5).

**S.B. 434 (Rodriguez) – Lethal Violence Protective Order:** this bill is identical to **H.B. 866**, above.

**S.B. 449 (Burton) – Licensed Carry:** would allow the holder of a license to concealed carry a handgun in certain establishments that sell alcoholic beverages.

**S.B. 450 (Burton) – Firearms:** would provide that, with certain exceptions, an agency of this state or a political subdivision of this state, and a law enforcement officer or other person employed by an agency of this state or a political subdivision of this state, may not contract with or in any other manner provide assistance to a federal agency or official with respect to the enforcement of a federal statute, order, rule, or regulation purporting to regulate a firearm, a firearm accessory, or firearm ammunition if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation, such as a capacity or size limitation or a registration requirement, that does not exist under the laws of Texas.

**S.B. 451 (Hancock) – Short-Term Rentals:** would preempt a city’s authority to regulate short-term rentals. Specifically, the bill would provide that:

1. “short-term rental” is defined as a residential property, including a single-family dwelling or a unit in a condominium, cooperative, or time-share, that is rented wholly or partially for a fee for a period not longer than 30 consecutive days;
2. a city is prohibited from adopting or enforcing a local law that expressly or effectively prohibits the use of a property as a short-term rental;
3. a city is prohibited from adopting or enforcing a local law that restricts the use of or otherwise regulates a short-term rental based on the short-term rental’s classification, use, or occupancy;
4. a city may adopt or enforce a regulation on a property used as a short-term rental only if the city demonstrates the regulation’s primary purpose is to protect the public’s health and safety;
5. regulations are permitted that would address: (a) fire and building codes; (b) health and sanitation; (c) traffic control, and (d) solid or hazardous waste control;
6. a city may adopt or enforce a local regulation that limits or prohibits the use of short-term rental only if the law prohibits the use of a rental for the purpose of: (a) housing sex offenders; (b) operating a structured sober living home; (c) selling illegal drugs, (d) selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code, or (d) operating as a sexually oriented business;
7. a city must apply a local law regulating land use to a short-term rental in the same manner as another similar property, which includes regulations on: (a) residential use and other zoning matters; (b) noise; (c) property maintenance; and (d) nuisance.

**S.B. 480 (Burton) – Asset Forfeiture:** would prohibit a law enforcement agency from using an electronic recovery and access to data prepaid card reader to seize from a stored value card or a depository account funds that are subject to forfeiture unless the seizure is authorized by a search or seizure warrant.

**S.B. 481 (Burton) – Asset Forfeiture:** would, in regard to the proceeds from asset forfeiture: (1) require that the audit to the attorney general include a detailed report that itemizes all seizures and indicates the specific criminal offense on which each seizure was based and whether charges were brought in connection with the offense; (2) add the following as permissible expenditures

for law enforcement purposes: (a) professional fees paid to a person or entity under a contract or as authorized by law; and (b) the costs of preparing any reports required to be submitted with the audit form to the attorney general; and (3) add the following as permissible expenditures of an attorney's office: (a) witness-related costs; and (b) audit costs and fees including, audit preparation and professional fees paid to a person or entity under a contract or as authorized by law, and costs of preparing any reports required to be submitted with the audit form to the attorney general.

**S.B. 487 (Miles) – Official Oppression:** would: (1) increase the penalty for the offense of official oppression from a Class A misdemeanor to a second degree felony if the public servant, at the time of the commission of the offense, was a licensed peace officer and: (a) caused bodily injury to another or threatened another with imminent bodily injury; and (b) caused serious bodily injury to another or used or exhibited a deadly weapon; and (2) provide that, if conduct constituting the offense of official oppression also constitutes an offense under another section of the Penal Code, the actor may be prosecuted under either or both sections.

**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. 580 (Estes) – Volunteer Firefighters:** would provide that a state agency may not require a volunteer firefighter or a member of an industrial emergency response team to obtain a license or certification in order to be a volunteer firefighter or a member of an industrial emergency response team.

