



Legislative UPDATE

March 20, 2015
Number 12

Legislative Alert: **Monday and Tuesday Hearings on Bills That Could Permit Oil and Gas Drilling Anywhere**

Two bills set for a hearing in a House committee next Monday could invalidate nearly all city regulation of oil and gas activity. The identical companion bill to one of them is set for a hearing in a Senate committee on Tuesday.

H.B. 40 by Rep. Drew Darby, the Chair of the House Committee on Energy Resources, would expressly preempt city regulation of oil and gas operations and declare that oil and gas operations are subject to the exclusive jurisdiction of the state. Among other consequences could be the invalidation of city distance, or setback, requirements relative to homes, schools, churches, and daycares. (The Senate companion to H.B. 40 is S.B. 1165 by Sen. Troy Fraser, the Chair of the Senate Natural Resources and Economic Development Committee.) Chairman Darby has expressed an interest to work with the League on compromise language, but the as-filed version of the bills would be disastrous.

H.B. 539 by Rep. Phil King would have the similar effect of erasing city regulations by requiring cities to pay the state for any lost state tax revenue because of oil and gas ordinances. Because setback requirements deny drilling in all locations within the setback distance, and because cities have no money to pay the state for “lost” severance taxes, the likely effect would be to force cities to repeal their oil and gas ordinances.

Officials in cities with oil and gas activity ordinances should consider taking the following action:

- Testify against the House bills on Monday, March 23rd, at 2:00 p.m. in front of the House Energy Resources Committee, Room E2.010.

- Testify against the Senate bill on Tuesday, March 24th, in front of the Senate Natural Resources and Economic Development Committee, time and place TBA. (You can find out the exact information when it is officially posted on the committee's [web page](#).)
- Speak to your state representative and senator immediately about the negative effects of these bills.
- Visit with homeowner and neighborhood groups in your city about the negative effects of unregulated urban drilling on home values, and encourage them to testify and/or contact their state representatives and senators as well.

[Click here](#) for talking points about H.B. 40 (S.B. 1165 is identical to H.B. 40 so those talking points apply to both bills) and H.B. 539.

Bill Filing Deadline Comes and Goes

In the final three days before the March 13 bill-filing deadline, Texas lawmakers went into their usual bill-filing frenzy. The numbers were similar to the 2013 session. This time, they introduced roughly 2,800 bills and joint resolutions in the final three days (compared to about 2,300 in the same period in 2013). That brings the 60-day total to an unofficial 6,411 (around 300 more than the 2013 numbers). There will be more; legislators can still file bills if they can persuade their colleagues to suspend the rules on a bill-by-bill basis.

Discharge of Firearms Ordinances in Jeopardy

City ordinances that prohibit the discharge of firearms in city limits are in jeopardy because of a resolution that was voted from a Senate Committee this week.

S.J.R. 22, by Senator Brandon Creighton, would amend the Texas Constitution to establish that Texas citizens have the “right to hunt, fish, and harvest wildlife,” subject only to laws relating to conservation. Unfortunately, the bill does not allow exceptions for health and safety regulations. Accordingly, city ordinances prohibiting the discharge of guns in city limits could be subject to constitutional challenge if the resolution passes.

The League has offered a simple amendment that would clarify the health and safety authority of cities, so far without success.

Concerned city officials should visit with their Senators now. The message is this: cities support the right to hunt, provided discharge of firearms ordinances are respected.

City Officials Testify

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

- Alan Hugley, Mayor, Red Oak
- Anita Burgess, City Attorney, Denton
- Avinash Rangra, Mayor, Alpine
- Darron Leiker, City Manager, Wichita Falls
- Donald McKinney, Assistant Police Chief, Houston
- Glenn Barham, Mayor, Wichita Falls
- Greg Noschese, Councilmember, Mesquite
- Gregorio Casar, Councilmember, Austin
- Heidi Hansing, Councilmember, League City
- Jeff Coyle, Intergovernmental Relations Director, San Antonio
- Leslie Pool, Councilmember, Austin
- Liz Donegan, Police Sergeant, Austin
- Randy Zamora, Division Chief, Houston
- Rodney Miller, Police Sergeant, Austin
- Wayne Davis, Police Chief, Castle Hills

Significant Floor Action

S.B. 313 (Hinojosa), Relating to the amount the Texas Military Preparedness Commission may grant to local governmental entities for certain purposes. Passed the Senate.

Significant Committee Actions

H.B. 11 (D. Bonnen), Relating to the powers and duties of the Texas Department of Public Safety and the investigation, prosecution, punishment, and prevention of certain offenses. Reported from the House Committee on Homeland Security and Public Safety.

H.B. 80 (Craddick), Relating to the use of a portable wireless communication device while operating a motor vehicle. Reported from the House Committee on Transportation.

H.B. 1179 (Geren), Relating to the duties of certain law enforcement officials under procedures regulating the making or transfer of firearms. Reported from the House Committee on Homeland Security and Public Safety.

S.B. 273 (Campbell), Relating to certain offenses relating to carrying concealed handguns on property owned or leased by a governmental entity. Reported from the Senate State Affairs Committee.

S.B. 833 (Campbell), Relating to the continuation of a residence homestead exemption from ad valorem taxation while the owner is temporarily absent because of military service. Reported from the Senate Veterans Affairs/Military Installations Committee.

S.J.R. 22 (Creighton), Relating to the right to hunt, fish and harvest wildlife. Reported from the Senate Agriculture, Water, and Rural Affairs Committee.

City-Related Bills Filed This Week

Each week, League staff summarizes in this section the city-related bills filed during the previous week. For a cumulative list of all city-related bills filed to date, click [here](#).

Property Tax

H.B. 2872 (S. King) – Property Tax Exemption: would exempt from property taxation property acquired by a charitable organization to provide low-income housing for up to 10 years after the organization acquires the property (current law exempts for five years after acquisition). (Companion bill is **S.B. 282** by **Watson**.)

H.B. 2914 (Alvarado) – Property Tax Exemption: would provide that a charitable organization improving property to provide housing for low-income veterans is entitled to a property tax exemption under certain circumstances. (See **H.J.R. 117**, below.)

H.B. 3000 (Guillen) – Property Tax Appraisal: would prohibit a chief appraiser from posting on the appraisal district's website a supporting document included with an application for a property tax exemption filed with the chief appraiser.

H.B. 3012 (Parker) – Property Tax Appraisal: would, among other things: (1) prohibit an appraisal review board commissioner from serving as a member of the appraisal review board; (2) provide that a person who has served for all or part of three consecutive terms on the appraisal review board is ineligible to continue serving on the board; and (3) prohibit an appraisal review board from taking formal action at a meeting unless a quorum of board members is present.

H.B. 3013 (Parker) – Property Tax Appraisal: would allow the governing body of a taxing unit that is a party to a certain type of property tax matter before a court to designate a representative to attend mediation offered by the court and negotiate a settlement of the matter on behalf of a taxing unit, so long as the settlement proposal is ultimately approved by the governing body.

H.B. 3242 (Walle) – Property Tax Appraisal: would: (1) provide that, in a property tax protest based on unequal appraisal, the appraisal ratio of the property in question in comparison to median level of appraisal of other properties is to be determined: (a) using comparable properties located in the same appraisal district; (b) based on the similarity of the properties with regard to specified statutory characteristics, including square footage, property age, and property condition, among other things; and (c) based on the calculation of the appraised value of each comparable property as shown in the appraisal records submitted to the appraisal review board by the chief appraiser; (2) require the comptroller to establish standards for the development and calibration of adjustments for industrial, petrochemical refining and processing, and utility properties and other unique properties; (3) require a district court to grant relief on the ground that a property is appraised unequally if the appraisal ratio of the property exceeds by ten percent the median level of appraisal of a reasonable number of comparable properties in the appraisal district based on the standards in (1), above; and (4) provide that an appraisal district, appraisal review board, or a chief appraiser that prevails in an appeal based on unequal appraisal may be awarded reasonable attorney’s fees not to exceed \$15,000.

H.B. 3280 (Bell) – Property Tax Exemption: would: (1) expand the property tax exemption for a residence homestead donated to a disabled veteran by a charitable organization to include homesteads purchased with a donation from a charitable organization; and (2) would provide that a charitable organization building residence homesteads for disabled veterans is entitled to a property tax exemption under certain circumstances. (See **H.J.R. 127**, below.)

H.B. 3295 (Sheffield) – State Aid Due to Property Tax Exemption: would entitle a city bordered by or adjacent to a military installation that has lost a disproportionate share of property tax revenue as a result of disabled veteran property tax exemptions to receive a disabled veteran assistance payment from the state. (Companion bill is **S.B. 1368** by **Fraser**.)

H.B. 3420 (Canales) – Property Tax Exemption: would expand the property tax exemption for property used by certain nonprofit community business organizations to provide services to aid in the economic development of local communities.

H.B. 3470 (D. Bonnen) – Property Taxes: would, among other things: (1) would allow a city or county to provide the required property tax rate notice not later than the later of September 1 or the 30th day after the date the certified appraisal roll is received by the taxing unit; (2) would provide a complete residence homestead property tax exemption for the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect, but only if the surviving spouse has not remarried since the death of the disabled veteran; and (3) require a chief appraiser to exclude from the market value of real property the value of a vent hood installed in a restaurant kitchen. (See **H.J.R. 134**, below.)

H.B. 3486 (D. Bonnen) – Property Taxes and Sales Taxes: would, among other things: (1) allow a city or county to provide the required property tax rate notice not later than the later of September 1 or the 30th day after the date the certified appraisal roll is received by the taxing unit; (2) provide a complete residence homestead property tax exemption for the surviving

spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect, but only if the surviving spouse has not remarried since the death of the disabled veteran; (3) add “ticket scalping” to the list of services subject to state and local sales taxes; and (4) lower the state’s sales tax rate from 6.25 percent to 6.24 percent.

H.B. 3601 (Burns) – Property Tax Exemption: would provide that, once a veteran’s organization or county fair association claims a property tax exemption as authorized by state law, the exemption need not be claimed in subsequent years. (Companion is **S.B. 918** by **Nichols**.)

H.B. 3609 (Guillen) – Property Tax Appraisal: would: (1) provide that, in a property tax protest based on unequal appraisal, the appraisal ratio of the property in question in comparison to median level of appraisal of other properties is to be determined: (a) using comparable properties located in the same appraisal district; (b) based on the similarity of the properties with regard to specified statutory characteristics, like square footage, property age, and property condition, among other things; (c) by calculating adjustments in accordance with generally accepted appraisal standards; and (d) based on the calculation of the appraised value of each comparable property as shown in the appraisal records submitted to the appraisal review board by the chief appraiser; (2) allow a chief appraiser to disclose confidential information for the purpose of meeting the appraisal district’s burden of proof so long as the information does not identify a specific property or a property owner; and (3) require a district court to grant relief on the ground that a property is appraised unequally if the appraised value of the property exceeds by at least ten percent the median level of appraisal of a reasonable number of comparable properties in the appraisal district based on the standards in (1), above.

H.B. 3614 (Burns) – Property Tax Exemption: would provide that, once a veteran’s organization or county fair association claims a property tax exemption as authorized by state law, the exemption need not be claimed in subsequent years. (Companion is **S.B. 918** by **Nichols**.)

H.B. 3623 (Gonzales) – Property Tax Exemption: would provide that the National Hispanic Institute is entitled to an exemption from property taxes of the real and tangible personal property it owns so long as the organization is exempt from federal income taxation as a 501(c)(3) organization.

H.J.R. 116 (S. King) – Property Tax Exemption: would amend the Texas Constitution to authorize the governing body of a political subdivision to exempt from property taxation all or a part of the residence homestead of the surviving spouse of a peace officer or a firefighter, including a firefighter of an organized volunteer fire department, if: (1) the surviving spouse has not remarried since the death of the peace officer or firefighter; (2) the property was the residence homestead of the surviving spouse on the date of the peace officer or firefighter’s death or was acquired by the surviving spouse before the second anniversary of that date; and (3) the peace officer or firefighter was killed, or died as a result of an injury incurred, while in the performance of official duties as a peace officer or firefighter.

H.J.R. 117 (Alvarado) – Property Tax Exemption: would amend the Texas Constitution to provide that a charitable organization improving property to provide housing for low-income veterans is entitled to a property tax exemption under certain circumstances. (See **H.B. 2914**, above.)

H.J.R. 127 (Bell) – Property Tax Exemption: would amend the Texas Constitution to expand the property tax exemption for a residence homestead donated to a disabled veteran by a charitable organization to include homesteads purchased with a donation from a charitable organization. (See **H.B. 3280**, above.)

H.J.R. 134 (D. Bonnen) – Property Tax Exemption: would amend the Texas Constitution to: (1) permit the legislature to provide a complete residence homestead property tax exemption for the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect, but only if the surviving spouse has not remarried since the death of the disabled veteran; and (2) allow the legislature to exempt from property taxation all or part of the market value of the tangible personal property a person owns that consists of inventory. (See **H.B. 3470**, above.)

S.B. 1154 (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 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. (Companion bill is **H.B. 2146** by **Raymond**.)

S.B. 1285 (Hall) – Heavy Equipment Appraisal: would modify the method for appraising certain dealer's heavy equipment inventory by minimizing the ability to tie the appraised value of the inventory to the lease or rental price.

S.B. 1291 (V. Taylor) – Tax Collection: would, among other things: (1) authorize a taxpayer to file a lawsuit to contest the payment of any tax or fee collected by the comptroller, including a local tax collected by the comptroller; and (2) require the suit to be brought against the public officials charged with the duty of collecting the tax or fee, the comptroller, and the attorney general.

S.B. 1368 (Fraser) – State Aid Due to Property Tax Exemption: this bill is identical to **H.B. 3295**, above.

S.B. 1379 (Lucio) – Property Tax Exemption: would exempt from property taxation a structure used to store implements of husbandry that are used in the production of farm or ranch products. (See **S.J.R. 50**, below.)

S.B. 1469 (Watson) – Property Tax Exemption: would provide that a person is entitled to a property tax exemption for pollution control property only for three years after the executive director of the Texas Commission on Environmental Quality issues a letter granting the exemption, unless the person files a new application for an exemption.

S.B. 1581 (Zaffirini) – Property Tax Exemption: would relate to whether property can be considered as qualified open-space land for purposes of an appraisal, would, among other things: (1) require a chief appraiser to distinguish between the degree of intensity required for various agricultural production methods including uncommon production methods or systems; and (2) provide that the use of land for a nonprofit community garden is considered to be “agricultural use.”

S.J.R. 50 (Lucio) – Property Tax Exemption: would amend the Texas Constitution to exempt from property taxation a structure used to store implements of husbandry that are used in the production of farm or ranch products. (See **S.B. 1379**, above.)

Sales Tax

H.B. 2844 (Raney) – Sales Tax Exemption: would characterize the lease or rental of reusable tangible personal property to a full service event business as a “sale for resale,” thereby exempting the property from sales taxes.

