



# Legislative UPDATE

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## **Texas Court of Criminal Appeals: Open Meetings Act Criminal Conspiracy Provision Unconstitutional**

The Texas Court of Criminal Appeals, the state's highest criminal court, has struck down the criminal conspiracy provision in the Texas Open Meetings Act. According to the Court in [\*State of Texas v. Craig Doyal\*](#):

A provision of the Texas Open Meetings Act (TOMA) makes it a crime if a member or group of members of a governmental body “knowingly conspires to circumvent this chapter by meeting in numbers less than a quorum for the purpose of secret deliberations in violation of this chapter.” We conclude that this provision is unconstitutionally vague on its face.

The opinion means, at least for now, that a prosecutor shouldn't seek to indict city officials for discussions with less than a quorum of council outside of a meeting.

In the case, a county judge and two commissioners were indicted for violating the provision when they allegedly engaged in a so-called “walking quorum.” The criminal punishment could have included up to a \$500 fine and six months in jail.

Rather than mount a substantive defense, attorneys for the county officials challenged the underlying statute as an unconstitutional restriction on the officials' First Amendment right to freedom of speech. In a hearing at the trial court, municipal attorneys testified to the criminal

conspiracy provision's vagueness, and city officials testified as to their confusion about who they can talk to and when.

Recognizing the League's "friend of the court" brief, which was filed "to inform the Court how city and county officials desperately need guidance as to what they can and cannot do," the court rejected the attorney general's [prior opinion](#) on the subject. The attorney general's opinion struck down by the court referred to "a daisy chain of members the sum of whom constitute a quorum" or a "walking quorum."

Those terms have been thrown around now for years and have proved alarming to elected officials. The court stated that, "(e)ven if the statute could be limited to a 'daisy chain' of meetings or a 'walking quorum,' there are a number of different ways in which those concepts could be defined, and there is disagreement on whether certain situations qualify."

To further cast doubt on the attorney general's opinion, the court explained in a complex series of hypotheticals that an elected official's job is essentially to communicate with his or her colleagues. That's why the law is a problem:

To pass constitutional muster, a law that imposes criminal liability must be sufficiently clear to: (1) give a person of ordinary intelligence a reasonable opportunity to know what is prohibited; and (2) establish determinate guidelines for law enforcement. Greater specificity is required when First Amendment freedoms are implicated because 'uncertain meanings inevitably lead citizens to steer far wider of the unlawful zone than if the boundaries of the forbidden areas are clearly marked.'

"Steering wide of the unlawful zone" is exactly what city officials have been doing for years. Because municipal attorneys couldn't sufficiently explain what a mayor or city councilmember could discuss with another councilmember outside of a meeting in which a quorum is present, the default, conservative advice was "don't talk about public business outside of a properly-posted open meeting." That default is exactly what the First Amendment is designed to prevent. According to the court, the statute before us is "hopelessly indeterminate" by being too abstract:

A broad view of what constitutes a 'walking quorum' would constrain one-on-one lobbying for votes or even one-on-one discussions...[w]e do not doubt the legislature's power to prevent government officials from using clever tactics to circumvent the purpose and effect of the Texas Open Meetings Act...But the statute before us wholly lacks any specificity...we conclude that § 551.143 is unconstitutionally vague on its face.

A [concurring opinion](#) went even farther. It did not agree that the law is void for being vague, but it found that the law:

'abridg[es] the freedom of speech' in violation of the First Amendment of the United States Constitution. By criminalizing all policy discussions by a quorum of members of a governmental body outside the context of a formal meeting, the statute significantly

infringes on the rights of governmental officials to engage in the free exchange of ideas that are essential to effective governance. The State has not established that this sweeping regulation prohibiting even informal policy discussions outside of a formal meeting is necessary to achieve its interest in maintaining an open and transparent government.

While everyone seems to agree that the government may validly regulate conduct that would amount to secret and/or corrupt decision-making outside the public eye, Section 551.143 goes far beyond that by prohibiting even informal deliberations which might aid governmental officials in learning about issues and perspectives ahead of a formal vote. Because of this, rather than advancing the government's interests in effective government, Section 551.143 arguably undermines the broader purpose of TOMA to ensure effective representation for all citizens.

Further, due to the significant threat of criminal sanctions, Section 551.143 operates to chill even more speech than is already encompassed within the statute's broad scope. Many public officials, out of fear of even just being accused of a TOMA violation, avoid communicating with each other or even being seen together outside of an official meeting. This chilling effect results in a significant infringement upon the rights of public officials to communicate one-on-one regarding policy issues.

Stated plainly, '[t]his shows that criminal penalties, particularly imprisonment, are not necessary to the proper and effective functioning of open meeting laws.'

An appeal by the attorney general to the U.S. Supreme Court is likely. In addition, the legislature is in session and it is a certainty that bills or amendments to address the opinion will be filed.

## **Revenue Cap Bill Heard in House Committee**

The House version of the 2.5 percent property tax revenue cap bill, H.B. 2, received a measured hearing in House Ways and Means Committee on Wednesday. Witnesses were treated respectfully, no witness was badgered to change their position as a condition of being heard, and committee members of all political persuasions asked sincere questions of witnesses about how the bill could be improved. The bill was left pending in committee. All that is the good news, and it is certainly encouraging.

The bad news is that, like the Senate bill, the bill still contains the 2.5 percent cap, which is unworkable for nearly every city. City officials concerned about that figure need to keep the pressure on both their representatives and their senator. The message is not that the bill should die. Now that school tax relief is included in the bill, that's an unreasonable expectation. The message is that there may be a rollback number that works for the majority of cities, but it certainly isn't 2.5 percent.

House committee members were receptive to that message and others in the legislature should be as well.

## **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. If you prefer to simply tell us by phone message or email about your relationship to legislators then JJ will be input your information—don't hesitate to let us know.

## **City Officials Testify**

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take the time to travel to Austin to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during this session. If we missed your testimony let us know by an email to [ford@tml.org](mailto:ford@tml.org), and we'll recognize you in next week's edition.

The following officials testified in recent committee hearings:

- Drew Molly, Senior Assistant Director, City of Houston
- Ginger Nelson, Mayor, City of Amarillo
- Dee Margo, Mayor, City of El Paso
- Harry LaRosiliere, Mayor, City of Plano
- Shona Huffman, Mayor Pro Tem, City of Frisco
- Steve Adler, Mayor, City of Austin
- George Fuller, Mayor, City of McKinney
- Karl Mooney, Mayor, City of College Station
- Suzanne Bellsnyder, City Manager, City of Spearman
- Margo Goodwin, Mayor, City of Highland Park

## **City-Related Bills Filed**

### **Property Tax**

**H.B. 1970 (Hefner) – Property Tax Exemption:** provides that an additional tax imposed on land appraised as qualified open-space land when a change in use of the land occurs is equal to

the difference between the taxes imposed on the land for each of the two years preceding the year in which the change of use occurred.

**H.B. 1977 (Cole) – Property Tax Abatement:** would, prior to the adoption of a property tax abatement agreement, require a taxing unit to prepare a fiscal impact statement that, specifically and in detail, assesses the direct economic impact that a property tax abatement agreement would have on schools, transportation, and public safety in the city or county in which the reinvestment zone would be located under the agreement.

**H.B. 1978 (Harris) – Property Tax Appraisal:** would repeal the additional property taxes imposed as a result of certain changes in the use of agricultural or open-space land.

**H.B. 2008 (Pacheco) – Property Tax Limitation:** would establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **H.J.R. 77**, below.)

**H.B. 2121 (Bailes) – Property Tax Appraisal:** would provide that, in determining the market value of real property, the chief appraiser shall analyze the effect of that value on, and exclude from that value the value of, any improvements used for the noncommercial production of food for personal consumption.

**H.B. 2124 (Bailes) – Property Tax Appraisal:** would provide that: (1) if the chief appraiser discovers that property was omitted from an appraisal roll in one of the two preceding tax years, the chief appraiser shall appraise the property as of January 1 of each tax year that it was omitted and enter the property and its appraised value in the appraisal records; (2) if property was erroneously omitted from the appraisal roll or tax roll for a taxing unit for one of the two preceding tax years, the governing body of the taxing unit may: (a) elect not to collect all or part of the taxes imposed on the property for that tax year or any penalties or interest due on those taxes; and (b) authorize the collector for the taxing unit to enter into a written agreement with the person liable for the taxes, penalties, and interest for payment in installments of all or part of the taxes, penalties, and interest that are due the taxing unit.

**H.B. 2159 (Meyer) – Property Tax Appraisal:** would provide that, at any time prior to the date property taxes become delinquent, a property owner or the chief appraiser may file a motion with the appraisal review board to change the appraisal roll to correct an error, including an error regarding the unequal appraisal or excessive market value of a property, that resulted in an incorrect appraised value for the owner's property.

**H.B. 2160 (Raymond) – Property Tax Appraisal:** would provide that land qualifies for appraisal as qualified open-space land if it: (1) is currently devoted principally to agricultural use to the degree of intensity generally accepted in the area; and (2) was acquired by a person who owns land that is: (a) appraised as qualified open-space land; and (b) adjacent to the land acquired.

**H.B. 2179 (Wray) – Appraisal Review Boards:** would: (1) eliminate the requirement that clear and convincing evidence of repeated bias or misconduct is necessary to remove a member of the

appraisal review board; and (2) for an appraisal district located in a county with a population of 120,000 or more, provide that a communication between a property tax consultant or a property owner or an agent of the property owner and the local administrative district judge regarding removal of an appraisal review board member is not an offense.

**H.B. 2180 (Wray) – Appraisal District:** would provide that an individual is ineligible to serve on an appraisal district board of directors if the individual is or has ever been employed by the appraisal district governed by the board.

**H.B. 2182 (Toth) – Property Tax Appraisal:** would provide that, in determining the market value of real property, the chief appraiser shall analyze the effect on that value of, and exclude from that value the value of, any improvements used for the noncommercial production of food for personal consumption.

**H.B. 2220 (Wray) – Property Tax Appraisal:** would repeal statute providing that if an appraisal district employee testifies as to the value of real property in a certain appeal, the court may give preference to an employee who is a person authorized to perform an appraisal of real estate.

**H.B. 2359 (Sanford) – Property Tax Abatement:** would, among other things, provide that the property subject to a property tax abatement agreement may not be used as a gambling establishment, which includes: (1) a game room; (2) a racetrack; and (3) an establishment that conducts a casino game or a game of chance that involves the making of a bet and in which the outcome may be partially determined by skill or ability.

**H.B. 2395 (Lozano) – Property Tax Appraisal:** would provide that, for purposes of appraising a property, improving the exterior of a replacement structure with higher quality construction and composition than the replaced structure is not considered to be an improvement for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage.

**H.B. 2441 (Wray) – Homestead Exemption:** would authorize an eligible disabled person who is 65 or older to receive both a disabled and an elderly residence homestead exemption in the same year if the person receives the exemptions with respect to taxes levied by different taxing units.

**H.J.R. 77 (Pacheco) – Property Tax Limitation:** would amend the Texas Constitution to establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **H.B. 2008**, above.)

