



# Legislative UPDATE

January 18, 2019  
Number 3

## **Draft House and Senate Education Budgets Could Relieve Pressure on Property Taxes**

This week, the Texas House released a draft budget that would put about \$7 billion in new state money into public schools. That's a significant contrast to the current biennial budget, which reduced spending by \$800 million from the previous biennium.

The proposed increase in funding could significantly reduce local school property taxes. As we've pointed out before, the current budget counts on a whopping 14 percent increase in school property taxes just to finance the continued decrease in state funding.

The Senate budget draft would put about \$2.7 billion less into schools than the House version, but that's still an improvement on the current budget.

Why does this new state money for schools matter for Texas cities? Because it recognizes that more money for schools is the only way to provide meaningful property tax relief. The new money shows that some in the legislature realize that cities have been scapegoats, and that they want to focus on the real problem.

We applaud state budget writers for their recognition that significant school finance reform is the only way to achieve meaningful property tax relief.

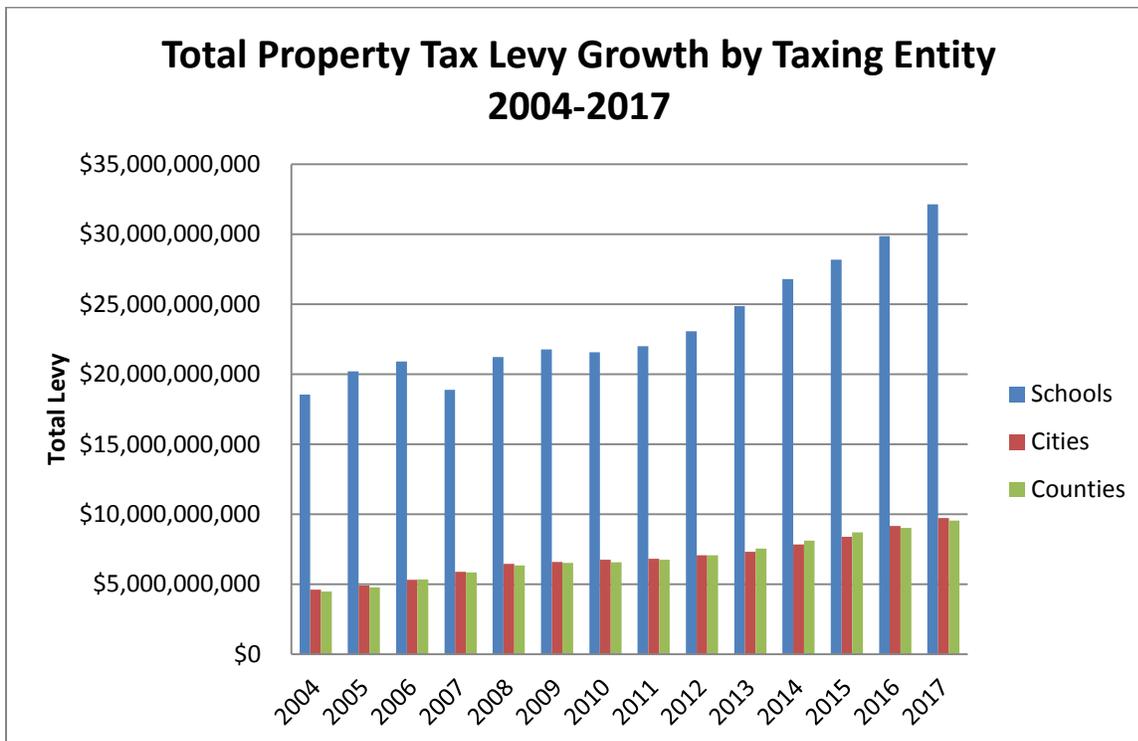
## A Property Tax Myth, Revisited

As reported elsewhere in this edition and in [last week's Legislative Update](#), the early days of the 86<sup>th</sup> Legislative Session have offered encouraging news about the legislature addressing school finance and providing meaningful property tax relief. Unfortunately, however, the legislature's focus on school finance and reducing school property taxes resurrects an old myth.