H.B. 2910 (Murphy) – Sales Tax Exemption: would exempt from sales and use taxes drilling and fracturing equipment, including a blender, liquid, or acid pumping system, or custom trailer for fracturing equipment that is used for mineral exploration and production.

H.B. 3049 (Darby) – Sales Tax Exemption: would exempt certain cleaning services in a licensed health care facility from sales and use taxes.

H.B. 3174 (Button) – Sales Tax Exemption: would characterize the sale of a computer program to a provider of Internet hosting who acquires the computer program for the purpose of selling the right to use the computer program to an unrelated user of Internet hosting services as a “sale for resale,” thereby exempting the program from sales taxes. (Companion bill is **S.B. 755** by **V. Taylor**.)

H.B. 3229 (Cyrrier) – Motor Vehicle Sales Tax Exemption: would exempt the purchase of an ambulance or 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. (Companion bill is **H.B. 4067** by **J. White**.)

H.B. 3287 (Paddie) – Sales Tax Exemption: would: (1) provide that, for sales and use tax purposes, there is not presumption that an aircraft was purchased from a retailer for storage or use in this state if the person bringing the aircraft into the state acquired the aircraft other than by purchase; and (2) would characterize the lease or rental of an aircraft as a “sale for resale” under certain circumstances, thereby exempting the aircraft rental or lease from sales and use taxes.

H.B. 3304 (Darby) – Sales Tax Exemption: would exempt the tangible personal property sold to or used by a state data center services provider from sales and use taxes under certain circumstances.

H.B. 3484 (D. Bonnen) – Sales Tax: would: (1) add “ticket scalping” to the list of services subject to state and local sales taxes; (2) lower the state’s sales tax rate from 6.25 percent to 6.24 percent; and (3) exempt property used in data centers from local sales and use taxes.

H.B. 3542 (Raymond) – Sales Tax Exemption: would exempt certain data processing services from sales taxes.

S.B. 1226 (Seliger) – Sales Tax Exemption: would exempt certain equipment used for digital audio broadcasting from sales and use taxes. (Companion bill is **H.B. 2507** by **Kacal**.)

S.B. 1249 (West) – Sales Tax Exemption: would exempt ink cartridges from sales and use tax during limited periods of time.

S.B. 1275 (West) – Sales Tax Exemption: would exempt from sales and use taxes certain home improvement items that are sold, leased, or rented to a disabled veteran.

S.B. 1356 (Hinojosa) – Sales Tax Exemption: would exempt the sale of a WaterSense product from sales and use taxes if the sale taxes place on Memorial Day weekend. (Companion bill is **H.B. 2492** by **Darby**.)

S.B. 1391 (Estes) – Sales Tax Exemption: would exempt certain health care supply items from sales and use taxes if purchased by an entity that has an agreement with a local governmental entity to provide emergency ambulance services.

S.B. 1396 (West) – Aircraft Sales Tax: would: (1) impose a tax on the sale and use of aircraft, set at a rate of 6.25 percent of the total consideration; and (2) provide that city sales and use taxes apply to the sale and use of an aircraft.

S.B. 1527 (L. Taylor) – Sales Tax Allocation: would: (1) require the comptroller to send additional information to a city when a city reports that a person has collected or reported taxes incorrectly, including a description of the action the comptroller is taking to collect the delinquent tax, and either: (a) the date and periods covered by the most recent audit of the person by the comptroller or a statement that the comptroller has not conducted an audit of the person; (b) a certification that the person is obligated for the municipal tax, the periods for which the person is obligated, the amount of the tax due, and a statement as to whether the tax due has been

credited to the city's account; or (c) a statement authorizing a person employed by or designated by the city to perform the duties assigned to the comptroller regarding investigations and audits; (2) authorize a city that disagrees with a determination made by the comptroller to petition the comptroller for a redetermination; (3) authorize the comptroller to set and collect from the city or other governmental entity reasonable fees to cover the expense of compiling and providing information or providing access to the administrative appeals process; and (4) provide that a city that submits a report to the comptroller preserves the right to receive from the comptroller any tax due to the city and collected by the comptroller from the person that is the subject of the report for the four years preceding the date the comptroller receives the report from the city and for each subsequent reporting period until the comptroller has fulfilled the comptroller's duties. (Companion bill is **H.B. 1871** by **G. Bonnen**.)

Purchasing

H.B. 3010 (Simmons) – Economically Disadvantaged Person: would add a person with any disability covered by the federal Americans with Disabilities Act to the list of historically underutilized businesses. (Companion bill is **S.B. 1052** by **Zaffirini**.)

H.B. 3019 (Kuempel) – Alternative Procurement: would provide that: (1) the governing body of a governmental entity that considers a construction contract using an alternative procurement method may not unreasonably restrict or eliminate the consideration of construction materials used in the contracting and delivery of a construction project; and (2) no construction documents or any other information associated with the preparation of a request for bids shall prohibit the consideration of construction materials, including piping materials, that meet current and recognized standards as issued by the American Society for Testing and Materials, the American Water Works Association, or their successor organizations.

H.B. 3193 (Bernal) – Local Preference: would provide that, in purchasing any personal property that is not affixed to real property or services other than professional services, if a city that solicits requests for proposals receives one or more proposals from an offeror whose principal place of business is in the city, the city may consider, as a percentage of the evaluation factors, an offeror's principal place of business if the contract is for services in an amount of less than \$100,000 or a contract for other purchases in an amount of less than \$500,000. (Companion bill is **S.B. 1998** by **Menendez**.)

H.B. 3528 (Naishtat) – Change Orders: would provide that, in relation to projects financed with certificates of obligation: (1) a governing body may grant authority to an official or employee responsible for purchasing or for administering a contract to approve a change order that involves an increase or decrease of \$50,000 or less, except that the original contract price may not be increased by the official or employee by more than 25 percent unless the change order is necessary to comply with a federal or state statute, rule, regulation, or judicial decision enacted, adopted, or rendered after the contract was made; and (2) the original contract price may not be decreased by the official or employee by 18 percent or more without the consent of the contractor.

H.B. 3620 (Isaac) – Real Property: would provide that a city authorized by other law to acquire, by purchase or exercising the power of eminent domain, real property located outside the corporate boundaries and extraterritorial jurisdiction may not do so unless: (1) if the property is located within the corporate boundaries or extraterritorial jurisdiction of another city, the purchasing city obtains written consent for the acquisition from city in which the property is located; waives its right to exempt the property from ad valorem taxes; or agrees to make a payment in lieu of taxes in accordance with the bill; or (2) if the property is located in the unincorporated area of the county and not in the extraterritorial jurisdiction of a city, the purchasing city, the purchasing city obtains written consent for the acquisition from county; waives its right to exempt the property from ad valorem taxes; or agrees to make a payment in lieu of taxes in accordance with the bill.

S.B. 1266 (Estes) – Public Facility Corporations: would expand certain authority of a public facility corporation and provide that the corporation may: (1) exercise any powers that a nonprofit corporation may exercise, to the extent necessary or convenient to accomplish the purpose of the corporation; and (2) can grant a leasehold or other possessory interest in a public facility owned by the corporation. (Companion bill is **H.B. 2679** by **Flynn**.)

S.B. 1281 (Zaffirini) – Cooperative Purchasing: would provide that a local government may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state.

S.B. 1460 (Bettencourt) – Alternative Procurement: would provide that, in relation to a construction-related project: (1) an offeror who submits a bid, proposal, or request for qualification may request the governmental entity to explain the evaluation and ranking of a submission that was not selected and that: (a) is ranked differently than a similar submission of a bid, proposal, or request for qualification by the offeror to the governmental entity during the preceding year; (b) uses the same data that was used to develop the previous submission; and (c) is based on the same selection criteria that was used to evaluate and rank the previous submission; (2) a request made under the bill must be in writing; and (3) not later than the 30th day after the date a request is made, the governmental entity shall deliver to the offeror a written explanation of the basis of the evaluation and ranking of the submission, including an explanation of why the submission was ranked differently than the previous submission. (Companion bill is **H.B. 932** by **Murphy**.)

Elections

H.B. 2762 (Laubenberg) – Initiative and Referendum Petition: would: (1) invalidate certain city charter provisions regarding validity or verification of petitions; (2) require a petition be filed within the later of: (a) 90 days after final passage of an order, ordinance, or resolution; or (b) 90 days after its publication; (2) require a city secretary (or other authority that verifies petition signatures) who determines a petition contains an insufficient number of signatures to state all the specific grounds invalidating a signature; (3) provide that, if a petition is invalidated and subsequently refiled, the city secretary (or other authority that verifies signatures) may not invalidate a subsequent petition on grounds that existed but were not raised during an earlier

determination of validity of the petition; (4) require a city to make available on its website a petition form that complies with state law and the city's requirements for petitions; and (5) prohibit a city secretary (or other authority responsible for verifying signatures) from invalidating a petition because it fails to contain information that the city's petition form itself does not contain.

H.B. 2775 (E. Rodriguez) – Candidate Applications: would: (1) allow a registered voter of the territory from which a candidate seeks to be elected to challenge, in district court, a candidate's petition filed in connection with an application for a place on the ballot; (2) provide that a single notarized affidavit by any person who obtains signatures for a candidate petition is valid for all signatures gathered by the person, if the date of notarization is after the date of the last signature obtained by the person; and (3) allow a candidate petition to be corrected and additional signatures presented after the petition has been initially filed, but not after the deadline for filing the petition.

H.B. 2778 (Elkins) – Email Ballots: would allow balloting materials to be sent by email for any election in which a voter who registers is eligible to vote.

H.B. 2840 (Cyrrier) – Elections: would: (1) provide that a person who indicates on a federal postcard application that the person is a United States citizen residing outside the United States 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 United States citizen residing outside the United States 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 restricted to federal offices only.

H.B. 2845 (Capriglione) – Candidates: would prohibit a person from being a candidate for public office if they are required to be registered as a lobbyist. (Companion bill is **S.B. 555** by **V. Taylor**.)

H.B. 2856 (Nevarez) – Elections: would provide that a student identification card issued by a high school located in this state or an institution of higher education is an acceptable form of photo identification for voting if it contains the person's photograph and is accompanied by proof of current enrollment issued by the high school or institution.

H.B. 2862 (Bernal) – Elections: would authorize the secretary of state to select any county to participate in the countywide polling place program. (Companion bill is **H.B. 3269** by **Herrero**.)

H.B. 2888 (Lozano) – Elections: would provide that certain political subdivisions holding elections in November may not designate as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the political subdivision is designated as an early voting polling place for the election.

H.B. 2930 (Schofield) – Elections: would provide that a person 70 years of age or older may use a form of photo identification that has expired for the purposes of voting if the identification is otherwise valid.

H.B. 2937 (Schofield) – Elections: would require the voter registrar to cancel a voter's registration immediately upon the receipt of: (1) a list of persons excused or disqualified from jury service because of citizenship status that includes the voter; or (2) notice from any governmental agency that the voter has acknowledged that the voter is not a citizen of the United States.

H.B. 2944 (Schofield) – Elections: would provide that a marked ballot voted by mail is on time if it arrive at the address on the carrier envelope not later than noon on the day after election day, if the carrier envelope was placed for delivery before election day.

H.B. 2953 (Schofield) – Elections: would: (1) provide that a person is ineligible to serve as a poll watcher in an election if the person has been finally convicted of a felony; and (2) allow a poll watcher to use a wireless communication device at a polling place for the purpose of reporting an irregularity or violation of law relating to the election.

H.B. 2980 (J. Rodriguez) – Elections: would: (1) provide that a voter may submit to an early voting clerk an electronic transmission of a scanned application for voting by mail containing an original signature; and (2) require the early voting clerk to designate an e-mail address for receipt of an application.

H.B. 2986 (Israel) – Canvassing: would require the presiding officer of the canvassing authority to note the completion of the canvass in written minutes or a recording required by the Open Meetings Act.

H.B. 3005 (Laubenberg) – Election Deadlines and Procedures: would, among other things: (1) provide that the deadline for an application for a place on the ballot and the order of election (for an election on uniform date) is the 78th day before the election; (2) define “national holiday” to include a day taken in lieu of an actual national holiday when there is no regular U.S. mail delivery, and define “state holiday” to mean the same as set out in current state law; (3) allow a runoff election following a May election held in even-numbered years to be held within 30 days before or after the date of the general election for state and county officers, general primary election, or runoff primary election; (4) require the early voting ballot board to verify and count provisional ballots and count ballots voted by mail not later than the 9th day after the date of an election, except that in an election held on the date of the general election for state and county officers, ballots voted by mail must be counted no later than the 13th day after the election; (5) change certain vote by mail deadlines; (6) change some of the deadlines for candidate withdrawal and related requirements to place their name on the ballot; (7) provide that for an election to be held on a uniform election, the filing deadline for a write-in candidate is the 74th day before the election; (8) prohibit a write-in candidate from withdrawing after the 71st day before the election; and (9) require a special election to fill a vacancy to be held on the first authorized uniform date on or after the 46th day after the election is ordered (except as otherwise

provided by law) and change related deadlines for candidate's application for a place on the ballot. (Companion bill is **S.B. 1703** by **Huffman**.)

H.B. 3056 (Reynolds) – Elections: would, among other things: (1) provide that if an application for a ballot to be voted by mail for the main election and any resulting runoff is not timely for the main election, it will be considered timely for any resulting runoff if received in time; and (2) provide that a person commits an offense if the person signs an application for a ballot to be voted by mail as a witness for more than one applicant in the same election or the person signs an annual application for a ballot to be voted by mail as a witness for more than one applicant in the same calendar year.

H.B. 3059 (Reynolds) – Elections: would, among other things, provide that a voter must only present a voter registration certificate in order to vote, and not a form of photo identification.

H.B. 3083 (Blanco) – Elections: would provide that the secretary of state shall prescribe rules requiring each entity that designates a polling place to submit information to the secretary of the state to place on its website including: (1) the location of the polling place; (2) building name; (3) street address; and (4) zip code.

H.B. 3120 (Faircloth) – Election Workers: would provide that an election judge, early voting clerk, or deputy early voting clerk is entitled to compensation for attending training at an hourly rate fixed by the appropriate authority (current law provides \$7/hour).

H.B. 3122 (Faircloth) – Early Voting Ballot Board: would: (1) require the early voting ballot board to verify and count provisional ballots not later than the 13th day after the date of an election; (2) require the canvass to occur not later than the 14th day after election day; and (3) allow a county election officer who determines a ballot was incorrectly rejected by the early voting ballot board before the time set for convening the canvassing authority to petition a district court for relief.

H.B. 3178 (Schofield) – Elections: 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. 3119 (Faircloth) – Elections: would require early voting by personal appearance at the main early voting polling place in a runoff election to be conducted for at least 12 hours on at least two weekdays.