**S.B. 583 (Campbell) – 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. (Companion bill is **H.B. 1209** by **Burns**.)

**S.B. 618 (Estes) – Licensed Carry:** would provide that there shall be no cause of action against an owner or lessee of for not prohibiting licensed carry on his property.

**S.B. 619 (Estes) – Immigration:** would provide that: (1) the commissioners court of each county and the governing body of each city in this state shall: (a) adopt and enforce an order or ordinance, as appropriate, that requires the county or municipality to cooperate with state and federal law enforcement in enforcing immigration laws and, for counties containing an international border and cities located wholly or partly in those counties, state and federal efforts to enhance international border security; and (b) submit a written copy of the order or ordinance to the comptroller; (2) the comptroller shall establish and maintain a database of counties and cities that comply with the bill; and (3) provide a complaint procedure that can result in the suspension of the authority of the county or city to impose a sales or use tax.

**S.B. 630 (Buckingham) – Arrest without Warrant:** would require a police officer to prepare and file an affidavit with the magistrate before an individual arrested without a warrant is taken before the magistrate.

**S.B. 661 (Huffines) – Driver Responsibility Program:** would repeal the Driver Responsibility Program.

**S.B. 672 (Lucio) – Law Enforcement:** would provide that each school district shall report through the Public Education Management System the number of security personnel and commissioned peace officers assigned to each district.

**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.

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

## **Transportation**

**H.B. 321 (Canales) – Vehicle Registration:** would authorize the establishment of a voluntary statewide motor vehicle registration program to prevent transnational motor vehicle theft.

**H.B. 354 (Raney) – Transportation:** would provide that: (1) a city, on the request of an open enrollment charter school, shall hold a public hearing at least once each calendar year to consider prima facie speed limits on a highway in the municipality, including highway in the state highway system, near the school; (2) a municipality may not reject a request for a prima facie speed limit by a public or private elementary or secondary school, an open enrollment charter school, or an institution of higher education without first making a written finding stating a compelling reason for the rejection; (3) a school or institution may appeal a rejection of a request to the district court of the count in which the school or institution is located not later than the 90<sup>th</sup> day after the date the written finding is made; and (4) if district court determines that the rejection was not made for a compelling reason, the court shall grant the requested prima facie speed limit.

**H.B. 405 (Villalba) – Billboards:** would provide that, if a sign located in a city or its extraterritorial jurisdiction is required to be removed because of the widening, construction, or reconstruction of a road by the Texas Department of Transportation (TxDOT), and if relocation of the sign would be allowed under TxDOT rules but is restricted or prohibited by charter, ordinance, or a decision of the city, the city shall reimburse TxDOT for any just compensation paid to the owner or lessee of the sign in a condemnation proceeding.

**H.B. 432 (Metcalf) – Transportation Funding:** would provide that: (1) in each state fiscal year beginning on or after September 1, 2019, the comptroller shall deposit to the credit of the state highway fund a graduated percentage of the money that is received from the motor vehicle sales tax until that percentage equals 100 percent in 2028; and (2) money deposited to the credit of the state highway fund under this section may not be used for toll roads.

**H.B. 652 (Clardy) – Automobile Burglary and Theft Prevention Authority:** would require the revenue from the Automobile Burglary and Theft Prevention fee paid by insurers to be deposited to the credit of a subaccount in the Texas Department of Motor Vehicles fund and provide that the revenue may be appropriated only to the department for purposes of the Automobile Burglary and Theft Prevention Authority.

**H.B. 837 (Allen) – Transportation:** would provide that a public transportation provider shall notify each individual who resides in the provider’s service area and is eligible to use the provider’s services of the individual right to complementary paratransit service.

**H.B. 912 (Romero, Jr.) – Transportation:** would provide that the chief of police is required to designate city peace officers or qualified city law enforcement employees to teach the driver education course to a student driver.