We've already heard some at the Capitol say that, while they recognize the fact that the growth in the local share of school property taxes is the driver of property tax increases across the state, the legislature still needs to cap property tax revenue of other local governments. They say that, if they don't, city and county officials will simply raise their property taxes to "fill the gap" and hope that their constituents won't notice.

Disregard for a moment the absurd notion of city and county officials surreptitiously conspiring to "pull one over" on their residents just for the sake of doing so. Those promoting this ludicrous theory tell us that it's happened before. They point to the 2006 school property tax buy-down that replaced a portion of school taxes with a new business franchise tax. Their claim is that, when the state decreased school property taxes between 2006 and 2007, city and county taxes increased a commensurate amount, which erased any potential tax relief for Texas taxpayers.

Is the claim true? Let's take a look. The following chart uses [comptroller data](#) to show the increase in statewide property tax levy for school districts, cities, and counties, respectively, for the years 2004-2017:



One thing that's apparent is that the state's compression of school property tax rates clearly limited the growth of school property tax revenue, at least temporarily. The total property tax levy for school districts across the state went from roughly \$21 billion in 2006 to just under \$19 billion in 2007.

School property taxes have dwarfed city and county property taxes, and school collections increased steadily even after the 2006 school finance reforms. In fact, in the first tax year after the 2006 reforms kicked in, the school levy jumped back ahead of where it had been two years before. In just the last few years, school district property taxes have increased dramatically. That's because the state's share of funding public education has plummeted.

But where is the alleged spike in city and county property tax revenue? It's not there.

Here's the takeaway: City and county taxes didn't chew up the school tax cut; *school taxes chewed up the school tax cut.*

It's time to dispel the myth that, if the legislature takes significant steps to fund public education by reducing the overreliance on local taxpayers, city officials will seize the opportunity to increase property taxes just because they feel like they can get away with it. Beyond being insulting to city officials, there is simply no evidence to support the claim.

## **Small Cell Lawsuit Update**

The U.S. Court of Appeals for the Tenth Circuit has denied a city coalition's motion to postpone the Federal Communications Commission's preemptive "small cell" order while the lawsuit advances. The denial comes on the heels of the FCC's [denial of a similar request](#) at the agency level. The denials mean that most of the order is now effective.

As a reminder, the order contains at least three key differences from S.B. 1004, the state law that passed last year. The order:

1. Limits application fees for all small wireless facilities to \$500 for up to five sites, and \$100 per site for each site thereafter.

*(Editor's note: The \$500 is the same as the Texas small cell legislation passed last session, but the \$100 is a lower cap.)*

2. Limits recurring fees for small cells in the rights-of-way, such as rights-of-way access fees or lease fees, to a "reasonable approximation" of the city's "objectively reasonable costs" for maintaining the rights-of-way or a structure within the rights-of-way, which must be no higher than fees for similar actors.

The FCC finds a presumptively reasonable recurring fee to be \$270 per site, per year. Cities are expressly prohibited from recovering any cost not directly related to rights-of-way maintenance, charging fees above cost recovery, or recovering "unreasonable" costs,

such as excessive contractor or consultant fees. The FCC finds gross revenue fees to be presumptively unreasonable, and existing agreements are not grandfathered.

*(Editor's note: The \$270 is similar to the amount in the Texas small cell legislation, but the Texas cap is currently in litigation.)*

3. Limits allowable local aesthetic requirements, including minimum spacing requirements, to those that “are: (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) published in advance.” The FCC notes that undergrounding requirements for all wireless facilities would constitute an illegal prohibition of service by a city, but it does not clarify whether local governments may require auxiliary equipment for small cell sites, such as equipment cabinets and fiber backhaul, to be undergrounded.

Items 1 and 2, above, went into effect on January 14, 2019. The commission extended the effective date of item 3 to April 15, 2019. As a practical matter, this means that cities should be in compliance with [the mandates of state law](#) as modified by the order.

In better news, the Tenth Circuit court agreed to transfer the proceedings to the Ninth Circuit for litigation on the merits. The Ninth Circuit is generally considered a more city-friendly venue for this type of dispute.

