



Legislative UPDATE

February 15, 2019
Number 7

Revenue Caps: No Longer Divided We Fall

The Senate revenue cap bill, S.B. 2 (key components are summarized in the “Significant Committee Actions” section), was voted out of the new Senate Property Tax Committee this week at a punitively-low 2.5 percent. *Every city* is now affected by the bill. As it emerged from committee, it is no longer “bracketed” to larger cities. Even the small cities formerly exempt from the bill must hold an election in May 2020 to see if their citizens want the cap. (Any doubts on how such elections will turn out, given that [cities can’t legally make their case to voters?](#))

It was rumored that the bill would be heard on the Senate floor yesterday, but it wasn’t. The reason it wasn’t brought up in the Senate is simple: 2.5 percent is so arbitrarily low that many senators are sensibly pushing back.

It’s also rumored that the 2.5 percent opening salvo was designed to scare city and county officials into submission. The idea being that they would then be more comfortable with an equally untenable cap of, say, four percent. But city officials aren’t that easily cowed.

Now is the time for all city officials to call their senators about the effects of S.B. 2. It doesn’t matter if your senator might otherwise be comfortable with some modest reduction from eight percent. The 2.5 percent figure is so low that every senator ought to have concerns about how it would affect [public safety](#) and infrastructure. Texans deserve better.

TML President Briefs House Committee

League President John B. Love, III represented his home city of Midland – and all League member cities – before the House Committee on Urban Affairs yesterday. In his testimony, he explained that each Texas city is unique, that cities receive very little aid from the state and thus need authority to raise their own revenue, and that local decisions should be made locally. Click [here](#) and fast-forward to 18 minutes to view his 13 minute testimony.

Significant Committee Actions

S.B. 2 (Bettencourt), relating to ad valorem taxation. Voted from the Senate Committee on Property Tax. As voted from committee, the bill is called the “Texas Property Tax Reform and Relief Act of 2019” and would, among many other things:

1. Rename the “rollback” tax rate as the “voter-approved” tax rate;
2. adjust the property tax voter-approved rate in the following ways:
 - a. **for a taxing unit other than a small taxing unit, provide for a voter-approved rate of 2.5 percent;**
 - b. define “small taxing unit” as a taxing unit other than a school district for which the sum of the following amounts is \$15 million or less:
 - i. the total amount of property taxes that would be imposed by the taxing unit for the current tax year if the tax rate proposed for that tax year were applied to the current total value for the taxing unit; and
 - ii. the total amount of sales and use tax revenue received by the taxing unit, if any, for the last preceding four quarters for which that information is available;
 - c. maintain an eight percent voter-approved rate for all small taxing units;
 - d. for a taxing unit other than a small taxing unit, provide for a voter-approved rate of 2.5 percent;
3. require a mandatory election on the November uniform election date for all cities that exceed the voter-approved rate, whether that rate is 2.5 percent or eight percent (instead of a citizen-initiated election as provided in current law);
4. **require all small taxing units to order an election to be held in May 2020 for the purpose of allowing the voters in the taxing unit to determine whether the 2.5 percent voter-approved rate shall apply to the taxing unit;**
5. **prohibit the governing body of a taxing unit from adopting a budget for a fiscal year or take any other action that has the effect of decreasing the total compensation to which a first responder employed by the taxing unit was entitled in the preceding fiscal year of the taxing unit;** and
6. make numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date.

Update: Waters of the U.S. Rule

Following the government shutdown, the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers rescheduled public hearing on the [proposed rule](#) defining “Waters of the United States.” (A [previous article](#) reported on the substance of the proposal.)

The agencies will take comment on the proposal for 60 days from the February 14, 2019, publication in the Federal Register, which means the comment period ends on April 15.

(Editor’s note: The edited article above is reprinted with permission of the National League of Cities.)

Payday Lending Clearinghouse Updates

The League’s “Payday Lending Clearinghouse” webpage, available [here](#), includes information related to the regulation of payday and auto title lenders. It is updated from time-to-time to reflect recent developments. On February 6, the federal Consumer Financial Protection Bureau issued proposed changes to federal rules regulating payday lending. The current rules contain a provision that requires a lender to ensure that a borrower can afford to repay a payday loan prior to issuing it. This “ability to pay” or “underwriting requirement” standard is a key consumer protection component, and it would be eliminated under the proposed changes. The CFPB’s [web page](#) contains a [summary explanation](#). A comment period will begin once the proposed changes are published in the *Federal Register*.

Get Involved: TML Grass-Roots Involvement Program

The Texas Municipal League is once again implementing our Grass-Roots Involvement Program (GRIP). GRIP collects information about your relationship with your legislators and is one way TML staff contacts city officials regarding action on harmful legislation.

To participate in GRIP, go to <http://bit.ly/TMLGRIP2019> and fill out the online form. If you have any questions, please contact JJ Rocha at jj@tml.org or 512-231-7400. If you prefer to simply tell us by phone message or email about your relationship to legislators then JJ will be input your information—don’t hesitate to let us know.

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 this session. If we missed your testimony let us know by an email to: ford@tml.org and we'll recognize you in next week's edition.

The following officials testified in committee hearings held February 6 through February 12:

Elizabeth Reich, CFO, City of Dallas
Tobin Maples, City Manager, City of Fair Oaks Ranch
Dee Margo, Mayor, City of El Paso
Cody Jones, Commissioner, City of Canyon
George Fuller, Mayor, City of McKinney
Peter Dewing, Mayor, City of Northlake
Eliska Padilla, Executive Director of Communication, City of Hutto
Ashley Lumpkin, Executive Director of Development Services, City of Hutto
Byron Frankland, Chief of Police, City of Hutto
Joe McComb, Mayor, City of Corpus Christi
Casey Thomas, Mayor Pro Tem, City of Dallas
Clayton Chandler, City of Mansfield
Peter Phillis, Deputy CFO, City of Mansfield
Jeff Looney, City Manager, City of Granite Shoals
Mike Naughton, Fire Chief, City of Leon Valley
Ken Shetter, Mayor, City of Burleson
Karl Moody, Mayor, City of College Station
Jeff Coyle, Director of Intergovernmental Relations, City of San Antonio
Eric Greaser, Fire Chief, Town of Flower Mound
Brian Johnson, Mayor, City of Kennedale
John B. Love, III, Mayor Pro Tem, Midland, and TML President

City-Related Bills Filed

Property Tax

H.B. 1414 (Craddick) – Property Tax Exemption: would exempt from property taxes property owned by a charitable organization that provides a meeting place and support services for organizations that provide assistance to alcoholics or their families without regard to the beneficiaries' ability to pay.

H.B. 1444 (Patterson) – Property Tax Appraisal: would, among other things, require the assessor for a taxing unit to calculate the taxes imposed on real property on the basis of the lesser of: (1) the appraised value of the property for that tax year; or (2) the average appraised value of the property for the five-year period ending with the tax year for which the taxes are imposed. (See **H.J.R. 65**, below.)

H.B. 1484 (Metcalf) – Appraisal District: would, among other things, provide that: (1) an appraisal district is governed by a board of five directors; (2) one director is elected from each of the four commissioners precincts of the county for which the appraisal district is established; and (3) one director is elected at large from the county; and (4) the directors other than the county

assessor-collector, who is a non-voting director, are elected at the general election for state and county officers and serve two-year terms beginning on January 1 of odd-numbered years.