**S.B. 894 (Creighton) – Property Tax Appraisal:** would eliminate the requirement to pay interest related to the additional tax imposed on land appraised for property tax purposes as agricultural, open-space, or timber land if the land is sold or diverted to a different use.

**S.B. 955 (Bettencourt) – Property Tax Challenges:** would eliminate the ability of a taxing unit to challenge before the appraisal review board the level of appraisals of any category of property in the appraisal district or in any territory in the appraisal district.

**S.B. 956 (Bettencourt) – Property Tax Appraisal:** would, among other things, authorize the appraisal review board, on the motion of the chief appraiser or of a property owner, to direct by written order changes in the appraisal roll or related appraisal records under certain circumstances for the current tax year and for either of the two preceding tax years to correct an inaccuracy in the appraised value of the owner’s tangible personal property that is the result of an error or omission in a rendition statement or property report filed for the applicable tax year.

**S.B. 1005 (Bettencourt) – Freeport Property Tax Exemption:** would extend from 175 to 365 the number of days by which Freeport goods must be transported outside the state in order to be exempt from property taxation.

**S.B. 1006 (Bettencourt) – Property Tax Exemption:** would provide that a person is entitled to a property tax exemption for the tangible personal property with a taxable value of less than \$2,500 and that is held or used for the production of income.

**S.B. 1007 (Bettencourt) – Prepayment of Property Taxes:** would, among other things: (1) at the request of a property owner, require the collector for a taxing unit to enter a contract with the property owner under which the property owner deposits money in an escrow account maintained by the collector to provide for the payment of property taxes collected by the collector on any property the person owns; (2) provide that a contract under (1), above, must allow the property owner to make deposits to the escrow account at any time until the earlier of the following occurs: (a) the estimated amount of taxes as provided in the contract accrues in the account; or (b) the tax bill for the property is prepared; (3) require the collector, upon request by a property owner to establish an escrow account, to estimate the amount of taxes to be imposed on the property by the affected taxing units in that year and include that amount in the contract to establish the escrow account; (4) provide that the contract under (1), above, may not require the property owner to comply with a schedule of deposits or prescribe a minimum amount that must be deposited to the escrow account.

**S.B. 1013 (Hughes) – Property Tax Exemption:** would limit the calculation of a penalty that can be assessed against a property owner who files a late application for certain property tax exemptions and allocations to a maximum penalty of 10 percent of the tax imposed with the exemption or allocation.

**S.B. 1046 (Birdwell) – Property Tax Abatement:** would, among other things: (1) extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2029; (2) require the public notice of a meeting at which a city council will consider the approval of a tax abatement agreement with a property owner to contain: (a) the name of the property owner; (b) the name and location of the reinvestment zone in which the property subject to the agreement is located; (c) a general description of the nature of the improvements or repairs included in the agreement; (d) the estimated cost of the improvements or repairs; (e) the estimated date the improvements or repairs will begin; (f) the estimated date the improvements or repairs will be completed; and (g) if the improvements or repairs are necessary for the operation of a business on the property, the estimated date operations will begin; and (3) require the notice of a meeting described in (2), above, to be given in the manner

required by the Texas Open Meetings Act, except that the notice must be provided at least 120 hours before the scheduled time of the meeting.

**S.B. 1072 (Watson) – Homestead Exemption:** would authorize the governing body of a taxing unit that adopts a local option residence homestead exemption to set the minimum dollar amount of the exemption to which an individual is entitled in a tax year to not more than \$25,000.

**S.B. 1079 (Watson) – Property Tax Circuit Breaker Study:** would require the comptroller to conduct a study to examine circuit breaker programs as a means of expanding and protecting the homestead interests of low-income and moderate-income families.

**S.B. 1086 (Seliger) – Appraisal Cap:** would reduce the property tax appraisal cap on homesteads from ten to five percent, and apply the new appraisal cap to all real property. (See **S.J.R. 46**, below.)

**S.J.R. 43 (Bettencourt) – Freeport Property Tax Exemption:** would amend the Texas Constitution to extend from 175 to 365 the number of days by which Freeport goods must be transported outside the state in order to be exempt from property taxation.

**S.J.R. 44 (Watson) – Homestead Exemption:** would amend the Texas Constitution to authorize the governing body of a taxing unit that adopts a local option residence homestead exemption to set the minimum dollar amount of the exemption to which an individual is entitled in a tax year at a dollar amount greater than \$5,000.

**S.J.R. 46 (Seliger) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **S.B. 1086**, above.)

**S.J.R. 47 (Campbell) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to provide for a property tax exemption of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty. (See **S.B. 196**.)

## **Sales Tax**

**H.B. 1525 (Burrows) – Marketplace Providers:** would, among other things: (1) define a “marketplace” as a physical or electronic medium through which persons other than the owner or operator of the medium make sales of taxable items, including a store, Internet website, software application, or catalog; (2) provide that a marketplace provider has the rights and duties of a seller or retailer for sales and use tax purposes; and (3) provide that a sale of a taxable item made by a marketplace seller through a marketplace is consummated at the location in the state to which the item is shipped or delivered or at which possession is taken by the purchaser. (Companion is **S.B. 890** by Nelson.)

**H.B. 1965 (S. Thompson) – Sales Tax Exemption:** would exempt touring theatrical productions from sales and use taxes as amusement services if provided by an entity that has entered into a specific contract with certain nonprofit or charitable organizations.

**H.B. 2066 (Bohac) – Sales Tax Exemption:** would exempt from sales taxes goods and services related to the repair, remodeling, and maintenance of aircraft.

**H.B. 2115 (Rosenthal) – Sales Tax Exemption:** would exempt firearm safety equipment from sales taxes. (Companion is **S.B. 203** by **Huffman**.)

**H.B. 2153 (Burrows) – Local Sales and Use Taxes on Remote Sales:** would, in relation to the collection of sales taxes on remote sales:

1. provide that a remote seller required to collect and remit local use taxes in connection with a sale of a taxable item compute the amount to collect and remit using either: (a) the combined rate of all applicable local use taxes; or (b) the single local use tax rate;
2. require a remote seller that elects to use the single local use tax rate to notify the comptroller of the election before using the rate;
3. provide that the single local use tax rate effective in a calendar year is equal to the estimated average rate of local sales and use taxes imposed in the state during the preceding state fiscal year;
4. before the beginning of a calendar year, require the comptroller to publish in the Texas Register notice of the single local use tax rate that will be in effect for that calendar year;
5. as soon as practicable after the end of a state fiscal year, require the comptroller to determine the estimated average rate of local sales and use taxes imposed in this state during the preceding state fiscal year by: (a) dividing the total amount of net local sales and use taxes remitted to the comptroller during the preceding state fiscal year by the total amount of net state sales and use taxes remitted to the comptroller during that same state fiscal year; (b) multiplying the amount in (a) by the rate provided by the state sales tax rate (6.25); and (c) rounding the amount computed under (b) to the nearest .0025;
6. authorize a purchaser to apply for a refund of any amount by which the amount of use tax computed using the single local use tax rate and paid by the purchaser exceeds the amount the purchaser would have paid if that tax had been computed using the rate described by (1)(a), above;
7. provide that a person storing, using, or consuming a taxable item in this state purchased from a remote seller is not liable for any additional amount of local use tax if the remote seller elects to use the single local use tax rate and the person pays to the remote seller the amount of local use tax computed on the purchase using the single local use tax rate;
8. require the comptroller to administer, collect, and enforce local use taxes computed using the single local use tax rate;
9. require the comptroller to deposit revenue remitted to the comptroller from taxes computed using the single local use tax rate in the state treasury to be held in trust for the benefit of eligible taxing units;
10. provide that a local taxing unit is an eligible taxing unit if it has adopted a sales and use tax;

11. require, on a monthly basis, the comptroller to transmit to each eligible taxing unit's treasurer (or the officer performing the functions of that office) the taxing unit's share of money held in trust together with the pro rata share of any penalty or interest on delinquent taxes computed using the single local use tax rate that may be collected;
12. authorize the comptroller to deduct two percent of each taxing unit's share as a charge by the state for the administration of the tax and deposit that amount in the state treasury to the credit of the comptroller's operating fund;
13. require the comptroller to retain a portion of each eligible taxing unit's share of money held in trust by the comptroller, not to exceed five percent of the amount eligible to be transmitted to the taxing unit, to make refunds for overpayments of taxes computed using the single local use tax rate, make refunds to purchasers pursuant to (6), above, and to redeem dishonored checks and drafts deposited under (9), above;
14. require the comptroller to compute for each calendar month the percentage of total sales and use tax allocations to each taxing unit under current allocation laws and rules;
15. require the comptroller to determine each eligible taxing unit's share of the new money held in trust from deposits for a given month by applying the percentage computed for the eligible taxing unit under current laws and rules to the total amount held in trust from deposits for that month; and
16. authorize the comptroller to combine an eligible taxing unit's share of the money held in trust under (9), above, with other money held for that taxing unit.

**H.B. 2358 (Guillen) – Marketplace Providers:** would, among other things: (1) define a “marketplace” as a physical or electronic medium through which persons other than the owner or operator of the medium make sales of taxable items, including a store, Internet website, software application, or catalog; (2) provide that a marketplace provider has the rights and duties of a seller or retailer for sales and use tax purposes; (3) provide that a retailer may directly or indirectly advertise, hold out, or state to a customer or to the public that the retailer will pay the tax for the customer if: (a) the retailer indicates in the advertisement, holding out, or statement that the retailer is paying the tax for the customer; (b) the retailer does not indicate or imply in the advertisement, holding out, or statement that the sale is exempt or excluded from taxation; and (c) any purchaser's receipt or other statement given to the customer listing the sales price paid or to be paid by the customer separately states the amount of the tax and indicates the tax will be paid by the retailer; (4) provide that a retailer who directly or indirectly advertises, holds out, or states to a customer or to the public that the retailer will pay the tax for the customer is liable for the tax; and (5) provide that a sale of a taxable item made by a marketplace seller through a marketplace is consummated at the location in the state to which the item is shipped or delivered or at which possession is taken by the purchaser.

### **Purchasing**

**H.B. 1953 (E. Thompson) – Gasification and Pyrolysis:** would: (1) prevent the Texas Commission on Environmental Quality from considering post-use polymers and recoverable feedstocks as solid waste if they are converted using pyrolysis or gasification into valuable raw, intermediate and final products; and (2) treat products created from pyrolysis and gasification

processes as recycled materials, thus requiring cities to give preference to purchasing products made from pyrolysis and gasification.