The League will continue to provide updates on the lawsuit.

## **Interim Report: House Committee on Pensions**

The House Committee on Pensions recently released its [interim report](#). The most significant city-related charge (and the recommendations that came from it) is the following:

**Governance and Oversight of State Retirement Systems Charge:** Evaluate the governance structures, including investment oversight, of the Texas Municipal Retirement System (and other statewide retirement systems), and identify best practices.

### **Recommendations:**

1. Systems should look closely at the assumed rates of return as well investment allocations to ensure that both are the most realistic that can be expected while not unnecessarily risky.
2. Provide oversight of investment practices and performance by independent evaluators to review the systems' investments could be a valuable tool to ensure that best practices are followed and to protect the funds of employees and retirees throughout the state.

## **Don't Forget: Mandatory Hotel Occupancy Tax Reporting**

The 50-day window for reporting local hotel occupancy tax information opened January 1, 2019.

During the 2017 regular session, the legislature passed [S.B. 1221](#), which aims to improve transparency about the hotel occupancy tax by requiring cities to file an annual report with the comptroller that includes the city's hotel occupancy tax rate, the amount of revenue generated by the tax, and the amount and percentage of the revenue spent for each of the following purposes:

- Convention or information centers.
- Convention delegates registration.
- Advertising to attract tourists.
- Arts promotion and improvement.
- Historical restoration and preservation projects.
- Signage directing the public to sights and attractions.

Cities have two reporting options: (1) use the comptroller's online reporting form to submit all required information; or (2) clearly post and maintain all required information on the city's website and provide the comptroller's office with a link to the information. For cities selecting the second option, the comptroller provides an [optional format template](#) to post on the city's website.

For more information and access to the online reporting form, see the comptroller's hotel occupancy tax reporting [webpage](#). City officials with questions about the new requirements can also contact the comptroller's transparency team by email at [transparency@cpa.texas.gov](mailto:transparency@cpa.texas.gov) or (844) 519-5676.

## **Don't Forget: Mandatory Eminent Domain Reporting**

Legislation passed in 2015 requires cities to annually fill out a [web-based form](#) with the comptroller relating to each city's statutory eminent domain authority. (The failure to fill out the form could result in a \$1,000 penalty against a city.)

The 2018 reporting window opened on November 1. The entry should be, for almost every city, just an update of previously-filed information, including whether the city exercised its eminent domain authority in the preceding calendar year by filing a condemnation petition under Section 21.012, Property Code.

Of course, any city that never filled out the form as required should do so now. Detailed instructions on doing so are available in this [previous article](#). Questions should be directed to Ty Myrick, with the comptroller's data analysis and transparency division, at [transparency@cpa.texas.gov](mailto:transparency@cpa.texas.gov)

## 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](mailto:jj@tml.org) or 512-231-7400.

## City-Related Bills Filed

### Property Tax

**H.B. 716 (Leach) – Property Tax Exemption:** would, among other things, provide that: (1) a severely disabled veteran who has a disability rating of at least 80 percent but less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran’s residence homestead equal to disabled veteran’s disability rating; and (2) the surviving spouse of a severely disabled veteran who qualified for an exemption under (1), above, of a percentage of the appraised value of the veteran’s residence homestead when the veteran died is entitled to an exemption from taxation of the same percentage of the appraised value of the same property to which the veteran’s exemption applied if: (a) the surviving spouse has not remarried since the death of the veteran; and (b) the property was the residence homestead of the surviving spouse when the veteran died and remains the residence homestead of the surviving spouse. (See **H.J.R. 44**, below.)

**H.B. 768 (S. Davis) – Property Tax Appraisal:** would, among other things: (1) provide that the chief appraiser of an appraisal district that appraises property for a taxing unit that is located partly or entirely inside an area declared to be a disaster area by the governor shall reappraise all property that the Federal Emergency Management Agency or its successor agency estimates to have sustained five percent or greater damage as a result of the disaster at its market value immediately after the disaster; (2) allow a property owner to refuse to have the owner’s property reappraised under (1), above; and (3) require the chief appraiser to complete the reappraisal not later than the 45th day after the date the governor declares the area to be a disaster area, or as soon as practicable after the damage estimates are completed. (Companion is **S.B. 202** by **Huffman**.)