H.B. 3124 (Schofield) – Elections: would, among other things: (1) amend the state statute dealing with electronic voting machines to reflect a recodification of federal law; and (2) expand the time frame that a county or political subdivision may make a showing that the electronic voting machine requirement creates an undue burden.

H.B. 3269 (Herrero) – Elections: would authorize the secretary of state to select any county to participate in the countywide polling place program. (Companion bill is **H.B. 2862** by **Bernal**.)

H.B. 3352 (Schofield) – Elections: would provide that if the date that ballots to be voted by mail become available is earlier than the 45th day before election day, the balloting materials shall be mailed to a voter not later than the 30th day before election day.

H.B. 3379 (Fallon) – Elections: would: (1) shorten the period for early voting by personal appearance on the November uniform election date to the 10th day before election day through the fourth day before election day, except as otherwise provided by state law; (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); and (2) 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.

H.B. 3441 (Riddle) – Elections: would: (1) repeal the requirement that a school district hold its election on the same date as the city council election; and (2) require the governing body of a political subdivision other than a county that holds its elections on the May uniform election date to move all elections to the November uniform date or the date of the general primary election not later than December 31, 2016.

H.B. 3586 (Reynolds) – Elections: would provide that a ballot voted by mail, whether cast from an address outside the United States or not, may be counted if it arrives after the deadline if: (1) the carrier envelope was placed for delivery before the time the ballot is required to arrive; and (2) the ballot arrives at the address on the carrier envelope not later than the fifth day after the date of the election.

S.B. 1378 (Lucio) – Candidate Qualifications: would: (1) require a mandatory drug test each time a person runs for a public elective office; (2) require the authority running the election, including a city, to: (a) administer the drug test; (b) obtain a waiver of confidentiality to release the results of the drug test; and (c) submit the results to the Texas Ethics Commission; (3) require the Texas Ethics Commission to release the results of the drug tests; and (4) require the Secretary of State to adopt rules in accordance with this requirement. (See **S.J.R. 49**, below.)

S.B. 1489 (Garcia) – Elections: would require an election officer to ensure that a declination of a provisional ballot form is executed for each person who is informed of the person's right to cast a provisional ballot.

S.B. 1490 (Garcia) – Elections: would, among other things, provide that a voter who doesn't appear on the list of registered voters for the precinct and presents a receipt for a voter registration application issued by a deputy voter registrar shall be noted on the affidavit signed by the election judge to attest that the voter presented the receipt and that the information on the affidavit matches the receipt.

S.B. 1491 (Garcia) – Elections: would allow a person who is occupying a voting station to use a mobile phone to access information that was downloaded, recorded, or created on the phone before the person entered the polling place. (Companion bill is **H.B. 675** by **G. Bonnen**.)

S.B. 1525 (Garcia) – Elections: would authorize a voter use a wireless communication device at a voting statute solely to reference a sample ballot or information regarding a ballot initiative stored on the device.

S.J.R. 49 (Lucio) – Candidate Qualifications: proposes a constitutional amendment which would require the legislature to pass a law making a drug test mandatory for each public elective office in the state. (See **S.B. 1378**, above.)

Open Government

H.B. 2766 (Burkett) – Birthdate: would: (1) make a person’s date of birth confidential; (2) authorize a city to redact a person’s date of birth without requesting a decision from the attorney general; and (3) allow a county or district clerk to disclose a date of birth in the ordinary course of business without violating the law or facing liability.

H.B. 2839 (Capriglione) – Production of Public Information: would: (1) allow an officer for public information (PIO) to refer a requestor to a website maintained by the governmental body and accessible to the public as a method of responding to a request for information; (2) provide that: (a) a PIO complies with the requirement to produce information promptly by allowing a person to inspect copyrighted information; and (b) a PIO does not have to furnish copies of copyrighted material and may refuse to do so without requesting a decision from the attorney general; and (3) authorize a governmental body to withhold confidential utility customer information without requesting a decision from the attorney general.

H.B. 3199 (Springer) – Marketing: would prohibit the use of information received in response to a request under the Public Information Act for marketing purposes and provide a civil penalty for a violation of the prohibition.

H.B. 3210 (P. King) – Production of Public Information: would: (1) allow an officer for public information to comply with a request for information by referring the requestor to an exact Internet location or uniform resource locator address on a website that is accessible to the public, if the requested information is identifiable and readily available on that website; and (2) provide that if the requestor states in writing that the person prefers access in a manner other than a website, the governmental body must supply the information in another manner required by the Public Information Act.

H.B. 3224 (Murr) – Motor Vehicle Accident Information: would require that motor vehicle accident information be released to a person who provides the date of the accident and the name of the person involved in the accident.

H.B. 3234 (Galindo) – Public Information: would, among other things: (1) provide that a municipal officer has a right of access to information that is, for purposes of the Public Information Act (PIA), public information of the municipal governmental body that the municipal officer oversees; (2) provide that a municipal governmental body on request by a municipal officer who oversees the governmental body shall provide public information, including confidential information or information otherwise excepted from disclosure, to the municipal officer in accordance with the PIA; (3) provide that a municipal governmental body that provides confidential information or information otherwise excepted from required disclosure under (2), above, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right of the body to assert exceptions to required disclosure of the information in the future; (4) authorize a municipal governmental body to require a requesting municipal officer or the employees of the requesting municipal officer who will view or handle information that is confidential or otherwise excepted from disclosure to sign a confidentiality agreement that requires that: (a) the information not be disclosed outside the office of the requesting municipal officer, or within that office for purposes other than the purpose for which it was received; (b) the information be labeled as confidential; (c) the information be kept securely; or (d) the number of copies or notes taken from the information that implicate its confidential nature be controlled, with all copies or notes that are not destroyed or returned to the municipal governmental body remaining confidential and subject to the confidentiality agreement; (5) allow an individual required to sign a confidentiality agreement as described in (4), above, to seek a decision from the attorney general about whether the information is actually confidential or excepted from disclosure, and void any such agreement that is determined by the attorney general to cover information that is not confidential or otherwise excepted from disclosure; and (6) provide for the appeal of a decision of the attorney general described in (5), above, to a district court in a county in which the municipality is located if a person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect. (Companion bill is **S.B. 336** by **V. Taylor**.)

S.B. 1192 (Zaffirini) – Candidate Reports: would make confidential certain electronic candidate report data stored with the city for later retrieval and editing (i.e., data related to a report that has not yet been filed with the city).

S.B. 1254 (Birdwell) – Economic Development Negotiations: would repeal: (1) the provision of the Public Information Act that makes certain information related to economic development negotiations between a governmental body and a business prospect confidential; and (2) the provision of the Open Meetings Act allowing certain economic development negotiations to be discussed in a closed meeting.

Other Finance and Administration

H.B. 22 (S. Davis) – Financial Statements: would, among other things: (1) provide that the Texas Ethics Commission (TEC) shall administer and enforce Chapter 145, Local Government Code, which requires certain officials and candidates in cities with a population of 100,000 or greater to file financial statements; (2) provide that the TEC shall administer and enforce state

law that requires certain municipal court judges to file a financial statement; (3) require the TEC to prepare a written opinion to answer a request of a person regarding Chapter 145, Local Government Code, or certain state law that governs municipal court judges; and (4) allow the TEC to disclose certain confidential information to a law enforcement agency to the extent necessary for the recipient of the information to perform a duty or function that is in addition to the TEC's duties and functions. (This bill is identical to **H.B. 3448**, below.)

H.B. 23 (S. Davis) – Disclosure of Vendor Relationships: would amend Chapter 176, Local Government Code (which requires officials to disclose certain relationships they have with city vendors) to provide, among other things, that: (1) it applies to a “local government officer” including an agent of a local government entity who is involved in the planning, advertising, selecting, or contracting of vendor; (2) it applies to a “vendor” who enters or seeks to enter into or influence a contract award, including the agent of a vendor, but generally excluding an officer or employee of a state agency; (3) disclosure is triggered upon the receipt of one or more gifts that have an aggregate value of more than \$100 (current law is \$250); (4) it applies to a vendor that has a “family relationship” with a government officer, defined to mean a relationship within the third degree by blood and second degree by marriage; (5) the receipt of gifts by family members and the receipt of lodging, transportation or entertainment may trigger the requirement to file a conflicts disclosure; (6) a vendor must complete a conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and the contract exceeds \$1 million; (7) failure by a local government officer or vendor to comply with the requirements of Chapter 176 is a criminal offense ranging from a Class C to a Class A misdemeanor, depending on the amount of the contract at issue; and (8) the city council could declare a contract void if they determine a violation of Chapter 176 has occurred.

H.B. 300 (L. Gonzales) – Sporting Goods Sales Tax: would: (1) remove the current 74 percent cap on the sporting goods sales tax that is transferred to the State Parks Account; (2) limit the transfer to an amount not to exceed what is appropriated by the legislature during the biennium; (3) limit the amount of money transferred to the Texas Parks and Wildlife Conservation and Capital Account to an amount not to exceed the amount appropriated by the legislature during the biennium; (4) remove the current 15 percent cap on the amount of sporting goods sales tax that is transferred to the Texas Recreation and Parks Account, (5) limit the transfer to an amount not to exceed what is appropriated by the legislature during the biennium; (6) remove the current 10 percent cap on the sporting goods sales tax that is transferred to the Large County and Municipality Recreation and Parks Account, and (7) limit the transfer to an amount not to exceed what is appropriated by the legislature during the biennium.

H.B. 2802 (Pena) – Bathrooms: would: (1) create a criminal offense for individuals over the age of 5 who use a bathroom designated for use by the opposite sex; and (2) create a cause of action for other individuals in the bathroom when the person of the opposite sex enters.

H.B. 2854 (Martinez) – Disease Presumption: would, in relation to a presumption that a person is infected with disease at work for purposes of workers' compensation coverage: (1) allow a fire fighter's disease presumption to be determined by: (a) whether the cancer is known to associated with fire fighting by the International Agency for Research on Cancer; or (b) a physician's

finding that the cancer is not the result of other known causes; and (2) allow a disease presumption related to a fire fighter's death from certain diseases to be used to determine a survivor's eligibility for benefits.

H.B. 2961 (Sanford) – Local Debt: would require a city to include in a proposition seeking voter approval of the issuance of bonds: (1) the most recent rating, if any, given by Standard and Poor's or another industry-recognized bond rating service to bonds issued by the city; and (2) a plain-language description of the applicable bond rating system, if a bond rating is required to be stated under (1), above.

H.B. 3057 (Murr) – Rodents and Predatory Animals: would require the Texas Parks and Wildlife Department, in conjunction with the Texas A&M AgriLife Extension Service, to create and administer a grant program for political subdivisions and some nonprofits for the control of rodents and predatory animals.

H.B. 3079 (Raymond) – Statutes of Limitation: would provide that the residual statute of limitations (of 4 years) does not apply to an action to enforce a right or remedy provided in the Texas Constitution. In other words, such an action would not be time barred.

H.B. 3131 (S. Thompson) – Abandoned Vehicles: would provide, among other things, that if a law enforcement agency refuses to accept notice and custody of an abandoned vehicle from a vehicle storage facility the vehicle storage facility must assume responsibility for giving notice of abandonment.

H.B. 3132 (Parker) – Municipal Advisors: would authorize a city to hire a financial advisor or investment advisor who is registered as a municipal advisor with the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, Section 15B.

H.B. 3141 (Lozano) – Windstorm Insurance Association: would modify the rules under which the Texas Department of Insurance issues a certificate of compliance under the Texas Windstorm Insurance Association Act.

H.B. 3148 (E. Rodriguez) – Construction Contractors: would require: (1) a construction contractor to register with the Texas Department of Licensing and Regulation; and (2) the department to prepare a publicly available list of registered contractors.

H.B. 3166 (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. 3204 (Sheets) – Windstorm Insurance Association: would provide that the Texas Windstorm Insurance Association shall administer, subject to Insurance Commissioner approval, a "depopulation program" that encourages the transfer of association policies to insurers through the voluntary market or assumption reinsurance.

H.B. 3265 (Guillen) – Towing, Booting, and Storing: would make various changes to the licensing and regulation of towing, storing, and booting motor vehicles, including that: (1) members of the Towing, Storage, and Booting Advisory Board must include one peace officer employed by a subdivision on the state in a county with a population of less than one million and one officer from a subdivision with a population of one million or more; (2) an incident management towing permit is required for any nonconsent tow (not just those initiated by a peace officer); (3) booting no longer requires a state license, but cities may regulate booting companies, including permit, sign, and charge requirements; (4) a towing company may take a nonconsent tow vehicle to certain facilities, including a facility owned by a government entity; (5) a tow truck operator and company acts as an agent of law enforcement when performing a nonconsent tow initiated by a peace officer; and (6) justice courts have exclusive jurisdiction over certain towing hearings.

H.B. 3275 (Dutton) – Contested Case Hearings: would prohibit a state agency or administrative law judge from denying a request for a stay of proceedings in a contested case for which an interlocutory appeal has been filed.

H.B. 3300 (Fallon) – General Law Term Limits: would authorize the governing body of a general law city to order an election to impose, amend, or repeal municipal term limits.

H.B. 3380 (Y. Davis) – Removal of Elected Officer: would: (1) prohibit the city council of a home rule city from removing an elected officer based solely on an administrative violation of the city’s charter; (2) require any process by which the city council removes an elected officer of the city to include written notice of the grounds of removal and an opportunity for a public hearing; (3) provide that: (a) the removal of an officer that doesn’t comply with (1) and (2), above, is not effective; and (b) these requirements do not affect the right of voters of the city to remove an elected officer; and (4) require a city that does not have a process like that described in (2), above, to adopt such a process by October 1, 2015.

H.B. 3385 (Y. Davis) – Businesses that Relocate Overseas: would, among other things: (1) require a city to give preference to a vendor, bidder, or contractor that does not appear on a certain list identifying businesses that relocate customer service employees positions overseas; (2) prohibit a city (with some exceptions) from awarding or providing a public subsidy to a business that appears on a certain list identifying businesses that relocate customer service employees positions overseas; and (3) require certain businesses that relocate customer service employees positions overseas to repay any public subsidies awarded after the business is placed on a certain list.

H.B. 3344 (Schofield) – Local Debt: would prohibit a city 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. (Companion bill is **S.B. 794** by **Hancock**.)

H.B. 3408 (Stephenson) – Annual Financial Report: would require a city that maintains a website to post a comprehensive annual financial report on the website as soon as it becomes

available and to maintain the posting until at least the third anniversary of the date it is first posted.

H.B. 3439 (Riddle) – Property Donation: would allow the Texas Facilities Commission and state agencies to donate property to a local governmental entity in certain circumstances and authorize the state to charge the local governmental entity up to 10 percent of the item’s market value to cover the costs associated with the donation.

H.B. 3448 (S. Davis) – Financial Statements: this bill is identical to **H.B. 22**, above.