H.B. 1485 (Metcalf) – Appraisal District: would, among other things, require the chief appraiser of an appraisal district to be elected at the general election for state and county officers every two years.

H.B. 1486 (Metcalf) – Appraisal Review Boards: would, among other things, provide that: (1) an appraisal review board consists of five members elected by the voters of the county in which the appraisal district is established at the general election for state and county officers; and (2) the members of the appraisal review board serve two-year terms, beginning on January 1st of odd-numbered years.

H.B. 1526 (C. Bell) – Property Tax Exemption: would exempt nursery stock weather protection units from property taxes.

H.B. 1534 (Munoz) – Appraisal District: would, among other things, provide that: (1) an appraisal district is governed by a board of five directors; (2) one director is elected from each of the four commissioners precincts of the county for which the appraisal district is established; (3) the county assessor-collector is a director by virtue of the person's office; (4) if the county assessor-collector is ineligible to serve pursuant to a contract, the appraisal district is governed by the four directors elected from the commissioners precincts and a director elected from the county at large; and (5) the directors other than the county assessor-collector are elected at the general election for state and county officers and serve two-year terms beginning on January 1 of odd-numbered years.

H.B. 1551 (Hefner) – Appraisal District: would, among other things, require the chief appraiser of an appraisal district to be elected at the general election for state and county officers every two years.

H.B. 1596 (Lambert) – Property Tax Exemption: would: (1) provide that a qualifying veteran-owned business is entitled to an exemption from property taxation by a county, city, or junior college district of a portion, expressed as a dollar amount, of the appraised value of the income-producing tangible personal property owned by an used in the operation of the business if: (a) the exemption is sought for a tax year beginning not later than the fifth anniversary of the date on which the qualifying veteran-owned business began operating in the state; and (b) the exemption is adopted by: (i) the governing body of the county, city, or junior college district in the manner provided by law for official action by the governing body; or (ii) a favorable vote of a majority of the qualified voters of the county, city, or junior college district at an election called by the governing body of the county, city, or junior college district, as applicable; (2) require the governing body of a county, city, or junior college district to call an election upon the receipt of a petition of at least five percent of the number of qualified voters who voted in the most recent election of the county, city, or junior college district, as applicable; (3) provide that the amount of the exemption is \$30,000 of the appraised value, unless a smaller amount is specified by the governing body or the petition for the election, as applicable; and (4) provide that once authorized, an exemption may be repealed, decreased, or increased in amount by the governing

body of the county, city, or junior college district, but may not be increased to more than \$30,000 of the appraised value. (See **H.J.R. 69**, below.)

H.B. 1601 (Lambert) – Property Tax Exemption: would provide that: (1) a person is entitled to an exemption from property taxation by a county or city of a portion, expressed as a dollar amount, of the appraised value of real property the person owns that is reasonably necessary for and used by the person in the operation of a qualifying business if the exemption is adopted by the governing body of the county or city, as applicable, in the manner provided by law for official action by the governing body; (2) the amount of the exemption authorized under (1), above, is a dollar amount equal to the lesser of: (a) \$300,000; or (b) the product of \$15,000 and the number of qualifying veterans that received qualifying services provided or paid for by the qualifying business; and (3) the governing body of the county or city may repeal the exemption in the manner provided by law for official action by the governing body. (See **H.J.R. 70**, below.)

H.B. 1652 (Huberty) – Property Tax Sale: would provide that, if directed by the commissioners court of the county, a public resale of property by a taxing unit must be conducted using online bidding and sale.

H.B. 1703 (Shaheen) – Appraisal Review Board: would provide that a person who has served for all or part of three consecutive terms as a board member on the appraisal review board of an appraisal district established in a county with a population of 550,000 or more is ineligible to serve on the appraisal review board during the two-year period that begins on the next January 1 following the third of those consecutive terms.

H.B. 1704 (Shaheen) – Appraisal Review Board: would provide that a person is not eligible for appointment as an arbitrator if at any time during the preceding two years, the person has: (1) represented a person for compensation in a proceeding in the appraisal district in which the property that is the subject of the appeal is located; (2) served as an officer or employee of that appraisal district; or (3) served as a member of the appraisal review board for that appraisal district.

H.J.R. 65 (Patterson) – Property Tax Appraisal: would amend the Texas Constitution to authorize the legislature to provide that property taxes be assessed on real property for a year on the basis of the lesser of: (1) the appraised value of the property for that tax year; or (2) the average appraised value of the property for the five-year period ending with the tax year for which the taxes are imposed. (See **H.B. 1444**, above.)

H.J.R. 69 (Lambert) – Property Tax Exemption: would amend the Texas Constitution to authorize a local option property tax exemption for a portion of the market value of income-producing tangible personal property owned by a veteran-owned business during the business's initial period of operation in the state. (See **H.B. 1596**, above.)

H.J.R. 70 (Lambert) – Property Tax Exemption: would amend the Texas Constitution to authorize the governing body of a county or city to adopt a local option property tax exemption of a portion, expressed as a dollar amount, of the market value of real property of a business that

provides, or pays for the provision of, certain services for honorably discharged veterans without cost. (See **H.B. 1601**, above.)

S.B. 701 (Nichols) – Property Tax Appraisal: would, among other things, limit the ability of a chief appraiser to take into account certain considerations when appraising property as timber land or restricted-use timberland. (Companion is **H.B. 1409** by **Ashby**.)

S.B. 717 (Lucio) – Property Tax Exemption: would exempt from property taxes property owned by a charitable organization that provides a meeting place and support services for organizations that provide assistance to alcoholics or their families without regard to the beneficiaries' ability to pay. (Companion is **H.B. 1414** by **Craddick**.)

S.B. 738 (Hughes) – Property Tax Collection: would provide that the interest rate associated with a tax lien during a period of deferred collection of taxes on the residence homestead of an elderly or disabled individual, or a residence homestead appreciating at a high rate, is the five year Constant Maturity Treasury Rate reported by the Federal Reserve as of January 1 of the year in which the deferral or abatement was obtained. (Companion bill is **H.B. 1148** by **Murphy**.)

S.J.R. 58 (Creighton) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to set a lower limit and provide for more than one limit on the maximum appraised value of a residence homestead for property taxation. (See **S.B. 657**.)

Sales Tax

S.B. 715 (Fallon) – Sales Tax Exemption: would exempt firearms and hunting supplies from sales taxes during the last full weekend in August.

Purchasing

H.B. 1565 (Meza) – Historically Underutilized Businesses: would provide that all Asian-Americans (as opposed to only Asian-Pacific-Americans) are included in the state's list of historically underutilized businesses.

H.B. 1566 (Meza) – Historically Underutilized Businesses: would, among other things, provide that persons with a disability as defined by the federal Americans with Disabilities Act are included in the state's list of historically underutilized businesses.

H.B. 1696 (Rodriguez) – Local Preference: would provide that a local governmental entity, including a city, that purchases agricultural products: (1) shall give preference to those produced or grown in this state if the cost to the local governmental entity is equal and the quality is equal; and (2) may give preference to those products produced or grown in this state if the cost to the local governmental entity does not exceed 107 percent of the cost of agricultural products produced or grown outside of this state and the quality is equal. (Companion bill is **S.B. 788** by **Johnson**.)