**H.B. 794 (P. King) – Property Tax on Agricultural Land:** would repeal the additional property taxes imposed as a result of certain changes in the use of open-space land appraised as agricultural land.

**H.J.R. 44 (Leach) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to: (1) provide that a partially disabled veteran is entitled to an exemption from property taxation of a percentage of the market value of the disabled veteran’s residence homestead that is equal to the percentage of disability of the disabled veteran; and (2) provide additional eligibility requirements for the exemption. (See **H.B. 716**, above.)

**S.B. 347 (Flores) – Appraisal Districts:** would provide that, in order to be eligible to serve on the appraisal district board of directors, an individual other than a county assessor-collector serving as a nonvoting director, must, among other criteria, be an elected member of the governing body of a taxing unit entitled to vote on the appointment of the district’s board members under this section.

### **Sales Tax**

**H.B. 705 (Geren) – County Sales Tax:** would authorize a county, by election, to adopt a one-percent county sales and use tax for property tax relief regardless of the combined or overlapping local sales and use tax rate in the county.

**H.B. 755 (Wu) – Sales Tax Exemption:** would exempt feminine hygiene products from the sales tax.

### **Purchasing**

**H.B. 750 (Walle) – Workers’ Compensation:** would provide that: (1) a contractor shall provide workers’ compensation insurance coverage for each employee of the contractor; (2) a subcontractor shall provide workers’ compensation insurance coverage for each employee of the subcontractor; (3) a governmental entity that enters into a building or construction contract shall require the contractor to, if the contractor uses a subcontractor on the public project, provide a written certification, submitted by each subcontractor, that the subcontractor provides workers’ compensation insurance coverage for each employee of the subcontractor employed on the public project; (4) each subcontractor on a public project shall provide the certificate described by Subsection (3) to the general contractor, who shall provide the subcontractor’s certificate to the governmental entity; and (5) if the contractor enters into a contract with a governmental entity for a public project, the coverage provided by the contractor and, if applicable, by each subcontractor must be satisfactory to the governing body of the governmental entity. (Companion bill is **S.B. 163** by **Rodriguez**.)

**H.B. 793 (P. King) – Israel:** would modify the provisions of H.B. 89 (2017) – which provides that neither a state agency nor a political subdivision may enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract – by providing that: (1) “company” does not include a sole proprietorship; and (2) the law applies only to a contract that: (a) is between a governmental entity and a company with 10 or more full-

time employees; and (b) has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

## **Elections**

**H.B. 694 (Vo) – Voter Identification:** would provide that the following forms of documentation are acceptable forms of photo identification for voting: (1) an identification card issued by a public institution of higher education located in this state that contains the person’s photograph; and (2) an identification card issued by a state agency of this state that contains the person’s photograph.

**H.B. 704 (S. Thompson) – Early Voting Ballot Board:** would, among other things, require an early voting ballot board to deliver to the early voting clerk any early voting applications included in a carrier envelope with a ballot voted in an election held on the November uniform election date, regardless of whether the ballot is accepted.

**H.B. 802 (Huberty) – Strategic Partnership Agreements:** would provide that the qualified voters of a special district any part of which is annexed for limited purposes under a strategic partnership are entitled to vote in municipal elections.