H.B. 3478 (Elkins) – Credit Card Information: would: (1) require that a business, including a city: (a) keep confidential retained credit card information; (b) secure the information from a breach of system security; (c) if there is a breach where credit card information is compromised, give notice to the attorney general and the financial institution which issued the card; and (2) create a civil penalty of up to \$50 for a business to pay for each credit card or debit card whose information is compromised due to an unsecured computer system.

H.B. 3537 (Y. Davis) – Credit Card Information: would: (1) require that a business, including a city: (a) keep confidential retained credit card information; (b) secure the information from a breach of system security; (c) if there is a breach where credit card information is compromised, give notice to the attorney general and the financial institution which issued the card; and (2) create a civil penalty of up to \$50 for a business to pay for each credit card or debit card whose information is compromised due to an unsecured computer system.

H.B. 3543 (Schofield) – Public Integrity Prosecutions: would: (1) require the chief justice of the supreme court to appoint a Public Integrity Prosecutions Committee (committee) in a manner that ensures each administrative judicial region is represented; (2) require the committee to appoint a subcommittee to recommend candidates for public integrity prosecutor (prosecutor), from which the committee will appoint the prosecutor; (3) require the prosecutor to serve a six-year term and oversee the Office of Public Integrity (office); (4) authorize the office to prosecute certain offenses against public administration, offenses involving insurance fraud, and offenses involving motor fuels tax; and (5) require a local law enforcement agency (to the extent allowed by law) to cooperate with the office by providing any necessary information.

H.B. 3558 (Schubert) – State Flag: would allow a flag on a municipal historic monument to be flown, from the perspective of the observer, to the left of the state flag. (Note: Current law prohibits any flag that is flown at the same height of the state flag from being on its left side.)

H.B. 3567 (Sanford) – Gay Marriage: would: (1) allow a church or other organization the right to refuse to perform certain services including marriages if doing so would violate a sincerely held belief; and (2) prohibit the state or city from: (a) filing a criminal or civil action against an organization or individual exercising this right; or (b) otherwise penalizing an organization or individual exercising this right including in the provision of tax exemptions, governmental contracts, grants, or licenses.

H.B. 3602 (Bell) – Religious Freedom/Gay Marriage: would provide that:

1. a conscientious objector may freely act or refuse to act in accordance with a sincerely held religious belief that marriage is or should be recognized as only the union of one man and one woman, sexual relations should be exclusively reserved to a marriage of only one man and one woman, or gender or gender identity is or should be determined by the predominant chromosomal sex;
2. a person or government agency may not take any adverse action against any conscientious objector wholly or partly on the basis that the conscientious objector acts or refuses to act based on the beliefs in (1), above;
3. the bill does not apply to: (a) an action by a government agency that burdens a conscientious objector's right to act or fail only if the government agency action is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest; or (b) actions taken solely for purposes of harassment;
4. a conscientious objector may assert an actual or threatened violation of this chapter as a claim or defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief;
5. a conscientious objector who successfully asserts a claim or defense under the bill is entitled to recover: (a) declaratory relief; (b) injunctive relief to prevent the threatened or continued adverse action against the conscientious objector; (c) compensatory damages for pecuniary and nonpecuniary losses; (d) punitive damages; and (e) reasonable attorney's fees, court costs, and other reasonable expenses;
6. a cause of action under the bill has a two year statute of limitations;
7. sovereign, government, and qualified immunities to suit and from liability are waived and abolished to the extent of liability created by the bill, and a claimant may sue a government agency or official for damages allowed by the bill.

H.B. 3606 (Krause) – Federal Funds: would: (1) require a city to report to the Legislative Budget Board, the comptroller, and the governor before accepting or expending a federal grant or other funds that have not been appropriated by the legislature: (a) the total amount of the funds; (b) the proposed use of the funds; and (c) the potential impact of the funds on the state budget; and (2) prohibit a city from accepting or expending federal funds if, on or before the 10th business day after the date the report in (1), above, is made the city receives a written disapproval.

H.B. 3613 (Isaac) – Event Trust Funds: would: (1) transfer administration of the Pan American Games Trust Fund, Olympic Games Trust Fund, Major Events Trust Fund, Motor Sports Racing Trust Fund, and Events Trust Fund for sporting and non-sporting events from the comptroller to the office of the governor; and (2) eliminate the Special Events Trust Fund.

H.B. 3630 (C. Turner) – Hotel Occupancy Tax: would: (1) apply state and local hotel occupancy taxes to short-term rentals; and (2) authorize a city to spend up to two percent of its hotel occupancy tax revenue for the creation, maintenance, operation, and administration of an electronic tax administration system.

H.B. 3650 (Guerra): Tax Collection: would, among other things: (1) authorize a taxpayer to file a lawsuit to contest the payment of any tax or fee collected by the comptroller, including a local tax collected by the comptroller; and (2) require the suit to be brought against the public officials charged with the duty of collecting the tax or fee, the comptroller, and the attorney general.

S.B. 1155 (Hall) – Discrimination Ordinances: would: (1) prohibit a city, and other political subdivisions, from adopting or enforcing an ordinance or regulation that prohibits discrimination against individuals not already protected by state law; and (2) invalidates any ordinance or regulation that was adopted before the section becomes law. (Companion bill is **H.B. 1556** by **R. Miller.**)

S.B. 1194 (West) – Metal Recycling: would: (1) require a metal recycling entity to report to the Texas Department of Licensing and Regulation (TDLR) each sale or attempted sale of an explosive weapon or explosive component; (2) require the TDLR 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) 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 TDLR to impose certain administrative penalties in relation to the metal recycling laws. (Companion bill is **H.B. 4090** by **Johnson.**)

S.B. 1267 (Estes) – Contested Case Hearings: would: (1) allow a state agency to suspend a license if the agency determines imminent peril to the public health, safety, or welfare requires emergency action, which includes suspending the license holder's license pending proceedings for revocation; (2) permit a state agency to notify each party to a contested case of any decision or order of the agency by electronic means; (3) provide that if an adversely affected party or the party's attorney of record does not receive required notice from a state agency or acquire actual knowledge of a signed order before the 15th day after the date the order is signed, then the deadline for a motion for rehearing begins when the party receives the notice or acquires actual knowledge of the signed order; and (4) require an adversely affected party to prove that the date the party received notice or acquired actual knowledge of an order was after the 14th day after the date the order was signed. (Companion bill is **H.B. 1419** by **Clardy.**)

S.B. 1283 (Eltife) – Disasters and Emergencies: would: (1) provide that an out-of-state business entity whose transaction of business in Texas is limited to the performance of disaster- or emergency-related work during a disaster response period is not required to: (a) register with the secretary of state; (b) file a tax report with or pay taxes or fees to the state or a political subdivision of the state; (c) pay ad valorem or use tax on equipment used only during the disaster response period and that is removed from the state following the response period; (d) comply with any state or local business licensing or registration requirements; or (e) comply with any state or local occupational licensing requirements or related fees; (2) provide that an out-of-state employee whose only employment in the state is for the

performance of disaster- or emergency- related work during a disaster response period is not required to: (a) file a tax report with or pay taxes or fees to the state or a political subdivision; or (b) comply with any state or local occupational licensing requirements or related fees; (3) provide that an entity or employee described in (1) and (2), above, is (unless otherwise exempt) subject to a transaction tax or fee, including motor fuels tax, sales or use tax, hotel occupancy tax, and motor vehicle rental tax; (4) require an entity or employee described in (1) and (2), above, to provide certain information to the secretary of state upon request by the secretary of state; (5) exclude an entity or employee from the exemptions in (1) and (2), above, if the entity or employee remain in Texas after the disaster response period; (6) provide that an entity or employee described in (1) and (2), above, is not engaged in business in this state for purposes of the Limited Sales, Excise, and Use Tax Act; and (7) provide that an entity or employee described in (1) and (2), above, is not a “taxable entity” for purposes of certain franchise tax. (Companion bill is **H.B. 2358** by **Lucio**.)

S.B. 1347 (Huffines) – Parks Funding: would limit: (1) the use of sporting goods sales tax revenue to acquiring, operating, maintaining, and making capital improvements to parks; (2) the transfer to the Texas recreation and Parks Account to seven percent of credits made of the sporting goods sales tax; and (3) the transfer to the large county and municipality recreation and parks account to five percent of the credits made of the sporting goods sales tax.

S.B. 1437 (Zaffirini) – Financial Statements and Other Reports: would allow certain documents, including a financial statement filed by some officials in cities with a population of 100,000 or more, to be filed electronically using software developed by the Texas Ethics Commission if the city secretary or authority with whom the document is filed adopts rules and procedures to provide for such filing.

S.B. 1444 (L. Taylor) – Electric Utility Liability: would expand the protection from premises liability for recreational uses to any electric utility that has an agreement with a city to allow individuals on its premises for recreational purposes. (Companion bill is **H.B. 2184** by **R. Miller**.)

S.B. 1593 (Lucio) – Fireworks: would eliminate the authority of a home rule city to prohibit fireworks in the area that extends 5,000 feet beyond the city limits. (Companion bill is **H.B. 2529** by **Lucio**.)

S.B. 1600 (Kolkhorst) – Attorney’s Fees: would authorize a court to award attorney’s fees against the state or an agency of the state in an amount not to exceed \$250,000 in a proceeding under the Uniform Declaratory Judgments Act.

S.B. 1608 (Huffines) – Code Enforcement Certification: would, among other things, repeal the state certification process and training for code enforcement officers.

S.J.R. 47 (Huffines) – Sales Tax: would amend the Texas Constitution to provide that, for each state fiscal year, the net revenue received from the collection of any state taxes imposed on the sale, storage, or use of sporting goods is automatically appropriated when received to the Parks

and Wildlife Department and the Texas Historical Commission, or their successors in function, and is allocated between those agencies as provided by general law.

Municipal Courts

H.B. 2821 (Clardy) – Truancy: would: (1) repeal the offense of failure to attend school; (2) continue to allow a school district to file a complaint against a parent in municipal court for parent contributing to nonattendance; (3) designate a municipal court as a juvenile court for the purpose of making a determination of truancy; and (4) provide a list of requirements that a court may order an individual who is found to be truant to complete.

H.B. 2822 (Smithee) – Delivery of Court Notice: would authorize a court or court clerk to send any notice or document using mail or electronic mail. (Companion bill is **S.B. 1116** by **West**.)

H.B. 2885 (Giddings) – Juvenile Complaint Reporting: would: (1) require a school district to report the number of complaints filed in municipal court or citations issued to students each year; and (2) prohibit the report from including information that identifies the peace officer who issued a citation.

H.B. 3252 (Landgraf) – Teen Court: would allow a defendant to enter the teen court program if the defendant: (1) has not completed a teen court program in the preceding 12 months before the offense occurred; and (2) was referred to the program by a designated school official as a diversionary program.

H.B. 3338 (Alonzo) – Appointed Counsel: would entitle an indigent defendant being prosecuted for a Class C assault to court appointed counsel.

H.B. 3388 (Faircloth) – Court Cost: would raise the fee paid by a defendant for services performed in the case by a peace officer for commitment or release from \$5 to \$90. (Companion bill is **S.B. 696** by **Taylor**.)

H.B. 3579 (Alonzo) – Expunction of Records: would reduce the elapsed time after the date of an arrest and dismissal that a person must wait to request an expunction for a Class C misdemeanor from 180 days to 30 days.

H.B. 3627 (Guerra) – Community Service: would require a municipal court to allow a person under 18 years of age convicted of using a wireless communication device while driving to discharge all or part of the fine or court costs associated with the offense by performing community service.

S.B. 1265 (Taylor) – Juvenile Court Records: would require the custodian of a juvenile record or file to redact any personally identifiable information about a victim of the child's delinquent conduct or conduct indicating a need for supervision who was under 18 on the date the conduct occurred.

S.B. 1292 (Zaffirini) – Disabled Parking: would: (1) authorize a municipal court judge to require a defendant who pleads guilty or no contest to an offense for illegally parking in a disabled parking space to complete a disabled parking course approved by the city in which the alleged offense occurred if the defendant hasn't completed such a class within the previous year and the defendant requests to take the course; (2) require a judge to enter a plea as described in (1), above, but defer judgment, and allow the defendant 90 days to take a disabled parking course; (3) authorize the court to impose an administrative fee of not more than \$10 on a defendant requesting to take a course described in (1), above; (4) require the court to remove the judgment and dismiss the charge if the defendant completes the class as described in (2), above; (5) allow non peace officer individuals who enforce parking laws in a city to file charges manually or electronically, and require that the training for such an individual include information on laws governing parking for people with disabilities; and (6) provide that a city that collects fines for disabled parking violations may use no more than 40 percent of the fine revenue to provide awareness programs and establish an advisory board regarding disabled parking and other needs of the disabled. (Companion bill is **H.B. 2857** by **M. Martinez**.)

S.B. 1310 (Menendez) – Court Cost: would impose a \$2 court cost on conviction of any misdemeanor to benefit the veterans court program.

S.B. 1505 (Garcia) – Expunction: would provide that records of a person under 17 years of age related to a complaint in municipal court may be expunged if the complaint was dismissed under specific provisions of the Code of Criminal Procedure or the person was not convicted of another offense arising out of the same criminal episode.

S.B. 1506 (Lucio) – Court Cost: would authorize a \$75 fee to be assessed upon conviction of any offense to pay for the services of a peace officer who has executed or processed an arrest warrant, *capias*, or *capias pro fine*. (Companion bill is **H.B. 1425** by **Fletcher**.)

Community and Economic Development

H.B. 2772 (Martinez) – Economic Development Corporation: would provide that an authorized project for a Type A or Type B economic development corporation includes the promotion of new or expanded business enterprises through transportation facilities including airports, hangars, railports, rail switching facilities, maintenance and repair facilities, cargo facilities, marine ports, inland ports, mass commuting facilities, parking facilities, and related infrastructure located on or adjacent to an airport or railport facility.

H.B. 2803 (Pena) – Payday and Auto Title Lending: would: (1) require a payday or auto title lender to prominently and conspicuously post at the lender's place of business a sign containing a specific statement regarding how to contact the Office of Consumer Credit Commissioner with any concerns or complaints about the lender;

H.B. 2808 (J. White) – 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 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 in the form of a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan; (5) require a credit access business to require certain types of documentation to establish a consumer's income for purposes of extending credit; (6) 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 (7) 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 installment used to repay at least 25 percent of the principal amount of the debt; (8) 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; (9) 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 installment used to repay at least 25 percent of the principal amount of the debt; (10) 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 (11) 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. 2834 (King) – Economic Development: would: (1) require a business that is a recipient of economic development funds to repay all of the value of any subsidy or incentive if the business has a federal immigration conviction for unlawful employment of undocumented workers unless the business reasonably relied on an E-Verify program; and (2) prohibit a governmental entity, including a city, from awarding an economic development incentive to a business that has been convicted and had to repay an incentive for two years after any repayment is made. (Companion bill is **S.B. 484** by **Kolkhorst**.)