S.B. 771 (Hughes) – Professional Services Indemnity: would provide that a covenant or promise in, in connection with, or collateral to a construction contract other than a contract for a single family or multifamily residence is void and unenforceable if the covenant or promise provides for a registered architect or licensed engineer whose engineering or architectural design services are the subject of the construction contract to defend, indemnify, or hold harmless an owner or owner’s agent or employee from liability for damage that is caused by or results from the negligence of a person other than the architect or engineer.

Elections

H.B. 1419 (S. Thompson) – Qualified Voter: would provide that a person is qualified to vote and eligible to register to vote if, among other things, the person has not been finally convicted of a felony or, if convicted, is not currently incarcerated for that offense.

H.B. 1447 (Israel) – Election Information: would require the secretary of state in cooperation with the department of information resources to develop a mobile application for wireless communication devices that would allow a person to access election information relevant to a voter.

H.B. 1459 (J. Gonzalez) – Early Voting: would, among other things, require an early voting ballot board to include an alternate presiding judge.

H.B. 1460 (J. Gonzalez) – Early Voting by Mail: would authorize an election officer to: (1) provide to and accept from a voter who qualifies to receive ballots to be voted by mail an application for a ballot to be voted by mail and provide instructions for submitting the application; and (2) post at a polling place a sign in the form prescribed by the secretary of state that refers to the availability of application forms for an early voting ballot to be voted by mail if the election officers have the applications.

H.B. 1462 (J. Gonzalez) – Early Voting by Mail: would, among other things, provide that a marked ballot voted by mail must arrive at the address on the carrier envelope not later than the fifth day after the date of the election, if the carrier envelope was placed for delivery by mail or common or contract carrier before election day and bears a cancellation mark of a common or contract carrier or a courier indicating a time not later than 7:00 p.m. at the location of the election on election day.

H.B. 1600 (Israel) – Early Voting by Mail: would require the secretary of state to prescribe a procedure for the delivery of a market ballot in person during the early voting period and on election day.

S.B. 734 (Watson) – Voter Registration: would, among other things: (1) require the secretary of state to implement a program to allow a person to complete a voter registration over the Internet from the official website of this state; and (2) provide that the websites of the secretary

of state and the Department of Public Safety must also provide a link to the location of the application on the official website of this state.

S.B. 751 (Hughes) – Deceptive Video Criminal Penalties: would: (1) define “deep fake video” to mean a video created with artificial intelligence that, with the intent to deceive, appears to depict a real person performing an action that did not occur in reality; and (2) create a criminal offense if a person, with the intent to injure a candidate or influence the result of an election, creates a deep fake video and causes it to be published or distributed within 30 days of an election.

S.B. 757 (Alvarado) – Voter Registration: would require the secretary of state to implement a program to allow a person who has an unexpired Texas driver’s license or personal identification card to complete an electronic voter registration application over the Internet.

Open Government

H.B. 1655 (Hunter) – Dates of Birth: would provide that a governmental body is not authorized to withhold dates of birth unless: (1) permitted under the personnel information exception of the Public Information Act (PIA); or (2) protected by statutory or constitutional law.

H.B. 1700 (Hunter) – Public Information: would: (1) define “temporary custodian” to mean a current or former officer or employee who, in the transaction of official business, creates/created or receives/received public information that the officer or employee has not provided to the officer for public information of the governmental body; (2) provide that a current or former officer or employee who maintains public information on a privately owned device must: (a) forward or transfer the information to the governmental body to be preserved; or (b) preserve the public information in its original form on the privately owned device for the requisite retention period; (3) require a public information officer to make reasonable efforts to obtain public information from a temporary custodian if: (a) the information has been requested in a public information request; (b) the officer is aware of facts sufficient to warrant a reasonable belief the temporary custodian is in possession, custody, or control of the information; (c) the officer is unable to comply with a request without obtaining the information from the temporary custodian; and (d) the temporary custodian has not provided the information to the officer; (4) provide that a current or former officer or employee does not have a personal or property right to public information the officer or employee created or received while acting in an official capacity, and must surrender the information not later than the 10th day after the date the officer for public information requests the information be returned or surrendered; (5) provide that if a temporary custodian fails to comply with (4), the officer for public information must notify the attorney general who may then sue for an injunction or writ of mandamus to compel the surrender or return of the information; (6) require a court to dismiss, with prejudice, a suit in (5) if the current or former officer or employee files an answer containing a general denial supported by a sworn affidavit stating the individual is not in possession, custody, or control of public information responsive to the request, but provide that the suit is dismissed without prejudice and may be refiled by the attorney general if, in providing the affidavit, the officer or employee engaged in perjury and is arrested, charged, or indicted for that offense; (7) for purposes of seeking an

attorney general decision, provide that the governmental body is considered to receive a request for information on the date the information is surrendered by a temporary custodian or returned to the governmental body from a temporary custodian; and (8) make it a criminal offense for a temporary custodian to refuse to surrender or return information as required in (4).

Other Finance and Administration

H.B. 1438 (C. Turner) – Personal Financial Statements: would change the content requirements of a personal financial statement that must be filed by certain city officers and candidates in cities with a population of 100,000 or more.

H.B. 1443 (S. Thompson) – Alcohol: would require that, not later than the 30th day after the date a prospective applicant for an alcoholic beverage permit or license requests certification, the city secretary or clerk certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit or license is sought is prohibited by charter or ordinance. (Companion bill is **S.B. 699** by **Hall**.)

H.B. 1473 (Middleton) – Conflicts Disclosure: would amend the law relating to the disclosure of gift-giving and business relationships between vendors and certain local government officers (Local Government Code Chapter 176) to: (1) amend the definition of the terms agent, business relationship, and investment income; (2) expand the circumstances in which a local government officer must file a conflicts disclosure (Form CIS) with respect to a vendor; and (3) expand the circumstances in which a vendor of a local government must file a conflicts disclosure (Form CIQ) with respect to a local government officer.

H.B. 1557 (Springer) – Hotel Occupancy Tax: would: (1) provide that any city may pledge local hotel occupancy tax revenues from a hotel project that is owned or located on land owned by the city, by a nonprofit corporation acting on behalf of the city, or by the federal government, and that is located within 1,000 feet of a convention center facility owned by the city, for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, and equip the hotel and any facilities ancillary to the hotel, including convention center entertainment-related facilities, meeting spaces, restaurants, shops, street and water and sewer infrastructure necessary for the operation of the hotel or ancillary facilities, and parking facilities within 1,000 feet of the hotel or convention center facility; (2) require cities to annually send to the comptroller a report that states the total amount of state tax revenue rebated, refunded, or paid in relation to the qualified hotel project and the incremental increase in hotel occupancy tax revenue collected by the city during the reporting period; (3) provide that the comptroller shall, after receiving a report from a city under (2), above, withhold from the city's share of mixed beverage taxes and sales and use taxes a total amount equal to the lesser of: (a) the total amount of state hotel occupancy tax revenue rebated, refunded, or paid in relation to the qualified hotel project; or (b) the incremental increase in hotel occupancy tax revenue collected by the city during the reporting period; (4) authorize a city to propose the manner in which the comptroller will withhold amounts under (3), above, including the percentage to be deducted from each tax and the frequency of the deductions; (5) require the comptroller to comply with the city's proposal under (4), above, if possible; and (6) provide that the total amount the comptroller may withhold

under (3), above, may not exceed the total amount of state tax revenue rebated, refunded, or paid in relation to the qualified hotel project during the state financing period.