**S.B. 323 (Huffman) – Ballot Proposition Language:** would, for an election held on certain measures and held by a political subdivision located primarily in a county with a population of more than 120,000: (1) require, not later than the 109<sup>th</sup> day before an election, a political subdivision to submit to the regional presiding judge of the administrative judicial region that the political subdivision is located in: (a) the ballot proposition language; and (b) a brief statement on the purpose of the proposition; (2) provide that a political subdivision that is located in two or more administrative judicial regions may select the administrative judicial region to which the political subdivision submits the proposition language for review; (3) provide that a judge receiving a submission under (1) must appoint three judges from the administrative judicial region to serve on a panel to review the ballot proposition language before the election may be held; (4) provide that, if the panel finds the language of the proposition is clear and understandable to the average voter, the panel shall approve the language of the proposition for the ballot; (5) provide that, if the panel finds the language of the proposition is not clear and understandable to the average voter or does not make a finding on the proposition language before the 31<sup>st</sup> day after the date the panel is appointed, the language is disapproved and may not be used on the ballot at the election; (6) authorize the panel to provide the political subdivision with rewritten ballot proposition language that is clear and understandable to the average voter for use in the election; and (7) provide that if the panel disapproves of the ballot language, the political subdivision may: (a) hold the election with the rewritten ballot proposition language provided by the panel; or (b) submit revised ballot proposition language for approval by the panel.

## **Open Government**

No city-related open government bills were filed this week.

### **Other Finance and Administration**

**H.B. 709 (Wray) – Private Activity Bonds:** would prohibit the issuance of private activity bonds to finance the construction or operation of high-speed rail service between two cities that is capable of operating at speeds greater than 100 miles per hour.

**H.B. 779 (S. Davis) – Political Expenditures and Financial Statements:** 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 person who violates a prohibition in (1) commits a Class A misdemeanor; and (3) 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 in regard to disclosures about stocks in non-publicly traded and publicly traded corporations.

**H.B. 781 (S. Davis) – Political Expenditures:** 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; and (2) provide that a person who violates a prohibition in (1) commits a Class A misdemeanor.

**H.B. 783 (S. Davis) – 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 in regard to disclosures about stocks in non-publicly traded and publicly traded corporations.

**H.B. 790 (S. Davis) – Recovery of Attorney’s Fees:** would broaden those from whom a person may recover attorney’s fees in certain civil cases to include a political subdivision of the state, the state, an agency or institution of the state, limited or general partnership, limited liability company, business trust, real estate investment trust, joint venture, joint stock company, cooperative, association, bank, insurance company, credit union, savings and loan association, or other organization, regardless of whether the organization is for-profit, nonprofit, domestic, or foreign.

**H.B. 791 (Huberty) – Motor Fuels Tax:** would define “volunteer fire department” for purposes of certain motor fuel tax exemptions.

### **Municipal Courts**

**H.B. 738 (Harless) – Bond Conditions:** would: (1) require a magistrate that imposes bond conditions, revokes a bond that contains a condition, modifies the terms of or removes a

condition of bond, or disposes of the underlying criminal charge in a case to notify the sheriff by the next business day of those actions and provide the required information for the sheriff to enter this information into the Texas Crime Information Center database (TCIC); and (2) provide that the Department of Public Safety shall modify the TCIC to accept and maintain the bond condition information.

**S.B. 325 (Huffman) – Protective Order Registry:** would: (1) require the Office of Court Administration of the Texas Judicial System (OCA) to establish and maintain a central, Internet-based registry for applications for certain protective orders filed and issued in this state (registry); (2) require the OCA to allow city case management systems to easily interface with, and city attorneys and peace officers to access the information in, the registry; and (3) require a court to enter a copy of the application for a protective order and related orders in the registry as soon as possible, but not later than 12 hours after the application is filed or order is issued (assuming the relevant information is available). (Companion bill is **H.B. 629** by **Landgraf**.)

**S.B. 336 (West) – Misdemeanor Fines:** would, in cases involving misdemeanors punishable by fine only, require a justice or judge imposing fines and costs against a criminal defendant to credit that defendant for any time the defendant was confined in jail or prison while serving a sentence for another offense, if that confinement occurred after the commission of the misdemeanor.

**S.B. 346 (Zaffirini) – Court Costs:** would: (1) change the amounts of certain court costs including, for instance, the court cost for conviction of a Class C misdemeanor and the violation of a city ordinance; and (2) consolidate and change the allocation of state criminal court costs.

