



# Legislative UPDATE

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## **Make Your Case to the Voters? Sure, if You Like Sitting in Jail...**

Supporters of the radical 2.5 percent city and county revenue cap routinely say it's not a cap because city officials can simply "make their case to the voters" before the rollback election. Seems reasonable, but it's not a great idea because any city official who attempts to do so would be a criminal.

Cities are prohibited by the Election Code from using *any* city resources to argue for or against a ballot proposition, which is what a rollback proposition is. While cities can put out a statement of fact, such as a flyer stating how much estimated revenue would be lost, they can't advocate.

The Texas Ethics Commission has devoted an entire web page to the topic. According to the commission, any amount of advocacy in favor of a proposition is unacceptable. By unacceptable, we mean a city official who does so is *subject to criminal prosecution for a Class A misdemeanor* (punishable by a fine of up to \$4,000 and confinement in jail for up to one year) and civil penalties.

Under current law, advocacy can be as innocuous as stating “let’s invest in the future.” In fact, the legislature and the commission set up a program under which cities can submit their proposed literature for review to ensure that no one goes to jail for using a wrong word in a white paper or mailer. This is a not a speculative issue – local government officials have been the subject of criminal investigations and local governments have been ordered to pay civil penalties, all for advocating for a better place to live.

If a city can’t explain its reasoning for a particular year’s property tax increase, but the anti-tax interest groups can freely argue against it, it’s like fighting with both hands tied behind your back. Any reduction in the rollback rate should be accompanied by legislation that gives cities a fair playing field when it comes to explaining why the budget proposes to spend what it does.

Think about it this way: with no context whatsoever about why a certain tax increase might be necessary, a voter would be crazy not to vote no on any tax increase. It’s human nature. Your TML staff would probably vote no on a rollback election at 2.5 percent given the ridiculous one-sidedness of the legal restrictions under current law.

## **Unsurprising Hearing on Property Tax Reform**

The governor presented his biennial “State of the State” address this week. Unsurprisingly, he declared property tax reform as an “emergency item,” which means it will be a priority early in the session.

To that end, the Senate Committee on Property Tax held its hearing on S.B. 2, the property tax reform bill containing a 2.5 percent revenue cap, on Wednesday. By their treatment of local government witnesses, the chair and most members of the committee clearly saw the passage of the bill as a foregone conclusion.

In fact, the chair stated more than once that he wouldn’t listen to suggestions from those who are opposed to the bill. He encouraged witnesses to change their testimony to neutral by stating that he would listen to their suggestions if they did.

Overall, some on the committee appeared to see city officials as a nuisance and treated them with disrespect and disdain.

This Houston Chronicle [article](#) provides an interesting summary of how city and county officials were treated.

The bill was left pending in committee at the conclusion of the hearing. Thanks to the dozens of city officials who testified convincingly about the effects of a 2.5 percent cap on public safety and other critical city services.

## 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. 564 (Nevarez) – Property Tax Appraisal:** would amend the definition of “heavy equipment” for purposes of the property taxes imposed on dealer’s heavy equipment inventory to exclude a natural gas compressor package or unit.

**H.B. 1201 (Raymond) – Property Tax Exemption:** would exempt from property taxes real property owned by a charitable organization for the purpose of providing: (1) housing counseling services without regard to the beneficiaries’ ability to pay; and (2) rental housing to low-income and moderate-income individuals and families at below-market rates.

**H.B. 1213 (Hefner) – 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.B. 1254 (Murphy) – Property Tax Exemption:** would provide that land secured by a home equity loan may be designated for agricultural use for property tax purposes. (Companion is **S.B. 474** by **Hancock**.)

**H.B. 1265 (Bailes) – Property Tax Freeze:** would provide that, if an individual who receives a property tax freeze on county, municipal, or junior college district tax increases subsequently qualifies a different homestead for a residence homestead exemption in a different county, municipality, or junior college district that has established a property tax freeze, that the property tax freeze continues on the subsequently qualified property. (See **H.J.R. 60**, below.)

**H.B. 1313 (P. King) – Property Tax Appraisal:** would, among other things, provide that the chief appraiser may not increase the appraised value of a property that has the valued lowered through challenge in the previous year unless the increase by the chief appraiser is reasonably supported by clear and convincing evidence.

**H.B. 1333 (Krause) – Property Tax Administration:** would: (1) on written request of a residential property owner that is occupied by the owner as the owner’s principal residence,

require the chief appraiser to send by email to the property owner each notice related to the following: (a) a change in value of the property; or (b) the grant, denial, cancellation, or other change in the status of an exemption or exemption application applicable to the property; (2) provide that a chief appraiser who delivers a notice electronically under (1), above, is not required to mail the same notice to the property owner; (3) provide that an individual is ineligible to serve on the appraisal district board if the individual is an officer or employee of a taxing unit that participates in the district; (4) provide that an individual may not be employed by an appraisal district if the individual is an officer or employee of a taxing unit that participates in the appraisal district; (5) require the chief appraiser of each appraisal district to maintain a list of the following individuals who have designated themselves as an individual who will provide free assistance to an owner of residential property that is occupied by the owner as the owner's principal residence: (a) a licensed real estate broker or sales agent; (b) a licensed or certified real estate appraiser; or (c) a registered property tax consultant; (6) for a residential property that has not qualified for a residence homestead exemption in the current tax year, require the chief appraiser to send to the property owner a specific notice informing the property owner of the eligibility of the property for a homestead exemption, accompanied by an application form for a residence homestead exemption; and (7) require a chief appraiser to deliver a clear and understandable written notice to a property owner if an exemption or partial exemption approved for the preceding year was cancelled or reduced for the current year.

**H.B. 1409 (Ashby) – Property Tax Appraisal:** would, among other things, limit the ability of a chief appraiser to consider certain considerations when appraising property as timber land or restricted-use timberland.

**H.J.R. 60 (Bailes) – Property Tax Freeze:** would amend the Texas Constitution to authorize the legislature to provide for the transfer of a proportionate amount of a tax freeze for a person who qualifies for the freeze and establishes a different residence homestead within a different county, city, or junior college district, if that county, city, or junior college district has established a tax freeze. (See **H.B. 1265**, above.)

**S.B. 540 (Kolkhorst) – Property Tax Exemption:** would lengthen the duration of a residence homestead property tax exemption for property that is rendered uninhabitable or unusable by a casualty or by wind or water damage from two years to five years if: (1) the property is located in an area declared to be a disaster area by the governor following a disaster; and (2) the residential structure located on the property is rendered uninhabitable or unusable as a result of the disaster.

**S.B. 547 (Watson) – Property Tax Exemption:** would provide that certain property acquired by a charitable organization to provide low-income housing may qualify for an exemption up to the 10<sup>th</sup> anniversary of the date the organization acquires the property.