**H.B. 2135 (Shine) – Public Works Contracts Retainage:** would provide that

1. “beneficial use” means, following completion of all or a portion of work under a public works contract, the ability of a governmental entity to place a public works project that is the subject of the contract into operation for the project’s intended purpose;
2. “warranty period” means the period of time specified in a contract during which certain terms applicable to the warranting of work performed under the contract are in effect;
3. a governmental entity shall: (a) include in each public works contract a provision that establishes the circumstances under which a public works project, including a civil works project, is considered substantially complete, and for a civil works project, the circumstances under which the governmental entity has beneficial use of the project; (b) deposit in an interest-bearing account the retainage of a periodic contract payment of a public works contract; and (c) pay the retainage remaining in the account, including any interest earned on the retainage, to the prime contractor on completion of the contract;
4. if the total value of a public works contract is \$1 million or more, a governmental entity may not withhold retainage in an amount that exceeds: (a) the greater of five percent of the contract price or the established rate of retainage for materials and equipment that are delivered on-site to be installed; and (b) if the public works contract is for a civil works project, two percent of the contract price, excluding interest earned on the retainage, after the governmental entity has beneficial use of the project;
5. a governmental entity may not withhold retainage: (a) after completion of the contract by the prime contractor, including during the warranty period; or (b) for the purpose of requiring the prime contractor, after completion of the contract, to perform work on manufactured goods or systems that were specified by the designer of record and properly installed by the contractor;
6. on application to a governmental entity for final payment and release of retainage, the governmental entity may withhold retainage if there is a bona fide dispute between the governmental entity and the prime contractor and the reason for the dispute is that labor, services, or materials provided by the prime contractor or the prime contractor’s subcontractors were not provided in compliance with the contract;
7. the prime contractor is entitled to: (a) cure the noncompliance of the labor, services, or materials that are the subject of the dispute; or (b) offer the governmental entity a reasonable amount of money as compensation for the noncompliant labor, services, or materials that cannot be promptly cured; and
8. the bill does not prohibit a governmental entity from releasing portions of retainage for substantially complete or fully completed portions of work under a public works contract.

**H.B. 2268 (S. Thompson) – Construction Contracts:** would provide that: (1) a provision in a construction contract between an original contractor and owner that incorporates the terms and conditions of another document, by reference or otherwise, is voidable by the original contractor if the owner does not provide a copy of the incorporated document to the original contractor before the contract is executed; (2) the bill does not preclude the owner from redacting information from a document to be incorporated into the contract, provided that any redacted

information may not be incorporated into the contract by reference or otherwise; (3) the bill does not apply to the incorporation of a publicly available document.

**S.B. 922 (West) – Interior Design Services:** would add the procurement of interior design services to the Professional Procurement Services Act.

## **Elections**

**H.B. 1950 (Zwiener) – Voter Identification:** would provide that an identification card issued by a public institution of higher education in the state that contains the person's photograph is an acceptable form of identification for voting.

**H.B. 2045 (E. Thompson) – Early Voting by Mail:** would, among other things: (1) authorize the following individuals to apply to the early voting clerk for an application for early voting by mail on the grounds of employment hardship: (a) a voter in an occupation that causes the voter to be working periodically offshore; (b) a truck driver whose routes routinely take the voter more than 200 miles from the voter's residence; (c) a voter in an occupation that may require the voter to be overseas on election day but who is not eligible to vote by federal postcard application; or (d) a permanent caretaker of a person who has a disability and the voter's presence is necessary to protect the life or safety of the person with a disability and will prevent the caretaker from appearing at the polling place on election day; (2) provide that the application must be submitted to the early voting clerk not later than the 60<sup>th</sup> day before election day for the applicant to be eligible to vote early by mail on the grounds of employment hardship; and (3) provide that, upon the submission of an application, the early voting clerk shall review the application and verify the applicant's registration status in accordance with the procedure applicable to early voting by mail.

**H.B. 2075 (Neave) – Ballot Preparation:** would provide that: (1) a candidate's name shall be printed on the ballot with the given name or initials first, followed by a nickname, if any, followed by the surname, including any married name; and (2) a person may use any surname acquired by law or marriage.

**H.B. 2106 (Pacheco) – Polling Places:** would prohibit electioneering, loitering, wearing certain badges and insignia, and posting campaign materials within 300 feet of a polling place (the current distance is 100 feet).

**H.B. 2117 (Martinez-Fischer) – Early Voting by Mail:** would repeal the requirement that, in order for an application for ballot by mail submitted by telephonic facsimile machine or electronic transmission to be effective, the application also must be submitted by mail and be received by the early voting clerk not later than the fourth business day after the transmission by fax or electronic transmission is received.

**H.B. 2118 (Pacheco) – Final Convictions:** would provide that, to be eligible for, or elected or appointed to, a public elective office, the person must not have been finally convicted, unless pardoned otherwise released from the resulting disabilities, of a felony or Class A or B

misdemeanor in the five years immediately preceding certain dates depending on the type of candidate.

**H.B. 2142 (Meza) – Countywide Polling Place:** would authorize the secretary of state to select any county to participate in the countywide polling place program.

**H.B. 2274 (Zweiner) – Ballots Voted by Mail:** would change the period during which certain voters receive ballots to be voted mail to include each election that occurs before the earlier of: (1) the end of the next even-numbered calendar year in which a gubernatorial general election is held following the calendar year in which the application was submitted; (2) the date the clerk receives notice from the voter registrar that the voter has changed residence to another county; or (3) the date the voter’s registration is canceled.

**H.B. 2276 (Zweiner) – Early Voting:** would delete the prohibition against amending the schedule of early voting polling places to add temporary branch locations less than five days before voting is scheduled to begin.

**H.B. 2297 (Israel) – Voter Registration:** would: (1) require the Department of Public Safety to provide an opportunity to complete a voter registration application to each person who applies online at the department’s website for an original or renewal of a driver’s license, a personal identification card, or a duplicate or corrected license or card; and (2) provide that a change of address that relates to a license or card and that is submitted to the department online at the department’s website serves as a change of address for voter registration, unless the licensee or cardholder indicates that the change is not for voter registration purposes.

**H.B. 2411 (Hinojosa) – Early Voting by Mail:** would, among other things: (1) require an officially-prescribed application form for an early voting ballot to include a space for the voter to provide a change of residence address within the county, if applicable; (2) provide that, if an application for an early voting ballot includes a change of address within the county, the early voting clerk must notify the voter registrar of the change and the registrar shall update the voter’s registration accordingly; (3) provide that an early voting clerk is not required to provide a form for a statement of residence to a voter who indicated a change of address within the county on the voter’s application for an early voting ballot to be voted by mail; and (4) provide that, for certain defective early voting ballots voted by mail, that the signature verification committee or early voting ballot board may: (a) return the carrier envelope to the voter by mail, if the signature verification committee determines that it would be possible to correct the defect and return the carrier envelope before the time the polls are required to close on election day; or (b) notify the voter of the defect by telephone or e-mail and inform the voter that the voter may come to the early voting clerk’s office in person to: (i) correct the defect; or (ii) request to have the voter’s application to vote by mail cancelled.

**H.B. 2412 (Hinojosa) – Early Voting by Mail:** would provide that a person who is a permanent caretaker of a person who has a disability may apply to the early voting clerk to participate in early voting by mail.

**H.B. 2429 (Reynolds) – Racially Polarized Voting:** would provide that: (1) the methodologies for estimating group voting behavior as approved in applicable federal cases to enforce the federal Voting Rights Act to establish racially polarized voting may be used to provide that elections are characterized by racially polarized voting; (2) if it is shown that racially polarized voting occurs in elections for members of the governing body of a political subdivision, a method of election may not be imposed or applied in a manner that impairs the ability of a protected class of voters to elect candidates of their choice or ability to influence the outcome of an election; (3) the following factors are probative to establish the existence of racially polarized voting: (a) elections conducted before the filing of an action that alleges the existence of racially polarized voting; (b) examination of results of elections in which at least one candidate is a member of a protected class or other electoral choices that affect the rights and privileges of members of a protected; (c) the extent to which candidates who are members of a protected class, as determined by an analysis of voting behavior, have been elected to the governing body of a political subdivision that is the subject of an action based on racial polarization; (d) in a multi-seat at-large election districts, where the number of candidates who are members of a protected class is lower than the number of seats available, the relative class-wide support received by candidates from members of a protected class shall be the basis for the racial polarization analysis; and (e) other factors, such as the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of a method of election, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, and the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health that hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns; (4) upon a finding of a violation, a court shall implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy the violation; and (5) a member of a protected class who resides in a political subdivision where a violation is alleged may bring a civil action to enforce the bill.

**S.B. 953 (Fallon) – Voter Registration Cancellation:** would, among other things: (1) provide that a voter registrar shall cancel a voter’s registration immediately upon receipt of: (a) a list compiled by the Secretary of State or a court clerk of persons who are deceased or excused or disqualified from jury service because of citizenship status that includes the voter; or (b) other notice from a governmental agency that the voter has acknowledged that the voter is not a citizen of the United States; (2) repeal the current law that requires a voter registrar who receives a list described in (1)(a) to deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the registrar proof of United States citizenship within 30 days after the date the notice is mailed; and (3) require a court clerk to also provide a list of the name and address of each person who is excused or disqualified from jury duty because the person is not a citizen of the United States to the county official responsible for administering elections.

**S.B. 954 (Fallon) – Uniform Election Date:** would, among other things: (1) eliminate the May uniform election date; (2) establish one uniform election date on the first Tuesday after the first Monday in November; (3) require an election for the issuance of bonds by a political subdivision to be held on the uniform election date; (4) require the governing body of a political subdivision that currently holds its general election for officers on the May uniform election date to change

the date on which it holds its general election for officers to the November uniform election date not later than December 31, 2019; and (5) require joint elections when 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.

**S.B. 960 (Bettencourt) – Voter Registration Cancellation:** would, among other things: (1) provide that a voter registrar shall cancel a voter’s registration immediately upon receipt of: (a) a list compiled by the Secretary of State or a court clerk of persons that are deceased or excused or disqualified from jury service because of citizenship status that includes the voter; or (b) other notice from a governmental agency that the voter has acknowledged that the voter is not a citizen of the United States; (2) provide that a voter registrar who intentionally fails to cancel a voter registration as described in (1)(a), above: (a) is subject to a penalty in an amount of: (i) not less than \$1,000 and not more than \$1,500 for the first violation; and (ii) not less than \$25,000 for each subsequent violation; (b) loses sovereign and governmental immunity to suit to the extent any liability is created; (c) is subject to removal from office by a court; and (d) commits a Class A misdemeanor; (3) provide that a county elections administrator who violates the provisions of (1)(a), above, shall be terminated from employment; (4) require the Secretary of State to also provide the compiled list described in (1)(a), above, to the attorney general; (5) require a court clerk to also provide a list of the name and address of each person who is excused or disqualified from jury service because the person is not a citizen of the United States to the county official responsible for administering elections; and (6) repeal current law that requires a voter registrar who receives the list described in (1)(a), above, to deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the registrar proof of United States citizenship within 30 days after the date the notice is mailed.

**S.B. 1026 (Bettencourt) – Bond Elections:** would provide that: (1) an election for the approval of the issuance of bonds or other debt shall be held on the November uniform election date; and (2) an emergency election declared by the governor at which a proposition for approval of the issuance of bonds or other debt shall be held on any uniform election date.

**S.B. 1048 (Fallon) – School District Elections:** would require an independent school district to hold elections on the November uniform election date.

**S.B. 1053 (Menéndez) – Voter Registration:** would provide for automatic voter registration on issuance of a driver’s license or identification card by the Texas Department of Public Safety.