H.B. 2857 (Martinez) – Disabled Parking Violations: would: (1) authorize a municipal court judge to require a defendant that pleads guilty or no contest to an offense for illegally parking in a disabled parking space to require the defendant to complete disabled parking course approved by the city in which the alleged offense occurred if the defendant hasn't completed such a class within the previous year and the defendant requests to take the course; (2) require a judge to enter a plea as described in (1), above, but defer judgment, and allow the defendant 90 days to take a disabled parking course; (3) authorize the court to impose an administrative fee of not more than \$10 on a defendant requesting to take a course described in (1), above; (4) provide procedures if a defendant does not comply with (2), above, and/or fails to appear to address such noncompliance; (5) require the court to remove the judgment and dismiss the charge if the

defendant completes the class as described in (2), above; (6) allow non peace officer individuals in a city that enforce parking laws to file a charge manually or electronically, and require that the training for such an individual include information on laws governing parking for people with disabilities; (7) provide that a city that collections fines for disabled parking violations may use no more than 40% of the fine revenue to provide awareness programs and establish an advisory board regarding disabled parking and other needs of the disabled. (Companion bill is **S.B. 1292** by **Zaffirini**.)

H.B. 2860 (Bernal) – Fair Housing: would: (1) prohibit, under the Texas Fair Housing Act, certain actions (such as refusing to sell or rent a dwelling) because of a person’s sexual orientation or gender identity or expression; (2) provide that the Texas Fair Housing Act does not prohibit: (a) a religious organization from giving preference to persons of the same religion, unless membership is restricted because of sex, disability, familial status, sexual orientation, or gender identity or expression; or (b) a real property appraiser from considering in an appraisal a person’s sexual orientation, or gender identity or expression; and (3) prohibit the Texas Workforce Commission from deferring proceedings and referring a complaint under the Texas Fair Housing Act to a city in which alleged discrimination occurred if the complaint alleges discrimination based on sexual orientation or gender identity or expression and the city does not have laws prohibiting the alleged discrimination.

H.B. 2878 (Márquez) – Rental Assistance Projects: would authorize an applicant to combine residential rental projects into a single project as part of a housing authority’s participation in the U.S. Housing and Urban Development’s Rental Assistance Demonstration program if the project is related to the conversion of the housing authority’s public housing units and if the applicant was created by a city housing authority located in a city that borders Mexico and is situated in a county that borders Mexico with a population greater than 800,000. (Companion bill is **S.B. 976** by **J. Rodriguez**.)

H.B. 2883 (Simmons) – Special Districts: would provide that a city that has created a crime control and prevention district or a fire control, prevention, and emergency medical services district may add territory to the district pursuant to an election called for that purpose.

H.B. 2909 (Springer) – Rental Housing: would provide that neither a city nor a county may not adopt or enforce an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because of the person’s lawful source of income to pay rent, including a federal housing choice voucher. (Companion bill is **S.B. 267** by **Perry**.)

H.B. 2977 (Coleman) – Incorporation: would, among other things: (1) require that before a community may incorporate as a city, a comprehensive inventory of police, fire, and emergency medical services must be prepared and filed with the county clerk before the 60th day before the date of the incorporation election; and (2) provide special county and city subdivision regulations in: (a) a county that includes territory located within 50 miles of an international border; or (b) a city located in that county if the county doesn’t exercise subdivision authority in the city’s

extraterritorial jurisdiction (ETJ) and the county authorizes the city to exercise subdivision authority in the city's ETJ.

H.B. 2991 (Paddie) – Mineral Exploration Regulation: would: (1) define “identified marker” as a school, regular place of worship, residence, residential neighborhood, public park or other specified land use identified by a city from which mineral exploration and development must maintain a maximum proximity; (2) require a maximum proximity allowance established by a city between mineral exploration and identified markers to be applied uniformly to subsequent development of identified markers in relation to all existing mineral exploration activity locations; and (3) authorize a property owner or lessee desiring to build or use property within the area created by a proximity allowance to petition the city for a waiver which, if granted, must be recorded in the county records so as to provide notice to a potential purchaser.

H.B. 2993 (Paddie) – Oil and Gas Development: would provide that: (1) a setback requirement established by a city between mineral exploration and development activities and a school, regular place of religious worship, residence, residential neighborhood, public park, or similar use must be applied uniformly to subsequent development; (2) a property owner or lessee desiring to build or otherwise utilize property within the setback may petition the city for a waiver; and (3) approval of a waiver shall essentially change the future setback to be the waiver distance.

H.B. 3040 (Martinez) – Economic Development Corporations: would: (1) authorize municipal development districts located in certain border cities to fund projects the board finds suitable for the development or promotion of new or expanded business enterprises through various types of transportation facilities; and (2) authorize Type A and Type B economic development corporations to fund projects the board finds suitable for the development or promotion of new or expanded business enterprises through various types of transportation facilities.

H.B. 3047 (Craddick) – Payday and Auto Title Lending: would, among other things: (1) require the consumer credit commissioner to establish and implement a database for the compilation of information relating to payday loans; (2) provide that a municipal ordinance regulating credit access businesses is not preempted by state law; (3) provide that, if a municipal ordinance conflicts with a provision of state law, the more stringent regulation controls; (4) 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; (5) prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than in the form of a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan; (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 installment 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 installment 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 (13) 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. 3058 (Giddings) – Payday and Auto Title Lending: would limit the instances in which a payday or auto title lender could file or threaten to file a criminal complaint against a consumer.

H.B. 3060 (Anchia) – Building and Standards Commissions: would provide that, in addition to the authority in current law, a panel of a building and standards commission may order action to be taken as necessary to remedy, alleviate, remove, or abate, violations of ordinances relating to animal care and control or water conservation measures, including water restrictions. (Companion bill is **S.B. 1552** by **West**.)

H.B. 3089 (Galindo) – Sprinkler Systems: would: (1) require a residential high-rise building to be equipped with a complete fire protection sprinkler system; (2) require a city to adopt a standard for the installation of the system described in (1), above, that complies with the National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems (NFPA Standard); (3) provide that until the city adopts a standard as required in (2), above, the standard is the NFPA Standard; (3) require the owner of a residential high-rise building built before September 1, 2015, to: (a) provide notice to the city of the owner's intent to comply; and (b) comply with the requirement in (2), above, in phases; and (4) provide for enforcement of the requirement in (2), above, by injunction and criminal penalty.

H.B. 3065 (Fallon) – Eminent Domain: would provide that, if the amount of damages awarded by the special commissioners is at least 10 percent greater than the amount the condemnor offered to pay before the proceedings began or if the commissioners' award is appealed and a court awards damages in an amount that is at least 10 percent greater than the amount the condemnor offered to pay before the proceedings began, the condemnor shall pay: (1) all costs; and (2) any reasonable attorney's fees and other professional fees incurred by the property owner in connection with the eminent domain proceeding.

H.B. 3244 (Burkett) – Sale of Real Property: would provide that a home-rule city may contract with a broker to sell a tract of real property the city owns or holds in trust and has the authority to sell.

H.B. 3263 (Guillen) – State Licenses: would provide that: (1) notwithstanding any other state law, and unless expressly authorized by state law, the governing body of a city may not adopt or enforce any ordinance, rule, or regulation that establishes requirements for, imposes restrictions on, or otherwise regulates the business activities of a state licensee within the city or the city’s extraterritorial jurisdiction; and (2) a city ordinance, rule, or regulation that violates the bill is void and unenforceable.

H.B. 3266 (Guillen) – RV Parks: would provide that: (1) the Legislature adopts by reference NFPA 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2014 Edition in full, except for sections 1.1.1 and 1.2; (2) a regulation, charter, or ordinance promulgated by a governmental entity of this state may not impose stricter standards on the construction of recreational vehicle parks and campgrounds or on the expansion of existing parks; (3) it is the intent of the legislature that this bill shall exclusively govern the safety standards imposed on the construction or expansion of recreational vehicle parks and campgrounds of this state and shall preempt all contrary local ordinances, executive orders, legislation, rules, or regulations adopted by the state or any other governmental entity of this State; and (4) any contrary local ordinances, executive orders, legislation, rules, or regulations adopted by the state or any other governmental entity of this State are void.

H.B. 3299 (D. Miller) – Limited Purpose Annexation: would provide that a city may not enforce an ordinance or rule that limits the number of people who may assemble on property located in an area annexed for limited purposes if the ordinance or rule would restrict the number of people authorized to assemble on the property to less than what the fire prevention authority with jurisdiction over the property has authorized by permit.

H.B. 3339 (Burkett) – Eminent Domain: would provide that, if the amount of damages awarded by the special commissioners is at least 10 percent greater than the amount the condemnor offered to pay before the proceedings began or if the commissioners’ award is appealed and a court awards damages in an amount that is at least 10 percent greater than the amount the condemnor offered to pay before the proceedings began, the condemnor shall pay: (1) all costs; and (2) any reasonable attorney’s fees and other professional fees incurred by the property owner in connection with the eminent domain proceeding. (Companion bill is **S.B. 474** by **Kolkhorst**.)

H.B. 3340 (Bohac) – Floodplain Administrators: would: (1) require a city to designate a floodplain administrator; (2) require that a floodplain administrator be accredited by the Texas Water Development Board (TWDB) according to standards established by the TWDB; and (3) require TWDB to establish mandatory continuing education or training of no less than 6 hours per year for accredited floodplain administrators.

H.B. 3598 (Hughes) – Regulatory Takings/Oil and Gas: would make a city regulation that takes, damages, destroys, impairs, or prohibits development of mineral interests subject to the

Private Real Property Rights Preservation Act, which would: (1) waive sovereign immunity to suit and liability for a regulatory taking; (2) authorize a private real property owner to bring suit to determine whether the governmental action of a city results in a taking; (3) require a city to prepare a “takings impact assessment” prior to imposing certain regulations; and (4) require a city to post 30-day’s notice of the adoption of most regulation prior to adoption.

H.B. 3599 (C. Turner) – Auto Title Lenders: would provide that a credit access business (e.g., an auto title lender) shall pay to the consumer the amount received by the business from the sale of any property securing the extension of consumer credit that exceeds the sum of the outstanding indebtedness and unpaid fees owed by the consumer not later than the 14th day after the date of the sale.

H.B. 3638 (C. Turner) – Payday Lenders: would provide that: (1) a credit access business (e.g. a payday or auto title lender) shall file an annual report with the Office of Consumer Credit Commissioner for each licensed location on a form prescribed by the commissioner that provides detailed information relating to the number, type, etc., of extensions of consumer credit during the preceding year; (2) all information submitted by a credit access business to the commissioner for inclusion in a report under this section is confidential; and (3) the commissioner shall publish a statewide consolidated analysis and recapitulation of reports filed under this section that includes an analysis of: (a) the 15 largest metropolitan statistical areas (MSA) of this state; (b) the five largest counties of this state; and (c) the 10 largest municipalities of this state (Note: previous reports included only MSA data).

H.J.R. 113 (Stickland) – Private Schools: would prohibit an agency of the state government, including the legislature, or a political subdivision of this state from regulating the educational program of a private school in this state.

H.J.R. 125 (Krause) – Religious Freedom: would amend the Texas constitution to provide that government may not “burden in any way” a person’s free exercise of religion, unless the burden is: (1) necessary to further a compelling governmental interest; and (2) the least restrictive means of furthering that interest. (Companion bill is **H.J.R. 55** by **Villalba**.)

S.B. 1156 (Hall) – Event Trust Funds: would abolish the Pan American Games Trust Fund, the Olympic Games Trust Fund, the Major Events Trust Fund, the Motor Sports Racing Trust Fund, and the Events Trust Fund.

S.B. 1220 (Bettencourt) – Tax Increment Financing: would: (1) provide that a city ordinance designating a reinvestment zone must provide that the reinvestment zone terminates not later than the tenth anniversary of the date on which the ordinance is adopted; (2) provide that the term of all or any portion of a reinvestment zone may not be extended beyond the tenth anniversary of the date on which the ordinance designating the zone is adopted; (3) prohibit a city from designating a reinvestment zone if more than ten percent of the property in the proposed zone is used for residential purposes or the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds ten percent of the total appraised value of taxable real property in the city and in the industrial districts created by the city; (4) prohibit the board of directors of a reinvestment zone from adopting, and a city council

from approving, and amendment to the project plan if the median appraised value of real property located in the zone equals or exceeds the median appraised value of taxable real property located outside the boundaries of the zone that is within the designating city's corporate boundaries and extraterritorial jurisdiction; and (5) a city may not authorize tax increment bonds and notes unless approved by a majority of voters at an election.

S.B. 1264 (Eltife) – Industrialized Housing/Buildings: would provide that: (1) industrialized housing does not include a residential structure that exceeds four stories or 60 feet in height; and (2) an industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include a commercial structure that exceeds four stories or 60 feet in height. (Companion bill is **H.B. 1990** by **Kuempel**.)

S.B. 1320 (Menendez) – Alcohol Permits: would create a new “public consumption” alcoholic beverage permit to be administered by the Texas Alcoholic Beverage Commission and authorize various regulations for an establishment holding such a permit. (Companion bill is **H.B. 148** by **Menendez**.)

S.B. 1323 (Menendez) – Payday and Auto Title Lenders: would provide that the amount of a fee paid or to be paid to a credit services organization (e.g., a payday or auto title lender) to assist a consumer in transacting, arranging, guaranteeing, or negotiating an extension of credit or to obtain for a consumer an extension of credit is considered interest for usury purposes under state law.

S.B. 1325 (Menendez) – Texas Military Preparedness Commission: would, among other things: (1) transfer the authority from the Office of the Governor to the Texas Military Preparedness Commission to determine projects that enhance military value; (2) increase the amount of grant money to eligible local governmental entities from \$2 to \$5 million; and (3) add affordable single family, multifamily, and veteran's supportive housing as an eligible project to an eligible local governmental entity in an amount not to exceed 10 percent of the total construction cost of the project or \$5 million.

S.B. 1358 (Campbell) – Texas Military Preparedness Commission: would, among other things: (1) transfer the authority from the Office of the Governor to the Texas Military Preparedness Commission to determine projects that enhance military value; and (2) increase the amount of grant money to eligible local governmental entities from \$2 to \$5 million.

S.B. 1376 (Lucio) – Natural Disaster Housing Recovery: would: (1) require the governor to designate a state agency to receive and administer federal and state funds appropriated for long-term natural disaster recovery; (2) authorize a local government, including a city, to develop and adopt a local housing recovery plan to provide for the rapid and efficient construction of permanent replacement housing following a natural disaster; (3) provide that a local plan may be submitted to the Hazard Reduction and Recovery Center at Texas A&M University for certification; (4) require the center to submit a certified local plan to the agency and, if accepted, require the agency to submit the local plan to the governor; and (5) allow a plan that is approved

by the governor to be implemented over a four-year period without further approval should a natural disaster occur.