**S.B. 596 (Buckingham) – Property Tax Appraisal:** would: (1) prohibit an appraisal district or the appraisal review board for an appraisal district from requiring a property owner to pay a fee in connection with a protest filed by the owner with the board; (2) prohibit an appraisal district from offering as evidence in a hearing on certain protests the appraised value of a property comparable to the property that is the subject of the protest if the comparable property is or was

the subject of a protest for that tax year unless the appraisal district at or before the hearing provides to the owner of the property a statement that the comparable property is or was the subject of a protest for that tax year; (3) provide that the appraisal review board may not determine the appraised value of the property that is subject of a protest to be an amount greater than the appraised value of the property as shown in the appraisal records submitted to the board by the chief appraiser unless agreed to by the parties to the protest. (See **S.J.R. 36**, below.)

**S.B. 597 (Buckingham) – Property Tax Protests:** would prohibit an appraisal district or the appraisal review board for an appraisal district from requiring a property owner to pay a fee in connection with a protest filed by the owner with the board. (See **S.J.R. 36**, below.)

**S.B. 598 (Buckingham) – Property Tax Protests:** would provide that the appraisal review board may not determine the appraised value of the property that is subject of a protest to be an amount greater than the appraised value of the property as shown in the appraisal records submitted to the board by the chief appraiser, unless agreed to by the parties to the protest.

**S.B. 599 (Buckingham) – Property Tax Protests:** would prohibit an appraisal district from offering as evidence in a hearing on certain protests the appraised value of a property comparable to the property that is the subject of the protest if the comparable property is or was the subject of a protest for that tax year, unless the appraisal district at or before the hearing provides to the owner of the property a statement that the comparable property is or was the subject of a protest for that tax year.

**S.B. 600 (Buckingham) – Property Tax Reform:** would: (1) require a mandatory election on the November uniform election date for all cities that adopt a property tax rate exceeding the eight percent rollback rate (instead of a citizen-initiated election as provided in current law); and (2) make numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date, including among others: (a) requiring the appraisal district to certify the appraisal roll to taxing units by July 10<sup>th</sup> (instead of July 25<sup>th</sup> under current law); (b) requiring the tax assessor/collector to submit the appraisal roll showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property to the governing body of the taxing unit by July 15<sup>th</sup>, or as soon thereafter as practicable (instead of August 1<sup>st</sup> under current law); (c) requiring the designated officer or employee of the taxing unit to submit the tax rates to the governing body by July 22<sup>nd</sup>; and (d) requiring taxing units adopting a tax rate exceeding the lowered rollback tax rate to do so before August 15<sup>th</sup> (instead of September 30<sup>th</sup> under current law) (NOTE: this would also require a city that adopts a tax rate exceeding the rollback rate to adopt its budget before August 15<sup>th</sup>, as state law provides that property taxes may only be levied in accordance with the city budget).

**S.B. 635 (Flores) – Property Tax Protests:** would: (1) require the appraisal review board and the chief appraiser to review the evidence or argument provided by a property owner before the hearing on the protest; and (2) provide that, for appeals of orders issued by an appraisal review board located in a county with a population of less than 120,000, a property owner may bring an appeal to a justice court under certain circumstances.

**S.B. 657 (Creighton) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten percent to the following applicable percentage: (1) three percent if the appraised value of a homestead is \$1 million or less; or (2) five percent if the appraised value of a homestead is more than \$1 million.

**S.J.R. 36 (Buckingham) – Property Tax Protests:** would amend the Texas Constitution to prohibit an appraisal entity or the board of equalization for an appraisal entity from requiring a property owner to pay a fee in connection with a protest filed by the owner with the board. (See **S.B. 596** and **S.B. 597**, above.)

### **Sales Tax**

No city-related sales tax bills were filed this week.

### **Purchasing**

**H.B. 169 (Canales) – Labor Laws/Contracting:** would provide that a governmental entity may not enter into a governmental contract with a contractor unless the contractor certifies in writing to the entity that during the three years preceding the date of the contract the contractor, including any subcontractor, was not found guilty or liable in any judicial or administrative proceeding more than once for a violation of various state and federal labor laws.

**H.B. 1211 (Darby) – Professional Services Indemnity:** would provide that: (1) a covenant or promise in, in connection with, or collateral to a construction contract other than a contract for a single family or multifamily residence is void and unenforceable if the covenant or promise provides for a registered architect or licensed engineer whose engineering or architectural design services are the subject of the construction contract to defend, indemnify, or hold harmless an owner or owner’s agent or employee from liability for damage that is caused by or results from the negligence of a person other than the architect or engineer; and (2) a contract for engineering or architectural services must require a licensed engineer or registered architect to perform services with the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license.

**H.B. 1352 (Capriglione) – Computer Services:** would: (1) in regard to a contract with a value of \$100,000 or more, require a city that contracts with a vendor at an hourly rate for professional computer or information technology services to require the vendor to create accounting records (using software that verifies the work performed during the hours billed and that meets various other requirements); and (2) require a vendor to retain the accounting records in (1) for at least seven years and provide the city or its auditor access to the data on request free of charge.

### **Elections**

**H.B. 542 (Nevarez) – Voter Identification:** would provide that an official Native American tribal document that contains the person’s photograph and is issued by a tribe that is federally recognized and located in this state is an acceptable form of identification for voting.

**H.B. 1200 (Beckley) – Voter Registration:** would, among other things, provide that: (1) an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during early voting by personal appearance for voting the ballot for the precinct of the person’s residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of residence: (i) a Texas driver’s license or personal identification card that states the person’s current address on the day the person seeks to vote; or (ii) a utility bill addressed to the person dated not earlier than the 30th day before the date the person seeks to vote along with one of several types of permissible identification; (3) an election officer must make a copy of the proof of residence, attach it to the registration application, and return the original proof of residence to the voter; (4) a person voting under (2), above, shall vote a provisional ballot; and (5) the secretary of state may, by rule, designate additional documents that a person may offer to prove the person’s residence to register and vote. (Companion bill is **S.B. 165** by **Rodriguez**.)

**H.B. 1205 (Anchia) – Voting System Grants:** would establish a voting system fund and authorize a city or county to apply to the secretary of state for a grant to replace voting system equipment.

**H.B. 1220 (Clardy) – Paper Ballots:** would allow a countywide polling place to have paper ballots available for each voter who requests one.

**H.B. 1237 (Bucy) – Early Voting:** would, among other things, provide that: (1) the authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted during an early voting period extended from the fourth day before election day for any number of consecutive days up to and including the day before election day; and (2) an authority that extends early voting under (1), above, shall order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on any weekday or Saturday and for at least five hours on any Sunday of the extended early voting period.

**H.B. 1238 (Bucy) – Internet Database:** would: (1) require the secretary of state to post on the secretary of state’s website a database containing information about each holder of and candidate for any elected office in the state; (2) require an election authority to provide information about a candidate or officeholder to the secretary of state; and (3) prohibit a candidate’s name from being printed on the ballot until the candidate’s name appears on the secretary of state’s internet database.

**H.B. 1241 (Bucy) – Polling Place:** would require a notice of a polling place location to include the building name, if any, and street address of the polling place.

**H.B. 1260 (Guillen) – Joint Elections:** would require joint elections whenever elections ordered by the authorities of two or more political subdivisions are to be held on the same day in all or part of the same county.