**S.B. 1090 (Campbell) – Bond Elections:** would provide that an election held by a political subdivision to authorize the issuance of bonds does not authorize the issuance of the bonds unless at least two-thirds of the voters voting in the election vote in favor of authorizing the issuance of bonds.

## Open Government

**H.B. 2189 (Capriglione) – Public Information Act/Contract Information:** this bill would make numerous changes to the way bidding and contracting information held by a third party would be subject to the Public Information Act (PIA). Specifically, it would:

1. define “contracting information” to mean: (a) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body; (b) solicitation or bid documents; (c) communications sent between a governmental body and a vendor or contractor, or potential vendor or contractor, during the solicitation, evaluation, or negotiation of a contract; (d) documents, including bid tabulations, showing the criteria by which a governmental body evaluates each vendor or contractor responding to a solicitation and, if applicable, an explanation of why the vendor or contractor was selected; and (e) communications and other information sent between a governmental body and a vendor or contractor related to the performance of a final contract or work performed on behalf of the governmental body;
2. amend the current exception in the PIA relating to information about competitive bidding to provide that information is excepted from required disclosure if a governmental body demonstrates that release of the information would harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the governmental body establishes the situation at issue is of a recurring nature or there is a specific and demonstrable intent to enter into the competitive situation again in the future;
3. provide that contracting information is public and must be released, unless specially excepted from disclosure under the bill or another provision of the PIA;
4. provide that contracting information is excepted from required disclosure if the vendor or contractor or potential vendor or contractor to whom the information relates demonstrates that disclosure of the information would: (a) reveal an individual approach to work, organizational structure, staffing, line-item pricing, pricing information that will be used in future solicitation or bid documents, or internal operations; and (b) cause competitive harm to the vendor or contractor or potential vendor or contractor if released;
5. provide that the exception to disclosure provided by (4), above, does not apply to contracting information related to: (a) certain state contracts described by the bill; (b) the following contract or offer terms or their functional equivalent: (i) the overall or total price, overall or total value, maximum liability, or other contract term that describes the total consideration the governmental body will or could potentially pay; (ii) a description of the items or services to be delivered; (iii) the delivery and service deadlines; (iv) the remedies for breach of contract; (v) the identity of all parties to the contract; (vi) the identity of all subcontractors; (vii) the vendor or contractor or potential vendor or contractor affiliate overall or total pricing; (viii) the execution dates; (ix) the effective dates; and (ix) the contract duration terms; or (c) information indicating whether a vendor or contractor or potential vendor or contractor performed its duties under a contract, including information regarding: (i) a breach of contract; (ii) a contract variance; (iii) a remedial action; (iv) an amendment to a contract; (v) any assessed or paid liquidated damages; (vi) a key measures report; (vii) a progress report; and (viii) a final payment checklist;

6. the exception to disclosure provided by (4), above, may be asserted only by a vendor or contractor by making arguments directly to the attorney general in the manner prescribed by current law for the purpose of protecting the vendor or contractor's interests; and
7. a governmental body shall decline to release information to the extent necessary to allow a vendor or contractor to assert the exception to disclosure provided by (4), above.

Further, the bill would provide that:

1. The following entities, among others, are subject to new requirements in the bill: (a) an entity that receives at least \$1 million in public funds in the current or preceding state fiscal year under one or more contracts with the Health and Human Services Commission to manage or provide health care services in the state; (b) an entity that receives public funds in the current or preceding state fiscal year to manage the daily operations or restoration of the Alamo; (c) an entity that receives at least \$1 million in public funds in the current or preceding state fiscal year and those public funds account for at least 51 percent of the entity's income for the applicable current or preceding state fiscal year; (d) an entity that maintains cash or cash equivalents received from a state agency or a political subdivision with which the entity contracts and those public funds constitute at least 51 percent of the entity's net assets; and (e) an economic development entity whose mission or purpose is to develop and promote the economic growth of a state agency or political subdivision with which the entity contracts and that receives public funds from the state agency or political subdivision and that: (i) requires an officer of the state agency or political subdivision to hold office as a member of the board of directors of the entity; (ii) uses staff or office space of the state agency or political subdivision that is not available to the public without charge; (iii) does not track the entity's receipt and expenditure of public funds separately from the entity's receipt and expenditure of private funds; or (iv) does not provide at least quarterly public reports to the state agency or political subdivision regarding work performed on behalf of the state agency or political subdivision;
2. an entity to which the bill applies is subject to the PIA in the same manner as a governmental body for the limited purpose of the disclosure of contracting information related to a contract with a governmental entity that is in the possession or custody of the entity;
3. an entity to which the bill applies may designate on its website one mailing address and one email address for receiving written requests for public information and, if it does so is not required to respond to a written request for public information that is not received at one of those addresses; and
4. an entity that does not make the designations described by (3), above, must respond to a written request for public information received by the entity at: (a) any valid mailing address of the entity; or (b) the email address of the chief administrative officer of the entity.

The bill would also provide that an entity not described by (1) in the section above is subject to the following new requirements if it executes a contract with a governmental body for the purchase of goods or services with a value of at least \$1 million in public funds and receives a

request for information for contracting information related to the contract that is in the custody or possession of the entity and not maintained by the governmental body:

1. a governmental body that receives a written request for information described by (1), above, shall request that the entity provide the information to the governmental body;
2. the governmental body must send the request in writing to the entity not later than the third business day after the date the governmental body receives the written request;
3. a request for an attorney general's decision is considered timely if made not later than the 13<sup>th</sup> business day after the date the governmental body receives the written request;
4. the statement and copy is considered timely if provided to the requestor not later than the 13<sup>th</sup> business day after the date the governmental body receives the written request;
5. a submission is considered timely if submitted to the attorney general not later than the 18<sup>th</sup> business day after the date the governmental body receives the written request; and
6. a copy is considered timely if sent to the requestor not later than the 18<sup>th</sup> business day after the date the governmental body receives the written request.

Finally, the bill would provide that:

1. a contract with an entity described in (1) in the second section above: (a) must include a provision that outlines the responsibilities of the contracting entity; (b) must include contact information for the office of the attorney general; and (c) may not include a provision that has the effect of limiting a requirement imposed on the contracting entity by the bill;
2. a contract with an entity described in (1) in the second section above must require a contracting entity to: (a) preserve all contracting information related to the contract for the duration of the contract; (b) promptly produce any contracting information related to the contract that is in the custody or possession of the entity on request of the governmental body; and (c) on completion of the contract, either: (i) provide at no cost to the governmental body all contracting information related to the contract that is in the custody or possession of the entity; or (ii) preserve the contracting information related to the contract as provided by the records retention requirements applicable to the governmental body;
3. a contract with an entity described in (1) in the second section above or (1) in the third section above must include the following statement: "The contractor or vendor certifies that the individual or business entity named in this (include "bid" or "contract" as applicable) is in compliance with the requirements of Subchapter J, Chapter 552, Government Code, that are applicable to the contractor or vendor and agrees that the contract can be terminated if the contractor or vendor fails to comply with a requirement of that subchapter;"
4. a governmental body may not accept a bid for a contract or award a contract with an entity described in (1) in the second section above or (1) in the third section above if the governmental body has determined that the entity has knowingly or intentionally failed to comply with the bill in a previous bid or contract;
5. a governmental entity that is the party to a contract with an entity described in (1) in the second section above or (1) in the third section above shall provide notice to the entity

that is a party to the contract if the entity fails to comply with a requirement of the bill applicable to the entity;

6. the notice in (5) must: (1) be in writing; (2) state the requirement of the bill that the entity has violated; and (3) advise the entity that the governmental body may terminate the contract without further obligation to the entity if the entity does not cure the violation on or before the third business day after the date the governmental entity provides the notice;
7. a governmental body may terminate a contract described by Section 552.371 or 552.372 if: (a) the governmental body provides notice under (5) to the entity that is party to the contract; (b) the contracting entity does not cure the violation in the proper period; (c) the governmental body determines that the contracting entity has intentionally or knowingly failed to comply with a requirement of this subchapter; and (f) the governmental body determines that the entity has not taken adequate steps to ensure future compliance with the requirements of the bill; and
8. for the purpose of (7), an entity has taken adequate steps to ensure future compliance with the bill if: (a) the entity produces contracting information requested by the governmental body that is in the custody or possession of the entity not later than the third business day after the date the governmental body makes the request; and (b) the entity establishes a records management program to enable the entity to comply with the bill.

With regard to enforcement, the bill does not create a cause of action to contest a bid for or the award of a state contract, but a requestor may file suit for a writ of mandamus compelling a governmental body or an entity to comply with the requirements of the bill.

**H.B. 2191 (Capriglione) – Public Information:** would: (1) define “temporary custodian” to mean an officer or employee, including a former officer or employee, of a governmental body who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information of the governmental body or the officer’s agent; (2) require current and former officers or employees of a governmental body who maintains public information on a privately owned device to either: (a) forward or transfer the public information to the governmental body or to the governmental body’s server to be preserved in accordance with record retention laws; or (b) preserve the public information in its original form on the privately owned device for the required time in accordance with record retention laws; (3) require record retention laws to apply to records and public information held by a temporary custodian; (4) create an exception under the Public Information Act (PIA) concerning certain healthcare information and make the information confidential; (5) require the public information officer to make reasonable effort to obtain public information from temporary custodian if: (a) the information has been requested in a PIA request; (b) the officer is aware of facts sufficient to warrant a reasonable belief the temporary custodian is in possession, custody, or control of the information; (c) the officer is unable to comply with a request without obtaining the information from the temporary custodian; and (d) the temporary custodian has not provided the information to the officer; (5) provide that a current or former officer or employee does not have a personal or property right to public information the officer or employee created or received while acting in an official capacity, and must surrender the information not later than the 10<sup>th</sup> day after the date the officer for public information requests the information be returned or surrendered; (6) provide that the failure of the temporary custodian to surrender or return public information is grounds for disciplinary action by the governmental body or any other

applicable penalties provide by the PIA or other law; (7) change the date a PIA request is considered received to the date the temporary custodian surrenders or returns the information to the governmental body; (8) allow a governmental body to designate one email address and one mailing address for receiving PIA requests; (9) require the governmental body to provide the designated email address or mailing address to an inquiry regarding the procedure to request public information; (10) provide that a governmental body that posts the designated email and mailing address to the governmental body's website is not required to respond to a PIA request that is not received at the designated addresses; (11) require the attorney general's office to create, by October 1, 2019, a public information request form that provides a requestor the option of excluding from a request information that the governmental body determines is: (a) confidential; or (b) subject to an exception to disclosure that the governmental body would assert if the information were subject to the request; (12) require governmental body to post the attorney general PIA form on its website if the governmental body: (a) allows requestors to use the attorney general PIA form; and (b) maintains a website; and (13) provide that a PIA request received to the designated email address or mailing address is considered a written request for purpose of requesting an attorney general open records ruling. (Companion bill is **S.B. 944** by **Watson**.)