H.B. 1568 (Hernandez) – Vehicle Parking: would: (1) allow a home rule city, to aid in the enforcement of an ordinance regulating the operation of vehicles for hire, to authorize an employee to initiate the removal and storage of a vehicle operated in violation of its ordinance without authorization by a peace officer; and (2) allow a city, to aid in its enforcement of an ordinance regulating parking, to authorize an employee to initiate the removal and storage of a vehicle in an area where on-street parking is regulated and that: (a) is parked illegally; or (b) is parked legally, but has been unattended for more than 48 hours and is reasonably believed to be abandoned.

H.B. 1694 (Lambert) – Farmer’s Markets: would prohibit a local government authority, including a local health department, from: (1) requiring a person to obtain a permit in order to provide samples of food at a farm or farmers’ market; (2) regulating the provision of samples of food at a farm or farmers’ market except as expressly provided in certain state law; and (3) adopting a rule requiring a farmers’ market to pay a permit fee for: (a) conducting a cooking demonstration for educational purposes; or (b) providing samples of food. (Companion bill is **S.B. 789** by **Johnson**.)

H.J.R. 67 (Pacheco) – Gambling: would amend the Texas Constitution to provide that the legislature shall authorize casino gaming in a limited number of cities if approved at a local option election in the city.

S.B. 605 (Buckingham) – Texas Historical Commission: would: (1) continue the functions of the Texas Historical Commission (commission) until September 1, 2013; (2) authorize the commission to establish the Texas Heritage Trails Program to promote tourism to heritage and cultural attractions in the state; and (3) transfer jurisdiction over certain historic sites and parks from the Texas Parks and Wildlife Department to the commission. (Companion bill **H.B. 1422** by **Paddie**.)

S.B. 679 (Hall) – Mandatory Display: would require political subdivisions and state agencies to display a durable poster or framed copy of the United States motto, “In God We Trust,” if the poster or copy is donated or is purchased from private donations and made available to the building.

S.B. 699 (Hall) – Alcohol: would require that, not later than the 30th day after the date a prospective applicant for an alcoholic beverage permit or license requests certification, the city secretary or clerk certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit or license is sought is prohibited by charter or ordinance. (Companion bill is **H.B. 1443** by **S. Thompson**.)

S.B. 702 (Bettencourt) – Lobbying: would: (1) allow certain political subdivisions, including cities, to spend money to influence or attempt to influence the outcome of legislation only if the expenditure is authorized by a majority vote of the governing body in an open meeting and the item is voted on as a stand-alone item on the agenda; (2) require a political subdivision in (1) to report to the Texas Ethics Commission and publish on the entity’s website: (a) the amount of money authorized for the

purpose of influencing pending legislation; (b) the name of any person retained or employed by the entity who is required to register as a lobbyist, and an electronic copy of any contract for services executed with a lobbyist; and (c) the amount of public money spent for membership fees and dues to any nonprofit association that seeks to influence legislation; and (3) provide that certain parties, including a taxpayer of the entity, may seek injunctive relief if the entity does not comply with the requirements in (1) and (2), above.

S.B. 703 (Bettencourt) – Lobbying: would: (1) require certain local governmental entities, including cities, to file with the Texas Ethics Commission a statement that shows the total expenditures for lobbying activities during the period covered by the statement, including: (a) the name and address of each lobbyist contracted to perform lobbying services; and (b) the total amount paid to each person required to register as a lobbyist for lobbying activities on behalf of the entity; (2) require a local governmental entity to: (a) file two expenditure for lobbying statements each odd-numbered year, the first not later than January 15, and the second not later than July 31; and (b) post the statement on the entity’s website; (3) provide that if a statement of expenditures for lobbying is filed late, a local governmental entity is liable to the state for a civil penalty of \$500, and if not paid before the 10th day after the date a warning is received, the entity is liable for a civil penalty of up to \$10,000; and (4) give the Texas Ethics Commission authority to implement, administer, issue written opinions about, and enforce the requirements in (1)-(3).

S.B. 707 (Watson) – Child-Care Facilities: would require a day-care center (a child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week) to install and use video recording equipment in the facility. (Companion bill is **H.B. 459** by **Hernandez**.)

S.B. 777 (Zaffirini) – Plastic Bag Regulation: would delete the provision in Health and Safety Code Section 361.0961 that the Texas Supreme Court construed as preempting city plastic bag regulations. (Companion bill is **H.B. 856** by **Hinojosa**.)

S.B. 789 (Johnson) – Food Regulation: would prohibit a local government authority, including a local health department, from: (1) requiring a person to obtain a permit in order to provide samples of food at a farm or farmers’ market; (2) regulating the provision of samples of food at a farm or farmers’ market except as expressly provided in certain state law; and (3) adopting a rule requiring a farmers’ market to pay a permit fee for: (a) conducting a cooking demonstration for educational purposes; or (b) providing samples of food. (Companion bill is **H.B. 1694** by **Lambert**.)

Municipal Courts

H.B. 1619 (Leach) – Court Reporters: would exempt from the Uniform Electronic Transactions Act the transmission, preparation, completion, enforceability, or admissibility of a document in any form used in the state or federal judicial system that is produced by a court reporter appointed to a court of record, a certified court reporter, or a registered shorthand reporting firm.

Community and Economic Development

H.B. 1442 (Paddie) – Office of Consumer Credit Commissioner: would continue the functions of the Office of Consumer Credit Commissioner and the licensing and registration of persons regulated by that state agency until September 1, 2031. (Companion is **S.B. 603** by **Birdwell**.)

H.B. 1533 (Collier) – Zoning: would authorize a political subdivision to adopt zoning regulations to govern the exhibition of a music or skill or pleasure coin-operated machine.

H.B. 1586 (Goodwin) – Affordable Housing: would: (1) require the Texas Department of Housing and Community Affairs to allocate up to 15 percent of set-aside funds (funds for small cities and rural areas that do not qualify for funds under the Cranston-Gonzalez National Affordable Housing Act) to participating jurisdictions as necessary to meet the requirements of federal law; and (2) provide that eligibility to apply for set-aside funds is determined by federal law, and must be allocated by the department in accordance with any applicable spending plan required under federal law. (Companion bill is **S.B. 544** by **Watson**.)

H.B. 1588 (Metcalf) – Economic Development Corporations: would require an economic development corporation to turn in its annual report to the comptroller by April 1st of each year. (Companion Bill: **S.B. 450** by **Powell**.)

S.B. 746 (Campbell) – Annexation: would modify the provisions of S.B. 6 (2017) that authorize a countywide election to adopt Tier 2 status to: (1) lower the petition threshold from 10 percent to seven percent of the registered voters in the county; and (2) provide that, in relation to Tier 2 cities; (a) if a city does not obtain the number of signatures on a petition required to annex an area, it may not annex any part of the area and may not adopt another resolution to annex any part of the area until the fifth anniversary of the date the petition period ended; and (b) if a majority of qualified voters do not approve a proposed annexation at an election called for that purpose, it may not annex any part of the area and may not adopt another resolution to annex any part of the area until the fifth anniversary of the date of the adoption of the resolution.