**H.B. 1269 (Holland) – School Campus Polling Locations:** would provide that: (1) school campus that is designated as a polling place may not provide student instruction on a day the campus serves as a polling place; and (2) a school district may designate a day that a school campus serves as a polling place as a staff development day.

**H.B. 1322 (Bucy) – Voting in Jail:** would: (1) require the Texas Secretary of State to prescribe a written notice to be provided to each person confined in a city or county jail that states: (a) that a person eligible to vote may vote an absentee ballot from jail; (b) the upcoming election dates; and (c) the applicable voter registration deadlines and absentee ballot request deadlines; (2) require that a notice in (1) be printed in English, Spanish, Vietnamese, and Mandarin, and any other primary language requested by a person who does not speak one of the aforementioned languages; and (3) require the authority in charge of the jail to facilitate the delivery of voter registration applications, applications for ballots to be voted by mail, and marked ballots to eligible persons and pay any related postage.

**H.B. 1366 (Rosenthal) – Voting by Mail:** would: (1) allow a voter to deliver a marked ballot in person to a polling place while polls are open during the early voting period or on election day; and (2) require the voter to present an acceptable form of identification.

### **Open Government**

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

### **Other Finance and Administration**

**H.B. 1155 (Oliverson) – Attorney’s Fees:** would: (1) allow the a “prevailing party” in a suit for damages for the overflow of water to recover attorney’s fees; and (2) not limit the definition of “prevailing party” to exclude cities, thus subjecting cities to liability for attorney’s fees.

**H.B. 1214 (Cyrier) – Parks Funding:** would, among other things, require the legislature to allocate sporting goods sales tax revenue credited to the Parks and Wildlife Department to department accounts specified in the Parks and Wildlife Code in specific amounts provided in the General Appropriations Act, and those amounts may be used only for the following purposes: (1) to acquire, operate, maintain, and make capital improvements to parks; (2) for assistance to local parks; (3) to pay debt service of bonds issued by the department; (4) to fund the state contributions for benefits and benefit-related costs attributable to the salaries and wages of department employees paid from sporting goods sales tax receipts; and (5) to fund the state contributions for annuitant group coverages under the group benefits program operated by the Employees Retirement System of Texas. (Companion is **S.B. 526** by **Kolkhorst**.)

**H.B. 1229 (Shaheen) – Newspaper Notice:** would allow a political subdivision to satisfy a requirement to provide notice by newspaper publication by posting the notice continuously from the earliest date provided for in the requirement until the day after the date the action for which notice was required occurs: (1) on its Internet website; or (2) on a social media website, if the political subdivision controls the content of the posting and the notice is easily found by searching the name of the political subdivision on the Internet.

**H.B. 1243 (Ashby) – Mixed Beverage Taxes:** would require the comptroller to deposit to the credit of the drug court account 10.7143 percent of the mixed beverage taxes received from permittees outside an incorporated city.

**H.B. 1284 (Lambert) – Ungraded Eggs:** would provide, among other things, that: (1) a person may sell eggs produced by the person’s flock directly to a consumer or at wholesale if the eggs are clearly labeled as “ungraded;” and (2) a state agency or political subdivision may not prohibit a person from purchasing, reselling, or using the eggs in (1).

**H.B. 1332 (Israel) – Juvenile Curfews:** would: (1) repeal current law authorizing a city to adopt a juvenile curfew; and (2) expressly prohibit a political subdivision from adopting or enforcing a juvenile curfew that regulates the movements or actions of persons younger than 18 years of age, except in relation to certain emergency management situations.

**H.B. 1344 (Thompson of Brazoria) – Non-Road Diesel Subaccount:** would (1) establish the non-road diesel subaccount in the state treasury; and (2) provide that money in the non-road diesel subaccount may be used only to provide grants for non-road diesels.

**H.B. 1347 (C. Bell) – Federal Action:** would: (1) establish a joint legislative committee to review any federal action to determine whether such action is unconstitutional; (2) provide that any federal action found by the joint legislative committee to be unconstitutional be sent to the legislature for a determination and then on to the governor for approval or disapproval; (3) provide that any federal action declared to be unconstitutional has no legal effect in Texas; (4) prohibit the state or a political subdivision of the state from spending money to implement a federal action declared unconstitutional; (5) authorize the attorney general (and others) to prosecute a person who attempts to implement or enforce an unconstitutional federal action for official oppression, as well as other provisions of law; and (6) entitle a person to seek a declaratory judgment that a federal action is unconstitutional and give all courts original jurisdiction over such a proceeding.

**H.B. 1359 (Wu) – Attorney Identification:** would: (1) allow state bar members to enter a court without passing through security if they present their state bar membership card instead of an identification card; and (2) prohibit a county or city from enforcing an ordinance that conflicts with (1).

**S.B. 471 (Hughes) – Attorney’s Fees:** would: (1) allow the recovery of attorney’s fees from another “person” in certain civil cases. (Note: “Person” is defined in the Code Construction Act, to include cities.)

**S.B. 526 (Kolkhorst) – Parks Funding:** would, among other things, require the legislature to allocate sporting goods sales tax revenue credited to the Parks and Wildlife Department to department accounts specified in the Parks and Wildlife Code in specific amounts provided in the General Appropriations Act, and those amounts may be used only for the following purposes: (1) to acquire, operate, maintain, and make capital improvements to parks; (2) for assistance to local parks; (3) to pay debt service of bonds issued by the department; (4) to fund the state contributions for benefits and benefit-related costs attributable to the salaries and wages of department employees paid from sporting goods sales tax receipts; and (5) to fund the state contributions for annuitant group coverages under the group benefits program operated by the Employees Retirement System of Texas. (Companion is **H.B. 1214** by **Cyrrier**.)

**S.B. 548 (Birdwell) – Texas Ethics Commission:** would make various changes related to: (1) the process of handling complaints filed with the Texas Commission against elected officials; and (2) certain filings submitted to the commission, including filings by political action committees.

**S.B. 568 (Huffman) – Child-Care Facilities:** would: (1) create a safety training account for the Health and Human Services Commission (HHSC) to provide safety training materials at no cost to a licensed child-care facilities; (2) require HHSC to establish safe sleeping standards for child-care facilities; and (3) creates new administrative penalties for various violations including failure to comply with safe sleeping standards.

**S.B. 572 (Kolkhorst) – Cottage Foods:** would: (1) expand the definition of “cottage food production operation” to include pickled vegetables, fermented products, and canned goods that are acidified or low acid; (2) require a cottage food production operation producing a fermented product or a canned good that is acidified or low acid to submit the recipe to and get approval from the Texas Department of Health and Human Services (department) to sale the product; and (3) require the department to study the competitiveness of the Texas cottage food industry.

**S.B. 652 (Campbell) – Certificates of Obligation:** would: (1) provide that the governing body of an issuer of certificates of obligation (COs) may not authorize a CO to pay a contractual obligation to be incurred if a bond proposition to authorize the issuance of bonds for the same purpose was submitted to the voters during the preceding ten years and failed to be approved; (2) require an issuer of COs to publish notice of the issuance continuously on the issuer’s Internet website for at least 30 days before the date tentatively set for the passage of the order or ordinance authorizing the issuance of the COs; and (3) require an issuer of COs to maintain an internet website to comply with (2), above.