**H.B. 977 (Y. Davis) – Railroad Crews:** would require at least two crew members on freight trains.

**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.

**H.B. 1240 (Zedler) – Traffic Signals:** would provide that an operator of a motorcycle or bicycle facing only a steady red signal at a traffic-actuated electric traffic-control signal may proceed if the traffic-actuated electric traffic-control signal fails to register the motorcycle or bicycle after two cycles of the traffic-control signal.

**H.B. 1294 (Minjarez) – Highway Closures:** would provide that, if a proposed improvement of the state highway system requires the closing of a highway, the Texas Department of

Transportation shall coordinate the highway closure by communicating in person or by telephone call, email, or other direct method of communication with public officials from cities affected by the closure to avoid any adverse economic impact on the municipalities during certain periods.

**H.B. 1311 (Sanford) – State Highways:** would impose a prohibition on converting state highway lanes to tolled or other types of managed lanes.

**H.B. 1332 (Parker) – Gas Tax:** would provide that fuel purchased for use by certain ambulance services that have an agreement with a local government to provide ambulance services are exempt from the gas tax.

**H.B. 1368 (Israel) – Speed Limits:** would lower the prima facie speed limit in an urban district on a street other than an alley from 30 to 25 miles per hour.

**S.B. 113 (Huffines) – Transportation Network Companies:** would: (1) prohibit registered sex offenders from providing passenger transportation through an online application; and (2) prohibit cities from regulating: (a) street-hail taxicab services, (b) prearranged limo service, and (c) prearranged rides through an online application.

**S.B. 176 (Schwertner) – Transportation Network Companies:** would provide, among other things, that: (1) transportation network companies (TNCs) and drivers accessing a transportation network company's digital network (drivers) are governed exclusively by the bill; (2) a city or other local entity may not: (a) impose a tax on or require a license for a TNC or a driver; or (b) subject a TNC or driver to the city's or other local entity's rate, entry, operational, or other requirements; (3) a person may not operate a TNC without obtaining and maintaining a state permit; (4) the Texas Department of Licensing and Regulation (TDLR) shall issue a two-year permit to each applicant that meets the requirements of the bill; (5) TDLR shall collect fees from TNCs of up to \$125,000 per year, depending on the TNCs number of drivers, to obtain a permit; (6) before allowing an individual to act as a driver on, a TNC must: (a) require the individual to submit an application to the company that includes information regarding the individual's address, age, driver's license, driving history, motor vehicle registration, motor vehicle liability insurance, and other information required by the company; (b) conduct, or have a third party conduct, a local and national criminal background check for each individual that includes the use of a commercial multistate and multijurisdiction criminal records locator with primary source validation and the national sex offender registry database maintained by the United States Department of Justice; and (c) obtain and review the individual's driving record; (7) a TNC may not permit to act as a driver a person who is under 19 years of age or who has been convicted of certain criminal offenses; (8) a TNC must adopt a drug and alcohol use policy and a discrimination policy and suspend any driver who violates the policies; (9) a driver may not solicit or accept street hails; (10) a TNC shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle, and – if a TNC is unable to arrange wheelchair-accessible service, the company shall direct the passenger to an alternate provider of wheelchair-accessible service – if available; and (11) taxis and limousine services are exempted from the bill.



**S.B. 288 (Watson) – Transportation:** would provide that motorcycle operators are allowed to drive a safe distance between lanes of traffic on a limited-access or controlled-access highway during periods of traffic congestion if the motorcycle operator operates the motorcycle at a speed not more than five miles per hour greater than the speed of the other traffic and in traffic that is moving at a speed of 20 miles per hour or less.

**S.B. 346 (Watson) – Transportation:** would provide that an operator of a vehicle facing a steady red signal at a traffic-actuated electric traffic-control signal may proceed if the signal fails to register the vehicle in a reasonable period of time after one complete cycle.