**H.B. 2192 (Capriglione) – Public Information:** would provide that, in Public Information Act civil enforcement actions, the court may not assess costs of litigation or reasonable attorney's fees incurred by a plaintiff or defendant who substantially prevails, unless the court finds the action or the defense of the action was groundless in fact or law. (Companion bill is **S.B. 988** by **Watson**.)

**S.B. 973 (Birdwell) – Body Worn Camera Recordings:** would: (1) allow a law enforcement agency to permit a person who is depicted in a body worn camera recording that documents the use of deadly force by a peace officer or otherwise related to an administrative or criminal investigation of an officer, or if the person is deceased, the person's authorizes representative, to view the recording, provided that the law enforcement agency determines that the viewing furthers a law enforcement purpose and the representative was not a witness to the incident; (2) require a law enforcement agency that allows the viewing to allow a viewing of the full and unedited recording covering the duration of the incident and to not redact the recording; and (3) prohibit the person viewing the recording from duplicating the recording or capturing video or audio from the recording.

### **Other Finance and Administration**

**H.B. 1929 (Noble) – Abortion:** would provide that a governmental entity may not enter into a transaction to give any thing of value to an abortion facility licensed by the state, except for basic governmental services such as police and fire services.

**H.B. 1931 (Kacal) – Liability for Veterinary Aid:** would provide that: (1) a certified veterinary assistant, licensed veterinary technician, or veterinarian who in good faith and as a volunteer provides medical assistance to an injured animal is immune from civil liability for an act or omission that occurs in providing that medical assistance if the act: (a) is in response to an

incident that is a man-made or natural disaster that injures, endangers, or threatens to endanger the animal; (b) at the request of the owner or an authorized representative of a local, state, or federal agency; and (c) within the scope of veterinary care as defined in state law; and (2) the bill does not apply to an act or omission that is grossly negligent or to intentional misconduct.

**H.B. 1957 (Dutton) – Contracts:** would provide that: (1) to the extent a term or condition of a contract is in conflict with a law of this state, the law of this state controls; and (2) section (1) may not be construed to authorize the impairment of any contract in violation of the Texas Constitution or the United States Constitution.

**H.B. 1960 (Price) – Governor’s Broadband Council:** would provide: (1) for the creation of the governor’s broadband council; and (2) that the council include, among others, one city official who serves in an elected office of a city with a population of less than 20,000 located in a county with a population of less than 60,000.

**H.B. 1962 (Lambert) – Records Retention:** would: (1) continue the functions of the Texas State Library and Archives Commission (TSLAC) until September 1, 2031; (2) repeal various state laws that require TSLAC involvement in city record retention compliance forms and schedules, including removing the requirement that: (a) the city’s records management officer get authorization from TSLAC to destroy certain records; (b) an amended ordinance regarding the city’s records management program be filed with TSLAC; and (c) the city’s records management officer file certain record retention information with TSLAC; (3) provide that a local government record may be destroyed if: (a) the record is listed on a valid records control schedule and the retention period has expired or the record has been microfilmed or stored electronically; (b) the record appears on a list of obsolete records; or (c) the record is not listed on a record retention schedule issued by TSLAC; and (4) allow the destruction of a source document for electronically stored record data in certain circumstances. (Companion bill is **S.B. 618** by **Hall**.)

**H.B. 2009 (Wilson) – Farmers’ Markets:** would provide that a temporary food establishment permit or permit issued by a public health district to a farmers’ market must be valid for a term of not less than one year, may impose an annual fee not to exceed \$100, and must cover sales at all locations within the jurisdiction of the permitting authority.

**H.B. 2101 (Carpiglione) – Re-Roofing Contractor Registration:** would provide for state regulation of re-roofing contractors. Of interest to cities, the bill would provide that: (1) its requirements do not apply to an authorized employee or representative of the United States government, this state, or a county, municipality, or other political subdivision of this state acting in an official capacity; and (2) a registered re-roofing contractor shall comply with each applicable: (a) building code adopted by this state or a political subdivision of this state; and (b) order, ordinance, or rule of a political subdivision relating to the issuance of a permit for or the performance of a re-roofing project in the political subdivision. (Companion bill is **S.B. 1168** by **Zaffirini**.)

**H.B. 2107 (Capriglione) – Food Regulation:** would require a city to: (1) provide a response to a request for written information pertaining to the regulation of food not later than the 30th day

after receipt of the request (unless prohibited by law); (2) provide an official written determination in regard to a request about the applicability of a food regulation or compliance with a food regulation not later than the 30th day after receipt of a written request; and (3) provide that a determination in (2) is valid until the regulation is amended by statute, rule, or regulation.

**H.B. 2108 (E. Rodriguez) – Cottage Food Production:** would: (1) add certain foods to the definition of cottage food production operations; (2) require certain labeling on honey and other products; (3) allow cottage food production operations to sell food through the Internet or by mail order in some circumstances; and (4) impose requirements on the sale of fermented products, acidified canned goods, and other foods produced by cottage food productions.

**H.B. 2125 (Burns) – Groundwater Conservation Districts:** would provide that a court may allow a groundwater conservation district to recover attorney’s fees and costs not to exceed \$100,000 in certain lawsuits.

**H.B. 2154 (Landgraf) – GROW Fund:** would: (1) create the generate recurring oil wealth for Texas (GROW) fund and allocate certain amounts from the state’s oil and gas tax to the fund; (2) provide that the legislature may appropriate money from the fund to the Department of Transportation for use in areas of the state from which oil and gas are produced to alleviate degradation of infrastructure; (3) provide that the legislature may appropriate money from the fund to the Department of Public Safety for use in areas of the state from which oil and gas are produced to prevent gang activity and human trafficking; and (4) authorize the comptroller by rule to establish a grant program to provide financial assistance to political subdivisions located in areas of this state affected by increased oil and gas production, prioritizing grants for first responder, emergency services, educational, and workforce preparedness needs. (See **H.J.R. 82**, below.)

**H.B. 2162 (Cole) – Unused and Underused Facilities:** would: (1) define “governmental entity” to include the state, a county, a city, or a school district; and (2) require the comptroller of public accounts to conduct a study to assess the availability and suitability of existing unused and underused public facilities for joint use by two governmental entities.

**H.B. 2267 (Rodriguez) – Emergency Services Districts:** would require a city to factor in sales tax revenue to the amount that must be paid to an emergency services district when the city seeks to remove territory from the district.

**H.B. 2273 (Guillen) – Cottage Food Production:** would add pickled fruits or vegetables and dried meat to the definition of “cottage food production operation.”

**H.B. 2289 (Ortega) – Amusement Rides:** would: (1) transfer the regulation of amusement rides from the Texas Department of Insurance to the Texas Department of Licensing and Regulation (TDLR); and (2) expand the authority of TDLR’s executive director to bring enforcement actions against and prohibit the operation of amusement rides.

**H.B. 2347 (Noble) – Animal Microchips:** would require an animal shelter or releasing agency to scan an animal placed in its custody as soon as practicable to determine whether a microchip is implanted in the animal.

**H.B. 2402 (Geren) – Major Events Reimbursement Program:** would add a National Reined Cow Horse Association Celebration of Champions, a National Reined Cow Horse Association Hackamore Classic, and a National Reined Cow Horse Association Snaffle Bit Futurity to the list of events eligible for funding under the Major Events Reimbursement Program.

**H.B. 2418 (Nevarez) – State-Owned Real Property:** would provide that: (1) the commissioner of the General Land Office or the commissioner’s designee shall respond in writing to a written request by political subdivision or state agency for approval of the use of real property owned by the state that is administered by the land office; and (2) a written response made under (1) must provide a reason for the denial if the request is denied.

**H.J.R. 78 (Beckley) – Casino Gambling:** would amend the Texas Constitution to allow up to six casinos in this state in six enumerated counties.

**H.J.R. 82 (Craddick) – GROW Fund:** would amend the Texas Constitution to: (1) create the generate recurring oil wealth for Texas (GROW) fund (which will expire in 2021) and allocate certain amounts from the state’s oil and gas tax to the fund; and (2) provide that the legislature may appropriate money from the fund only for use in areas of the state from which oil and gas are produced and only for the following purposes: (a) to construct, maintain, or improve public roadways and related infrastructure; (b) to address public safety concerns relating to public roadways, including concerns resulting from the increased amount of traffic on those roadways; and (c) to fund grants to state agencies and political subdivisions of the state to address public safety concerns and supplement educational opportunities. (See **H.B. 2154**, above.)

**H.J.R. 83 (Martinez) – Public Funds:** would amend the Texas Constitution to provide that: (1) the state, a city, or a county may unconditionally donate to the United States to promote border crossing security or international bridge trade corridors: (a) real property acquired by and improvements to that property acquired or constructed by the state, city, or county, and (b) technology or equipment acquired by the state, city, or county; (2) for the purposes of (1), the state, the city, or the county may issue public securities as provided by the general law for financing public works to: (a) finance the acquisition of property described by (1); or (b) refund or refinance existing debt incurred by the state, the city, or the county to acquire property described by (1) or to construct improvements described by (1); and (3) the state, a city, or a county may use public money to pay lease payments, service payments, user fees, debt services, or other costs associated with a public-private partnership.

**H.J.R. 86 (Toth) – Lobbying:** would amend the Texas Constitution to provide that: (1) a governmental entity may not spend public money to directly or indirectly influence the outcome of any legislation pending before the legislature; and (2) the legislature may enact laws to implement the amendment.

**S.B. 21 (Huffman) - 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 **H.B. 749** by **Zerwas**.)

**S.B. 615 (Buckingham) – Texas Windstorm Insurance Association:** this is the Texas Windstorm Insurance Association sunset bill. The bill continues the association until 2031. (Note: Cities with an interest in the association should carefully review and monitor this legislation.)(Companion bill is **H.B. 1510** by **Paddie**.)

**S.B. 888 (Menéndez) – Discrimination:** would: (1) provide, with certain exceptions, that a person engages in a discriminatory practice in violation of law if the person, because of the race, color, disability, religion, sex, national origin, age, sexual orientation, or gender identity or expression of an individual: (a) denies the individual full and equal accommodation in a place of public accommodation; or (b) otherwise discriminates against or segregates the individual in a place of accommodation; and (2) authorize a person aggrieved because of a violation of law described in (1) to file a civil action in district court.

**S.B. 915 (Birdwell) – Local Debt:** would require: (1) a proposition seeking voter approval of the issuance of bonds to include a description of the single specific purpose for which the bonds are to be authorized, if approved, and the rate of any tax that will be increased or imposed to pay the principal of and interest on the bonds; and (2) each single specific purpose for which bonds requiring voter approval are to be issued to be printed on the ballot as a separate proposition.

**S.B. 931 (Hughes) – Raw Milk:** would: (1) allow raw milk and milk products produced in this state to be sold at retail in the same manner as pasteurized milk or milk products; and (2) repeal current state law that authorizes a city by ordinance to allow only pasteurized milk and milk products to be sold at retail in the city.

**S.B. 932 (Hughes) – Farmers’ Markets:** would provide that a temporary food establishment permit or permit issued by a public health district to a farmers’ market must be valid for a term of not less than one year, may impose an annual fee not to exceed \$50, and must cover sales at all locations within the jurisdiction of the permitting authority.