### **Municipal Courts**

**H.B. 1316 (Moody) – Criminal History Record Information:** would: (1) allow an attorney representing the state in a criminal case to disclose to the defendant or attorney representing the defendant the criminal history record information (CHRI) of the defendant or potential witness that was obtained from Department of Public Safety or the FBI; and (2) use the CHRI as notice

to the defendant or attorney representing the defendant of the state's intention to use the CHRI to introduce evidence of other crimes, wrongs or acts committed by the defendant or evidence of the prior criminal record of a potential witness in the case, if timely disclosed to the defendant or attorney representing the defendant.

**H.B. 1319 (Moody) – Judgments:** would consider a judgement and sentence rendered in municipal court if: (1) the defendant enters a plea of guilty or nolo contendere and pays the amount of the fine and costs owed to the state; (2) the court finds the defendant guilty and accepts the defendant's payment as payment in full for the amount owed; and (3) the court create a record of the acceptance of the court's findings and the defendant's plea and payment.

**H.B. 1364 (Wu) – Juveniles:** would, in various statutes, change the age of a child within the jurisdiction of a juvenile court from 10 to 12 years of age and from 17 to 19 years of age.

**S.B. 529 (Birdwell) – Juvenile Court Proceedings:** would allow the 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 ability of the child to have a fair trial, or endanger a victim of the conduct of the child; (2) the potential harm to the child or victim outweighs the benefits of public access to the proceeding; and (3) the harm can be remedied only by excluding the public from the proceeding.

**S.B. 550 (West) – Criminal History Record Information:** would, under certain conditions: (1) allow certain defendants to petition the court that placed the defendant on community supervision for an order of nondisclosure of criminal history record information (CHRI); and (2) require the court that grants an order of nondisclosure of CHRI to issue an order prohibiting criminal justice agencies from disclosing to the public that defendant's CHRI.

**S.B. 561 (Zaffirini) – Municipal Court Judges:** would require judges in a municipal court of record: (1) to have eight or more years of experience in the practice of law or as a judge of a court in this state, or both combined, preceding election or appointment; and (2) be at least 25 years of age.

### **Community and Economic Development**

**H.B. 852 (Holland) – 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.

**H.B. 1000 (Paddie) – Rural and Opportunity Fund:** would create: (1) the rural and opportunity fund in which the Texas Economic Development and Tourism Office will accept and approve applications from cities in the qualified areas to use the money for credit-eligible capital

contributions to create or retain jobs for targeted small businesses; and (2) a tax credit for entities participating in the rural and opportunity fund against the entity's state insurance tax liability.

**H.B. 1215 (Collier) – Low Income Housing Tax Credits:** would: (1) provide that the Texas Department of Housing and Community Affairs (“Department”) may require, as part of the threshold criteria under a qualified allocation plan (“QAP”), that a proposed development satisfy certain criteria relating to educational quality specified in the plan; (2) prohibit the Department from adopting a QAP that uses a scoring system to award points to an application for housing credits based on criteria relating to the educational quality applicable to a proposed development; and (3) require that the governing board of the Department ensure that the 2018 QAP conforms to the requirements of (1) and (2) above.

**H.B. 1221 (Patterson) – Economic Development Corporation:** would allow an economic development corporation to do a project for: (1) general infrastructure, limited to the development, improvement, maintenance, or expansion of streets and roads, water supply facilities, or sewage facilities; and/or (2) improving, enhancing, or supporting public safety, including: (a) expenditures for improving public safety facilities; (b) expenditures for public safety equipment and for first responders and other personnel; and (c) other expenditures that enhance the level of services provided by public safety facilities; by an election ordered by either (1) a majority of the city council or (2) a petition of 10% of the number of voters participating in the last general election held by the city.

**H.B. 1246 (Ashby) – Eminent Domain:** would: (1) provide that the required landowner's bill of rights must disclose that a condemning entity that makes an initial offer that includes real property that the entity does not seek to acquire by condemnation shall in the initial offer: (a) separately identify the real property that the entity does not seek to acquire by condemnation; and (b) make an offer for the real property that the entity does not seek to acquire by condemnation separate from the offer made for the real property sought to be acquired by condemnation; and (2) a condemning entity that makes an initial offer that includes real property that the entity does not seek to acquire by condemnation shall in the initial offer: (a) separately identify the real property that the entity does not seek to acquire by condemnation; and (b) make an offer for the real property that the entity does not seek to acquire by condemnation separate from the offer made for the real property sought to be acquired by condemnation. (Companion bill is **S.B. 553** by **Schwertner**.)

**H.B. 1252 (Rodriguez) – Grocery Access Investment Fund Program:** would require the Texas Department of Housing and Community Affairs (TDHCA) to establish the Texas grocery access investment fund program to provide financing to construct, rehabilitate, or expand grocery stores, mobile markets, farm stands, and other eligible projects as determined by the TDHCA to increase food access in underserved low-income and moderate-income areas.

**H.B. 1253 (Leman) – Eminent Domain:** would, in relation tolling a property owner's right of repurchase: (1) eliminate the following as elements establishing “actual progress” on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner's property was acquired; or (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan

for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress. (Companion bill is **S.B. 554** by **Schwertner**.)

**H.B. 1257 (Rosenthal) – Rental Housing:** would repeal the provisions in current law that generally prohibits a city or county from adopting or enforcing an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because the person’s lawful source of income to pay rent includes funding from a federal housing assistance program.

**H.B. 1258 (Craddick) – Payday and Auto Title Lending:** would, among other things: (1) provide that a municipal ordinance regulating credit access businesses is not preempted by state law; (2) provide that, if a municipal ordinance conflicts with a provision of state law, the more stringent regulation controls; (3) require the contract and other documents provided by a credit access business to be written wholly in English or the language in which the contract is negotiated, and read in their entirety in the language in which the contract is negotiated to any consumer who cannot read; (4) prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan; (5) provide that each day of a continuing violation of a provision related to state notice and disclosure requirements or state licensing and regulation requirements by a credit services organization constitutes a separate offense; (6) provide that the general limitations on payday and auto title loans in the bill apply to any consumer physically located in this state at the time the loan is made, regardless of whether the loan was made in person in this state; (7) require a credit access business to require certain types of documentation to establish a consumer’s income for purposes of extending credit; (8) provide that a single-payment payday loan: (a) may not exceed 20 percent of the consumer’s gross annual income; (b) may not be refinanced more than three times, with the amount of each refinanced payment used to repay at least 25 percent of the principal amount of the original debt; (9) provide that a multiple-payment payday loan: (a) may not exceed 20 percent of the consumer’s gross monthly income; and (b) may not be payable in more than four installments, with the amount of each payment used to repay at least 25 percent of the principal amount of the debt; (10) provide that a single-payment auto title loan: (a) may not exceed the lesser of 70 percent of the retail value of the motor vehicle securing the debt, or three percent of the consumer’s gross annual income; and (b) may not be refinanced more than three times, with the amount of each refinanced payment used to repay at least 25 percent of the principal amount of the original debt; (11) provide that a multiple-payment auto title loan: (a) may not exceed the lesser of 70 percent of the retail value of the motor vehicle securing the debt, or three percent of the consumer’s gross annual income; and (b) may not be payable in more than four installments, with the amount of each payment used to repay at least 25 percent of the principal amount of the debt; (12) require any refinance of a payday or auto title loan to: (a) be authorized by state law; (b) be in the same form as the original loan; and (c) meet all requirements applicable to the original loan; and (13) require a credit access business to maintain a complete set of records of all loans and retain the records until the third anniversary of the date of the loan.

