



Legislative UPDATE

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Number 8

Revenue Cap Bills: Keep the Pressure On

The Senate revenue cap bill, S.B. 2, is awaiting a Senate vote. The bill caps city property tax revenue 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?](#))

City officials should call their senators now and explain the effects of a 2.5 percent cap. 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.

Now is also the time to engage representatives in the House. It is possible that the House version of the revenue cap, H.B. 2, could be heard soon in the House Ways and Means Committee. City officials with [representatives on that committee](#) should call them right away and urge them to vote no on 2.5 percent.

City officials without a representative on that committee should visit with their representative anyway—it's not too soon to discuss the effects of H.B. 2's harmful cap. Both bills contain many beneficial provisions, so the message isn't that the bills shouldn't pass. As one senator recently put it, the problem with both bills is just 2.5 percent.

TML President-Elect Advocates for Infrastructure in Washington, D.C.

TML President-Elect Eddie Daffern, Mayor of the City of Staples, recently traveled to Washington, D.C., to visit with congressional leaders about federal priorities for cities. Mayor Daffern joined 19 other state municipal leagues to advocate for municipal priorities, including critical infrastructure development, avoiding another government shutdown, and local broadband needs.

“Cities are the United States of America, not a special interest group. The state of our union is the state of our cities. There is not a circumstance where our nation is prosperous, and our cities are struggling. We have an opportunity right now for a major federal infrastructure investment,” said Representative Dan Kildee (D – MI) in his address to city officials and congressional staff.

Municipal officials from across the country assured congressional leaders that cities are ready to partner with federal decision-makers on critical infrastructure needs.

Federal Government Releases Rural Broadband Report

Last week, the U.S. Departments of Agriculture and Commerce released the [*American Broadband Initiative Milestone Report*](#) for 2019. According to the report

[The President directed his] Cabinet to use all possible policy tools to accelerate the deployment and adoption of affordable, secure, reliable, modern high-speed broadband connectivity. To be clear, while the government serves an important role, we strongly believe that nothing creates innovation more effectively than unleashing the free market economy from burdensome government regulations. Toward that end, the reforms outlined in this report are dedicated to removing regulatory barriers and expanding opportunities for successful private sector capital investments.

The report “outlines a vision for how the federal government can increase broadband access and actions that agencies are taking to increase private-sector investment in broadband.” Its recommendations are grouped into three categories: streamlining federal permitting processes to speed broadband deployment, leveraging federal assets to lower the cost of broadband buildouts, and maximizing the impact of federal funding.

Highlights of federal agencies’ actions (shown here verbatim from the report) include:

1. **Launch and Effectively Execute \$600 million in New Federal Investment in Rural Broadband, Using Strategies to Spur Private-Sector Capital and Maximize the Value of Taxpayer Dollars.** The U.S. Department of Agriculture (USDA) is preparing to deploy a new congressional appropriation of \$600 million for an innovative broadband pilot program, based on modern, effective strategies that will catalyze increased private-sector investment in broadband infrastructure. These investments will prioritize projects

that deploy broadband infrastructure in rural areas that are currently insufficiently connected, with the goal of increasing productivity and improving rural quality of life.

2. **Leverage the Department of the Interior (DOI) Towers for Communications Use.** Consistent with the Presidential Memorandum on “Supporting Broadband Tower Facilities in Rural America on Federal Properties Managed by the Department of the Interior,” the DOI inventoried and mapped over 7,000 tower locations and will make that information publicly available via a Geographical Information System (GIS) mapping tool. These towers, primarily located in rural areas, will be available to service providers looking to locate equipment on Federal property as they expand wireless and wireline broadband networks.
3. **Provide Tools for Expedited Access to Federal Assets in Priority Markets.** The General Services Administration (GSA) has solicited input from the public on priority markets and assets needed to expand mobile access in underserved markets. GSA will pair that input with new and existing data sources, such as the map of DOI-managed land and towers, to identify and visualize Federal assets which can be leveraged by service providers to expand build-outs in these markets. Additionally, GSA will work with other Federal Agencies to utilize existing statutory authorities to streamline commercial access to assets in these markets. The resulting tools will supply the broadband industry with a new powerful resource to incorporate Federal assets into their expansion plans.
4. **Create One-Stop for Broadband Permitting Information.** The National Telecommunications and Information Administration (NTIA) will publish flow-charts reflecting current permitting workflows for the most common asset types providing a single location for information on Federal permitting of broadband infrastructure. This will include land managed by DOI’s Bureau of Land Management (BLM) and USDA’s Forest Service (Forest Service), buildings managed by GSA, and towers owned or managed by DOI. As processes are further streamlined, the BroadbandUSA website will be updated to reflect the latest process improvements.
5. **Revise Common Application Form and Quarterly Metrics for Permit Requests.** Consistent with Executive Order 13821 “Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America,” GSA will revise the common application form for permit requests to be more responsive to stakeholder needs. Additionally, all landmanaging agencies will provide GSA with quarterly reports on permitting applications, including the number of applications received, the number approved, the number rejected, the basis for any rejection, and the number of working days each application was pending before being approved or rejected. This data will provide transparency to the public and allow Agencies to continue to improve responsiveness.

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 recent committee hearings:

Juan Ayala, Director of the Office of Military and Veteran Affairs, City of San Antonio
Hilary Shine, Executive Director of Communications, City of Killeen
Jessica Anderson, Houston Police Department, City of Houston
Stephen Costello, Mayor's Office, City of Houston
Michael Shannon, City of San Antonio

City-Related Bills Filed

Property Tax

H.B. 1743 (T. King) – Property Tax Appraisal: would provide that: (1) if the use of land that has been appraised as agricultural land changes, and additional tax is imposed on the land equal to the difference between the taxes imposed on the land for each of the three years preceding the year in which the change of use occurs and the tax that would have been imposed had the land been taxed on the basis of market value in each of those years, plus interest at an annual rate of five percent calculated from the dates on which the differences would have become due; and (2) if the use of land that has been appraised as timber land changes, and additional tax is imposed on the land equal to the difference between the taxes imposed on the land for each of the three years preceding the year in which the change of use occurs and the tax that would have been imposed had the land been taxed on the basis of market value in each of those years, plus interest at an annual rate of five percent calculated from the dates on which the differences would have become due.

H.B. 1745 (Geren) – Property Tax Appraisal: would, among other things, authorize a property owner or the designated agent of the owner who has filed a notice of protest to bring suit against an appraisal district, chief appraiser, or appraisal review board to compel the district, chief appraiser, or board to comply with a procedural requirement imposed by state statute or under a rule established by the board that is applicable to the protest.

H.B. 1802 (Bohac) – Appraisal Review Board: would extend the deadline for filing a request for binding arbitration of certain appraisal review board orders to not later than the 60th day after the date the property owner receives notice of the order.