**S.B. 970 (Creighton) – Contingent Fee Attorney Contracts:** would provide that a public agency, including a city, may not enter into a contingent fee attorney contract, unless the contract is approved by the attorney general. (Companion bill is **H.B. 2003** by **Leach**.)

**S.B. 974 (Campbell) – Use of Public Funds:** would prohibit a political subdivision from adopting or implementing a policy or program that permits, directly or indirectly, the use of public money or revenue of any kind to finance a political campaign.

**S.B. 1000 (Watson) – Homeless Houston:** would provide that: (1) a city zoning or land use ordinance may not prohibit a religious organization from: (a) using the religious organization’s facility as housing for homeless individuals; or (b) having housing units on the organization’s property for homeless individuals; (2) a city may adopt or enforce an ordinance that imposes reasonable health and safety regulations on housing for homeless individuals provided on a religious organization’s property; and (3) a city shall require a religious organization providing housing for homeless individuals to provide electricity and heat for each housing unit and at least one kitchen and bathroom on the property that may be used by the individuals.

**S.B. 1011 (Zaffirini) – Health Clubs:** would exclude an outdoor physical exercise program held at a public facility from being considered a “health club,” thus exempting the program from health club regulations.

**S.B. 1028 (Hall) – Cottage Food:** would modify the definition of “cottage food production” to include a person who sells their food at a for-profit fair, festival, or event.

**S.B. 1083 (Zaffirini) – Emergency Services Districts:** would require a city to factor in sales tax revenue in the amount that must be paid to an emergency services district when the city seeks to remove territory from the district.

**S.J.R. 42 (Alvarado) – Gambling:** would amend the Texas Constitution to authorize certain forms of gambling in certain areas and provide that a portion of a gaming tax on the casinos be used to fund the permanent school fund.

### **Municipal Courts**

**H.B. 1907 (Howard) – Judge Training Materials:** would require the Department of Family and Protective Services (DFPS) to develop training materials for guardians ad litem, attorneys ad litem, and judges who represent or preside over cases involving children and youth in the conservatorship of DFPS.

**H.B. 1996 (Leman) – Guilty Plea Admonitions:** would require a court to: (1) give the required admonition concerning non-citizenship orally and in writing; (2) receive a statement signed by the defendant and the defendant’s attorney that the defendant understands the admonition concerning non-citizenship and is aware of the consequences of a plea; and (3) if the defendant refuses to sign the statement concerning the admonition concerning non-citizenship, make a record of that fact.

**H.B. 2006 (Leach) – Court Proceedings:** would allow the presiding judge of an administrative judicial region, with the approval of the judge of the affected municipal court or municipal court of record, to designate: (1) an alternate location for court proceedings either inside the city limits or at certain locations outside the city limits; and (2) the terms and sessions of the court if a disaster precludes a municipal court or municipal court of record from conducting its proceedings.

**H.B. 2120 (Leach) – Office of Court Administration:** would: (1) require the Office of Court Administration (OCA), instead of the Comptroller’s office, to identify each law enacted by the legislature after each regular session that imposes or changes the amount of court cost or fees; prepare a list of each court cost or fee imposed or changed; and publish the list in the Texas Register; and (2) require the OCA to create and maintain a website that allows the OCA to post public information on the Internet website on receipt from the person. (Companion bill is **S.B. 891** by **Huffman**.)

**H.B. 2158 (White) – Work Release Program:** would require the Department of Criminal Justice to establish a work release program for certain inmates and state jail felony defendants at select state jail felony facilities that are located near urban areas.

**H.B. 2209 (Meyer) – Truant Conduct:** would: (1) create an affirmative defense to an allegation of truant conduct if one or more of the absences were due to the child’s voluntary absence from the child’s home because of abuse; (2) require the child to show, by a preponderance of the evidence, that the absences fall under the affirmative defenses; and (3) provide that an affirmative defense to truant conduct is not available if, after deducting the absences where affirmative defenses would apply, there remains a sufficient number of absences to constitute truant conduct.

**H.B. 2234 (Pacheco) – Truancy:** would increase the fine and add school-based community service to the punishment of the offense of contributing to truancy by a parent.

**H.B. 2259 (Smith) – Uncollectible Fees and Costs:** would allow the trial court in a criminal action or proceeding to enter an order forgiving the outstanding fee or item of cost and close the case in certain circumstances.

**H.B. 2260 (T. King) – Search Warrants:** would allow any magistrate to issue a search warrant to collect a blood specimen for a person who is arrested for certain intoxication offenses and refuses to submit to a breath or blood alcohol test.

**H.B. 2360 (Moody) – Arrest Warrants:** would provide that immediately after an arrest warrant is executed, the magistrate’s clerk shall make a copy of the warrant and the affidavit available for public inspection in the clerk’s office during normal business hours.

**H.B. 2361 (Moody) – Corporations:** would make changes to various statutes concerning criminal responsibility of corporations, authorized punishments for corporations, and criminal bribery offenses.

**H.B. 2435 (Smith) – Judge’ Home Address:** would seem to allow municipal court judges or the spouses of municipal court judges to make their home address confidential in appraisal records.

**H.B. 2443 (Klick) – Disabled Parking:** would provide that, in lieu of imposing a fine, a municipal court may order a person who has not previously been convicted of parking in a space designated for persons with disabilities to: (1) perform certain community service; or (2) attend education classes on disability awareness and accessible parking.

**S.B. 870 (Zaffirini) – Disabled Parking:** would, in regard to an offense of impermissibly parking a vehicle in a space designated for persons with disabilities, provide that a municipal court judge may defer imposition of a judgment to allow a defendant to complete a disabled parking course.

**S.B. 887 (Menendez) – Gender Identity/Sexual Preference Jury Charge:** would, among other things: (1) allow counsel on both sides of a criminal proceeding to request a special charge to instruct the jury not to let bias, sympathy, prejudice, or public opinion toward persons having a particular gender identity or sexual preference influence the jury’s ability to impartially evaluate the credibility of a victim, witness, or defendant; and (2) make conforming evidentiary and procedural changes.

**S.B. 1025 (Perry) – Juvenile Records:** would: (1) allow certain juvenile facility records to be disclosed to: (a) a prosecuting attorney, (b) a parent, guardian or custodian with whom a child will reside after the child’s release or discharge from a juvenile facility; and (c) a governmental agency or court, if the record is necessary for an administrative or legal proceeding and the personally identifiable information about the child is redacted before the record is disclosed; (2) allow certain juvenile probation department, juvenile prosecuting attorney’s, and juvenile court records to be disclosed to: (a) an attorney representing the child’s parent, and (b) an attorney representing the child; (3) prohibit an individual or entity described by (1) and (2) from disclosing received confidential information, unless otherwise authorized by law; and (4) require a juvenile court, on the court’s own motion and without a hearing, to immediately order the sealing of all records related to the alleged conduct if the court enters a finding the allegations are not true.

### **Community and Economic Development**

**H.B. 1670 (Lambert) – Plumbing Regulation:** would, among other things, transfer of the regulation of plumbing from the Texas Board of Plumbing Examiners (which the bill abolishes) to the Texas Department of Licensing and Regulation.

**H.B. 1857 (Goldman) – Plumbing Work:** would provide that: (1) a person is not required to be licensed to perform plumbing work consisting of installing, servicing, or repairing service mains, service lines, appurtenances, equipment, or appliances that provide water, sewer, or storm drainage services on private property in an area that extends from a public right of way or public easement to not less than five feet from a building or structure; and (2) the bill does not apply to

plumbing work performed on private property designated for use as a one-family or two-family dwelling. (Companion bill is **S.B. 1034** by **Hancock**.)

**H.B. 1937 (Goldman) – Low-Income Housing:** would provide for franchise and insurance tax credits for certain low-income housing developments.

**H.B. 1952 (Zerwas) – Community Homes:** would: (1) provide that, except as provided by city ordinance or restrictive covenant enforced by a property owners' association, a community home may not keep motor vehicles in numbers that exceed the number of bedrooms in the home as recorded in the appraisal records; (2) make a violation of the prohibition in (1) a Class B misdemeanor offense and allow the vehicle to be towed at the expense of the owner; (3) provide that a property owners' association or affected property owner in a neighborhood in which a community home is located may report to an entity with regulatory jurisdiction over or that operates the home: (a) that the home has violated the Community Homes for Persons With Disabilities Act; or (b) poses a hazard to the safety or well-being of the neighborhood or community; (4) require the regulatory entity in (3) to investigate a report in a timely manner and take appropriate action; and (5) require a regulatory entity in (3) to adopt certain rules related to maintaining the safety of residents of community homes and affected neighborhoods.

**H.B. 1972 (Collier) – Game Rooms:** would: (1) clarify that certain game room regulations do not limit the authority of a home-rule city to enforce its game room zoning regulations; and (2) authorize a county to enter into an interlocal agreement with a city to regulate the operation of a game room or amusement redemption machine.

**H.B. 2186 (Rodriguez) – Housing Tax Credits:** would: (1) allow, in all counties, the Texas Department of Housing and Community Affairs to allocate housing tax credits to more than one development in a single community, in the same calendar year, 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. (Companion is **S.B. 542** by **Watson**.)

**H.B. 2187 (Rodriguez) – Rental Housing:** would repeal the provisions in current law that generally prohibit 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. (This bill is identical to **H.B. 1257** by **Rosenthal**.)

**H.B. 2438 (Phelan) – Tax Abatements:** would: (1) extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2032; and (2) extend the expiration date of the Texas Economic Development Act from September 1, 2022, to September 1, 2032.

**H.B. 2439 (Phelan) – Building Materials and Methods:** would provide that: (1) a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, or other

regulation that prohibits, directly or indirectly, the use of a building product, material, or method in the construction, renovation, maintenance, or other alteration of a residential or commercial structure if the building product, material, or method is approved for use by a national model code that: (a) is adopted by the governmental entity; and (b) governs the construction, renovation, use, or maintenance of buildings and building systems; (2) a rule, charter provision, ordinance, order, or other regulation adopted by a governmental entity that conflicts with the bill is void; (3) the attorney general may bring an action in the name of the state to enjoin a violation of the bill; and (4) the attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under the bill.

**H.B. 2479 (Cortes) – Annexation:** would modify the provisions of S.B. 6 (2017) that authorize a countywide election to adopt Tier 2 status to: (1) lower the petition threshold from 10 percent to seven percent of the registered voters in the county; and (2) provide that, in relation to Tier 2 cities; (a) if a city does not obtain the number of signatures on a petition required to annex an area, it may not annex any part of the area and may not adopt another resolution to annex any part of the area until the fifth anniversary of the date the petition period ended; and (b) if a majority of qualified voters do not approve a proposed annexation at an election called for that purpose, it may not annex any part of the area and may not adopt another resolution to annex any part of the area until the fifth anniversary of the date of the adoption of the resolution. (Companion bill is **S.B. 746** by **Campbell**.)

**H.J.R. 81 (Phelan) – Flood Infrastructure Fund:** would amend the Texas Constitution to create a flood infrastructure fund as a special fund in the state treasury, to be administered and used, without further appropriation, by the Texas Water Development Board to assist in providing financing for drainage, flood mitigation, or flood control projects.