S.B. 745 (Birdwell) – Annexation: would essentially eliminate most unilateral annexations by any city, regardless of population or location. Specifically, the bill would: (1) eliminate the distinction between Tier 1 and Tier 2 cities and counties created by S.B. 6 (2017); (2) eliminate existing annexation authority that applied to Tier 1 cities and make most annexations subject to the three consent annexation procedures created by S.B. 6 (2017), which allow for annexation: (a) on request of the each owner of the land; (b) of an area with a population of less than 200 by petition of voters and, if required, owners in the area; and (c) of an area with a population of at least 200 by election of voters and, if required, petition of landowners; and (3) authorize certain narrowly-defined types of annexation (e.g., city-owned airports, navigable streams, etc.) to continue using a service plan, notice, and hearing annexation procedure. (Companion bill is **H.B. 347** by **P. King**.)

S.B. 776 (Zaffirini) – Agriculture and Rural Ombudsman Office: would require the office of the governor to establish an agriculture and rural ombudsman office within the Texas Economic

Development and Tourism office for the purpose of assisting agriculture business and other businesses located in rural areas.

S.B. 799 (Alvarado) – Disaster Recovery: would create a business advisory council, composed of members who represent business, to provide advice on economic recovery following a disaster, including proposed solutions to address inefficiencies or problems in local governmental disaster response with respect to the impact on business and the economy.

Personnel

H.B. 1418 (Phelan) – Immunizations: would require that the Health and Human Services Commission adopt a system that provides an individual who files an application for certification or recertification as emergency medical services (EMS) personnel with the following information: (1) if the individual's immunization history is included in the immunization registry, written notice of the individual's immunization history, using information from the immunization registry; or (2) if the applicant's immunization history is not included in the immunization history: (a) details about the program developed for informing first responders about the immunization registry and educating first responders about the benefits of being included in the immunization registry; and (b) the specific risks to EMS personnel when responding rapidly to an emergency of exposure to and infection by a potentially serious or deadly communicable disease that an immunization may prevent.

H.B. 1477 (Price) – Financial Assistance to EMS Personnel: would: (1) require the Health and Human Services Commission establish the Emergency Medical Services Scholarship Program to provide financial assistance, to emergency medical services personnel, for tuition and other applicable fees for coursework at institutions of higher education; and (2) fund such program with 10 percent of the funds collected from state traffic fines.

H.B. 1478 (Rosenthal) – Reproductive Discrimination: would, among other things: (1) provide that an employer commits an unlawful employment practice if the employer discriminates against an employee or a close member of the employee's family or household on the basis of a reproductive decision including: (a) marital status at the time of a pregnancy; (b) use of assisted reproduction to become pregnant; (c) use of contraception or a specific form of pregnancy; or (d) obtainment or use of any other health care drug, device or service relating to reproductive health; (2) require an employer that provides an employee handbook include in the handbook information regarding the prohibition of discrimination based on a reproductive decision; and (3) make a mandatory arbitration agreement between an employer and an employee void and unenforceable to the extent the agreement limits the reproductive decisions of an employee or employee's close family or household members.

H.B. 1492 (Wray) – Disease Presumption: would add peace officers to the firefighter workers' compensation disease presumption statute.

H.B. 1521 (Burrows) – Workers' Compensation: would provide that: (1) a political subdivision that self-insures either individually or collectively waives sovereign immunity and is

liable for sanctions, administrative penalties, and attorney 's fees in a workers' compensation dispute; (2) in addition to any sanctions, administrative penalty, or other remedy authorized in a workers' compensation dispute, the commissioner of workers' compensation may assess an administrative penalty against a political subdivision described in (1) that commits an administrative violation in connection with a workers' compensation claim filed by a peace officer or firefighter; and (3) the administrative penalty in (2) shall not be less than two times the total amount of benefits payable in connection with the employee's claim.

H.B. 1527 (Neave) – Sexual Harassment: would: (1) expand liability for sexual harassment to an employee who engages in sexual harassment of another employee; and (2) allow recovery of compensatory damages in unlimited amounts against an employee described in (1) upon a finding that the employee's actions were intentional.

H.B. 1529 (Neave) – Sexual Harassment: would expand the time frame within which an employee must file a complaint alleging sexual harassment with the Texas Workforce Commission from not later than the 180th day of the date the unlawful employment practice occurred to not later than the 300th day after the date the alleged sexual harassment occurred.

H.B. 1559 (Meza) – Family and Medical Leave: would establish a state family and medical leave law that, among other things: (1) requires an employer to provide, to an employee who has been employed for at least one year, not less than 30 days of leave to: (a) attend to the employee's own serious health condition; (b) care for the employee's close family members with a serious health condition; (c) spend time with the employee's new-born child or a child placed with the employee for adoption or foster care; and (d) attend to the employee's family member who is a victim of family violence, sexual assault, sexual abuse, stalking or trafficking; (2) provides that, if an employer offers paid sick leave or other accrued paid leave, an employee described in (1) is entitled to use up to 30 days of paid sick leave; (3) provides that, if an employer does not provide paid sick leave or provides paid leave that may not be used for the purposes described in (1), an employee is entitled to wage replacement benefits that equal to the average amount the employee would have been paid if the employee had worked during that pay period; (4) creates a wage replacement benefit fund in an account in the general revenue fund to be administered by the Texas Workforce Commission and appropriated only to pay required benefits; (5) requires each employee to contribute monthly to the benefit replacement fund described in (4) by paying an assessment in an amount equal to one quarter of one percent of the employee's monthly pay; (6) provides that an employee who takes leave as described in (1) is entitled, on return from the leave, to reinstatement in the former position of employment or an equivalent position of employment with equivalent employment benefits, pay, and other terms of employment; (7) provides that an employee who is entitled to leave under the federal Family and Medical Leave Act, must take leave under that law concurrently with the leave described in (1); and (8) prohibits an employee from receiving leave benefits if the employee receives, on any day, benefits under any other law providing unemployment compensation, disability insurance benefits or workers' compensation benefits.

H.B. 1575 (C. Turner) – Sexual Harassment: would require: (1) an employer, other than a state agency, provide at least: (a) two hours of sexual harassment prevention training to an employee who is a supervisor; and (b) one hour of sexual harassment prevention training to

employee who is not a supervisor; and (2) the Texas Workforce Commission develop or obtain, and make available, on its internet website, sexual harassment prevention training that may be used by employers to provide the required training described in (1).

H.B. 1654 (Goldman) – Employment Benefits: would: (1) prohibit a city or county from adopting or enforcing an ordinance, order, rule, regulation, or policy requiring any terms of employment that exceed or conflict with federal or state law relating to any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms of employment; (2) provide that such ordinance, order, rule, regulation or policy is void and unenforceable; (3) exclude from the prohibition described in (1) any ordinance, rule, order, rule, regulation or policy related to: (a) minimum wage; (b) discrimination; or (c) a contract or agreement relating to terms of employment voluntarily entered into between a private employer or entity and a governmental entity; and (4) provide that the prohibition described in (1) would apply retroactively to any ordinance, order, rule, regulation or policy adopted prior to the effective date of the bill. (Companion bill is **S.B. 15** by **Creighton**.)