H.B. 1816 (Beckley) – Property Tax Appraisal: would, among other things: (1) provide that a protest on the ground of unequal appraisal of property shall be determined in favor of the protesting party, unless the appraisal district establishes, among other things, that the appraisal ratio of the property is equal to or less than the median level of appraisal of a reasonable number of comparable properties within the appraisal district; (2) provide that for purposes of (1), above: (a) a person making a determination that property is comparable to another property must base the determination on the similarity of the properties with regard to location, square footage of the lot and improvements, property age, property condition, property access, amenities, views, income, operating expenses, occupancy, and the existence of easements, deed restrictions, or other legal burdens affecting marketability; and (b) a person calculating the median level of appraisal of comparable properties must base the calculation on the appraised value of each comparable property as shown in the appraisal records submitted to the appraisal review board by the chief appraiser; (3) require the comptroller to, by rule, establish standards for the development and calibration of adjustments to the appraised value for industrial, petrochemical refining and processing, and utility properties and other unique properties; (4) require a district court to grant relief on the ground that a property is appraised unequally if, among other things, the appraisal ratio of the property exceeds by at least ten percent the median level of appraisal of a reasonable number of comparable properties in the appraisal districts; (5) for that for purposes of (4), above: (a) a person making a determination that property is comparable to another property must base the determination on the similarity of the properties with regard to location, square footage of the lot and improvements, property age, property condition, property access, amenities, views, income, operating expenses, occupancy, and the existence of easements, deed restrictions, or other legal burdens affecting marketability; and (b) a person calculating the median level of appraisal of comparable properties must base the calculation on the appraised value of each comparable property as shown in the appraisal records certified by the chief appraiser; and (6) provide that an appraisal district, an 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. 1841 (S. Thompson) – Property Tax Appraisal: would provide that, if the sale of a housing unit that the owner or a predecessor of the owner acquired from a community land trust is subject to an eligible land use restriction, the chief appraiser may not appraise the housing unit in a tax year for an amount that exceeds the price for which the housing unit may be sold under the eligible land use restriction in that year. (Companion bill is **S.B. 836** by **Miles**.)

H.B. 1842 (S. Thompson) – Property Tax Appraisal: would define “disaster recovery program” for purposes of the value of a replacement structure for the ten percent appraisal cap for a residence homestead as a disaster recovery program funded with community development block grant disaster recovery money authorized by federal law. (Companion is **S.B. 812** by **Lucio**.)

H.B. 1882 (Krause) – Appraisal Review Board: would provide that, for purposes of binding arbitration to appeal appraisal review board orders involving two or more contiguous tracts of land, tracts of land may not be considered to be noncontiguous on the basis of the classifications of the tracts of land if the tracts of land constitute the same economic unit.

H.B. 1883 (G. Bonnen) – Property Tax Deferral: would provide that: (1) an eligible person serving on active duty in any branch of the United States armed forces, regardless of whether the person is serving during a war or national emergency declared in accordance with federal law, may pay delinquent property taxes on property in which the person owns any interest without penalty or interest no later than the 60th day after the date on which the earliest of the following occurs: (a) the person is discharged from active military service; (b) the person returns to the state for more than 10 days; or (c) the person returns to non-active duty status in the reserves; and (2) a delinquent tax for which a person defers payment under (1) that is not paid on or before the date the deferral period prescribed by (1) expires: (a) accrues interest at a rate of six percent for each year or portion of a year the tax remains unpaid; and (b) does not incur a penalty.

H.B. 1885 (G. Bonnen) – Delinquent Property Taxes: would authorize the governing body of a taxing unit to waive penalties and interest on a delinquent tax if: (1) the property for which the tax is owed is subject to a mortgage that does not require the owner of the property to fund an escrow account for the payment of the taxes on the property; (2) the tax bill was mailed or delivered by electronic means to the mortgagee of the property, but the mortgagee failed to mail a copy of the bill to the owner of the property; and (3) the taxpayer paid the tax not later than the 21st day after the date the taxpayer knew or should have known of the delinquency.

S.B. 853 (Johnson) – Property Tax Appraisal: would, among other things: (1) provide that a protest on the ground of unequal appraisal of property shall be determined in favor of the protesting party unless the appraisal district establishes, among other things, that the appraisal ratio of the property is equal to or less than the median appraisal ratio of a reasonable number of comparable properties in the appraisal district; (2) provide that for purposes of (1), above: (a) a determination that property is comparable to another property must be based on the similarity of the properties with regard to location, square footage of the lot and improvements, property age, property condition, property access, amenities, views, income, operating expenses, occupancy, and the existence of easements, deed restrictions, or other legal burdens affecting marketability; and (b) calculation of the market value of the property that is the subject of the protest or of a comparable property for the purpose of determining the property's appraisal ratio must be based on the appraised value of the property as shown in the appraisal records submitted to the appraisal review board by the chief appraiser; (3) authorize the chief appraiser to disclose confidential information for the purpose of meeting the appraisal district's burden of proof if the information does not identify a specific property or a property owner; (4) require a district court to grant relief on the ground that a property is appraised unequally if, among other things, the appraisal ratio 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; (5) for purposes of (4), above: (a) a determination that property is comparable to another property must be based on the similarity of the properties with regard to location, square footage of the lot and improvements, property age, property condition, property access, amenities, views, income, operating expenses, occupancy, and the existence of easements, deed restrictions, or other legal burdens affecting

marketability; and (b) calculation of the market value of the property that is the subject of the protest or of a comparable property for the purpose of determining the property's appraisal ratio must be based on the appraised value of the property as shown in the appraisal roll certified by the chief appraiser, including any supplemental appraisal records added to the appraisal roll and certified by the chief appraiser; and (6) authorize the chief appraiser to disclose confidential information for the purpose of meeting the appraisal district's burden of proof if the information does not identify a specific property or a property owner.

S.B. 854 (Johnson) – Property Tax Appeals: would: (1) clarify that a property owner may be awarded reasonable attorney's fees if the property owner prevails in an appeal to the court based on an excessive or unequal appraisal only if the appraised value of the property – as determined by the court – is less than 90 percent of the appraised value, according to the appraisal roll; (2) provide that the amount of the award to a property owner may not exceed the greater of \$15,000 or 20 percent of the total amount by which the property owner's tax liability is reduced as a result of the appeal; (3) provide that the amount of an award of attorney's fees to a property owner may not exceed the lesser of \$100,000 or the total amount by which the property owner's tax liability is reduced as a result of the appeal; and (4) authorize an appraisal district to be awarded reasonable attorney's fees in an amount not to exceed \$100,000 if the district prevails in an appeal to the court on the grounds of excessive or unequal appraisal and the appraised value of the property as determined by the court is at least 10 percent greater than the appraised value according to the appraisal roll.