**H.B. 1385 (T. King) – Industrialized Housing:** would expand the maximum allowable height of industrialized housing and buildings.

**H.B. 1402 (Walle) – Affordable Housing:** would provide that the public purpose of the Texas State Affordable Housing Corporation is to perform activities and services that the corporation’s board of directors determines will promote the public health, safety, and welfare through the provision of adequate, safe and sanitary housing and economic development opportunities primarily for individuals and families of low to moderate income and for persons who are eligible for loans under the home loan program. (Companion is **S.B. 647** by **Lucio**.)

**S.B. 542 (Watson) – Housing Tax Credits:** would: (1) allow, in all counties, the Texas Department of Housing and Community Affairs (department) to allocate housing tax credits to more than one development in a single community, in the same calendar year, if: (a) the developments are more than two miles apart; or (b) the applicant obtains prior approval of the development from the city council of the city containing the development; and (2) allow the department to adopt rules for specific geographic areas of the state.

**S.B. 543 (Watson) – Housing Tax Credits:** would prohibit the Texas Department of Housing and Community Affairs (department) from allocating housing tax credits to a development proposed by an applicant who owns one or more existing developments supported by housing tax credits unless the applicant agrees, as part of any conditions imposed by the department in connection with the allocation of housing tax credits for the proposed development, to waive the applicant’s right to sell any existing development through the use of a qualified contract during the extended use period.

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

**S.B. 545 (Watson) – Affordable Housing:** would require that the preapplication, application, evaluation, and scoring of certain applications for housing funds administered by the Texas Department of Housing and Community Affairs provide for written notice to: (1) any neighborhood organization on record and in good standing with the secretary of state; or (2) if applicable and verifiable, the county or city in which the development described in the application is to be located and whose boundaries contain the proposed site.

**S.B. 546 (Watson) – Housing Authorities:** would provide that a person who is a recipient of housing assistance administered through a municipal housing authority’s choice voucher program or project-based rental assistance program could be appointed as a commissioner of the authority.

**S.B. 552 (Schwertner) – Eminent Domain:** would provide that the required Landowner’s Bill of Rights must include: (1) the condemning entity’s obligations to the property owner, including the responsibility for any damages arising from an examination or survey of the property; (2) the property owner’s options during a condemnation, including the property owner’s right to: (i) refuse to grant permission to the condemning entity to enter the property and conduct an examination or survey of the property; and (ii) negotiate the terms of the examination or survey of the property; and (3) the condemning entity’s right to sue for a court order authorizing the examination or survey if the property owner refuses to grant permission for the examination or survey. (Companion bill is **H.B. 1245** by **Ashby**.)

**S.B. 555 (Schwertner) – Eminent Domain:** would provide that, if additional property taxes are due because land has been diverted to a nonagricultural use as a result of a condemnation, the additional taxes and interest are the personal obligation of the condemning entity and not the property owner from whom the property was taken. (Companion bill is **H.B. 1247** by **Ashby**.)

**S.B. 594 (Kolkhorst) – Disaster Recovery:** would: (1) create a business advisory council on disaster recovery and mitigation to advise the Commissioner of the General Land Office on various issues, including disaster recovery mitigation and resilience related to housing, issues faced by local governments, and solutions to address inefficiencies or problems in local governmental disaster response; and (2) provide that the council in (1) consist of representatives of banking and insurance, construction, manufacturing, oil and gas, tourism and hospitality, and small business.

**S.B. 595 (Kolkhorst) – Community Development Block Grants:** would, among other things, require: (1) the state auditor conduct an audit, each fiscal year, of the distribution and expenditure of federal community development block grant disaster recovery program money that is received by the state and distributed to another entity, including a political subdivision; (2) the audit identify each recipient of grant money and specify the amount of grant money received by each recipient; and (3) a political subdivision receiving grant money cooperate with and provide assistance to the state auditor conducting the audit.

**S.B. 648 (Zaffirini) – Plastic Bag Regulations:** would provide that the term “container or package” in Health and Safety Code Section 361.0961 (the statute that is construed by the Texas Supreme Court to preempt city plastic bag regulations) does not include a single-use bag provided by a retail business to a customer at the point of sale for the purpose of transporting purchases. (Companion bill is **H.B. 514** by **Hinojosa**.)

## **Personnel**

**H.B. 1090 (C. Bell) – Workers’ Compensation Liability:** would: (1) expand the definition of first responder to include: (a) an emergency response operator or emergency services dispatcher who provides communication support services for a governmental entity by responding to requests for assistance in emergencies; and (b) other emergency response personnel employed by a governmental entity; and (2) expand the waiver of sovereign or governmental immunity from suit for claims of workers compensation discrimination to such first responders.

**H.B. 1256 (Phelan) – First Responder Immunization History:** would provide the following individuals with direct access to the state immunization registry to verify a first responder’s immunization history during a federal or state declared disaster: (1) the first responder; and (2) with the first responder’s electronic or written consent and during the preparation for or response to the disaster, the: (a) first responder’s employer; or (b) a person, other than the first responder’s employer, who is acting as the first responder’s supervisor for the disaster.

**H.B. 1336 (Pacheco) – Minimum Wage:** would increase the minimum wage to not less than the greater of \$10 an hour or the federal minimum wage (currently at \$7.25).

**H.B. 1383 (Lozano) – Jury Service:** would provide that the following individuals may be exempt from jury service: (1) a firefighter employed by a city, county, or a special district; and (2) a police officer employed by a police department of a city or county. (This bill is identical to **H.B. 354** by **Herrero**.)

**S.B. 586 (Watson) – Training Requirements:** would, among other things: (1) add, to the required peace officer training program, training to investigate cases involving child abuse or neglect, family violence, and sexual assault that includes the use of best practices and trauma-informed techniques to effectively recognize, document, and investigate those cases; and (2) require the Texas Commission on Law Enforcement establish minimum requirements for the training, testing, and certification of special officers to respond to allegations of family violence or sexual assault.