H.B. 1681 (Ashby) – Peer Assistance: would provide, among other things, that: (1) a local law enforcement agency may establish a peer assistance program, including a chaplain program, for the purpose of providing peer counseling to employees of the agency whose ability to perform their duties is affected by tragedy or difficulty in the employee's life; (2) a person who knows or suspects an eligible employee may be affected by a tragedy or difficulty may report the employee's name and any relevant information to the agency's peer assistance program; (3) the agency that receives a report described in (2) may refer the employee to the peer assistance program and may provide peer assistance counseling services to the employee; and (4) information that a peer assistance program or local law enforcement agency receives, gathers or maintains is confidential and may not be disclosed without written consent of the employee or other interested persons except the information may be released to: (a) qualified personnel for bona fide research or educational purposes only after information that would identify the person is removed; (b) health care personnel to whom a peer assistance program or local law enforcement agency has referred the eligible employee; or (c) other health care personnel to the extent necessary to meet a health care emergency.

S.B. 681 (Alvarado) – Public Safety Compensation: would modify current law to require a political subdivision, including a city, that employs fire fighters and/or police officers to provide those employees with compensation and other conditions of employment that are substantially equal to the compensation and other conditions of employment that prevail in comparable fire or police departments.

S.B. 684 (Flores) – Code Enforcement Officers: would: (1) exempt a code enforcement officer from the prohibition on carrying a club, if the officer holds a certificate of registration as a code enforcement officer and is carrying the club to deter animal bites while the officer is on duty; and (2) require the Texas Commission of Licensing and Regulation to include educational training requirements regarding the principles and procedures to be followed when possessing or carrying an instrument used for deterring animal bites.

S.B. 752 (Huffman) – Health Care Providers: would provide immunity from civil liability for: (1) a volunteer health care provider for an act or omission that occurs in giving care, assistance, or advice if the care, assistance, or advice is provided: (a) in relation to a disaster that endangers individuals, property, or the environment; and (b) within the scope of the provider’s practice; and (2) a health care institution concerning an act or omission by a volunteer health care provider providing care, assistance, or advice at the institution’s facility or under the institution’s direction if: (a) the provider is immune from civil liability as described in (1); and (b) the institution does not expect compensation from the recipient of the care, assistance, or advice in excess of reimbursement for expenses incurred by the institution in connection with the provision of the care, assistance, or advice.

S.B. 762 (Campbell) – Employment Benefits: would: (1) prohibit a city or county from adopting or enforcing an ordinance, order, rule or regulation that requires an employer in the city or county to provide employment benefits, including: (a) health, disability, retirement, profit-sharing, and death benefits; (b) group accidental death and dismemberment benefits; and (c) paid days off from work for holidays, sick leave, vacation, and personal necessity; and (2) would provide that the prohibition described in (1) would apply retroactively to any ordinance, order, rule or regulation adopted prior to the effective date of the bill.

S.B. 764 (Menendez) – Code Enforcement Officers: would: (1) exempt a code enforcement officer from the prohibition on carrying a club, if the officer holds a certificate of registration as a code enforcement officer and is carrying the club to deter animal bites while the officer is on duty; and (2) require the Texas Commission of Licensing and Regulation to include educational training requirements regarding the principles and procedures to be followed when possessing or carrying an instrument used for deterring animal bites.

S.B. 797 (Alvarado) – Collective Bargaining: would modify current law to: (1) require a political subdivision, including a city, that employs firefighters and/or police officers to provide those employees with compensation and other conditions of employment that are substantially equal to compensation and other conditions of employment that prevail in comparable fire and police departments, as applicable; (2) eliminate the ability of a political subdivision and a bargaining association to use judicial enforcement of the applicable requirements related to the compensation and conditions of employment of firefighters and police officers if the parties fail to agree to arbitrate; (3) require a public employer and a bargaining association to submit to binding interest arbitration if the parties reach an impasse in collective bargaining or are unable to settle after the 61st day after the date the appropriate lawmaking body fails to approve a contract reached through collective bargaining; and (4) eliminate an arbitration board and replace it with a single arbitrator.

Public Safety

H.B. 1432 (Guillen) – Sexual Assault Investigations: would: (1) require a law enforcement agency that requests a forensic medical exam of a victim of an alleged sexual assault to pay the costs, less any amount paid directly to the health care facility by a health insurer, of the forensic portion of the exam and of the evidence collection kit; and (2) provide that a health care facility

that provides certain care to a sexual assault survivor: (a) may not require a law enforcement agency to pay the costs of providing the care, other than the costs of a forensic medical exam and an evidence collection kit; (b) must provide an itemized statement of the costs of a forensic medical exam to a law enforcement agency; and (c) must submit a claim for the payment of the costs of a forensic medical exam to any private health insurer that covers the survivor before any claim may be submitted to a law enforcement agency.

H.B. 1426 (Guerra) – Internet Service: would provide that a mobile internet service provider may not impair or degrade lawful mobile internet service access in an area that is subject to a declared state of disaster.

H.B. 1449 (P. King) – Opioid Antagonists Grant Program: would: (1) require the Criminal Justice Division of the Governor’s Office (CJD) to establish and administer a grant program to provide financial assistance to a law enforcement agency that seeks to provide opioid antagonists to peace officers, evidence technicians, and related personnel who, in the course of performing their duties, are likely to come into contact with opioids or encounter persons suffering from an apparent opioid-related drug overdose; (2) allow law enforcement agency to apply for this grant if the agency first adopts a policy addressing the usage of an opioid antagonist for a person suffering from an apparent opioid-related drug overdose; (3) require law enforcement agency to provide, in the application for the grant, certain information concerning the frequency and nature of opioid-related drug overdoses; and (4) require law enforcement agency that receive the grant to provide to the CJD proof of purchase of the opioid antagonists.

H.B. 1451 (P. King) – Disaster Response Peace Officers: would provide that: (1) the Texas Commission on Law Enforcement may commission as a peace officer, an individual who is: (a) elected, employed or appointed as a peace officer by a political subdivision at the time the individual is commissioned; and (b) called to state active duty as a member of the Texas State Guard for the purpose of responding to a disaster; (2) such commission would expire on the earlier of: (a) the date the individual’s state active duty ends; or (b) the date responding to a disaster ceases to be the primary purpose for the state active duty; and (3) a law enforcement agency or governmental entity is not required to provide notice, to the Comptroller, of the commissioning of an individual as a peace officer as described in (1).

H.B. 1458 (Anderson) – Driver Responsibility Program: would, among other things, repeal the driver responsibility program, make several conforming changes to related traffic laws, and create additional fines for people convicted of certain intoxicated driver offenses or driving without financial responsibility.

H.B. 1487 (Wilson) – Drivers Responsibility Program: would, among other things, repeal the driver responsibility program, make several conforming changes to related traffic laws, and create additional fines for people convicted of certain intoxicated driver offenses and driving without financial responsibility.

H.B. 1496 (Metcalf) – School Violence: would require: (1) a law enforcement officer who receives a report or finds evidence that suggests a person may be contemplating committing an act of school violence at a public school deliver written notice, as soon as practicable, to the

superintendent of the affected school or a person designated by the superintendent; (2) the superintendent or person designated by the superintendent, upon receiving notice, notify appropriate instructional and support personnel; and (3) such personnel in receipt of the notice described in (1) keep the information received confidential.