S.J.R. 40 (Johnson) – Public School Finance: would amend the Texas Constitution to: (1) require the state to pay at least 50 percent of the cost of maintaining and operating the public school system; and (2) prohibit the comptroller from certifying legislation containing an appropriation for public education unless the requirement in (1), above, is met. (Companion bill is **H.J.R. 24** by **Geren**.)

Sales Tax

H.B. 1707 (Dominguez) – Sales Tax Exemption: would exempt feminine hygiene products from sales and use tax.

H.B. 1727 (Meza) – Sales Tax Exemption: would exempt a United States flag or state flag from sales and use tax.

S.B. 833 (Powell) – Sales Tax Exemption: would exempt textbooks used by university and college students from the sales and use tax for certain seven day periods during the months in which a term begins.

S.B. 843 (Fallon) – Sales Tax Exemption: would exempt from sales and use tax items sold, leased, or rented at a United States military installation to a member of the United States armed forces on active duty.

Purchasing

H.B. 1716 (Flynn) – Public Facilities Corporations: would provide, among other things, that certain public facilities corporation sponsors may finance, own, and operate certain multifamily residential developments.

H.B. 1737 (Holland) – Construction Defects: would provide that: (1) a person, including a city, must bring suit for damages for certain construction defect claims against a registered or licensed architect, engineer, interior designer, or landscape architect in this state, who designs, plans, or inspects the construction of an improvement to real property or equipment attached to real property, not later than four years after: (a) the substantial completion of the improvement or the beginning of operation of the equipment in an action arising out of a patent deficiency in the real property, the improvement, or the equipment; (b) the person discovers a latent deficiency in the real property, improvement, or equipment; or (c) a latent deficiency in the real property, improvement, or equipment becomes a patent deficiency; and (2) similar limitations apply to contractors.

H.B. 1752 (Clardy) – Construction Manager At-Risk: would provide, among other things, that: (1) a construction manager-at-risk shall use the competitive bidding method or competitive sealed proposal method to consider a contract with a trade contractor or subcontractor; and (2) if a construction manager-at-risk uses the competitive sealed proposal method to consider a contract with a trade contractor or subcontractor: (a) price must be one of the selection criteria; and (b) the weighted value of price as a selection criterion must be at least half of the total weighted value of all of the selection criteria. (Companion bill is **S.B. 808** by **Nichols**.)

H.B. 1999 (Leach) – Construction Defects: this bill is somewhat unclear as to its application. It would presumably apply to a construction project owned by a city, and it would mandate that – prior to bringing a lawsuit on a construction defect – an owner must obtain an inspection and report from an engineer and offer the contractor a chance to correct the defect.

Elections

H.B. 1736 (Rosenthal) – Early Voting by Mail: would provide that an application for a ballot to be voted by mail is considered to be submitted for the year in which the application is submitted and the following calendar year if: (1) the first election in which the applicant is eligible to vote following the submission of the application is an election held on the uniform election date in November of an odd-numbered year; and (2) the applicant indicates that the application is for the next November election and the elections held in the following calendar year.

H.B. 1762 (Cole) – Early Voting for Persons Confined in Jail: would provide, among other things, that: (1) secure, early voting boxes may be placed in a jail if an early voting clerk requests and the jail administrator consents; and (2) a person confined in jail who is qualified to vote in possession of an early voting ballot may mail the ballot or place the ballot in the secure voting box.

H.B. 1799 (Bernal) – Voter Identification: would, among other things, expand the list of acceptable forms of identification for the purposes of voting and allow a voter to present two forms of identification from the expanded list if the identification documents were issued or delivered to the voter as proof of identification, so long as one form of identification contains the name and address of the voter. (Companion is **S.B. 231** by **Menendez**.)

H.B. 1817 (Dean) – Voting by Mail: would: (1) require a person assisting a voter to sign a specific written oath prescribed by state statute that is part of the certificate on the official carrier envelope; (2) require a person assisting a voter to prepare a ballot to be voted by mail to enter the manner in which the person assisted the voter on the official carrier envelope of the voter; and (3) make the offense of unlawfully witnessing an application for a ballot to be voted by mail by more than one applicant a state jail felony.

H.B. 1819 (Dean) – Voting by Mail: would provide that a ballot to be voted by mail must include a statement describing the specific circumstances under which a voter may vote early by mail on the ground of disability.

H.B. 1844 (Guillen) – Voter Registration: would, among other things, require the voter registrar of each county to automatically register any county resident who is eligible to vote and is issued, renews, or changes a Texas driver's license or personal identification card issued by the Department of Public Safety.

H.B. 1850 (Klick) – Publication of Voter Information: would: (1) require the early voting clerk to provide a current copy of the branch daily register for posting on the website of the authority ordering the election, if the authority maintains a website, each day early voting is conducted; and (2) provide that at a minimum, the voter registration number for each voter listed in the branch daily register must be posted.

H.B. 1852 (Israel) – Unopposed Candidates: would, among other things, require the governing body of a political subdivision to declare each unopposed candidate elected to office upon receipt of the certification of unopposed status.

H.B. 1888 (G. Bonnen) – Temporary Branch Polling Places: would, among other things, require early voting by personal appearance at each temporary branch polling place to be conducted on the days that voting is required to be conducted at the main early voting polling place and remain open for at least: (1) eight hours each day; or (2) three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

S.B. 806 (Johnson) – Election Interpreters: would: (1) allow an interpreter to be appointed by an election officer if the voter has not selected an interpreter; (2) provide that a voting interpreter may be any person other than the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs; and (3) provide that, if appointed to serve as an interpreter by an election officer, an interpreter must be a registered voter of the

county in which the voter needing the interpreter resides or a registered voter of an adjacent county.

S.B. 841 (West) – Polling Places: would require the commissioners court of a county to designate as a polling place a location on the main campus of an institution of higher education located within the county if at least 10,000 students are enrolled in the institution.

Open Government

H.B. 1875 (S. Davis) – Reinvestment Zones: would require the board of directors of a reinvestment zone to hold all board meetings after regular business hours or on weekends at reasonable times.

Other Finance and Administration

H.B. 1510 (Paddie) – Texas Windstorm Insurance Association: this is the Texas Windstorm Insurance Association sunset bill. The bill continues the association until 2031. (Note: Cities with an interest in the association should carefully review and monitor this legislation.)

H.B. 1800 (G. Bonnen) – Resilience Infrastructure Fund: would establish the Texas resilience infrastructure fund, which would provide funding for programs that prevent flooding or mitigate the damage from flooding related to a rainstorm, tropical storm or depression, hurricane, or storm surge affecting: (1) public health, safety, or welfare; (2) public property, including infrastructure; (3) privately owned commercial, agricultural, or residential property; or (4) fish or wildlife habitat.