**S.B. 361 (Nichols) – Transportation Network Companies:** would: (1) provide that a city ordinance or policy related to a Transportation Network Company (TNC) or TNC driver that contradicts or is otherwise inconsistent with the bill is void and has no effect; (2) provide that TNC drivers are not common, contract, or motor carriers; (3) require that TNCs and drivers maintain required insurance; (4) permit passengers to share a digitally prearranged ride if the passengers consent to sharing the ride; (5) require a TNC to disclose to passengers the fare calculation method and provide an option to receive an estimated fare; (6) require a TNC to provide the driver's first name and picture and the make, model, and license plate number of the driver's vehicle; (7) prohibit a driver from receiving payment other than through the digital network and require a TNC to provide a receipt to the passenger; (8) require a TNC to implement an intoxicating substance policy that prohibits a driver from working under any amount of intoxication; (9) provide requirements on driver eligibility; (10) require a TNC to conduct a local, state, and national criminal background check that includes the use of: (a) a commercial multistate and multijurisdictional criminal records locator, and (b) the national sex offender registry database; (11) require a TNC to obtain and review a potential driver's driving record; (12) prohibit a TNC from permitting an individual to operate as a driver on the company's digital network if the individual: (a) has been convicted of more than three moving violations in the last three years, or (b) has been convicted of fleeing or attempting to elude a police officer, reckless driving, or driving without a valid driver's license in the last three years; (13) prohibit a driver logged in to a digital network from soliciting or providing rides other than through the digital network; (14) mandate certain vehicle requirements; and (15) require a TNC to adopt a nondiscrimination policy.

**S.B. 402 (Zaffirini) – Public Transportation Services:** would provide that, to the extent practicable within available resources, a public transportation provider that provides public transportation services designed for people with disabilities who are unable to use the provider's bus or rail services shall notify individuals who are certified by the provider as eligible to use the provider's services that the individuals are entitled to use another provider's service for not more than 21 days without an additional application.

**S.B. 639 (Huffines) – Transportation Funding:** would provide that the legislature may not appropriate money deposited to the credit of the state highway fund to construct, maintain, or acquire rights-of-way for a toll project or system. (See **S.J.R. 35**, below.)

**S.J.R. 35 (Huffines) – Transportation Funding:** would amend the Texas Constitution to provide that the state may not issue bonds or use vehicle registration or gas tax revenue to pay for the construction of toll roads. (See **S.B. 639**, above.)

## **Utilities and Environment**

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

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

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

**H.B. 407 (Tinderholt) – Electric Grid Protection:** would provide: (1) that the Public Utility Commission by rule shall identify and implement design standards for the electric power transmission and distribution system to limit electromagnetic field levels and protect the transmission and distribution system; the commission by rule shall require ERCOT to consider electromagnetic field levels when determining the public need for a transmission line; (2) for the creation of the electrical power grid reliability task force to study the likely effectiveness and costs of various measures to protect and strengthen the electric power transmission and distribution system against all hazards and to prepare and submit to the governor and the legislature a report of the task force's findings and recommendations.

**H.B. 484 (Springer) – TCEQ Licensing:** would require the Texas Commission on Environmental Quality to provide all training required to qualify for or renew a license: (1) online; or (2) at a location within 100 miles of the licensee's place of employment.

**H.B. 489 (Gonzalez) – Waste Tire Dumping:** would require: (1) a seller to collect a fee on the sale of a new or used tire; (2) a seller to remit the fee collected to the comptroller; and (3) the Texas Commission on Environmental Quality to develop and implement a grant program using the fees collected to assist local law enforcement in enforcement of laws related to the illegal dumping of tires.

**H.B. 544 (Anderson) – Rural Water Assistance Fund:** would allow the Texas Water Development Board to use the Rural Water Assistance Fund to assist rural political subdivisions with water planning.