H.B. 1497 (Metcalf) – EMS Personnel ID: would require, among other things: (1) the Department of Public Safety (DPS) include the designation “Emergency Medical” on a personal identification certificate or a driver’s license issued to an emergency medical services (EMS) personnel if the EMS personnel: (a) requests the designation; and (b) provides sufficient proof that the person is an EMS certified personnel; (2) a person who holds a identification certificate described in (1) to surrender the certificate to the Department if the person’s certification as EMS personnel expires or is revoked or suspended; and (3) a person who renews a driver’s license described in (1) to provide sufficient proof to the Department that the person is certified as EMS personnel.

H.B. 1528 (Rose) – Family Violence Offenses: would provide that: (1) information in the computerized criminal history system relating to sentencing must include, among other things, whether the judgment imposing the sentence reflects an affirmative finding of family violence; (2) the arresting law enforcement agency shall prepare a uniform incident fingerprint card and initiate the reporting process for each offender charged with a misdemeanor punishable by fine only that involves family violence; and (3) on disposition of a case in which an offender is charged with a misdemeanor described by (2), the clerk of the court exercising jurisdiction over the case shall report the applicable information regarding the person’s citation or arrest and the disposition of the case to the Department of Public Safety using a uniform incident fingerprint card or an electronic methodology approved by the Department of Public Safety. (Companion bill is **S.B. 693** by West.)

H.B. 1541 (Paddie) – Department of Motor Vehicles: would continue the functions of the Texas Department of Motor Vehicles until September 1, 2031. (Companion bill is **S.B. 604** by Buckingham.)

H.B. 1552 (Paul) – Retired Law Enforcement Officers: would make various changes to the law relating to the weapons proficiency of and carrying of a handgun by a retired law enforcement officer.

H.B. 1573 (Raney) – Capital Murder: would expand the definition of capital murder to include the murder of emergency medical services personnel who are acting in the lawful discharge of an official duty.

H.B. 1590 (Howard) – Sexual Assault: would establish the Office of Sexual Assault Survivor Assistance within the criminal justice division of the governor’s office to work with various governmental entities and establish policies regarding sexual assault prevention, investigation and prosecution and services provided to survivors.

H.B. 1615 (Schaefer) – Asset Forfeiture: would shift the burden to the state to prove by a preponderance of the evidence that certain property is subject to seizure and forfeiture.

H.B. 1625 (K. Bell) – False Report Relating to Emergency Responders: would create a criminal offense if a person, with the intent to deceive: (1) knowingly makes a false report that a peace officer or emergency services personnel, while performing official duties, engaged in conduct that violates a law or policy; and (2) makes the report to a law enforcement agency to initiate a criminal investigation or a law enforcement agency or emergency services provider to initiate an administrative or disciplinary action.

H.B. 1631 (Herrero) – Red Light Cameras: would: (1) prohibit local authorities from implementing or operating a photographic traffic signal enforcement system with respect to a highway or street under the jurisdiction of the authority; (2) give the attorney general authorization to enforce (1); (3) prohibit a local authority from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system; and (4) repeal the laws authorizing the use of photographic signal enforcement systems. (Companion bill **S.B. 653** by **Hall**.)

H.B. 1660 (Herrero) – Peace Officer Training: would require: (1) the curriculum for programs or schools to train peace officers, county jailers, and telecommunicators in documentation of cases to include recognizing and recording circumstances indicating that a victim is a member of the offender’s household or family and the offender intentionally, knowingly, or recklessly strangled or suffocated the victim; and (2) continuing training once every 48 months for peace officers of cities to include documentation of cases to include recognizing and recording circumstances indicating that a victim is a member of the offender’s household or family and the offender intentionally, knowingly, or recklessly strangled or suffocated the victim.

S.B. 672 (Menendez) – Immigration: would repeal certain provisions governing state and local enforcement of immigration laws and other provisions related to immigration law, such as the requirement that a law enforcement agency honor a detainer request.

S.B. 695 (Creighton) – Flood Planning: would create the Texas Infrastructure Resiliency Fund to be administered by the Texas Water Development Board and used to make a grant, low-interest loan, or zero-interest loan to a political subdivision for a flood project.

S.B. 696 (Huffman) – Human Trafficking: would: (1) modify current law to require, as part of the minimum curriculum training requirement, all officers, as opposed to officers first licensed on or after January 1, 2011, to: (a) complete a one-time basic education and training program on the trafficking of persons; and (b) complete such training not later than the second anniversary of the date the officer is licensed unless the officer completes the program as part of the officer’s basic training course; and (2) provide that, as prerequisite for issuance of an intermediate or advanced proficiency certificate, an officer must complete certain training related to trafficking of persons and compelling prostitution.

S.B. 714 (Fallon) – Criminal Offense: would allow a person to be prosecuted for capital murder if the person murders emergency medical services personnel who are acting in the lawful discharge of an official duty and who the person knows are emergency medical service personnel.

S.B. 782 (West) – Body Worn Camera: would require a law enforcement agency to update its body worn camera policy to provide that a peace officer is entitled to access a recording of an incident involving the officer and made with the officer’s camera before the officer is required to make any statement about the incident.

S.B. 772 (Hughes) – Licensed Carry: would provide that the fact that a card, sign, or other document prohibiting licensed carry (either concealed or openly) as authorized by the Penal Code is not posted on the property of a business, or any other evidence that a person failed to exercise the person’s option to forbid the carrying of a handgun by a license holder on the property: (1) is not admissible as evidence in a trial on the merits in an action: (a) against a person, including a business or other entity, who owns, controls, or manages the property; and (b) in which the cause of action arises from an injury sustained on the property; and (2) does not support a cause of action against a person.

S.B. 779 (Zaffirini) – Speed Limit: would decrease the prima facie speed limit in cities with a population greater than 790,000 to 25 miles per hour in an urban district on a street other than an alley and 15 miles per hour in an alley.

S.B. 803 (Rodriguez) – Magistrate: would expand the list of persons to whom a magistrate must provide a copy of a written assessment of a defendant suspected of having mental illness or an intellectual disability. (Companion bill is **H.B. 1701** by **Ortega**.)

Transportation

H.B. 1493 (Krause) – Buses: would eliminate the weight limitation for over-the-road buses as defined by federal law.

H.B. 1548 (Springer) – Golf Carts, Neighborhood Electric Vehicles, and Off-Highway Vehicles: would: (1) for purposes of the Recreational Use Statute, remove all-terrain vehicles and recreational off-highway vehicles from the definition of “recreation” and streamline the definition to reference “off-highway vehicles”; (2) for purposes of the Texas Clean Fleet Program and certain state law related to public beaches, define “golf cart” to mean a motor vehicle designed by the manufacturer primarily for use on a golf course; (3) include “all-terrain vehicle” and “recreational off-highway vehicle” in the definition of “off-highway vehicle” and make conforming amendments to various state laws; (4) provide that a golf cart, neighborhood electric vehicle (NEV), or off-highway vehicle (OHV) operated at a speed of not more than 25 miles per hour is required to display a slow-moving-vehicle emblem when operated on a highway; and (5) provide that an OHV that is registered under certain law is not subject to compulsory inspection.

With regard to Neighborhood Electric Vehicles, the bill:

1. provides that the Texas Department of Motor Vehicles (DMV) may not register a NEV for operation on a highway, but may issue a license plate and charge a related fee;
2. allows a NEV to be operated on a highway only if the vehicle displays a license plate;
3. provides that a city may allow an operator to operate a NEV on all or part of highway that is in the corporate boundaries of the city and has a posted speed limit of not more than 35 miles per hour;
4. allows a NEV to cross a highway at an intersection, including an intersection with a highway with a speed limit of more than 35 miles per hour;
5. authorizes a city to prohibit the operation of a NEV in a master planned community, on a public or private beach, or on a highway for which the posted speed is not more than 35 miles per hour if it is necessary in the interest of safety; and
6. exempts the operation of a NEV from the Motor Vehicle Safety Responsibility Act in some instances.