H.B. 1801 (Goldman) – Dogs at Restaurants: would: (1) provide that a food service establishment may permit a customer to be accompanied by a dog in an outdoor dining area in certain circumstances; and (2) provide that a city may not adopt or enforce an ordinance, rule, or similar measure that imposes a requirement on a food service establishment for a dog in an outdoor dining area that is more stringent than the requirements in the bill. (Companion bill is **S.B. 476** by **Hancock**.)

H.B. 1877 (S. Davis) – Ethics: would: (1) prohibit an officer or employee of a political subdivision from: (a) spending or authorizing the spending of public funds to make a political contribution or political expenditure; or (b) directly or indirectly employing a person to use public funds to make an unlawful political contribution or political expenditure; (2) provide that a violation of the prohibitions in (1) are Class A misdemeanor offenses; and (3) require that a personal financial statement filed by certain city officers and candidates in cities with a population of 100,000 or more include certain information about stock held in publicly traded corporations.

H.B. 1900 (G. Bonnen) – Texas Windstorm Insurance Association: would provide that: (1) if, on the effective date of an association policy, the total amount of insurance applicable to a

dwelling is equal to 80 percent or more of the full replacement cost of the dwelling or equal to the maximum amount of insurance otherwise available through the association, coverage applicable to the dwelling under the policy is extended to include the full cost of repair or replacement, without a deduction for depreciation; and (2) if, on the effective date of an association policy, the total amount of insurance applicable to a dwelling is equal to less than 80 percent of the full replacement cost of the dwelling and less than the maximum amount of insurance available through the association, liability for loss under the policy may not exceed the replacement cost of the part of the dwelling that is damaged or destroyed, less depreciation.

H.B. 1902 (G. Bonnen) – Texas Windstorm Insurance Association: would: (1) provide that the TWIA board of directors shall propose the maximum liability limits under a windstorm and hail insurance policy issued by the association; and (2) the maximum liability limits are considered approved by the commissioner unless the commissioner disapproves or modifies the liability limits by order issued not later than the 30th day after the date of receipt of a filing of proposed adjustments.

H.B. 1944 (Lucio) – Texas Windstorm Insurance Association: would extend the deadline for claims and related settlement and dispute resolution under the Texas Windstorm Insurance Association Act.

H.B. 2003 (Leach) – Contingent Fee Attorney Contracts: would provide that a public agency, including a city, may not enter into a contingent fee attorney contract, unless the contract is approved by the attorney general.

H.B. 2014 (Goldman) – Occupational Regulation/Preemption: would provide that: (1) if an individual is required to possess an occupational license issued by a state licensing authority to engage in an occupation, the governing body of a political subdivision may not adopt or enforce any ordinance, order, rule, regulation, law, or policy that requires the individual to: (a) possess an occupational license issued by the political subdivision to engage in that occupation; or (b) meet any other requirement or precondition to engage in that occupation; and (2) an ordinance, order, rule, regulation, law, or policy that violates the bill is void and unenforceable.

H.J.R. 73 (Meza) – State Initiative and Referendum: would amend the Texas Constitution to give the people of the State of Texas the power to propose statutory and constitutional measures by petition for submission to the electorate (power of initiative) and the power to repeal statutes enacted by the legislature by petition for submission to the electorate (power of referendum).

H.J.R. 75 (Murphy) – Local Retirement Systems: would amend the Texas Constitution to provide that the state is not liable and may not appropriate money to pay for any debts or other obligations of a local retirement system. (Companion bill is **S.J.R. 27** by **Huffman**.)

H.J.R. 76 (G. Bonnen) – Resilience Infrastructure Fund: would amend the Texas Constitution to provide for the creation of the Texas resilience infrastructure fund to assist in the financing of resilience projects.

S.B. 824 (Nelson) – Sale of Lemonade by Children: would provide that a city, county, or other local public health authority may not adopt or enforce an ordinance, order, or rule that prohibits an individual younger than 18 years of age from temporarily selling lemonade or other nonalcoholic beverage from a stand on private property. (Companion bill **H.B. 234** by **Krause**.)

S.B. 851 (Perry) – Attorney’s Fees: would allow a prevailing party to recover attorney’s fees and costs in certain lawsuits to involving water districts.

S.B. 858 (Hinojosa) – 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. (Companion bill is **H.B. 1521** by **Burrows**.)

S.B. 859 (Perry) – Human Trafficking Victim Health Information: would provide that: (1) a health care practitioner may disclose an individual’s health information to any local, state, or federal law enforcement agency or prosecutor without the individual’s consent if (a) the practitioner reasonably believes the individual is a victim of human trafficking and (b) the practitioner believes the disclosure is necessary to prevent harm to the potential victim; (2) an individual who discloses the information in (1) in good faith is not subject to criminal or civil liability; and (3) a law enforcement agency that receives information in (1) may submit the information to the attorney general, the Department of Public Safety, another law enforcement agency, or a prosecutor as evidence of commission of an offense.

S.B. 862 (Fallon) – Personal Financial Statements: would require that a personal financial statement filed by certain city officers and candidates in cities with a population of 100,000 or more identify any person related to the officer or candidate within the first degree of blood or marriage who is required to register as a lobbyist.

S.B. 889 (Menendez) – Gambling: would authorize certain forms of gambling and provide that a portion of a gaming tax on casinos be used to fund the Texas Windstorm Insurance Association. (See **S.J.R. 41**, below.)

S.J.R. 41 (Menendez) – Gambling: would amend the Texas Constitution to authorize certain forms of gambling and provide that a small portion of a gaming tax on casinos be allocated to the city in which the casino is located. (See **S.B. 889**, above.)

Municipal Courts

H.B. 1717 (White) - Municipal Judges: would repeal the provision that authorizes a person to hold office as a municipal judge in more than one city at the same time if each office is filled by appointment.

H.B. 1721 (Israel) – Alcohol-Related Violations by Minors: would: (1) create a civil penalty not to exceed \$500 for alcohol-related violations by minors; (2) allow municipal judges to hear and determine the civil penalty in these cases; (3) allow municipal prosecuting attorneys to bring suit to recover the civil penalty; (4) allow a person to discharge an assessed civil penalty by performing community service for not less than 20 or more than 40 hours; (5) change when a minor is punished for alcohol-related violations; and (6) make several conforming changes to related alcohol-related violations by a minor.

H.B. 1760 (White) – Juvenile Records: would: (1) allow certain juvenile facility records to be disclosed to: (a) a prosecuting attorney; (b) a parent, guardian or custodian with whom a child will reside after the child’s release or discharge from a juvenile facility; and (c) a governmental agency or court if, the record is necessary for an administrative or legal proceeding and the personally identifiable information about the child is redacted before the record is disclosed; (2) allow certain juvenile probation department, juvenile prosecuting attorney, and juvenile court records to be disclosed to: (a) an attorney representing the child’s parent, (b) an attorney representing the child; and (c) a prosecuting attorney; (3) prohibit an individual or entity in (1) and (2) from disclosing confidential information, unless otherwise authorized by law; and (4) require a juvenile court, on the court’s own motion and without a hearing, to immediately order the sealing of all records related to the alleged conduct if the court enters a finding the allegations are not true.