S.B. 1389 (Lucio) – Border Commerce: would, among other things, create the Texas Good Neighbor Committee consisting of the mayor from every city bordering Mexico tasked with advising the border commerce coordinator on security, trade, and transportation related issues.

S.B. 1408 (Lucio) – Community Development Grant Program: would: (1) require the Texas Department of Agriculture to, subject to the availability of funds, create a community development matching grant to assist in financing various activities including trade-related initiatives, renewable energy projects, water or wastewater infrastructure projects, and economic development projects; and (2) provide that a city would be eligible for a matching grant described in (1), above, if the city is in a nonentitlement area as defined under the federal community development block grant nonentitlement program and in good standing with the department and HUD.

S.B. 1552 (West) – Building and Standards Commissions: this bill is identical to **H.B. 3060**, above.

Personnel

H.B. 2771 (Martinez) – Workers’ Compensation: would expand the definition of course and scope of employment for workers’ compensation purposes to include the time a firefighter or emergency medical personnel is traveling to and from an emergency.

H.B. 2955 (Klick) – Pension Systems: would, among other things: (1) repeal various city fire, police, and employee pensions; and (2) require that each city affected by the repeal to renegotiate its pension system benefits, policies, and procedures with its employees and retirees.

H.B. 3037 (Longoria) – Peace Officer Applicants: Identical to **H.B. 12**, above.

H.B. 3402 (Bonnen) – Peace Officer Applicants: would: (1) require that a police department, before hiring a police officer, review the person’s previous law enforcement records; (2) allow an administrative penalty if review is not done pursuant to this section; and (3) make the requirement that each department review records of law enforcement applicants supersede the civil service law prohibiting a city to release the confidential personnel files of police officers.

H.B. 3053 (Fletcher) – Public Safety Complaints: would: (1) require written complaints against fire and police officers to include the alleged acts of misconduct; (2) require internal written complaints to identify the policy, rule, or law allegedly violated; (3) prohibit a city from requiring a written or oral statement from the employee about whom the complaint is about until at least 24 hours after the employee receives the complaint; (4) prohibit a city from acting on a written complaint until the employee has had a chance to respond to the allegations; (5) waive governmental immunity for actions under these provisions; (6) give an employee the right to appeal a termination based on a written complaint to: (a) the governing body of the city; or (b) an

arbitrator if the city has adopted a procedure for appealing to an arbitrator; (7) require that a city allow an employee to have an attorney at a termination appeal hearing; and (8) require the city to reinstate the employee if the procedures of this chapter are not followed.

H.B. 3100 (Lozano) – TMRS: would, in relation to an employee returning to work with a Texas Municipal Retirement City, add accumulated interest to the monthly payment of a suspended annuity to be paid upon termination with the reemploying city.

H.B. 3182 (Fallon) – Public Retirement Benefits: would limit the amount of retirement benefits any member of a public retirement system may receive, including from TMRS, to an amount no larger than certain military salaries, regardless of the amount in the account or the years of service of the public official.

H.B. 3211 (P. King) – Peace Officer Training: would shorten the amount of time an officer appointed to a supervisory position, or who will be appointed to a supervisory position, has to complete supervisor training.

H.B. 3212 (P. King) – ID Cards: would require a city to provide an identification card to certain retired peace officers.

H.B. 3226 (Coleman) – Employment Discrimination: would: (1) make it an unlawful employment practice to engage in or allow an employee to engage in conduct considered abusive in the workplace; (2) make an employer vicariously liable for the abusive conduct of its employees; (3) make each employee liable for his or her own abusive conduct; (4) provide a defense to a claim of abusive conduct for an employer who took reasonable care to prevent and correct abusive conduct; and (5) create a private cause of action for abusive conduct.

H.B. 3317 (Sanford) – Peace Officer Training: would require each peace officer to take a training and education program on autism awareness every two years.

H.B. 3370 (Gutierrez) – Minimum Wage: would: (1) raise the minimum wage to \$10 or the federal minimum wage, whichever is higher; and (2) repeal the provision that prohibits a city from creating a higher minimum wage.

H.B. 3496 (Schofield) – Concealed Handguns: would provide that: (1) a first responder includes commission law enforcement personnel, paid and volunteer firefighters, and paid and volunteer emergency services personnel; (2) a first responder is eligible for an on-duty first responder designation on the first responder's license to carry a concealed handgun if the first responder: (a) submits certain information to the Department of Public Safety; and (b) completes a training course, including field demonstrations, about handling and using handguns while on duty and in stressful situations; (3) a governmental entity that employs or otherwise supervises first responders may not adopt a rule or regulation that prohibits a first responder who holds a license bearing an on-duty first responder designation from carrying a concealed handgun while on duty; (4) except in cases of gross negligence, a governmental entity that employs or otherwise supervises first responders is not liable in a civil action for personal injury, death, property

damage, or any other damages resulting from or arising out of an occurrence involving a handgun that the entity is required to allow a first responder to carry; and (5) a first responder with an on-duty first responder designation can carry his concealed handgun virtually anywhere while on duty.

H.B. 4080 (Smithee): TMRS: would: (1) allow a participating Texas Municipal Retirement System (TMRS) city to adopt a non-retroactive flat rate cost of living adjustment (COLA); (2) to comply with federal law applicable to qualified plans, provide that any increased payment to an annuitant resulting from such a COLA adopted by a city would be limited to the cumulative increase the annuitant would have been entitled to receive if the 70 percent of CPI limit under TMRS's existing law had been applied to the annuity; and (3) require that, if a city adopts an ordinance to either discontinue an annually repeating COLA or to reduce an annually repeating COLA, the city must give written notice to members and annuitants at least 60 days prior to the effective date of the change adopted in the ordinance. (Companion bill is **S.B. 1381** by **Estes**.)

S.B. 1151 (Hall) – Unions: would: (1) prohibit a city from entering into a consultation agreement where one or more groups are designated as agents for purpose of consulting with or representing city employees on employment issues; and (2) prohibit a city from prohibiting an employee or group of employees from seeking advice or counsel on employment matters.

S.B. 1153 (Hall) – Unions: would prohibit an employer, including a city, from releasing the name, job classification, salary, telephone number, and certain other information to a labor union, other than to a labor union that is the exclusive representative of the employee.

S.B. 1273 (West) – Employee Leave: would: (1) require an employer, including a city, to allow an employee to take up to three days unpaid leave for each domestic violence incident; (2) require that the employee provide certain notices to the employer for the leave; and (3) allow the city to require the employee to use earned paid leave time when taking this leave.

S.B. 1381 (Estes): Texas Municipal Retirement System: this bill is identical to **H.B. 4080**, above

Public Safety

H.B. 2770 (Martinez) – Infection Control: would: (1) require each entity with first responders, including a city, to designate an infection control officer and an alternate infection control officer; (2) require each infection control officer to: (a) receive notification of potential exposures to infectious diseases; (b) notify appropriate health care providers and first responders about potential exposures; (c) act as liaison between the potentially exposed first responders and the city; (d) investigate and evaluate exposure incidents; and (e) monitor follow-up treatment of affected first responders; (3) require hospitals to inform designated infection control officers of possible infectious disease exposures. (Companion bill is **S.B. 1574** by **Uresti**.)

H.B. 2793 (Huberty) – Juvenile Offenses: would limit the times and places an peace officer can take a juvenile if the juvenile's only offense is running away from home.

H.B. 2827 (Phillips) – Homeland Security: would expand the definition of homeland security activity for emergency management purposes to include fire or medical emergencies that are beyond a local jurisdiction’s capabilities.

H.B. 2828 (Phillips) – Employment Background Checks: would allow a city to obtain the Texas Department of Public Safety criminal history record information for: (1) applicants for employment; (2) employees; (3) city vendor’s applicants for employment or employees; (4) city volunteers; and (5) city volunteer applicants.

H.B. 2867 (Rinaldi) – Automatic License Plate Readers: would allow a law enforcement agency to use images produced from an automatic license plate reader for investigating a criminal offense or a report of a missing person.

H.B. 2870 (Alonzo) – Wildland Firefighting: would prohibit a city employee from engaging in a wildland firefighting duty, including a prescribed burn, unless the person is: (1) a permanent full-time fire department employee; or (2) is acting as a member of a volunteer fire department at the time.

H.B. 2907 (Canales) – Intoxication Offenses: would: (1) require the use of an ignition interlock device on conviction or placement on deferred adjudication for certain intoxication offenses; and (2) authorize ethyl alcohol monitoring as a condition of community supervision for certain intoxication offenses.

H.B. 2911 (Stephenson) – Emergency Services: would provide for the creation of a dedicated 9-1-1 services fee account in the state treasury to which existing fees are to be deposited, and would create a grant program to assist with emergency services that would be available to councils of governments and other entities.

H.B. 2918 (Villalba) – Interference with Peace Officer: would: (1) define an interruption, disruption, impediment, or interference that occurs while a peace officer is performing a duty or exercising authority to include a person filming, recording, photographing, or documenting the officer within 25 feet, or 100 feet if the person is carrying a handgun (as authorized by law); and (2) provide a defense to prosecution for a violation of (1), above, if the person is a news media employee or employed by an organization or entity engaged in law enforcement activities. (Companion bill is **S.B. 1137** by **Creighton**.)

H.B. 2945 (Alonzo) – Juvenile Case Manager Fund: would allow the juvenile case manager to direct funds leftover after the juvenile case manager’s salary and expenses are paid to be used for educational programs, including juvenile alcohol and substance abuse programs.

H.B. 3020 (Guerra) – Passing a School Bus: would: (1) increase the minimum penalty for passing a school bus from \$500 to \$750; and (2) require a judge to suspend the driver’s license of a person convicted of a second or subsequent offense.

H.B. 3165 (Bohac) – Warrants: would: (1) allow a district judge to issue a warrant for the use of a cell site simulator device to obtain cell site information from a cell phone or other wireless communications device upon application of a peace officer; (2) provide certain circumstances in which a peace officer may obtain the information described in (2), above, without a warrant; (3) prohibit a peace officer from obtaining or using cell site information to assist in an investigation by another state or the federal government without: (a) the consent of the owner or possessor of the phone or device; or (b) a warrant, unless the law otherwise allows it; (4) prohibit the state from withholding any document, item, or information that was obtained as a result of a warrant for cell site information on a claim of confidentiality arising from a contract with any party; (5) add to the list of “super public” information in the Public Information Act any information regarding the purchase, sale, receipt, possession, or use of investigatory equipment by local law enforcement agency, regardless of whether the information is included in a contract in which one of the parties is the state or a political subdivision of the state; and (6) provide a criminal penalty and certain defenses for use of a cell site simulator device.

H.B. 3171 (Simpson) – Asset Forfeiture: would repeal civil asset forfeiture provisions and establish criminal asset forfeiture in this state. In addition, the bill would, 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 comptroller dispose of all forfeited and abandoned property and deposit the money in the general revenue fund, except that the court may order a portion of the proceeds to be used to pay 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; 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. 1863** by **Burton**.)

H.B. 3184 (McClendon) – Victim-Offender Mediation Program: would: (1) allow a city council to establish a pretrial victim-offender mediation program for persons charged with a misdemeanor or state jail felony offense against property; (2) allow a city council that establishes a program to adopt administrative and local rules of procedure for the program; and (3) authorize a \$500 fee for the program and \$15 court cost paid to the municipal treasury for the purpose of funding the program.

H.B. 3273 (E. Rodriguez) – EMS Tuition: would exempt from payment of tuition any student who is: (1) enrolled in certain medical classes related to emergency medical services; and (2) is currently an active member of a city EMS provider.

H.B. 3294 (Burkett) – Texas Workforce Commission: would, among other things, repeal the Texas Workforce Commission’s authorization to review fire department exams for discrimination.

H.B. 3312 (Geren) – Intoxication Offenses: would establish various criteria regarding a person’s request for an additional specimen of the person’s blood to be taken on arrest for certain intoxication offenses, including that – if a peace officer or another person acting on behalf of the state interferes with a person’s request for an independent blood test – any evidence relating to the analysis of a specimen taken at the request of the peace officer is not admissible as evidence in a trial of the offense for which the specimen was taken.

H.B. 3326 (S. Thompson) – Offense Punishments: would decrease the punishment for certain misdemeanor and felony offenses, including: possession of one ounce or less of marijuana, possession of less than one gram of a substance in Penalty Group 1, criminal mischief, graffiti, burglary, theft, theft of service, forgery, credit or debit card abuse, fraudulent use or possession of identifying information, prostitution, and use of a customer’s debit or credit card number without the customer’s consent.

H.B. 3358 (Lucio) – Passenger Transportation Services: would permit a city by ordinance to license, control, and otherwise regulate each private passenger vehicle that provides passenger transportation services for compensation. (Companion bill is **S.B. 1617** by **Lucio**.)

H.B. 3415 (Canales) – Asset Forfeiture: would require 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 require the agency to use certain funds received from forfeited property to pay the owner or interest holder.

H.B. 3557 (S. Turner) – Asset Forfeiture: would require that the audit form prepared by the attorney general regarding asset forfeiture solicit a detailed report that itemizes each seizure of proceeds or property, including the value and description of the property.

H.B. 3559 (Fallon) – Open Carry: would provide that a concealed handgun licensee may carry a concealed handgun into a meeting of a governmental body pursuant to written regulations or authorization of the body.

H.B. 3582 (S. Turner) – Genetic Material: would: (1) establish a person’s property right in certain genetic information and limit the collection, use, retention, and disclosure of genetic information; (2) except from the limitations described in (1), above, genetic information gathered for certain purposes including a law enforcement or emergency medical treatment purpose, but still requiring the information be kept confidential; and (3) prohibit an employer from obtaining an individual’s genetic information without the individual’s informed consent.

S.B. 1129 (Zaffirini) – Mental Illness: would provide that, when transporting a committed patient or a patient detained at a designated mental health facility, the patient may be restrained only during the apprehension, detention, or transportation of the patient, and the method of restraint must permit the patient to sit in an upright position without undue difficulty (unless the patient is being transported by ambulance).

S.B. 1173 (Nichols) – Commercial Driver’s Licenses: would: (1) enact provisions related to a commercial learner’s permit and non-domiciled commercial learner’s permit; (2) provide a defense to the offense of driving a commercial motor vehicle without a license if the person charged can produce in court a commercial learner’s permit or driver’s license; (3) allow a court to assess a defendant an administrative fee of \$10 if a charge is dismissed because of the defense; and (4) create the Class C misdemeanor of generating, sending, or reading a text message while driving a commercial motor vehicle. (Companion bill is **H.B. 2714** by **Phillips**.)

S.B. 1197 (Eltife) – Fire Investigation: would expand the authority of the state fire marshal to investigate fires and inspect property where damaging or injurious fires have occurred.