**S.B. 886 (Menéndez) – Housing Discrimination:** would: (1) prohibit housing discrimination under the Texas Fair Housing Act on the basis of sexual orientation or gender identity or expression; and (2) prohibit the Texas Workforce Commission from deferring proceedings and referring a complaint about discrimination described in (1) to a city if the city does not have laws prohibiting the alleged discrimination.

**S.B. 958 (Johnson) – Affordable Housing:** would authorize the owner of a development subject to a right of first refusal to negotiate or enter into a purchase agreement with a public housing authority or a public facility corporation created by a public housing authority during the first 60-day period after notice regarding owner's intent to sell is provided by the Texas Department of Housing and Community Affairs.

**S.B. 968 (Hancock) – Charter Schools:** would: (1) require a city to consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development, including land development standards in territory that a city has annexed for limited purposes; (2) prohibit a city from enacting or enforcing an ordinance or regulation that prohibits an open-enrollment charter school from operating at any location or within a zoning district in the city; (3) provide that an open-enrollment charter school is not required to pay impact fees unless the school's governing body consents to the payment; and (4) provide that an open-enrollment charter school may be exempt from utility drainage ordinances and regulations,

and provide that any such exemption granted to a school district before the effective date of the bill automatically extends to all open-enrollment charter schools located in a city.

**S.B. 1024 (Perry) – Annexation:** would provide that: (1) a Tier 1 city shall provide access to services provided to an annexed area under a service plan that is identical or substantially similar to access to those services in the city; (2) a person residing in an annexed area subject to a service plan may apply for a writ of mandamus against a city that fails to provide access to services in accordance with (1); (3) in the action for the writ: (a) the court may order the parties to participate in mediation; (b) the city has the burden of proving that it complied with (1); (c) the person may provide evidence that the costs for the person to access the services are disproportionate to the costs incurred by a municipal resident to access those services; and (d) if the person prevails, the city shall disannex the property that is the subject of the suit within a reasonable period specified by the court or comply with (1) and the court shall award the person's attorney's fees and costs incurred in bringing the action for the writ; and (4) a city's governmental immunity to suit and from liability is waived and abolished to the extent of liability created under the bill.

**S.B. 1106 (Buckingham) – Plumbing Codes:** would provide that: (1) the Texas Board of Plumbing Examiners shall adopt the 2015 edition of the International Plumbing Code; and (2) in adopting a code for the design, installation, and maintenance of a plumbing system, a city may amend any provisions of the code to conform to local concerns that do not substantially vary from board rules or other rules of this state.

**S.B. 1117 (Lucio) – Land Bank:** would expand the cities that are eligible to create a land bank.

### **Personnel**

**H.B. 1926 (Herrero) – Survivor Benefits:** would provide that: (1) as soon as practicable after the death of certain public safety employees that occurs in the line of duty, the employing entity shall furnish the board of trustees of the Employees Retirement System proof of the death in the form and with additional evidence and information as required by the board; (2) the board of trustees shall consider the proof, evidence and evidence provided by the employing entity and determine whether the employee's death occurred in the line of duty and justifies payment of assistance to the employee's eligible survivors; and (3) if the individual's employing entity fails to comply with the provisions described in (1), the attorney general may use any means authorized by law, including filing suit for a writ of mandamus against the employer, to compel compliance.

**H.B. 2138 (Goodwin) – Minimum Wage:** would provide for a phased-in minimum wage that will result in the following wages by 2022: (1) not less than the greater of \$10 an hour or the federal minimum wage (currently at \$7.25 per hour) for the 2020 calendar year; (2) not less than the greater of \$12.50 an hour or the federal minimum wage for the 2021 calendar year; and (3) not less than \$15 an hour or the federal minimum wage for the calendar year 2022 and thereafter.

**H.B. 2143 (J. Turner) – Workers’ Compensation/PTSD:** would expand the current workers’ compensation law relating to post-traumatic stress disorder to allow compensation for exposure to multiple causation events occurring in the course and scope of employment.

**H.B. 2144 (J. Turner) – Peace Officer Training:** would provide that a peace officer must complete: (1) as part of the minimum curriculum training required for peace officers, training related to veterans with combat-related trauma, post-traumatic stress, post-traumatic stress disorder, and traumatic brain injuries; and (2) such training not later than the second anniversary of the date the officer is licensed unless the officer completes the training as part of the officer’s basic training course.

**H.B. 2164 (Burns) – Peace Officers:** would, in relation to the current law prohibiting an establishment serving the public from restricting a peace officer from carrying on the establishment's premises a weapon (regardless of whether the peace officer is engaged in the actual discharge of the officer’s duties), provide that: (1) an establishment serving the public that violates the law in (1) is subject to a civil penalty in the amount of \$1,000 for each violation; (2) the attorney general may sue to collect a civil penalty and money collected shall be deposited in the state treasury to the credit of the general revenue fund; and (3) an establishment or other person who is an employee or agent of that establishment commits a Class C offense if the person violates the bill.

**H.B. 2178 (Noble) – Texas Emergency Services Retirement System:** would modify current law to provide that the governing body of a volunteer fire department that elects to: (1) participate in the Texas Emergency Services Retirement System may only terminate participation in the retirement system if: (a) the department consists of both volunteer firefighters and at least six full-time firefighters; (b) the full-time firefighters described in (1)(a) are employees of a home-rule city: (i) governed by the same governing body; and (ii) of which the department is part; and (c) the governing body elects to provide retirement benefits to the volunteer firefighters described in (1)(a) through participation in an alternative retirement system; and (2) terminate participation in the pension system as described in (1) forfeits all contributions to the system necessary to pay the benefits of vested members.

**H.B. 2232 (Reynolds) – Occupational Licensing:** would provide that:

1. this state, an agent of this state, or a political subdivision of this state may not use, distribute, or disseminate, in connection with an application for a license, criminal history record information regarding: (a) an offense that did not result in a conviction or for which the conviction was overturned on appeal; (b) a conviction for which the applicant received an order of nondisclosure or an expunction or was pardoned; (c) a conviction for a misdemeanor punishable by a fine only; (d) a conviction for a misdemeanor, other than a misdemeanor punishable by a fine only, that was committed less than three years before the date of the application, excluding any term of incarceration for the misdemeanor; (e) a conviction for a felony that was committed less than five years before the date of the application, excluding any term of incarceration for the felony; (f) placement of the applicant on deferred adjudication community supervision for an offense; (g)

- participation by the applicant in a pretrial diversion program; or (h) an adjudication of delinquent conduct;
2. a license application form may not include a requirement that an applicant disclose the applicant's criminal history record information;
  3. a licensing authority: (a) may not inquire into or consider an applicant's criminal history record information until after the authority has determined that the applicant is otherwise qualified for the license; and (b) after making the determination under (a), may inquire into and consider only an offense committed by the applicant that: (i) directly relates to the licensed occupation; and (ii) appears on the list of offenses prepared by the authority under (4), below;
  4. a licensing authority shall prepare and make available to the public a list of offenses: (a) that directly relate to each occupation licensed by the authority; and (b) on conviction of which the licensing authority may, subject to (3), above, take disciplinary action to suspend or revoke a license or deny to a person a license or the opportunity to take a licensing examination on the grounds that the person has been convicted of an offense, but only if the offense: (i) directly relates to the licensed occupation; and (ii) appears on the list of offenses prepared by the authority;
  5. in considering the moral character or other similar attribute of a person in a decision to suspend, revoke, or deny a person's license or deny a person the opportunity to be examined for the license, a licensing authority may consider the person's criminal history record information only in the manner prescribed by the bill;
  6. a licensing authority shall retain records related to the suspension, revocation, or denial of a license or the denial of an opportunity to take a licensing examination on the grounds that the person has been convicted of an offense directly related to the licensed occupation until at least the third anniversary of the date of the suspension, revocation, or denial;
  7. a licensing authority shall: (a) maintain a record of the number of: (i) applicants for each license issued by the authority; (ii) applicants for each license issued by the authority for which the authority requests criminal history record information; and (iii) applicants for each license issued by the authority who have been convicted of an offense directly related to the licensed occupation; (b) maintain a record of the final disposition and demographic information of each applicant; and (c) make the records maintained under the bill available to the public on the authority's Internet website in a form that maintains the confidentiality of applicants;
  8. a licensing authority may not suspend or revoke a license or deny to a person a license or the opportunity to take a licensing examination on the grounds that the person has been convicted of an offense that directly relates to the licensed occupation if the person submits to the licensing authority: (a) proof that: (i) at least one year has elapsed since the date of the person's release from any correctional institution; and (ii) the person is in compliance with any terms of community supervision, parole, or mandatory supervision to which the person is subject; or (b) evidence of sufficient mitigation or rehabilitation and present fitness of the person to perform the duties of the occupation, including a number of specified criteria;
  9. a local licensing authority shall post the authority's guidelines and list of offenses at the courthouse for the county in which the licensing authority is located or publish the

guidelines and list of offenses in a newspaper having countywide circulation in that county;

10. a licensing authority may not suspend or revoke a person's license or deny a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense unless the licensing authority completes an individual assessment and provides written notice to the application that includes detailed explanation of the reasons for doing so;
11. a licensing authority that suspends or revokes a license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense that is directly related to the license shall notify the person in writing of the reasons, rationale and how the applicant may appeal the decision; and
12. a person whose license is suspended or revoked or who is denied a license or the opportunity to be examined for a license by a licensing authority may reapply for the license or opportunity to be examined for the license on or after the second anniversary of the date of the suspension, revocation, or denial.

**H.B. 2242 (Vo) – Classification of Employees:** would, among other things: (1) provide that, with limited exceptions, an individual performing a service for wages or under an express or implied contract of hire is presumed to be an employee of the person for whom the services is performed; (2) provide that the presumption described in (1) may be rebutted if the person for whom the services is performed shows, to the satisfaction of the Texas Workforce Commission, that the individual's performance of the service has been and will continue to be free from control or direction under the contract and in fact; (3) require proper classification of individuals and payment of unemployment taxes for such individuals; and (4) penalize a person who misclassifies an individual in an amount that does not exceed \$200 for each individual that the person has not properly classified or for whom the person has not paid unemployment taxes. (This bill is identical to **H.B. 2391** by **Dutton**.)

**H.B. 2278 (Zwiener) – Sexual Harassment:** would, among other things, increase the statute of limitations for filing a sexual harassment complaint with the Texas Workforce Commission from 180 days to not later than the second anniversary of the date the alleged sexual harassment occurred.

**H.B. 2279 (Zwiener) – Sexual Harassment:** would provide that the current prohibitions on sexual harassment of unpaid interns also apply to employees of an employer that: (1) employees one or more employees; or (2) that acts directly or indirectly in the interests of an employer in relation to the employee.

**H.B. 2307 (Rosenthal) – Mental Health Services to Veterans:** would require entities that provide mental health services to veterans to provide military cultural competency training to personnel to accept a grant from a state agency.