H.B. 1871 (Goldman) – Juvenile Court: would allow a court to exclude the public from a juvenile court proceeding on the motion of any party, if the court determines public access to the proceeding: (1) could harm the child, endanger the child to a fair trial, or endanger a victim of the conduct of the child; (2) if the potential harm to the child or victim outweighs the benefits of public access to the proceeding; and (3) if the harm can be remedied only by excluding the public from the proceeding. (Companion bills are **S.B. 529** by **Birdwell** and **H.B. 758** by **Wu**.)

H.J.R. 72 (White) – Municipal Judges: would amend the Texas Constitution to allow a person to hold more than one office as an elected or appointed municipal judge in more than one city at the same time only if the person receives no salary or compensation for any office of municipal judge held by the person.

S.B. 815 (Rodriguez) – Arraignment Records: would require arraignment records to be retained in compliance with the applicable records retention schedule prepared by the Texas State Library and Archives Commission.

Community and Economic Development

H.B. 1781 (Goldman) – Plumbing Work: would provide that a plumbing license holder who is supervising and controlling the work of a person engaged in the business of plumbing in the construction of a new one-family or two-family dwelling, including such a dwelling located in a city, must have training and management responsibility for, and shall review and inspect, the person's work.

H.B. 1786 (Rosenthal) – Payday Lending: would provide that state regulatory authority of credit services organizations encompasses the extension of consumer credit.

H.B. 1839 (S. Thompson) – Affordable Housing: would authorize the Texas Department of Housing and Community Affairs to allocate housing tax credits to more than one development in a single community in the same calendar year only if the developments are or will be located more than two linear miles apart, with some exceptions.

H.B. 1843 (E. Thompson) – Emergency Services Districts: would: (1) require an emergency services district to receive the written consent of a city council if it seeks to expand the district to include territory in a city's limits or its extraterritorial jurisdiction; (2) provide that, if the city council does not consent to the expansion within 60 days, a majority of the qualified voters and owners of at least 50 percent of the territory in the city limits or extraterritorial jurisdiction that would have been included in the district may petition the city council to make fire control and emergency medical and ambulance services available in the territory; (3) provide that if a city council refuses or fails to act on a petition under (2), above, the refusal or inaction serves as consent for the territory that is subject of the petition to be included in the district; (4) require an emergency services district to receive the written consent of a city council if it seeks to expand the district to include territory designated an industrial district by a city; (5) provide that if a city council consents to the expansion of a district into its city limits or extraterritorial jurisdiction, then the expansion may take place in the same manner as other territory under state law; (6) provide that a city council's consent to expansion of a district expires six months after the date consent is given; and (7) provide that this bill does not apply if a district proposes to expand in the unincorporated area of a county with a population of 3.3 million or more.

H.B. 1987 (Leman) – Eminent Domain Reporting: would, in addition to the annual eminent domain reporting requirement in current law, provide that: (1) a city must report: (a) any court proceeding filed to determine the validity or extent of the city's eminent domain authority, including the number and style of the proceeding and the court in which the proceeding is pending; and (b) the outcome of the court proceeding reported under (a); and (2) if a city reports information under (1), the comptroller shall reflect the city's challenged eminent domain status by including the city on a separately-maintained list.

H.B. 2018 (Thierry) – Municipal Management Districts: would provide that, not later than the 90th day after the date a district annexes or excludes land, the district shall provide a description of the metes and bounds of the district, as of the date the annexation takes effect, to each city that, on the date the annexation takes effect: (1) has territory that overlaps with the district's territory; or (2) is adjacent to the district.

S.B. 816 (Zaffirni) – Plastic Bags: would: (1) authorize a city with a population of less than 300,000 that holds a Phase I municipal separate storm sewer system permit from the Texas Commission on Environmental Quality to adopt an ordinance prohibiting or restricting the use of disposable bags if the city issues a report on the ordinance’s potential effects, the findings of the report are presented at a public hearing, and the city publishes the report on its website; and (2) provide that the ordinance in (1) may not include a tax or fee related to the use of disposable plastic bags, may not have an effective date longer than three years, and may be readopted if the requirements in (1) and (2) are met.

S.B. 826 (Hancock) – Rural and Opportunity Fund: would: (1) create the rural and opportunity fund in which the Texas Economic Development and Tourism Office will accept and approve applications from cities in qualified areas to use the money for credit-eligible capital contributions to create or retain jobs for targeted small businesses; and (2) provide a tax credit for entities participating in the rural and opportunity fund against the entity’s state insurance tax liability. (Companion bill is **H.B. 1000** by **Paddie**.)

S.B. 849 (Fallon) – City Fees: would: (1) require every city (except those located in a county with a population of less than 30,000) to establish and maintain an email notification service to which any person may electronically subscribe to receive information regarding new or increased city fees; (2) provide that the email notification service must: (a) allow a subscriber to request notification of each: (i) new fee proposed to be adopted by the city; (ii) existing fee proposed to be increased by the city; (iii) proposed budget of the city that includes use of revenue from a new or increased fee; (iv) adopted budget of the city that includes use of revenue from a new or increased fee; and (v) public hearing scheduled to be held at which a fee or budget described by (i) through (iv) is scheduled to be discussed; (b) include a link in the notification to any web page maintained by the city on which the fee or budget may be viewed; and (c) notify the subscriber by email not later than the day: (i) the city provides public notice of a public hearing at which a proposed new or increased fee or a proposed budget is scheduled to be discussed, for notification of a public hearing for a proposed fee or budget; (ii) the budget officer files a proposed budget with the city clerk, for notification of a proposed budget; or (iii) the governing body files an adopted budget with the city clerk, for notification of an adopted budget; (3) provide that a city’s proposed budget that includes estimated revenue from a new fee or the increase of an existing fee must contain a cover page with the following statement in 18-point or larger type: “This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased fee, the dollar amount of each new fee, and the dollar amount of an percentage of increase of each increased fee); (4) provide that adoption of a budget that includes estimated revenue from a new fee or the increase of an existing fee requires a separate vote of the governing body to ratify the use of that revenue, and the vote is in addition to and separate from the vote to adopt the budget or a vote to adopt or increase the fee; (5) provide that a city’s adopted budget contain a cover page that includes, if applicable, the following statement in 18-point or larger type: “This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased fee, the dollar amount of each new fee, and the dollar amount of and percentage of increase of each increased fee).” (Companion bill is **H.B. 984** by **Parker**.)

S.B. 855 (Fallon) – Building Permit Fees: would provide that: (1) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of

constructing or improving the dwelling; and (2) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit. (Companion bill is **H.B. 852** by **Holland**.)