With regard to Golf Carts, the bill:

1. defines the term “golf cart” to mean a motor vehicle designed by the manufacturer primarily for use on a golf course;
2. provides that the DMV may not register a golf cart for operation on a highway, but may issue a license plate and charge a related fee;
3. allows a golf cart to be operated on a highway only if the vehicle displays a license plate;
4. removes a city’s authority to prohibit the operation of a golf cart in a master planned community and on a public or private beach, or on a highway for which the posted speed is not more than 35 miles per hour when operated within 2 miles of a golf course;
5. authorizes a city to either allow or prohibit the operation of a golf cart on a highway that is in the city limits and has a posted speed of not more than 35 miles per hour;
6. allows a golf cart to cross a highway at an intersection, including an intersection with a highway with a speed limit of more than 35 miles per hour; and
7. exempts the operation of a golf cart from the Motor Vehicle Safety Responsibility Act in some instances.

With regard to Off-Highway Vehicles, the bill:

1. moves current law related to OHVs (in Chapter 663, Transportation Code) to new Chapter 551A, Transportation Code;
2. defines “public off-highway vehicle land” to mean land on which off-highway recreation is authorized under Parks and Wildlife Code Chapter 29, and uses this new term to replace the term “public land” throughout the new Chapter 551A;
3. provides that requirements a for driver’s license do not apply to the operation or ownership of an OHV on public off-highway vehicle land;
4. provides that a person may not operate an OHV on land owned or leased by a political subdivision that is not open to vehicular traffic unless the land is public off-highway vehicle land and operated in compliance with certain state laws;

5. provides that a person younger than 14 years of age who is operating OHV on public off-highway vehicle land must be accompanied by and be under the supervision of a parent, guardian, or authorized adult;
6. sets out requirements for an OHV to cross a highway at a point other than an intersection;
7. provides that, except for certain state, county, and city vehicles, the DMV may not register an OHV for operation on a highway, but may issue a license plate and charge a related fee;
8. provides that an unregistered OHV may be operated on highway only if the vehicle displays a license plate;
9. authorizes a city to allow an operator to operate an unregistered OHV on all or part of a highway in the city limits that has a posted speed limit of not more than 35 miles per hour;
10. authorizes a city to prohibit an unregistered OHV from operating in certain master planned communities and highways with a posted speed of not more than 35 miles per hour during the day and within 2 miles from a golf course in the interest of safety;
11. allows an OHV to cross a highway at an intersection, including an intersection with a highway that has a posted speed or more than 35 miles per hour;
12. deletes the requirement that the operator (including law enforcement) of an unregistered OHV operating the vehicle on certain highways must hold a driver's license;
13. requires an OHV operated on public off-highway vehicle land, a beach, or a highway to have certain equipment, display a headlight and taillight during certain times, and that the operator wear certain safety apparel and abide by certain passenger requirement;
14. provides that is a Class C misdemeanor to violate certain laws regarding an OHV operated on off-highway vehicle land or a beach; and
15. exempts the operation of an OHV from the Motor Vehicle Safety Responsibility Act in some instances.

S.B. 688 (Perry) – Cotton Trucks: would provide that a truck-tractor operated in combination with a semitrailer and used to transport seed cotton or cotton may not be operated on a highway or road if the vehicle is higher than 14 feet 6 inches.

S.B. 780 (Rodriguez) – Passing Vehicles: would require a driver to either change lanes or slow down when passing a stationary vehicle used for and being operated in connection with transporting municipal solid waste or recyclable material from a location adjacent to the highway.

Utilities and Environment

H.B. 1435 (E. Thompson) – Solid Waste Permitting: would provide that: (1) before a permit for a proposed municipal solid waste management facility is issued, amended, extended, or renewed, the Texas Commission on Environmental Quality shall inspect the facility or site to confirm information included in the permit application; and (2) TCEQ shall prescribe the types of information to be confirmed in the permit by rule.

H.B. 1436 (E. Thompson) – Solid Waste Permitting: would provide that the Texas Commission on Environmental Quality may not approve or allow special conditions for the approval of an application for a permit or an amendment to a permit for a solid waste facility, unless the applicant has satisfied all of the requirements of the laws on solid waste permitting, rules on solid waste permitting, and other requirements of state and local law, including requirements relating to authorizations from local governments and requirements relating to siting in a floodplain.

H.B. 1491 (Reynolds) – Texas Environmental Justice Advisory Council: would: (1) establish the Texas Environmental Justice Advisory Council; and (2) include, among others, local government officials as members.

H.B. 1507 (Minjarez) – Texas Emissions Reduction Plan: would authorize the Texas Commission on Environmental Quality to provide TERP grants and funding for projects that reduce emissions through improvements in energy production efficiency using supercritical carbon dioxide.

H.B. 1581 (Geren) – School District Electric Bills: would, among other things, provide that a tax may not be imposed on the gross receipts from the sale of electricity to a public school district customer.

H.B. 1587 (Geren) – Retail Water Utilities: would make various changes to the regulation of Class C and D retail water utilities. (Companion bill is **S.B. 700** by **Nichols**.)

S.B. 674 (Campbell) – Drainage Fees: would: (1) allow a city to exempt open-enrollment charter schools from municipal drainage fees; and (2) prohibit a city from solely granting the exemption to a school district or open-enrollment charter school (i.e., the city must grant neither or both exemption).

S.B. 694 (Campbell) – Aggregate Production Operations: would: (1) provide that the Texas Commission on Environmental Quality may conduct, for a period of not more than one year, unannounced periodic inspections of an aggregate production operation that in the preceding two-year period has been issued a notice of violation by TCEQ for a violation of an environmental law or rule; (2) increase the maximum registration fee for aggregate production operations to \$1,500; and (3) increase the maximum penalty to \$20,000 for an aggregate production operation that is unregistered.

S.B. 698 (Birdwell) – Clean Air Act Permits: would provide that the Texas Commission on Environmental Quality may: (1) add a surcharge for an expedited application for a Clean Air Act permit to cover, among other things, the costs of full-time equivalent TCEQ employees to support the expedited processing of air permits and that money from the surcharge collected may be used to support the expedited processing; (2) authorize the use of overtime, full-time equivalent TCEQ employees to support the expedited processing of air permit applications; and (3) pay for compensatory time, overtime, full-time equivalent TCEQ employees supporting the expedited processing of air permit applications used in expedited permitting; and (4) set the rate for overtime compensation for full-time equivalent TCEQ employees.

S.B. 778 (Zaffirini) – Municipal Solid Waste Landfills: would: (1) repeal the requirement that a public hearing be limited to land use for a municipal solid waste landfill facility that is subject to a contract of sale as of January 1, 2001, and has stopped accepting waste or only accepted waste pursuant to an emergency authorization for a period of five years or more; and (2) repeal the ability of the Texas Commission on Environmental Quality to make a separate determination on the question of land use compatibility and consider other technical matters concerning a municipal solid waste permit application.

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