### **Community and Economic Development**

**H.B. 701 (Lucio) – Call Centers:** would, among other things: (1) require a city to give preference to a vendor, bidder, or contractor that does not appear on a list maintained by the Texas Department of Insurance identifying businesses that relocate customer service employee positions; (2) prohibit a city (with some exceptions) from awarding or providing a public subsidy to a business that appears on a certain list identifying businesses that relocate customer service employee positions; and (3) require certain businesses that relocate customer service employee positions to repay any public subsidies awarded after the business is placed on the list of businesses that relocate customer service employee positions maintained by the Texas Department of Insurance.

**H.B. 715 (Ortega) – Substandard Structures:** would remove the requirement that ad valorem taxes be delinquent on all or part of a property when a city seeks to foreclose a lien on property in a judicial proceeding where: (1) the building or other structure on the property has been demolished; and (2) a lien for the cost of the demolition has been created and that cost has not been paid more than 180 days after the lien was filed.

**S.B. 335 (West) – Community Land Trusts:** would, among other things: (1) expand the type of nonprofit organizations that may constitute a community land trust; (2) provide that, once

adopted by the governing body of a taxing unit, certain community land trust tax exemptions continue to apply to the property until the governing body rescinds the exemption in the manner provided by law; and (3) impose certain requirements on a chief appraiser who is appraising land or a housing unit leased by a community land trust, including that the chief appraiser use the income method of appraisal.

**S.B. 350 (Powell) – Property Tax Abatement:** would repeal the statute providing an expiration date on the authority to enter into property tax abatement agreements, effectively extending property tax abatement authority indefinitely.

**S.B. 352 (Powell) – Skills Development Fund:** would allow local workforce development boards, public libraries, and school districts to use the state’s skills development fund.

### **Personnel**

**H.B. 713 (Lucio) – Employment Preference:** would, among other things: (1) require a city to provide an employment preference for certain individuals with a disability; (2) allow a city to designate an open position for employment as a vocational rehabilitation services position and only accept applicants for the position from individuals who are entitled to an employment preference; (3) allow a city to hire an individual who is entitled to an employment preference to an open position without announcing or advertising the position if certain criteria is met; (4) allow an individual who is entitled to an employment preference and who is aggrieved by a decision of the city relating to hiring the individual to appeal such decision by submitting a written complaint to the governing body of the city; and (5) require the governing body of the city that receives a written complaint to respond to the complaint not later than 15 business days after receipt of the complaint.

**H.B. 751 (Bailes) – First Responders:** would, among other things, create an office of first responder support at Sam Houston State University to: (1) respond to and provide peer counselors and critical incident support services to a public agency, including a city, and the agency’s first responders who are experiencing post-traumatic stress disorder or other trauma associated with performing the duties of a first responder; and (2) establish a program for certifying individuals to provide critical incident support services to such first responders.

### **Public Safety**

**H.B. 691 (White) – Nondisclosure Orders:** would provide that a person who has been: (1) placed on deferred adjudication for certain non-violent misdemeanors; (2) placed on community supervision for certain misdemeanors; (3) placed on community supervision for certain offenses related to driving while intoxicated; (4) convicted for certain misdemeanors; or (5) convicted for certain offenses related to driving while intoxicated is eligible for an order of nondisclosure of the person’s criminal history related to the offense resulting in the deferred adjudication, community supervision, or conviction even though the person has previously been convicted or placed on deferred adjudication for another offense, other than a traffic offense, that is punishable by fine only.

**H.B. 731 (Hernandez) – Massage Establishments:** would provide that a law enforcement agency that makes an arrest related to prostitution and massage therapy shall provide written notice by certified mail to the owner of the establishment.

**H.B. 745 (Rose) – Authority of Peace Officers:** would: (1) allow, instead of require, a peace officer, if authorized, to interfere without a warrant to prevent or suppress a crime; (2) require a peace officer to give notice to some magistrate of all offenses committed within the officer's jurisdiction if the officer has probable cause, instead of good cause, to believe there has been a violation of the law; (3) repeal the current law requiring a peace officer to summon aid from a sufficient number of citizens of his county whenever such officer meets resistance in discharging any duty imposed upon him by laws; and (4) repeal current law requiring a peace officer to report to the district or county attorney any person who, after being summoned by the officer to assist the officer in performing any duty, refuses to obey the officer.