Personnel

H.B. 1728 (Meza) – Rest Breaks: would provide: (1) that a governmental entity, including a city, contracting with a contractor for general construction shall require the contractor and any subcontractor to provide at least a 10-minute paid rest break within every four hour period of work to each employee performing work under the contract; and (2) for procedures and mandatory contractual provisions to implement the bill.

H.B. 1751 (Collier) – Sex Discrimination: would, among other things: (1) provide that, unless an applicant, after receiving a written offer of employment that includes the applicant’s wages, has provided to a prospective employer prior written authorization to confirm the employee’s compensation, the following actions constitute discrimination on the basis of sex: (a) a question regarding an applicant’s wage history information on an employment application form; (b) inquiring into or considering an applicant’s wage history information; and (c) obtaining an applicant’s wage history information from a previous employer, unless such wages are subject to disclosure under the Public Information Act; (2) prohibit an employer from paying wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work on jobs, which requires equally or substantially similar skill, effort or responsibility, and which are performed under similar working conditions; (3) prohibit an employer from retaliating or otherwise discriminating against the person because the person: (a) opposes an illegal act or practice; (b) seeks to enforce protected rights; or (c) testifies, assists or participates in any manner in an investigation, hearing or other proceeding; (4) prohibit an employer from discharging, discriminating, coercing, intimidating, threatening or interfering with an employee or other person because: (a) the person inquired about, disclosed, compared or otherwise discussed an employee’s wages; or (b) exercised, enjoyed, aided, or encouraged another person to exercise or enjoy any right described in (1); and (5) require each employer to post in a conspicuous place on the employer’s premises a notice setting forth the requirements of the bill. (The companion bill is **S.B. 160** by **Rodriguez**.)

H.B. 1822 (Neave) – Sexual Harassment: would expand the definition of an “employer” for purposes of an employment claim for sexual harassment to include: (1) a person who is engaged in an industry affecting commerce and has one or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year; and (2) an agent of a person described in (1).

H.B. 1855 (Bowers) – Child Labor: would provide that a person commits an offense if the person: (1) permits a child who is 14 or 15 years of age and who is employed by the person to work more than five days in a week; (2) permits a child who is 16 years of age and who is employed by the person to work more than: (a) 10 hours in one day; (b) 54 hours in one week; or (c) six days in one week; (3) permits a child who is 14 or 15 years of age, is employed by the person, and is enrolled in a public or private school to work: (a) between the hours of 7 p.m. and 6 a.m. on a day that is followed by a school day; or (b) between the hours of 11 p.m. and 6 a.m. on a day that is not followed by a school day; (4) permits a child who is 16 years of age, is

employed by the person, and is enrolled in a term of a public or private school to work between the hours of 11 p.m. and 6 a.m. on a day that is followed by a school day; and (5) permits a child who is 14 or 15 years of age, is employed by the person, and is not enrolled in summer school to work between the hours of 11 p.m. and 6 a.m. on any day during the time that school is recessed for the summer.

H.B. 1861 (Martinez) – 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. (Companion bill is **S.B. 681** by **Alvarado**.)

H.B. 1887 (Murphy) – Public Retirement Systems: would provide that a public retirement system shall select an independent firm to: (1) evaluate the appropriateness, adequacy, and effectiveness of the retirement system’s investment practices and performance; and (2) make recommendations for improving the retirement system’s investment policies, procedures, and practices. (Companion bill is **S.B. 322** by **Huffman**.)

H.B. 1895 (Nevárez) – Firefighter Investigations: would provide that: (1) except in a city with a population of 1.5 million or more, an administrative investigation of alleged misconduct by a firefighter employed in a city’s fire department or by an emergency services district that could result in punitive action must substantially comply with the following requirements: (a) an investigator may interrogate the firefighter only during the firefighter’s normally assigned working hours, unless the seriousness of the investigation requires interrogation at another time and the firefighter is compensated for the interrogation time on an overtime basis; (b) work time missed from regular duties due to participation in an investigation may not be considered in determining whether to impose a punitive action or in determining the severity of a punitive action; (c) the interrogation or investigation of a firefighter who is the subject of the investigation may not be conducted in firefighter’s home without the firefighter’s permission; (d) a person may not be assigned to conduct an investigation if the person is the complainant, the ultimate decision-maker regarding disciplinary action, or a person who has personal involvement regarding the alleged misconduct; (e) the firefighter who is the subject of the investigation has the right to inquire and, on inquiry, to be informed of the identities of each investigator participating in an interrogation of the firefighter; (f) not less than 48 hours before an investigator begins the initial interrogation of the firefighter who is the subject of the investigation, the investigator: (i) must inform the firefighter, in writing, of the allegations in the complaint; (ii) may not interrogate the firefighter based on a complaint by a complainant who is not a firefighter or police officer unless the complainant verifies the complaint in writing before a public officer who is authorized to take statements under oath; (iii) may base the interrogation on a complaint from an anonymous complaint if the departmental employee receiving the complaint certifies in writing, under oath, that the complaint was anonymous; (g) an interrogation session of a firefighter who is the subject of the investigation may not be unreasonably long; (h) an investigator may not threaten a firefighter who is the subject of an investigation with punitive action during an interrogation, but may inform the firefighter that failure to answer truthfully reasonable questions directly related to the investigation or to cooperate fully in the conduct of the investigation may result in punitive action; (i) if prior

notification of intent to record an interrogation is given to the other party, either the investigator or the firefighter who is the subject of the investigation may record the investigation; (2) if an investigation does not result in punitive action against the firefighter but results in a written reprimand or adverse finding: (a) the reprimand, finding or determination may not be placed in the firefighter's personnel file unless the firefighter is first given an opportunity to read and sign the document; and (b) the firefighter may respond in writing to the reprimand or adverse finding not later than the 10th day after the firefighter is asked to sign the document, and such response shall be placed in the firefighter's personnel file; (3) a firefighter who receives a punitive action may elect to appeal the action by filing a written response not later than the 10th day after the date the firefighter receives written notice of the punitive action from the department head; and (4) an investigation of a firefighter that directly relates to the facts and circumstances of an offense for which the firefighter has been convicted is exempt from the requirements of the bill if the investigation: (a) involves family violence; and (b) is punishable as a felony or Class A or B misdemeanor.

S.B. 829 (Huffman) - 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. (Companion bill is **H.B. 1418** by **Phelan**.)