**S.B. 589 (Watson) – Confidentiality Agreements:** would: (1) make a nondisclosure or confidentiality agreement or similar agreement between an employer and an employee void and unenforceable if the agreement prohibits: (a) an employee from notifying or limits the employee’s ability to notify a law enforcement agency or regulatory agency of sexual assault or sexual harassment committed by another employee or at the employee’s place of employment; (b) an employee from disclosing to any person, including during any related investigation, prosecution, legal proceeding or dispute resolution, facts surrounding any sexual assault or sexual harassment committed by another employee or at the employee’s place of employment, including the identity of the alleged offender; (2) provide that a mandatory arbitration agreement between an employer and an employee is void and unenforceable to the extent the agreement imposes mandatory arbitration of a dispute involving an allegation of sexual assault or sexual harassment; (3) make it an unlawful employment action for an employer to refuse to hire, discharge, harass or discriminate against an individual who refuses to sign an agreement described in (1) and (2); and (4) allow a settlement agreement related to a claim filed in a civil action or a complaint filed in an administrative action involving sexual assault or sexual harassment committed by another employee or at the employee’s place of employment to contain a provision that prevents the disclosure of factual information related to the claim or complaint.

## **Public Safety**

**H.B. 404 (S. Thompson) – Asset Forfeiture:** would, with certain exceptions, repeal the law related to civil asset forfeiture and establish criminal asset forfeiture in this state, and among other things: (1) authorize a convicting court to order a person convicted of an offense subject to forfeiture to forfeit certain property, but only after the state establishes by clear and convincing evidence that the requirements for forfeiture are met or enters into a court-approved plea agreement for the forfeiture of the property; (2) provide that contraband is not subject to forfeiture, but is subject to seizure and must be disposed in accordance with state law; (3) establish procedures for the seizure of real and personal property and for the defendant to challenge the seizure; (4) provide that a forfeiture proceeding must be held following the trial of the related alleged offense; (5) authorize a defendant, at any time following a forfeiture determination, to petition the court to determine whether the forfeiture is unconstitutionally excessive; (6) prohibit the property of an innocent owner from being forfeited; (7) require that the county treasurer dispose of all forfeited and abandoned property and deposit the money in the general revenue fund of the county, except those proceeds used to pay outstanding recorded liens and expenses for the seizure, storage and maintenance or custody of the items; (8) prohibit a law enforcement agency from: (a) retaining any forfeited or abandoned property for the agency’s use; or (b) selling any forfeited or abandoned property directly or indirectly to an employee, a person related to an employee, or another law enforcement agency; (9) require law enforcement agencies to report certain forfeiture information to the Department of Public Safety; (10) require a law enforcement agency to return property under certain circumstances and make the agency responsible for any damage, storage fees, and related costs applicable to the property; and (11) prohibit the transfer of seized property to the federal government, with some exceptions.

**H.B. 479 (Dutton) – Asset Forfeiture:** would require: (1) a final conviction for an underlying offense in order to pursue forfeiture of contraband; and (2) a court to dismiss a contraband forfeiture proceeding on proof of a dismissal or acquittal of the underlying offense.

**H.B. 848 (Wray) – Sexual Assault Forensic Examination:** would require a law enforcement agency and a health care facility to provide an alleged sexual assault victim the sexual assault survivor standard information form and oral notice that the forensic medical examination is provided at no cost.

**H.B. 1202 (Collier) – Theft of Service:** would remove certain rent-to-own agreements from the criminal offense of theft of service.

**H.B. 1206 (Cole) – Marihuana Penalties:** would, among other things, reduce the penalties for the possession of marihuana.

**H.B. 1207 (Rodriguez) – Firearms:** would: (1) provide that it is a Class C misdemeanor if a person owns a firearm that is lost or stolen and fails to report it to a peace officer or law enforcement agency; (2) require a court clerk to provide to the Department of Public Safety (department) written notice of a conviction or deferred adjudication of an offense in (1); (3) require a peace officer who receives a report that a firearm is lost or stolen to report the loss or theft to the department; and (4) make a person convicted of an offense in (1) ineligible for a license to carry a handgun in some situations, and require the department to revoke a handgun license if a person is convicted of an offense in (1).

**H.B. 1217 (Ortega) – Immigration Enforcement:** would provide that a local entity, including the governing body of a city, a police officer, or a city attorney, does not violate the provisions of S.B. 4 (2017), relating to the enforcement of immigration laws by local governments, by prohibiting a peace officer from inquiring into the immigration status of a person who is under lawful detention, rather than under arrest. (Companion bill is **S.B. 166** by **Rodriguez**.)

**H.B. 1223 (VanDeaver) – Child Custody and Peace Officers:** would: (1) require peace officers who receive a report of a violation for interference with child custody to attempt to determine the location of the child; (2) if the location is determined, require peace officers to locate and return the child to the person entitled to custody according to the terms of a judgment or court order, or to a parent listed on the child’s birth certificate if no order exists; (3) if the child’s location is unknown, require peace officers to submit a missing child report; (4) provide for criminal penalties if a person takes a child under 18, there is no judgment or order disposing of the child’s custody, and the person knows taking the child is without consent or against the wishes of parent.

**H.B. 1224 (White) – Foster Children and Peace Officers:** would require peace officers who arrest a person younger than 18 years of age to report the arrest to the Department of Family and Protective Services to determine if the person is a foster child.

**H.B. 1228 (Shaheen) – City Regulation of Low-THC Cannabis:** would provide that: (1) a city may enact reasonable zoning rules that limit the use of land for dispensing organizations or the cultivation or production of low-THC cannabis to specified areas and ordinances, orders, or other rules that regulate the time, place, and manner of dispensing organization operations; (2) a city may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits or has the effect of prohibiting the cultivation, production, dispensing, or possession of low-THC cannabis; and (3) a rule, ordinance, resolution, or other regulation that violates (1) or (2) is void and unenforceable.

**H.B. 1231 (Flynn) – Licensed Carry:** would reduce the criminal penalty for the offense of unlawfully carrying a handgun by license holder to provide that the offense in most cases is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given notice by oral communication under Section 30.06 or 30.07 that entry on the property was forbidden and subsequently failed to depart. (Companion bill is **H.B. 1231** by **Campbell**.)

**H.B. 1268 (Lucio) – Dangerous Wild Animals:** would modify the procedures related to the regulation of dangerous wild animals, including: (1) providing for a justice court or county court at law, on a showing of probable cause, to order an animal control authority or a peace officer located in the county in which a dangerous wild animal is located to seize the dangerous wild animal; (2) requiring a person executing a warrant authorizing the seizure of a dangerous wild animal to serve written notice of the court hearing date to the owner of the dangerous wild animal at the time the warrant is executed; and (3) requiring the animal control authority or peace officer that seizes a dangerous wild animal to impound the animal in secure and humane

conditions until a court determines the disposition of the animal and issues appropriate orders. (The companion bill is **S.B. 641** by **Huffman**, below.)

**H.B. 1294 (S. Davis) – Emergency Management Training:** would modify current law to require an officer, employee or volunteer of the state or of a political subdivision who has management or supervisory responsibilities and whose duties include emergency management responsibilities or has a role in emergency preparedness, response or recovery, to complete emergency management training.

**H.B. 1296 (S. Davis) – Disaster Case Management System:** would require the General Land Office develop and maintain an electronic disaster management case system for purposes of collecting information needed to provide disaster assistance to individuals.