**H.B. 749 (Zerwas) - Tobacco Products:** would, among other things: (1) prohibit the sale or delivery of cigarettes, e-cigarettes, or tobacco products to an individual who is younger than 21 years of age; (2) prohibit the sale of cigarettes, e-cigarettes, or tobacco products to an individual who is younger than 30 years of age without such person first providing valid proof of identification; (3) amend the provisions of the sign that must be posted by a person who sells cigarettes, e-cigarettes, or tobacco products to conform with the requirements of (1) and (2); (4) prohibit the distribution of a free sample of a cigarette, e-cigarette, or tobacco product or a coupon or other item that may be used to receive a free cigarette, e-cigarette, or tobacco product; (5) prohibit the distribution to persons younger than 21 years of age a coupon or other item that the recipient may use to receive a discounted cigarette, e-cigarette, or tobacco product; and (6) prohibit a person younger than 21 years of age from purchasing, possessing, consuming or accepting a cigarette, e-cigarette, or tobacco product regardless of whether such possession is in the presence of an adult parent, a guardian or a spouse of the individual. (Companion bill is **S.B. 338** by **Huffman**.)

**H.B. 753 (Wu) – Marihuana Possession:** would reduce the penalty for the possession of marihuana to a Class C misdemeanor if the amount of marihuana possessed is 0.35 ounces or less, with some exceptions.

**H.B. 804 (E. Johnson) – Search of a Motor Vehicle:** would provide that: (1) a peace officer is prohibited from searching a motor vehicle that is stopped for a traffic violation; unless the peace officer: (a) has probable cause; (b) obtains written consent from the vehicle's operator on a specific form; (c) obtains oral consent from the vehicle's operator that is evidenced by an audio and video recording on a body worn camera; or (d) has reasonable and articulable fear that the vehicle's operator and/or passengers pose a threat to the peace officer's or another person's safety; and (2) the Texas Commission of Law Enforcement shall promulgate rules establishing the requirements for the written consent form and the audio and video recording criteria.

**H.B. 810 (Israel) – Animals in Vehicles:** would provide that a person who, by force or otherwise, enters a motor vehicle for the purpose of removing a domestic animal from the vehicle is immune from civil liability for damages resulting from that entry or removal if the

person: (1) determines that the vehicle is locked or there is no reasonable method for the animal to exit without assistance; (2) has good faith and reasonable belief that entry into the motor vehicle is necessary to avoid imminent harm to the animal; (3) ensures, before entering the vehicle, that the law enforcement is notified or 9-11 is called; (4) uses no more force to enter the vehicle and remove the animal than is necessary; and (5) remains with the animal in a safe location that is in reasonable proximity to the vehicle until law enforcement or other first responder applies.

**H.B. 818 (Cole) – Public Intoxication:** would provide that a peace officer may release an individual who commits the offense of public intoxication in lieu of arresting the individual if the individual verbally consents to voluntary admission to a facility that provides a place for individuals to become sober under supervision, and the facility admits the individual for supervision. (Companion bill is **S.B. 306** by **Watson**.)

**S.B. 332 (West) – Racial Profiling:** would: (1) prohibit racial profiling by peace officers in accordance with a law enforcement agency’s policy on racial profiling; (2) require the policy on racial profiling to include: (a) guidelines for activation and deactivation of audio and video equipment and public access to recordings; (b) provisions concerning data retention and storage, backup, and security of recordings; (c) procedures for supervisory or internal review; and (d) a policy on handling and documenting of equipment and malfunctions of equipment if the law enforcement agency regularly uses video and audio equipment to make motor vehicle stops; (3) require peace officers to use video and audio equipment in a manner consistent with the racial profiling policy and explain in the officer’s incident report why the officer did not activate video and audio equipment during a motor vehicle stop; (4) create a specific procedure for releasing video and audio recording of a motor vehicle stop that involved the use of deadly force by a peace officer or related to an administrative or criminal investigation of an officer; and (5) create a criminal offense if the recording is released without permission.