S.B. 830 (Huffman) – Public Safety Vaccinations: would provide that: (1) each emergency response entity, including a city, shall develop and implement a policy that: (a) requires certain first responders who are employed by, under contract with, or providing volunteer services to the entity receive an immunization for certain vaccine preventable diseases; (b) specifies the vaccine preventable diseases against which a first responder is required to be immunized based on: (i) the level of risk presented by the first responder's routine; and (ii) the first responder's direct exposure to hazards, including carriers of infectious disease; (c) include procedures to verify a first responder's compliance with the policy; (d) include procedures to exempt a first responder from the required immunizations for medical conditions and for nonmedical reasons; (e) provides for specific mandatory procedures to be followed by first responders who are exempt from required immunizations so as to protect individuals from exposure to disease; (f) prohibits discrimination or retaliatory action against a first responder who is exempt from the required immunizations; (g) requires the entity to maintain a written or electronic record of each first responder's compliance with or exemption from the policy; (h) requires the entity to promote and encourage inclusion of a first responder's immunization information in the immunization registry; and (i) includes disciplinary action that the entity may take against a first responder who fails to comply with the policy; (2) an emergency response entity may, during a public health disaster, prohibit a first responder who is exempt from the immunization requirements under the

entity's policy from having direct contact with individuals requiring assistance as a result of the disaster; and (3) an emergency response entity is subject to administrative or civil penalty in the same manner, and subject to the same procedures, as if the entity had violated a provision of law that specifically governs the entity.

Public Safety

H.B. 17 (G. Bonnen) – Public School Safety: would provide for various public school safety measures and procedures, including: (1) a requirement that each school district's school safety and security committee include, among others: (a) one or more representatives of an office of emergency management of a county or city in which the district is located; (b) one or more representatives of the local police department or sheriff's office; and (c) one or more representatives of a city with territory in the district; and (2) a requirement that a committee consult with local law enforcement agencies on methods to increase law enforcement presence near district campuses.

H.B. 1713 (Ramos) – Firearms: would: (1) require a person convicted of an offense involving family violence or a felony, or a person who is the subject of a protective order, to surrender firearms owned by the persons in one of various ways, including to a law enforcement agency for disposition as required by law; and (2) impose various procedural requirements on the agency and court related to the process.

H.B. 1719 (S. Thompson) – Marihuana: would reduce the criminal penalties for possession of small amounts of marihuana.

H.B. 1722 (Coleman) – Communicable Diseases: would, among other things: (1) provide that the Department of State Health Services shall establish guidance to counties and cities that establish a program to prevent the spread of HIV, hepatitis B, hepatitis C, and other infectious and communicable diseases; (2) allow the commissioner of DSHS to declare a public health emergency in a county or city if the county or city demonstrates certain requirements, including, among other things, that a needle exchange program is an appropriate component of a comprehensive response to the epidemic; (3) provide that a city council that wants DSHS to declare a public health emergency must: (a) conduct a public hearing on HIV, hepatitis B, hepatitis C, and other infectious and communicable diseases, (b) issue an order requesting DSHS declare a public health emergency in the city with facts supporting the declaration, and (c) submit to DSHS an official request with supporting evidence to DSHS to be approved by DSHS; (4) provide that an organization that distributes hypodermic needles must register with DSHS and the county or city where it is applying to operate the program and may be required by the county or city to pay a fee for registration; (5) provide that a city or county can revoke the organization's registration if it fails to comply with the requirements of the bill; and (6) provide that a police officer may not stop, search, or seize a person or find probable cause solely because the person visits an organization distributing hypodermic needles under the bill.

H.B. 1769 (G. Bonnen) – Alert System: would: (1) require the Texas Department of Public Safety to development and implement a statewide alert system for missing adults (a person

between 18 and 64 years of age); and (2) require law enforcement agencies to take various actions to activate an alert described in (1).

H.B. 1770 (Martinez) – Passing Certain Vehicles: would add “service vehicles used in the maintenance of an electrical power line and using required visual signals” to the offense of passing certain vehicles.

H.B. 1771 (Thierry) – Juvenile Prostitution: would provide that: (1) offering or agreeing to receive a fee to engage in sexual conduct by a juvenile is not delinquent conduct and the offending juvenile may not be referred to juvenile court; and (2) an officer who arrests a juvenile for offering or agreeing to receive a fee to engage in sexual conduct must refer to the juvenile to the Department of Family and Protective Services to receive services as an at-risk youth.

H.B. 1775 (Middleton) – Eight-Liners: would, among other things: (1) amend the definition of “gambling device” in the Texas Penal Code to include an eight-liner; (2) provide a defense to prosecution for using certain gambling devices; and (3) repeal county authority to regulate eight-liners.

H.B. 1789 (Tinderholt) – Mutual Aid: would modify current law to allow a county, city, or joint airport to enter into an agreement with any city or county, regardless of whether the city is a neighboring city or the county is contiguous, to form a mutual aid law enforcement task force to cooperate in criminal investigations and law enforcement.

H.B. 1791 (Krause) – Licensed Handgun Carry: would amend the law allowing the attorney general to investigate the improper posting of a so-called 30.06 sign (trespass by license holder with a concealed handgun) by providing: (1) that the attorney general may also investigate the improper posting of a 30.07 (trespass by license holder with an openly-carried handgun) sign; (2) for various minor changes to the complaint process to initiate an investigation.

H.B. 1795 (Bernal) – Immigration: would provide that a law enforcement agency is not required to comply with, honor, and fulfill a detainer request provided by the federal government with respect to a person who is younger than 18 years of age.

H.B. 1825 (Cortez) – Law Enforcement: would: (1) require a law enforcement agency to provide the superintendent or superintendent’s designee information related to a student that has been arrested for certain felony or misdemeanor offenses when requested for the purpose of conducting a threat assessment or preparing a safety plan relating to that student; (2) allow the school board to enter into a memorandum of understanding with a law enforcement agency regarding the exchange of information relevant to conducting a threat assessment or preparing a safety plan; and (3) allow law enforcement records concerning a child to be inspected or copied by a superintendent or superintendent’s designee of a public primary or secondary school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child.

H.B. 1845 (Klick) – Vehicle Registration: would, among other things, provide that: (1) an applicant for vehicle registration may list, on an application for vehicle registration, any health condition that may impede communication with a peace officer; (2) the Department of Public

Safety shall establish a system to include in the Texas Law Enforcement Telecommunications System, information received on an applicant described in (1), for the purpose of alerting a peace officer who makes a traffic stop that the operator of the stopped vehicle may have a health condition that may impede communication; and (3) a license plate may not have visible markings that indicate to the general public that a person voluntarily listed a health condition on an application.

H.B. 1889 (Israel) – Jail Population Report: would: (1) add the number of convicted class C misdemeanor offenders confined in the county jail to the monthly report sent to the Commission of Jail Standards; and (2) require the Commission of Jail Standards to put those monthly reports on its website.

S.B. 865 (Watson) – Medical Cannabis: would: (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by patients with certain qualifying medical conditions and the licensing of medical cannabis; (2) authorize the licensing of dispensing organizations; (3) authorize an application fee for licenses to operate a dispensing organization; and (4) prevent cities from enacting, adopting, or enforcing a rule, ordinance, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of medical cannabis.