S.B. 1223 (Bettencourt) – Communication Interception: would: (1) define “interception” to mean the acquisition of the contents of a communication without the consent of all parties (current law requires the consent of one party); (2) provide that it is an affirmative defense to prosecution for an offense of unlawful communication interception that: (a) a person alleges that the communication is of an emergency nature; conveys a threat or makes other unlawful requests or demands; (b) the person is an employee of a communication common carrier requested to intercept for the sole purpose of tracing the origin of the communication, and the recipient alleges the communication is obscene, harassing, threatening, occurs anonymously, repeatedly, or at an inconvenient hour; or (c) all parties consent to the communication; and (3) require that a person intercepting a communication under (2)(b), above, notify local police within 48 hours after the interception.

S.B. 1242 (Rodriguez) – Scrap Tires: would: (1) require a retail seller to contract for the transportation of scrap tires only with a licensed scrap tire transporter; (2) require an individual who stores scrap tires to store the scrap tires in a fully enclosed area or container that must be made secure by locking; (3) provide a civil penalty for a retail seller who fails to properly dispose of scrap tires; and (4) create a criminal offense for a person that recklessly fails to properly dispose of scrap tires. (Companion bill is **H.B. 3795** by **Raymond**.)

S.B. 1252 (Hall) – Border Security Compact: would create an interstate border security compact, which would: (1) prosecute illegal activity of undocumented individuals regardless of regulations prohibiting or limiting such conduct issued by the federal government; (2) create a dedicated border security force; and (3) create enforceable laws that: (a) have the same status as a state statute; and (b) preempt other state and federal law, but not the Texas Constitution.

S.B. 1286 (Hall) – License Plate Readers: would: (1) authorize a law enforcement agency to use an automatic license plate reader; (2) allow images captured from an automatic license plate

reader to be used only for investigating a criminal offense and investigating a report of a missing person; and (3) require images and data produced from an automatic license plate reader to be destroyed no later than the 7th day after collection, unless used as evidence in a criminal investigation or prosecution. (Companion bills are **H.B. 2744** by **Capriglione** and **H.B. 2867** by **Rinaldi**.)

S.B. 1287 (Hinojosa) – Forensic Analyst Licenses: would: (1) require forensic analysts that perform forensic analysis on behalf of crime labs be licensed by the Texas Forensic Science Commission; and (2) create an advisory committee to the Texas Forensic Science Commission, consisting of representation from municipal crime laboratories.

S.B. 1340 (Huffines) – Photographic Traffic Enforcement: would prohibit a local authority from enforcing a traffic law only by photographic means or pursuing civil enforcement based only on evidence obtained through photographic means. (Companion bill is **H.B. 3817** by **Elkins**.)

S.B. 1398 (Hall) – Electromagnetic Threats: would create a technological hazards unit of the Division of Emergency Management which would: (1) plan, prepare, and educate others for the purposes of emergencies related to electromagnetic, geomagnetic, terrorist, and cyber-attack threats; and (2) implement the emergency plan created in order to protect critical infrastructure and utility facilities.

S.B. 1416 (Ellis) – Unprotected Road Users: would: (1) require the operator of a motor vehicle passing an unprotected road user (e.g., pedestrian, utility worker, bicyclist, or motorcyclist) to 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), above, is a misdemeanor offense; and (6) provide that it is a defense to prosecution for (1)-(4), above, that the unprotected road user was acting in violation of the law. (Companion bill is **H.B. 2459** by **M. Martinez**.)

S.B. 1417 (Ellis) – 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 **H.B. 507** by **Moody**.)

S.B. 1464 (Lucio) – Organized Crime: would require the office of the attorney general to establish an organized crime and criminal activity division to assist local law enforcement agencies in investigating and prosecuting trafficking of persons and related crimes.

S.B. 1465 (Watson) – Disaster Declaration: would allow the governor to declare a limited-purpose disaster invoking only the authority to suspend deadlines and state regulations on an affected city including budget or tax deadlines.

S.B. 1498 (Lucio) – Civil Service: would provide that a co-worker of a civil service fire fighter or peace officer may work in place of that person any time such a fire fighter or peace officer is using the temporary disability provisions of the state civil service act, rather than solely when the officer or fire fighter meets the definition of “injured.” (Companion bill is **H.B. 1790** by **Marquez.**)

S.B. 1529 (Burton) – Police Departments: would: (1) require a city to receive a law enforcement agency number from the Texas Commission on Law Enforcement before it may begin a police department; and (2) allow the Texas Commission on Law Enforcement to suspend the operations of a police department if the city or police department: (a) cannot show an ongoing need for the department; (b) does not maintain adequate funding for department; (c) does not maintain or provide adequate physical resources for officers of the department; (d) does not maintain or provide adequate physical facilities for the police department, including an adequate evidence room, dispatch area, and public area; (e) does not maintain or enforce adequate law enforcement policies for the police department, including policies on: (i) use of force; (ii) vehicle pursuit; (iii) professional conduct of officers; (iv) domestic abuse protocols; (v) response to missing persons; (vi) supervision of part-time officers; and (vi) impartial policing; (f) does not have an effective administrative structure for the police department; (g) does not maintain adequate liability insurance for the police department; or (h) does not meet another standard or requirement the Texas Commission on Law Enforcement implements by rule.

S.B. 1537 (Burton) – Smoking Bans: would prohibit a city from enforcing an ordinance prohibiting smoking on the premises of a business that allows smoking and derives 20 percent of its revenue from the sale of cigars or tobacco products.

S.B. 1555 (Eltife) – Transportation Network Companies: would require a person operating a transportation network company to obtain and maintain a license issued by the Texas Department of Licensing and Regulation.

S.B. 1565 (Burton) – Asset Forfeiture Hearings: would: (1) provide that, on final conviction of an offense giving rise to a forfeiture, a court may order the forfeiture of the property, such order to be executed on the date the conviction is final and all appeals are exhausted or the date a guilty plea is entered, as applicable; (2) require a court to dismiss a forfeiture proceeding on proof of a dismissal or acquittal of an underlying offense giving rise to the forfeiture; and (3) repeal various provisions regarding a forfeiture hearing, including: (a) the requirement that all parties comply with the rules of pleading as required in civil suits; (b) the requirement that all cases proceed to trial in the same manner as in other civil cases; (c) that the state has the burden of proving by a preponderance of the evidence that property is subject to forfeiture; (d) that the clerk of the court is entitled to court costs in certain forfeiture proceedings; and (e) the location of a forfeiture proceeding when property is seized at a federal checkpoint.

S.B. 1574 (Uresti) – Infection Control: this bill is identical to **H.B. 2770**, above.

S.B. 1583 (V. Taylor) – Synthetic Drugs: would classify synthetic cannabinoid or cathinone as a Schedule I controlled substance under the Texas Controlled Substances Act.

S.B. 1617 (Lucio) – Passenger Transportation Services: this bill is identical to **H.B. 3358**, above.

Transportation

H.B. 2779 (Elkins) – Red Light Cameras: would prohibit a city that is using a red light camera from imposing a civil penalty on the owner of a motor vehicle who runs a red light to turn right at an intersection.

H.B. 2781 (Elkins) – Red Light Cameras: would: (1) prohibit the issuance of criminal or civil charges or fines based on an image captured using a red light camera; (2) require the city to pay all the costs incurred by a motor vehicle owner, including attorneys fees, if a person is incorrectly charged with running a red light based on red light camera evidence; (3) repeal the trauma account associated with red light camera fees; (4) repeal the statutes allowing red light camera traffic enforcement; and (5) allow a city to continue to use red light cameras if the city has a contract with a vendor until the expiration of the contract.

H.B. 2975 (Martinez) – Speed Limits: would: (1) transfer authority over the setting of speed limits from the Texas Transportation Commission to the Texas Department of Transportation; (2) repeal the provision that requires a city or other governmental entity to hold a hearing regarding speed limits in front of schools; and (3) lower the speed limits for school busses.

H.B. 3103 (Murphy) – Commercial Utility Vehicles: would allow a commercial utility vehicle with certain equipment to drive on any street that has a posted speed limit of 35 miles per hour or less.

S.B. 1167 (Ellis) – Self-Driven Vehicles: would allow autonomous, self-driven motor vehicles on state highways where: (1) the vehicles have certain systems and equipment; (2) the operator: (a) has an autonomous motor vehicle designation on her drivers license; and (b) is an employee, contractor, or designee of certain state agencies or an employee of the manufacturer; and (3) the vehicle is insured as required by state law.

S.B. 1318 (Menéndez) – Bus Stops: would authorize a city to: (1) enact regulations prohibiting the possession of an open container or consumption of an alcoholic beverage on a public street, alley, or sidewalk within 300 feet of the property line of the entry or exit from a public transportation passenger vehicle (e.g., bus stop); and (2) suspend regulations adopted under (1), above, for a special event in the city. (Companion bill is **H.B. 143** by **Menéndez**.)

Utilities and Environment

H.B. 40 (Darby) – Oil and Gas Preemption: would completely eliminate city authority to regulate oil and gas development by providing that: (1) an oil and gas operation is subject to the exclusive jurisdiction of the state; (2) the authority of a city or other political subdivision to regulate an oil and gas operation is expressly preempted, except that a city is authorized to enact, amend, or enforce an ordinance or other measure that regulates only surface activity that is incident to an oil and gas operation, is commercially reasonable, does not effectively prohibit an oil and gas operation, and is not otherwise preempted by state or federal law; and (3) except as to the authority recognized in (2), above, a city or other political subdivision may not enact or enforce an ordinance or other measure, or an amendment or revision of an existing ordinance or other measure, that bans, limits, or otherwise regulates an oil and gas operation within its boundaries or extraterritorial jurisdiction. (Note: make no mistake, and contrary to industry claims, the provisions of this bill would give an oil and gas developer carte blanche to engage in exploration and drilling essentially anywhere in a city.)(Companion bill is **S.B. 1165** by **Fraser**.)

H.B. 200 (Keffer) – Groundwater Conservation Districts: would: (1) allow an affected person to file a petition with the Texas Water Development Board requesting that the board contract with the State Office of Administrative Hearings to conduct a contested case hearing on a groundwater conservation district's approval of a desired future condition; and (2) allow an applicant for a permit that was denied to file a petition with the board to request an appeal of the action by the groundwater conservation district.

H.B. 1939 (Rinaldi) – 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; (2) an ordinance or regulation adopted by a city purporting 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 is invalid and has no effect; (3) a city may neither prohibit or restrict, for solid waste management purposes, the sale or use of a container or package, including a bag provided by a business to a customer, in a manner not authorized by state law nor assess a fee or deposit on the sale or use of a container or package, including a bag provided by a business to a customer; (4) a city may enact a zoning ordinance, except that the ordinance may not prohibit, restrict, or assess a fee or deposit on the use or provision by a business of a bag to a customer at the point of sale; and (5) beginning September 1, 2015, a city may not enforce any ordinance or regulation adopted before that date that prohibits or restricts a business from providing to a customer at the point of sale a bag or other container made from any material. (Companion bill is **S.B. 1550** by **Hall**.)

H.B. 2767 (Keffer) – Groundwater Conservation Districts: would: (1) subject directors of groundwater conservation districts to chapter 176 of the Local Government Code (conflicts disclosure); and (2) provide a procedure for an affected person to file a petition requesting an inquiry of a groundwater conservation district with the Texas Commission on Environmental Quality.

H.B. 2852 (Nevarez) – Water Rates: would: (1) require that a city utility that provides water or sewer service to a public school district charge the district the lowest rates the utility charges

commercial businesses or nonprofit organizations that receive water or sewer service; (2) allow a public school district to appeal the water rates charged to the district by a city by filing a petition with the Public Utility Commission; (3) place the burden of proof on the city to establish that the rates are just and reasonable; and (4) require a city to refund the public school district money collected from a rate in excess of the rate the Public Utility Commission establishes at a hearing on the petition.

H.B. 2855 (Darby) – Oil and Gas Preemption: would provide that: (1) a political subdivision may not adopt or enforce an order, ordinance, or similar measure that prohibits or has the effect of prohibiting an operation under the jurisdiction of the Railroad Commission; (2) the commission has exclusive jurisdiction to determine whether the adoption or enforcement by a political subdivision of an order, ordinance, or similar measure prohibits or has the effect of prohibiting an operation under its jurisdiction; (3) a person affected by the adoption or enforcement by a political subdivision of an order, ordinance, or similar measure may submit to the commission a request that the commission make a determination described by (1), above; (4) the person and the political subdivision shall share equally the costs incurred by the commission in connection with making the determination; and (5) a commission determination is not appealable.

H.B. 2871 (Allen) – Solid Waste Permits: would require a solid waste facility permit application to contain a certification from the applicant that the applicant mailed an explanation of the site's proposed operations and a questionnaire seeking community comments to each resident living one mile or less from the site and each community organization, nonprofit organization, or civic club located two miles or less from the site.

H.B. 2988 (Keffer) – Gas Rate Cases: would provide that a rule adopted by the Railroad Commission on or after January 1, 2014, and before September 1, 2015, that relates to the commission's ratemaking proceedings, including a rule relating to discovery limitations, alignment of parties, reimbursement of a city's reasonable cost of participating in ratemaking proceedings, or collection of rate case expenses from ratepayers of gas utilities, is null and void. (Note: this bill would overrule recent Railroad Commission rules that would erode municipal participation in gas rate cases.)

H.B. 2892 (Murr) – Navigable Streams: would allow the Texas Commission on Environmental Quality, on its own or at the request of another governmental entity, to designate a water course as a navigable stream.

H.B. 2989 (Elkins) – Materials Database: would require the Texas Commission on Environmental Quality to create and maintain on a publicly accessible internet website, a database of information about the testing and validation of materials and products used in the construction of wastewater projects.

H.B. 3001 (Guillen) – Hydraulic Fracturing: would require an operator of a well on which a hydraulic fracturing treatment is performed to, in addition to numerous items under current law, disclose the source, volume, specific composition, and disposition of all water associated with

the well, including the following information with respect to the water used as a base fluid for the well: (1) a statement of whether the water was produced from a well, was acquired from a water supplier, or was diverted from a surface water body; and (2) the composition of the water, including the total dissolved solids and a description of any major or minor cations and anions contained in the water.

H.B. 3044 (Dale) – Pipeline Preemption: would provide that: (1) the rules and standards promulgated and adopted by the Railroad Commission pursuant to its jurisdiction under any statute or law preempt and supersede any ordinance, order, or rule adopted by a political subdivision of this state relating to any aspect, facility or phase of the pipeline industry; and (2) a political subdivision may petition the commission for permission to promulgate more restrictive rules and standards related to conditions for mapping, inventorying, locating, or relocating pipelines over, under, along or across a public street, alley or other public property in the boundaries of the city.