**H.B. 605 (Workman) – Water Rights Applications:** would require an applicant for a new or amended water right to submit an economic impact study that assesses how approval or denial of the new or amended water right will economically impact affected communities.

**H.B. 614 (Leach) – Water Rights:** would: (1) amend the Texas Commission on Environmental Quality’s (TCEQ) review of an application for a water right, including adding a requirement that the executive director determine whether the applicable water conservation and drought contingency plans of the applicant are adequate; and (2) 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.

**H.B. 623 (Leach) – Water District Appointments:** would provide that a director of a conservation and reclamation district (e.g., the North Texas Municipal Water District), who is appointed by the governing body of a municipality, serves at the pleasure of the governing body and may be removed by the governing body at any time without cause.

**H.B. 642 (Phillips) – Railroad Commission:** would change the name of the Texas Railroad Commission to the Texas Energy Commission. (See **H.J.R. 47**, below.)

**H.B. 645 (Lucio) – Water Wells:** would require a groundwater conservation district to consider the service needs of the retail public utility, which includes a city, that serves the territory where production is regulated by the district in regulating production of groundwater based on tract size or acreage.

**H.B. 787 (Parker) – Electric Grid:** would provide that ERCOT shall collect and compile information, which would not be subject to the Public Information Act, related to the security of the electric grid.

**H.B. 788 (Parker) – Electric Grid:** would provide that the Public Utility Commission shall establish a program to pay expenses incurred to increase the security of the electric grid in ERCOT.

**H.B. 815 (Burkett) – Environmental Rules:** would require the Texas Commission on Environmental Quality to: (1) conduct a regulatory analysis before adopting an environmental rule; and (2) when giving notice, incorporate more detailed information on the compliance costs for local governments into a fiscal note.

**H.B. 838 (Allen) – Air Permitting:** would require the Texas Commission on Environmental Quality, when granting a permit, to consider not only whether if emissions from the permitted facility will affect the public’s health and physical property, but also the cumulative effects on the public’s health and physical property from emissions from the permitted facility and from other facilities located less than three miles away.

**H.B. 965 (Springer) – Water Conservation:** would allow a city owned utility to require a correctional facility that receives water from the city to comply with the water conservation measures adopted or implemented by the city.

**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.

**H.B. 1318 (Lucio) – Groundwater Conservation Districts:** would provide that, when a groundwater conservation district regulates the production of groundwater based on tract size or acreage, the district must consider the aggregate acreage owned by a municipally owned utility and the utility’s customers inside the district and may subtract permitted wells from that acreage.

**H.J.R. 36 (Gonzalez) – Texas Water Development Board Funding:** would amend the Texas Constitution to authorize the Texas Water Development Board to issue additional general obligation bonds for economically distressed areas.

**H.J.R. 47 (Phillips) – Railroad Commission:** would amend the Texas Constitution to change the name of the Texas Railroad Commission to the Texas Energy Commission. (See **H.B. 642**, above.)

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

**S.B. 103 (Hall) – Plastic Bags:** would provide that: (1) a business that sells an item to a customer may provide to the customer at the point of sale a bag or other container made from any material; and (2) a city may not adopt or enforce an ordinance or regulation that purports to restrict or prohibit a business from, require a business to charge a customer for, or tax or impose

penalties on a business for providing to a customer at the point of sale a bag or other container made from any material.

**S.B. 225 (V. Taylor) – Water Rights:** would prohibit the Texas Commission on Environmental Quality 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.

**S.B. 347 (Watson) – Regional Water Planning Groups:** would make each regional water planning group subject to the Public Information and Open Meetings Acts.

**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.

**S.B. 601 (Campbell) – 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 (Note: under this bill, a city must choose to exempt both or neither).

**S.J.R. 36 (Perry) – Wholesale Water:** would amend the Texas Constitution to prohibit a tax on the sale or purchase of water at wholesale.