**H.B. 1299 (S. Davis) – Disaster Expenditure Database:** would: (1) require the Texas Comptroller establish and maintain, on the internet, an electronically searchable database that contains, for each political subdivision, including a city: (a) the total amount budgeted and spent by the political subdivision for disaster preparedness, response, rebuilding, and mitigation in the most recent fiscal year of the political subdivision; and (b) the total amount received by the political subdivision for disaster preparedness, response, rebuilding, and mitigation in the most recent fiscal year of the political subdivision from the following categories, stated as a total amount and a per category amount: (i) the federal government; (ii) the state government; (iii) another public entity, including another political subdivision; and (iv) a private entity, including an insurance company or nonprofit charitable organization; and (2) require each political subdivision, at the end of the fiscal year, prepare and file with the comptroller an annual report, in a form prescribed by the comptroller, that contains, for that fiscal year, the information described by (1).

**H.B. 1353 (Oliverson) – Liability of Healthcare Providers:** would provide that certain health care providers are immune, except in cases of reckless conduct or intentional, willful, or wanton misconduct, from civil liability for an act or omission that occurs in giving care, assistance, or advice within the scope of the provider's practice in connection with a man-made or natural disaster that endangers or threatens to endanger individuals, property or the environment.

**H.B. 1355 (Button) – Blood Specimen Warrants:** would provide that a warrant to collect a blood specimen from a person suspected of committing an intoxication offense may be executed in any county in Texas in which the law enforcement officer executing the warrant is authorized to make an arrest.

**H.B. 1365 (Lucio) – Medical Marihuana:** would: (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by qualifying patients with certain debilitating medical conditions; (2) authorize the licensing of dispensing organizations and testing facilities; (3) authorize an application fee for licenses to operate a cannabis testing facility; and (4) prevent cities from enacting, adopting, or enforcing a rule, ordinance, resolution, or other regulation that prohibits, among other things, the testing of medical cannabis.

**H.B. 1372 (White) – Driver’s Licenses:** would: (1) eliminate the administrative fee for failure to pay or satisfy certain judgments; (2) eliminate failure to pay or satisfy certain judgments as a reason to deny the renewal of a driver’s license; (3) allow, in various statutes, the Texas Department of Public Safety (TXDPS) to waive the driver’s license reinstatement fees or administrative fees for those persons determined to be indigent; and (4) create a period of time the Department of Public Safety can deny renewal of a driver’s license.

**S.B. 538 (Johnson) –Homeless Youth:** would: (1) exempt a youth experiencing homelessness from the payment of fees for the issuance of a drivers’ license or personal identification certification; and (2) provide that a person’s status as a youth experiencing homelessness must be confirmed by a notarized affidavit from, among others, a peace officer who is an official homeless liaison.

**S.B. 577 (Hall) – Driver Responsibility Program:** would, among other things, repeal the driver responsibility program, make several conforming changes to related traffic laws, and change various state traffic fines.

**S.B. 585 (Watson) – Law Enforcement:** would require a post secondary educational institution to enter into a memorandum of understanding with local law enforcement concerning allegations of sexual harassment, sexual assault, dating violence and stalking at the institution.

**S.B. 587 (Watson) – Reporting of Sexual Assault Offenses:** would, among other things: (1) require the Department of Public Safety (“Department”) compile and maintain statistical information relation to the commission of a sexual assault offense, including: (a) any arrests made in relation to the offense; (b) the results of any prosecution of the offense or any reasons for not prosecuting the offense; (c) the classification assigned to the case by the law enforcement agency at the time the case was closed, and if classified as cleared by exceptional means, the specific circumstances outside the control of the law enforcement agency that prevented the arrest, charging or prosecution of the offender; and (2) require the Department identify governmental entities that possess the information required by (1) above; and (3) require governmental entities identified by the Department to report the information to the Department in a manner prescribed by the Department.

**S.B. 588 (Watson) – Sexual Assault Evidence:** would modify the procedures relating to the collection, storage, and analysis of sexual assault evidence and evidence of other sex offenses, including: (1) requiring a law enforcement agency that receives evidence of a sexual assault or other sex offense to provide such evidence to a crime laboratory within 14 days of receipt of the evidence (current law provides for 30 days).

**S.B. 632 (Kolkhorst) – Local Mental Health Authorities:** would require a local mental health authority, in the developing of a local service plan, to solicit information regarding community needs from local law enforcement agencies.

**S.B. 651 (West) – Resisting Arrest:** would require a complaint, information, or indictment in the prosecution of a criminal case in which a person is alleged to have resisted arrest to state the

underlying offense for which the person was resisting arrest. (Companion bill is **H.B. 521** by **Dutton**.)

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

## **Transportation**

**H.B. 1270 (Deshotel) – Motorcycle Lane-Splitting:** would provide that the operator of a motorcycle operating on a limited-access or controlled-access highway may operate the motorcycle for a safe distance between lanes of traffic moving in the same direction during periods of traffic congestion if the operator operates the motorcycle: (1) at a speed not more than five miles per hour greater than the speed of the other traffic; and (2) in traffic that is moving at a speed of 20 miles per hour or less. (Companion bill **S.B. 273** by **Watson**.)

**H.B. 1287 (Israel) – Speed Limits:** would: (1) lower the prima facie speed limit in an urban district on a street, other than an alley, from 30 to 25 miles per hour; and (2) allow a city council to declare a prima facie speed limit as low as 20 miles per hour (current law allows 25 miles per hour) for certain highways in the city, if the city council determines the prima facie speed limit is unreasonable or unsafe.

**S.B. 282 (Buckingham) – Transportation Funding:** would authorize the Texas Department of Transportation to reallocate liquidated damages money associated with delays of transportation projects.

**S.B. 549 (West) – Motor-Assisted Scooters:** would:

1. define a “motor-assisted scooter” as having a gas motor with a displacement not exceeding 40 cubic centimeters or an electric motor with a power output not exceeding 1,000 watts;
2. require that a person hold a valid driver’s license and be at least 16 years old to operate a motor-assisted scooter;
3. prohibit a motor-assisted scooter from carrying more than one person;
4. allow a person to operate a motor-assisted scooter on: (a) a path set aside for the exclusive use of bicycles, pedestrians, or both; (b) on a roadway in a bicycle lane; or (c) on a roadway without a bicycle lane if the roadway has a speed limit of 30 miles per hour or less and the person rides as close to the right curb or edge of the roadway as possible, with some exceptions;
5. prohibit a person from operating a motor-assisted scooter at more than 15 miles per hour;
6. require that a person operating a motor-assisted scooter yield the right of way to a pedestrian;

7. prohibit a person from parking motor-assisted scooter in a manner that obstructs a roadway, paths, or sidewalk;
8. allow cities to impose further restrictions than the bill on: (a) speed limit of a motor-assisted scooter, (b) the location where motor-assisted scooters may be operated, (c) the minimum age requirement to operate motor-assisted scooters, and (d) where a person may park a motor-assisted scooter;
9. allow cities to impose a higher criminal or civil penalty for a violation of the bill;
10. allow cities to require that the operator of a motor-assisted scooter wear a safety helmet; and
11. allow cities to prohibit the operation of a motor-assisted scooter on a street highway, or sidewalk if the city council determines the prohibition is necessary in the interest of safety.