Transportation

H.B. 1711 (Paddie) – Digital License Plates: would: (1) allow the issuance of digital license plates in lieu of physical license plates for motor vehicles; (2) require the Texas Department of Motor Vehicles to consult with law enforcement agencies when considering whether to approve the design of a digital license plate; and (3) allow the DMV to contract with a digital license plate provider for the issuance of digital license plates, including any services relating to the issuance of digital license plates.

H.B. 1732 (Y. Davis) – Funeral Processions: would provide that a local authority may not prohibit a funeral escort service business from facilitating the movement of traffic for a funeral procession, including proceeding past a red or stop signal or stop sign.

H.B. 1750 (Leman) – Vehicle Inspections: would: (1) make certain regular mandatory vehicle safety inspections biennial; and (2) raise the fee paid to the state from \$5.50 to \$11.50 for each inspection conducted by a political subdivision that has a vehicle maintenance facility that is certified to inspect vehicles owned by the political subdivision.

H.B. 1755 (E. Thompson) – Assembled Vehicles: would: (1) provide for the titling, registration, and inspection of “assembled vehicles;” and (2) provide that the terms “passenger car” and “vehicle” as used in the Rules of the Road do not include an assembled vehicle.

H.B. 1778 (Martinez) – Weight Limitations: would provide that a vehicle or a combination of vehicles being used to transport agricultural products that are in their natural state and are being transported not more than 100 miles from the place of production to the place of first marketing or processing may: (1) be operated at a weight that exceeds the current weight limitations by not

more than 10 percent if the vehicle is operated during the harvest season for the products being transported; (2) not be operated on an interstate highway if the weight of the vehicles is greater than that permitted by federal law; and (3) not be operated in excess of the weight authorized by state law for a load-zoned bridge.

H.B. 1831 (Springer) – Agricultural Products: would reduce the criminal penalty for the operation of overweight vehicles transporting agricultural products.

H.B. 1840 (Springer) – Agricultural Products: would provide that: (1) the Department of Motor Vehicles may issue permits for the movement of agricultural products by a truck-tractor and semitrailer combination that has six total axles and meets certain requirements; and (2) unless otherwise provided by state or federal law, a county or city may not require a permit, fee, or license for the operation of a truck transporting agricultural products.

H.B. 1951 (Krause) – Toll Roads: would add numerous provisions related to and restricting toll road development.

H.B. 1971 (T. King) – Electric/Hybrid Vehicles: would add an additional annual vehicle registration fee for electric (\$200) and hybrid (\$100) vehicles.

S.B. 805 (Fallon) – License Plates: would provide that passenger cars and light trucks only need to display one license plate attached at the rear of the vehicle to operate on a public highway.

S.B. 809 (Hinojosa) – Buses: would eliminate the weight limitation for over-the-road buses as defined by federal law. (Companion bill is **H.B. 1493** by **Krause**.)

Utilities and Environment

H.B. 1708 (Lozano) – 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; (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. (Companion bill is **S.B. 698** by **Birdwell**.)

H.B. 1746 (Lozano) – Texas Emissions Reduction Plan: would essentially, and among other things, extend the expirations date of various state TERP fees from August 31, 2019, until the current non-attainment areas come into attainment.

H.B. 1747 (Lozano) – Clean Air Act Permits: would provide that the Texas Commission on Environmental Quality shall be appropriated any revenue from fee revenues collected and

deposited from expedited permit review surcharges for certain applications for permits under the Clean Air Act.

H.B. 1764 (Allen) – TCEQ Contested Cases: would provide that contested case hearings for the Texas Commission on Environmental Quality shall be conducted in the house district in which the facility or proposed facility for which the permit or permit amendment under consideration is located.

H.B. 1766 (Murphy) – Electric Utility Rates: would: (1) define “employee compensation and benefits” to include base salaries, wages, incentive compensation, and benefits, but not pension and other postemployment benefits; and (2) provide that, when establishing an electric utility’s rates, the regulatory authority – including a city – shall presume that employee compensation and benefits expenses are reasonable and necessary, if the expenses are consistent with recent market compensation studies.

H.B. 1767 (Murphy) – Gas Utility Rates: would: (1) define “employee compensation and benefits” to include base salaries, wages, incentive compensation, and benefits, but not pension and other postemployment benefits; and (2) provide that, when establishing an electric utility’s rates, the regulatory authority – including a city – shall presume that employee compensation and benefits expenses are reasonable and necessary, if the expenses are consistent with recent market compensation studies.

H.B. 1768 (Murphy) – Electric and Gas Utility Rates: would: (1) define “employee compensation and benefits” to include base salaries, wages, incentive compensation, and benefits, but not pension and other postemployment benefits; and (2) provide that, when establishing an electric utility’s rates, the regulatory authority – including a city – shall presume that employee compensation and benefits expenses are reasonable and necessary, if the expenses are consistent with recent market compensation studies.

H.B. 1826 (T. King) – Certificates of Public Convenience and Necessity: would provide, among other things, that: (1) when a retail public utility proposes to provide services in a decertified area and the certificate holder has not agreed to the decertification, the Public Utility Commission shall issue an initial order to revoke or amend the certificate and follow the procedures in the bill; (2) a landowner who meets certain requirements may petition the utility commission for a release of a certificate of public convenience and necessity and must provide notice of the landowner’s intent to file the petition to the certificate holder at least 30 days before filing the petition; (3) for certain orders, including orders under (1), the utility commission shall require the certificate holder to submit certain information to the utility commission and, as applicable, the utility commission may require the petitioner and any retail public utility that intends to provide services to the decertified area to submit certain information; (4) based on the information provided in (3), the utility commission shall issue an order requiring that just and adequate compensation be paid to the certificate holder and establishing the amount of compensation; and (5) before the order in (4), the retail public utility or petitioner may request a hearing on the issue of compensation.

H.B. 1868 (Lozano) – Texas Rural Water Advisory Council: would: (1) create a Texas Rural Water Advisory Council, including one member from a rural city; and (2) require the Council to

assist the Department of Agriculture in assessing the existence of, effectiveness of, or need for rural water initiatives regarding the prevention, mitigation, and abatement of windblown and waterborne litter and illegal dumping in rural communities, pesticide runoff from agricultural lands, rainwater harvesting, rural water use, and other topics; (3) create a best management practices guides for use by state agencies, counties, cities, and other political subdivisions; and (4) make a report to the lieutenant governor, the speaker of the house, and legislative committees with primary jurisdiction over the issues described in the report.

H.B. 2011 (Geren) – Electricity: would provide, among other things, that the state tax on electricity may not be imposed on an agency of this state, a state institution of higher education, a public school district, a political subdivision of this state, a military installation of the United States, or a United States Department of Veterans Affairs facility.

S.B. 868 (Zaffirini) – Municipal Solid Waste: would limit the amount of Class I industrial solid waste a municipal solid waste facility may accept.

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