H.B. 3069 (E. Rodriguez) – Clean Power Plant Rule: would, among other things, provide that: (1) the Texas Commission on Environmental Quality (TCEQ) is the primary authority responsible for ensuring that this state complies with and implements any federal Clean Power Plant rule; (2) the TCEQ shall, as necessary, submit to the United State Environmental Protection Agency a state plan or a federal plan implemented that the TCEQ has accepted; and (3) the TCEQ and the Public Utility Commission shall develop and adopt a memorandum of understanding as necessary to clarify or provide for their respective duties, responsibilities, or functions on any matter that relates to the Clean Power Plant rule and is not expressly assigned to one or the other. (Companion bill is **S.B. 1954** by **Hinojosa**.)

H.B. 3084 (Capriglione) – Electric Rate Cases: would provide that an electric utility that recovers its reasonable costs of reimbursing a city’s expenses may recover the costs only on a uniform, system-wide basis. (Companion bill is **S.B. 1271** by **West**.)

H.B. 3088 (Alvarado) – Environmental Justice Communities: would: (1) require a person applying for a permit for a new affecting facility or the expansion of an affecting facility to submit to the Texas Commission on Environmental Quality a report stating whether the facility is to be located in an environmental justice community; (2) require a facility in an environmental justice community to consult with the mayor in the city in which the facility is to be located; (3) require a permit applicant to publish notice of and hold a public hearing to provide information on the potential environmental impacts of the facility; and (4) allow a city and an owner or developer of an affecting facility to enter into a community environmental benefit agreement. (Companion bill is **S.B. 253** by **Ellis**.)

H.B. 3161 (Cyrier) – Groundwater Conservation District Permits: would: (1) require a person to obtain a permit from a groundwater conservation district prior to exporting groundwater out of the district; (2) require the groundwater conservation district to consider the terms of the contract if an export is based on a contractual sale; and (3) provide that any operating permit associated with an export permit is junior in priority to any other operating permit issued.

H.B. 3172 (Schaefer) – Emergency Orders: would: (1) provide definitions of drought and emergency shortage of water; (2) require the Texas Commission on Environmental Quality to determine that each county in the basin of a river that would be subject to emergency suspension of water rights has been in a drought for at least 30 consecutive days; and (3) require that each senior water right holder that would benefit from the emergency order demonstrate that (a) reasonable diligence has been used to conserve water, (b) surface water is required for a beneficial use, and (c) sufficient surface water for beneficial use is unavailable.

H.B. 3187 (Keffer) – Water and Energy Improvements: would: (1) clarify that establishing a program to decrease water or energy consumption or demand is a governmental function; and (2) allow a city to designate an authorized representative to enter into contracts to implement a water or energy consumption improvements assessment program.

H.B. 3217 (Dale) – Oil and Gas/Pipeline Preemption: would, among other things, provide that: (1) the Railroad Commission (relating to oil and gas development) and the Public Utility Commission (relating to gas pipelines) have exclusive jurisdiction to determine whether the adoption or enforcement by a political subdivision of an order, ordinance, or similar measure applies to a person or operation over whom or which either of the commissions has jurisdiction; (2) a political subdivision shall petition the appropriate commission for permission before adopting or enforcing an ordinance, order, or similar measure under a commission’s jurisdiction and (3) a commission may grant a petition only if the political subdivision offers proof satisfactory to the commission that the ordinance, order, or similar measure is reasonable and enhances public safety.

H.B. 3264 (Guillen) – Wastewater Treatment Facilities: would allow the Texas Commission on Environmental Quality to issue an emergency order suspending the operations of a wastewater treatment facility operating without a required permit.

H.B. 3324 (Larson) – Interbasin Transfers: would provide that a public meeting and notice are not required when a proposed interbasin transfer consists of recycled or desalinated water or treated wastewater.

H.B. 3356 (Lucio) – Well Production: would prohibit a groundwater conservation district from considering the tract size or acreage of a well site not located in the district when determining the production amount for a retail public utility providing service inside the district.

H.B. 3363 (Keffer) – Water and Energy Improvement Assessments: would allow a city council to establish a program authorizing assessments imposed to repay the financing of projects on residential real property designed to decrease water or energy consumption or demand.

H.B. 3411 (Parker) – Solid Waste Facilities: would provide that the Texas Commission on Environmental Quality: (1) shall mail a copy of a permit application for a solid waste facility to each city in whose city limits or extraterritorial jurisdiction the solid waste facility is located or

with a boundary located nor more than one mile from the facility; and (2) may deny or amend an application based on the comments and recommendations from these cities. (Companion bills are **H.B. 1284** by **Simmons** and **S.B. 879** by **Nelson**.)

H.B. 3413 (Frank) – Bed and Banks Permits: would authorize the Texas Commission on Environmental Quality to issue a general permit to authorize a person to use a natural stream channel to convey developed water.

H.B. 3428 (Parker) – Utility Service: would: (1) require a municipally owned utility to provide temporary utility service to the real property of the decedent of an individual that sends a request accompanied by a death certificate; (2) require the utility to suspend imposition and collection of penalties or fees associated with nonpayment; and (3) provide that the costs associated with the service are a liability of the decedent's estate, and the next of kin who requests the service is not personally liable.

H.B. 3518 (Landgraf) – Alternative Fuel Fleets: would provide that: (1) it is the intent of this state that the vehicle fleet of a state agency, county, or city that operates a fleet of more than 15 motor vehicles be converted into or replaced with motor vehicles that use compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen fuel cells, or electricity, including fully electric vehicles and plug-in hybrid motor vehicles; (2) a county or city may comply with the intent of the legislature as described in (1), above; and (3) the comptroller shall establish and administer a governmental alternative fuel fleet grant program to assist an eligible state agency, county, or city in complying with the bill.

H.B. 3520 (Munoz) – Local Transportation Funding: would provide that certain regional mobility authorities that collect certain overweight vehicle permit fees on certain roads shall give 25 percent of those fees to cities responsible for the maintenance of the roads.

H.B. 3590 (Krause) – Clean Air Act: would prohibit state agencies from adopting rules or submitting state implementations plans that comply with the federal rules under the Clean Air Act, if the federal rules give the Environmental Protection Agency the authority to regulate a person, entity, or activity that it did not regulate on January 1, 2015.

H.B. 3597 (Keffer) – Export of Groundwater: would prohibit a groundwater conservation district from denying a permit based on the fact that the applicant seeks to export groundwater.

H.B. 3634 (Reynolds) – Local Transportation Funding: would provide that: (1) a city, by ordinance adopted by the governing body, may impose a tax of up to five cents on the sale of motor fuel sold in the city if imposition of the tax is approved at an election called for that purpose; (2) the comptroller shall collect and send to the city an amount equal to three-fourths of the taxes collected during that calendar quarter and deposit one-fourth of the taxes collected to the credit of the available school fund; and (3) a city may use net tax revenue received only for: (a) the construction, maintenance, repair, and rehabilitation of streets, roads, intersections, thoroughfares, and bridges located in the city; and (b) the purchase, installation, maintenance,

and operation of traffic improvements, including signs, signals, and other mechanical, digital, or electronic traffic control devices, located in the city.

H.J.R. 118 (E. Rodriguez) – Rail Funding: would allocate a certain amount of state severance tax revenue to the Texas rail relocation and improvement fund.

S.B. 12 (Uresti) – Alternative Fuel Fleets: would: (1) encourage cities to convert vehicle fleets into motor vehicles that use alternative fuel sources; and (2) create a grant program to assist cities in the purchase or lease of new motor vehicles that operate primarily on alternative fuel.

S.B. 1121 (Zaffirini) – Public Utility Agencies: would expand the powers of a public utility agency to include, among other things, the construction of sewer facilities.

S.B. 1122 (Ashby) – Groundwater Production: would prohibit a groundwater conservation district from reducing or curtailing production below the maximum rate authorized by a permit or recorded before September 1, 2014, from a well that produces groundwater directly or indirectly used to support the operation of a power generation facility or a mine. (Companion bill is **H.B. 2647** by Ashby.)

S.B. 1148 (Watson) – Municipally Owned Utilities: would: (1) require a municipally owned utility to disclose the number of ratepayers who reside outside the city limits to any person that requests the information; (2) require a municipally owned utility to provide a list of the names and addresses of the ratepayers who reside outside the city limits to any person that requests the information; (3) permit the State Office of Administrative Hearings, instead of the Public Utility Commission, to give notice of a hearing to a city; and (4) provide procedures for obtaining an emergency order.

S.B. 1165 (Fraser) – Oil and Gas Preemption: would this bill is identical to **H.B. 40**, above.

S.B. 1182 (Huffines) – Toll Roads: would prohibit the use of any state transportation money for toll projects.

S.B. 1234 (Ellis) – State Water Plan: would require the state water plan to include an assessment of the sustainability of groundwater production from the state's major and minor aquifers.

S.B. 1271 (West) – Electric Rate Cases: this bill is identical to **H.B. 3084**, above.

S.B. 1288 (Estes) – Solid Waste: would prohibit a city from adopting a rule or ordinance that conflicts with or is inconsistent with the requirement for solid waste management facilities as specified by the Texas Commission on Environmental Quality's rules or permit issued.

S.B. 1337 (Perry) – Texas Water Development Board Financial Assistance: would clarify state law to reflect the fact that the Texas Water Development Board has no authority to provide financial assistance for water supply projects in regional water plans, from the following

programs: (1) water bond insurance program; (2) research and planning program; (3) water pollution control; and (4) program for water and wastewater financial assistance for disadvantaged rural communities. (Companion bill is **H.B. 1222** by **Lucio**.)

S.B. 1380 (Zaffirini) – Gas Tax: would exempt cities and rapid transit authorities from the state gas tax.

S.B. 1411 (Estes) – Interbasin Transfers: would provide that a public meeting and notice are not required when a proposed interbasin transfer is from a basin to an adjoining basin.

S.B. 1413 (Estes) – Groundwater Conservation Districts: this bill is identical to **H.B. 2767**, above.

S.B. 1419 (Kolkhorst) – Rainwater Harvesting: would provide that a person is not required to have a plumbing license to install, service, or repair of plumbing used for rainwater harvesting, if the plumbing is not connected to a public water supply.

S.B. 1421 (Lucio) – Texas Groundwater Protection Committee: would: (1) require the Texas Groundwater Protection Committee to develop and adopt a groundwater classification system based on salinity; and (2) require state agencies to consider the classification system when adopting rules. (Companion bill is **H.B. 1635** by **Guillen**.)

S.B. 1432 (Hall) – Greenhouse Gas Emissions: would any state agency from implementing or adopting rules that would implement a greenhouse gas emissions regulatory program required by federal statute or rule.

S.B. 1450 (Ellis) – Texas Beverage Container Recycling: would: (1) create the Texas Beverage Container Recycling Consortium, composed of one representative of a city with a population less than 10,000 and one representative of a city with a population of at least 10,000; (2) require a beverage container for sale in this state contain a specified refund value and required labeling; (3) require a distributor to collect a deposit from a retail dealer, who in turn will collect a deposit from a consumer for each beverage container; and (4) allow the Consortium to provide grants to fund water quality, waste reduction, recycling, or curbside redemption programs. (Companion bill is **H.B. 2425** by **Rodriguez**.)

S.B. 1509 (Hancock) – Environmental Enforcement: would, with regard to the current authority of a city to seek civil penalties against an environmental polluter, provide that:

1. to recover a civil penalty, a city must prove that a person knowingly or intentionally committed a violation of state law relating to air or water quality;
2. when determining the amount of a civil penalty to be assessed, the court or jury shall consider the same factors that the Texas Commission on Environmental Quality (TCEQ) must consider under current law;
3. the maximum civil penalty for each violation is \$25,000 for each day of each violation, up to a maximum of 120 days;

4. if a person is found to have committed a violation and that violation is a continuing violation that exceeds the 120-day duration, the person may be assessed for each violation an additional civil penalty of up to \$1,000 for each day of each violation beyond the 120-day period;
5. a city is limited to recovering civil penalties from a person for continuing daily violations at a single site in an amount not to exceed \$4.34 million;
6. a city may not recover civil penalties for the time period from the date on which a person initiates written notification and performs any necessary assessment or remediation under a program administered by the TCEQ;
7. a suit for civil penalties must be brought not later than five years from the earlier of: (a) the date a person initiates written notification to TCEQ and complies with the requirements in (6), above; or (b) the date the person received a notice of enforcement from the TCEQ with respect to the alleged violation; and
8. a suit for injunctive relief remains as an enforcement remedy.

S.B. 1550 (Hall) – Plastic Bags: this bill is identical to H.B. 1939, above.

S.B. 1558 (Estes) – Management of Water Resource: would: (1) allow a city to acquire, purchase, construct, improve enlarge, equip, operate, or maintain any property related to water conservation infrastructure; (2) declare a city providing funding for water conservation infrastructure to be: (a) in furtherance of the development and diversification of the economy of the city, (b) in furtherance of the conservation, preservation, or treatment of water resources of the city, and (c) beneficial to the operation of its utility system to be a public purpose under Section 52-a, Article III of the Texas Constitution; (3) permit a city council to pledge the revenue of water conservation infrastructure to the payment of any public securities issued; (4) allow a city to grant a purchaser a franchise to operate encumbered water conservation infrastructure; (5) prohibit a city from selling city-owned water conservation infrastructure without a majority vote of the qualified voters of the city; (6) require the mayor of the city to establish and maintain a complete system of records for the water conservation infrastructure that has encumbered revenue; (7) require the manager of the water conservation infrastructure to file an annual report on the operation of the water conservation infrastructure with the mayor and council; (8) provide that the Texas Commission on Environmental Quality may not require a permit for domestic use of graywater used for toilet flushing; and (8) provide a procedure for an affected person to file a petition requesting an inquiry of a groundwater conservation district with the Texas Commission on Environmental Quality.

S.B. 1605 (Huffines) – Expedited Permits: would require the Texas Commission on Environmental Quality to create a program for expedited issuance and renewal of all permits issued by the commission.

S.B. 1619 (Watson) – Texas Emissions Reduction Plan: would: (1) extend the expiration of Texas Emissions Reduction Plan programs; and (2) increase the amount and number of grants that can be obtained from the programs.

S.B. 1627 (Lucio) – Drought Contingency Plans: would: (1) require retail public water suppliers that provide potable water service to 3,300 or more connections to include, in each drought contingency plan submitted to the TCEQ, an evaluation of the effectiveness of strategies in the plan that were implemented during any period of significant drought that occurred in the preceding five years; (2) require a public water supplier to notify TCEQ not later than the fifth business day after the date the supplier implements, changes the manner of implementing, or ceases to implement a mandatory provision of the supplier’s drought contingency plan; and (3) task the Water Conservation Advisory Council with recommending methodologies for conducting drought contingency plan evaluations. (Companion bills are **H.B. 928** by **Guillen** and **S.B. 329** by **Hinojosa**.)

S.B. 1954 (Hinojosa) – Clean Power Plant Rule: this bill is identical to **H.B. 3069**, above.

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