**S.B. 334 (West) – Children in Custody:** would require, among other things, law enforcement agencies to: (1) adopt a written policy regarding the safe placement of a child who is in the custody of a person that is arrested; and (2) enter into an agreement with the Department of Family and Protective Services that provides a procedure to release a child to the care of the department.

**S.B. 340 (Huffman) – Opioid Antagonists:** would, among other things: (1) establish a state grant program to provide financial assistance to a law enforcement agency that seeks to provide opioid antagonists to its personnel who, in the course of performing their duties, are likely to come into contact with opioids or encounter persons suffering from an opioid-related drug overdose; (2) require a law enforcement agency to first adopt a policy addressing the use of an opioid antagonist before applying for a grant; and (3) require a law enforcement agency that applies for a grant to provide information to the state about the frequency and nature of: (a) interactions between peace officers and persons suffering from an apparent opioid-related drug overdose; (b) calls for assistance based on an apparent opioid-related drug overdose; and (c) any exposure by the law enforcement agency personnel to opioids or suspected opioids in the course of performing their duties.

## **Transportation**

**H. B. 771 (S. Davis) – Wireless Communication Devices:** would authorize a school or school district to post a warning sign prohibiting the use of wireless communication devices while operating a motor vehicle in a school crossing zone with the approval of the local authority.

**H.B. 789 (S. Davis) – Billboards:** would provide that a billboard: (1) may not be higher than 42 ½ feet, excluding a cutout that extends above the rectangular border of the sign; and (2) a person may not rebuild a billboard at a height that exceeds 42 ½ feet. (Companion bill is **S.B. 357** by **Nichols.**)

## **Utilities and Environment**

**H.B. 721 (Larson) – Aquifer Storage and Recovery:** would require the Texas Water Development Board to work with river authorities, major water providers and water utilities, regional water planning groups, and potential sponsors of aquifer storage and recovery projects identified in the state water plan to: (1) conduct a study to identify the relative suitability of various major and minor aquifers for use in aquifer storage and recovery projects based on certain considerations; and (2) prepare a report that includes an overview of the study to be submitted to the governor, lieutenant governor, and speaker of the house.

**H.B. 722 (Larson) – Brackish Groundwater Development:** would: (1) require groundwater conservation districts to adopt rules for the issuance of permits to withdraw brackish groundwater for public drinking water or an electric generation project if the district receives a petition from a person with a legally-defined interest in groundwater in the district; (2) provide for a minimum term of 30 years for a permit issued for a well that produces brackish groundwater from a designated brackish groundwater production zone; (3) require implementation of a monitoring system to monitor water levels and water quality of the source or adjacent source of the brackish water; (4) require the holder of a permit to report to the groundwater conservation district on the amount of brackish groundwater withdrawn, the average monthly water quality, and aquifer levels; (5) require that the district submit the application for permit to the Water Development Board for technical review; and (6) require that the Water Development Board submit a report of the review of the application before the district can schedule a hearing on the application.

**H.B. 724 (Larson) – Return Flows:** would require the Texas Commission on Environmental Quality to: (1) authorize the discharge, diversion, and reuse of a person's existing return flows derived from privately-owned groundwater, if the groundwater is treated brackish groundwater and the person is authorized to discharge the groundwater; and (2) grant a water right or an amendment to a permit to an applicant who proposes to divert treated brackish groundwater or return flows derived from treated brackish groundwater and transfer those flows to another river basin provided the applicant has authorization.

**H.B. 795 (Patterson) – Zoning:** would provide that a city may enforcing its zoning or other land use regulations, including a specific use permit requirement, against an electric cooperative so long as the regulation does not: (1) operate to exclude the electric cooperative from the city; or (2) directly conflict with a certification granted by the Public Utility Commission.

**H.B. 798 (Walle) – Concrete Batch Plants:** would require a plot plan for an application for a standard permit for a concrete batch plant issued by the Texas Commission on Environmental Quality.

**H.B. 807 (Larson) – State and Regional Water Planning:** would require the Texas Water Development Board to appoint an interregional planning council consisting of one member from each regional water planning group to improve coordination among the regional water planning groups.

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