**S.B. 571 (Rodriguez) – Speed Limits:** would: (1) allow a city council to declare a prima facie speed limit as low as 20 miles per hour (current law allows 25 miles per hour) for certain highways in the city, if the city council determines the prima facie speed limit is unreasonable or unsafe; and (2) provide that a speed limit that is altered under (1) is effective when the city council erects signs or completes a public education campaign giving notice of the new limit that includes notification of the effective date of the change.

### **Utilities and Environment**

**H.B. 726 (Larson) – Groundwater Regulation:** would, among other things, (1) require groundwater districts, when considering an application for a well, to consider whether the projected effect of the proposed production unreasonably affects aquifer conditions, artesian pressure, depletion, or subsidence, existing ground water and surface water resources, existing permit holders, or registered wells that are exempt from the requirement to obtain a permit; (2) prohibit a water district from denying a permit because the applicant intends to export the groundwater for use outside the district; (3) prohibit a water district from adopting a moratorium on the issuance of permits without notice and hearing; and (4) repeal the ability of water districts to modify a permit and require that a permit state the amount of water to be withdrawn.

**H.B. 863 (Anchia) – Gas Distribution:** would provide that: (1) the Railroad Commission by rule shall require a distribution gas pipeline facility operator to notify the commission of each event involving a release of gas from its pipelines that results in one or more of the following consequences: (a) a death or a personal injury necessitating inpatient hospitalization; (b) estimated property damage of \$50,000 or more, including loss to the operator, loss to others, or both, but excluding cost of gas lost; or (c) unintentional estimated gas loss of three million cubic feet or more; and (2) the rules must require that the distribution gas pipeline facility operator notify the commission of an event before the expiration of two hours following the operator’s discovery of the event.

**H.B. 864 (Anchia) – Gas Distribution:** would: (1) define “pipeline incident” to mean an event involving a release of gas from a pipeline that results in one or more of the following consequences: (a) a death or a personal injury necessitating in-patient hospitalization; (b) estimated property damage of \$50,000 or more, including loss to the operator, loss to others, or

both, but excluding cost of gas lost; or (c) unintentional estimated gas loss of three million cubic feet or more; and (2) the Railroad Commission by rule shall require a distribution gas pipeline facility operator to provide the following information to the commission after a pipeline incident: (a) the pipeline operator's name and telephone number; (b) the location of the incident; (c) the time of the incident; (d) the fatalities and personal injuries caused by the incident; (e) the telephone number of the operator's on-site person; (f) the cost of gas lost; (g) estimated property damage to the operator and others; and (h) any other significant facts relevant to the incident, including facts related to ignition, explosion, rerouting of traffic, evacuation of a building, and media interest.

**H.B. 1267 (Wray) – Water Protection Penalties:** would increase the maximum civil and administrative penalties for violations of laws protecting drinking water public water supplies and bodies of water. (Companion bill **S.B. 530** by **Birdwell**.)

**H.B. 1280 (Allen) – Concrete Plant Permitting:** would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant. (Companion bill **H.B. 1310** by **Dutton**.)

**H.B. 1329 (S. Thompson) – Solid Waste Act Enforcement:** would, among other things: (1) require the Texas Commission on Environmental Quality to file a report and minutes of a meeting reflecting any TCEQ action for violations of the Solid Waste Act with the state senator and state representative in whose district the facility is located; and (2) require that, until the enforcement action is resolved, TCEQ hold a public informational meeting at least once a month regarding the status of the enforcement action.

**H.B. 1330 (S. Thompson) – TCEQ Administrative Penalties:** would provide that the Texas Commission on Environmental Quality shall also consider whether the prohibited act created or is a public nuisance when determining the amount of an administrative penalty.

**H.B. 1345 (S. Thompson) – Texas Emissions Reduction Plan:** would extend the expirations date of various state TERP fees from August 31 2019, until the current non-attainment areas come into attainment. (Companion bills are **H.B. 1043** by **Blanco** and **S.B. 531** by **Birdwell**.)

**H.B. 1390 (Bohac) – Municipal Solid Waste Facilities:** would require that: (1) a permit application for a proposed solid waste facility be mailed to the council of governments responsible for the regional solid waste management plan in which the facility is located; (2) the council of governments deliver a letter to TCEQ describing whether a permit application for the facility complies with the regional solid waste management plan; and (2) the TCEQ consider the letter in (2) regarding the permit application for a proposed solid waste facility when determining the compatibility of the facility and facility site with a regional solid waste management plan.

**H.B. 1391 (Bohac) – Solid Waste Facility Inspections:** would provide that: (1) the Texas Commission on Environmental Quality shall inspect a solid waste facility used to store, process, or dispose of solid waste: (a) at least once every two years, (b) for a facility that commits

multiple violations of the same statute or rule in a five-year period, at least quarterly for three years beginning on the date of the last violation; or (c) for a facility that is the subject of three or more complaints in a 30-day period, at least quarterly for 18 months beginning on the date of the last complaint; (2) TCEQ may not give notice to the owner or operator of a facility of an inspection to be performed under (1); and (3) TCEQ shall perform an inspection made in response to a complaint at the same general time of day as the alleged violation is reported to have occurred.

**S.B. 530 (Birdwell) – Water Protection Penalties:** would increase the maximum civil and administrative penalties for violations of laws protecting drinking water public water supplies and bodies of water. (Companion bill **H.B. 1267** by **Wray**.)

**S.B. 531 (Birdwell) – Texas Emissions Reduction Plan:** would extend the expirations date of various state TERP fees from August 31 2019, until the current non-attainment areas come into attainment. (Companion bill is **H.B. 1043** by **Blanco**.)

**S.B. 534 (Birdwell) – Clean Air Act:** would require that, at least 20 days before the date scheduled for a hearing, the Texas Commission on Environmental Quality provide notice of the hearing to adopt a proposed rule to safeguard the state’s air resources from pollution on TCEQ’s website and allow TCEQ to provide notice by other means, including by electronic transmission or newspaper publication.

**S.B. 551 (Kolkhorst) – Solid Waste Facility Permits:** would: (1) require the Texas Commission on Environmental Quality to deny a permit application for a solid waste facility that TCEQ finds to be incomplete or inaccurate, if a previous version was returned as incomplete or inaccurate; and (2) prohibit TCEQ from approving a subsequent application for a solid waste facility at the site that was the subject of the denied permit application.

**S.B. 573 (Miles) – TCEQ Permitting Notice:** would provide that the definition of “affected person” for purposes of a contested case hearing by or for the Texas Commission on Environmental Quality regarding water quality, beneficial land use, new source review (air), municipal solid waste, industrial solid waste, hazardous waste, or underground injection wells permit applications include the state senator and representative who represent the area in which the facility to which the application relates is located or proposed to be located. (Companion bill **H.B. 654** by **Dutton**.)

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