**H.B. 2348 (P. King) – Volunteer Emergency Responders:** would: (1) provide that an employer, including a city, that employs 20 or more employees may not terminate or suspend the employment of, or in any other manner discriminate against, an employee who is also a volunteer emergency responder and who is absent from or late to the employee's employment

because the employee is responding to an emergency in the employee's capacity as a volunteer emergency responder; (2) prohibit an employee who is also a volunteer emergency responder from being absent from the employee's employer for more than 14 days in a calendar year unless the employee's absence is approved by the employer; (3) require an employee described in (1) to make a reasonable effort to notify the employer that the employee may be absent from or late to work because the employee is responding to an emergency, and if the employee is unable to provide the notice due to the extreme circumstances of the emergency or inability to contact the employer, require the employee to submit to the employer, on the employer's request, a written verification of participation in an emergency activity that contains certain information; (4) authorize an employer to reduce the wages otherwise owed to the employee for any pay period because the employee took time off during that pay period to respond to an emergency; (5) provide that, except as provided by a collective bargaining agreement, an employer may require an employee to use existing leave time for an absence resulting from responding to an emergency; and (6) provide that an employee described in (1) whose employment is suspended or terminated is entitled to: (a) reinstatement to the employee's former position; (b) compensation for lost wages; and (c) reinstatement of fringe benefits and seniority rights lost because of the suspension or termination; and (6) provide that an employee whose employer violates (1) may bring a civil action against the employer to enforce the employee's rights.

**H.B. 2375 (J. Johnson) – Arbitration Agreements:** would provide that, with the exception of an arbitration agreement between an employer and a labor union, a court may not enforce an agreement to arbitrate a dispute that had not yet arisen at the time the agreement was made if the agreement would: (1) require arbitration of certain disputes, including an employment dispute between an employer and an employee and a civil rights dispute regarding a violation of the United States constitution, the Texas constitution, or a statute that prohibits discrimination on the basis of race, sex, disability, religion or national origin against an individual; or (2) have the effect of waiving rights arising under federal or state law.

**H.B. 2396 (Lozano) – Texas Municipal Retirement System:** would provide that the monthly payment by Texas Municipal Retirement System of a resumed retirement benefit that was previously suspended because a person resumed employment after retirement shall be recalculated to include any accumulated interest.

**H.B. 2404 (C. Bell) – First Responders:** would, among other things, create an office of first responder support at Sam Houston University to: (1) respond to and deploy a regional peer support team to 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 serve on a regional peer support team and provide critical incident support services to first responders.

**H.B. 2405 (Bowers) – Trauma-Informed Training:** would provide that: (1) a peace officer shall complete, as part of the minimum curriculum training required for peace officers, a statewide comprehensive education and training program on trauma-informed techniques to facilitate interactions with homeless youth and adults on the resources available to those individuals; and (2) a peace officer shall complete such training not later than the second

anniversary of the date the officer is licensed or the date the officer applies for an intermediate proficiency certificate, whichever is earlier.

**H.J.R. 80 (Goodwin) – Minimum Wage:** would amend the Texas Constitution to provide for a phased-in minimum wage that will result in the following wages by 2022: (1) not less than the greater of \$10 an hour or the federal minimum wage (currently at \$7.25 per hour) for the 2020 calendar year; (2) not less than the greater of \$12.50 an hour or the federal minimum wage for the 2021 calendar year; and (3) not less than \$15 an hour or the federal minimum wage for the calendar year 2022 and thereafter.

**S.B. 875 (Campbell) – Criminal History Information:** would provide that a political subdivision: (1) may not adopt or enforce any ordinance or other local regulation that prohibits, limits, or otherwise regulates a private employer’s ability to request, consider, or take employment action based on the criminal history record information of an applicant or employee; and (2) may adopt or enforce an ordinance or other regulation relating to the access to or consideration of the criminal history record information of an individual: (a) entering into a contract or other agreement with the political subdivision; (b) receiving a grant from the political subdivision; (c) seeking a license, permit or other authorization to conduct business from the political subdivision; or (d) conducting business with or under the regulatory authority of the political subdivision.

**S.B. 957 (Bettencourt) – Unfunded Pension Liabilities:** would modify current law to provide that a municipality may issue debt to fund all or part of an unfunded liability to a public pension fund in an amount that exceeds \$50 million only if the issuance is approved by a majority of the qualified voters of the municipality voting at an election held for that purpose.

**S.B. 971 (Huffman) – Assault Training:** would provide that the minimum curriculum training and minimum continuing education training required for peace officers must include instruction in recognizing and recording, in certain types of cases, circumstances indicating that a victim may have been assaulted by strangulation or suffocation.

### **Public Safety**

**H.B. 8 (Neave) – Sexual Offenses:** would: (1) provide no statute of limitation for sexual assault if the matter has not yet been subjected to forensic DNA testing; (2) require a law enforcement agency to ensure the contents of a sexual assault examination kit collected in an investigation or prosecution of a felony offense is retained and preserved for not less than 50 years, or until any applicable statute of limitation has expired, whichever period is longer; (3) provide the requirement in (2) applies regardless of whether a person has been apprehended for or charged with committing the offense; (4) extend the time a crime lab or other entity may have to preserve evidence received from the Texas Department of Public Safety (DPS); (5) require the chain of custody of evidence be maintained for all sex offenses (not just sexual assault); (6) require a law enforcement agency, that receives notice from a health care facility or other entity that they have received consent to release medical examination evidence of a sexual assault or other sex offense, to take possession of the evidence not later than the seventh day after receiving notice;

(7) apply certain provisions of the Sexual Assault Prevention and Crisis Services Act to sex offenses other than sexual assault; and (8) require a law enforcement agency in possession of evidence of a sexual assault or other sex offense that has not been submitted for lab analysis to: (a) not later than October 15, 2019, submit to the DPS a list of the agency's active criminal cases for which evidence of sexual assault or other sex offense has not yet been submitted for lab analysis; (b) not later than April 1, 2020, submit to DPS or an accredited crime lab all evidence of a sexual assault or other sex offense pertaining to those cases; and (c) notify DPS if the evidence was sent to a lab other than the DPS lab and the date the analysis was completed.

**H.B. 15 (S. Thompson) – Prostitution and Trafficking:** would: (1) make numerous changes to the law related to the prosecution of, penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses; (2) provide that, notwithstanding a provision in a commercial lease to the contrary, a tenant's right of possession terminates if the tenant is using the premises or allowing the premises to be used to operate, maintain, or advertise a massage establishment that is not in compliance with a local ordinance relating to the licensing or regulation of a massage establishment; and (3) provide that a landlord of a multiunit commercial property is in breach of a lease with a tenant if: (a) the tenant reasonably believes that another tenant is engaging in certain unlawful activity, including prostitution, human trafficking, or operating, maintaining, or advertising a massage establishment that is not in compliance with a local ordinance relating to the licensing or regulation of a massage establishment; (b) the tenant gives the landlord certain notice of the unlawful activity; and (c) the landlord does not take certain action against the offending tenant.

**H.B. 1096 (Price) – Local Mental Health Authorities:** would: (1) require a school district to post on its website the contact information for the nearest local mental health authority when it post its statement of the policies and procedure adopted to promote the physical health and mental health of students; (2) require the Texas Education Agency, in cooperation with the Health and Human Services Commission (HHSC), to develop guidelines for school districts in regards to partnering with a local mental health authority and other community or private mental health service and substance abuse service providers to increase student access to school-based mental health services; and (3) adds information that the local mental health authority is required to include in its annual report to HHSC. (Companion bill is **S.B. 913** by **Watson**.)

**H.B. 1325 (T. King) – Hemp Production:** would: (1) regulate the production of hemp and the products made from hemp; (2) give the state primary regulatory authority over the production of hemp; and (3) provide that an application to participate in the state hemp program as a hemp producer must include written consent allowing local law enforcement agencies, as well as other agencies, to enter onto all premises where hemp is cultivated, processed, or stored to conduct a physical inspection or to ensure compliance with the bill and rules adopted under the bill.

**H.B. 1908 (Moody) – Driver Responsibility Program:** would require a court to inform the Department of Public Safety as soon as possible that a person is indigent for the purposes of the driver responsibility program.

**H.B. 1917 (Murphy) – Disaster Response Loan Fund:** would, among other things: (1) create a \$1 billion disaster response loan fund with funds appropriated from the economic stabilization

fund; (2) provide that the fund shall be maintained outside the state treasury and implemented and maintained by the Texas Comptroller; (3) provide that the fund may be used only to provide short-term loans for disaster relief or recovery projects to a political subdivision that is located wholly or partly in an area declared by the governor to be a disaster area and that the Federal Emergency Management Agency has determined is eligible to receive financial assistance from the agency in response to the disaster; (4) provide that a loan described in (3) shall: (a) be made at or below market interest rates for a term not to exceed two years; and (b) be expended solely for disaster relief and recovery; (5) provide that a loan may not be awarded if the award would affect the political subdivision's receipt of federal money that the political subdivision is eligible to receive as a result of the disaster; (6) require that the Comptroller and General Land Office jointly develop and implement a loan application process; and (7) provide that the Comptroller may charge an applicant for a loan a fee sufficient to cover the costs of processing a loan application.

**H.B. 1961 (Moody) – False Reports:** would add corrections officers and jailers to the offense of making a false report.

**H.B. 2015 (Dutton) – SWAT Teams:** would provide that: (1) every officer on a Special Weapons and Tactics team must be equipped with a body camera; (2) a department administering a SWAT team shall institute policies designed to limit the deployment of the SWAT team to situations involving an imminent threat of serious bodily injury to civilians and officers; (3) all departments administering a SWAT team shall provide an annual report of information about team deployments and training to their local governing body; and (4) a person subject to arrest for certain provisions of the Penal Code and a person whose arrest or detention is the result of a SWAT operation is entitled to receive a copy of all video or audio recordings that record, among other things, the stop or other police action.

**H.B. 2048 (Zerwas) - Driver Responsibility Program:** would, among other things, repeal the driver responsibility program, make several conforming changes to related traffic laws, and create additional fines for people convicted of certain intoxicated driver offenses and driving without financial responsibility. (Companion bill is **S.B. 918** by **Huffman**.)

**H.B. 2051 (Murr) – Licensed Carry:** would authorize a retired judicial officer, which includes a retired municipal court judge and other retired judges, who holds a license to carry to carry a handgun essentially anywhere.

**H.B. 2058 (Hernandez) – Asset Forfeiture:** would allow the head of a law enforcement agency to use any portion of the gross amount credited to the agency's special forfeited property fund to cover the costs of a contract with a city program to provide services to domestic victims of trafficking.

**H.B. 2061 (Burns) – Arrest or Citation of a Child:** would provide that: (1) a warrant may be issued for the arrest of a person for a Class C misdemeanor committed while the person was in a disciplinary alternative education program; (2) a citation can be issued to a child if the child is alleged to have committed the offense while the child was in a disciplinary alternative education programs; and (3) if a child is alleged to have committed a school offense: (a) a peace officer,

law enforcement officer, or school resource officer may issue a citation to the child if the issuance of the citation is authorized by section (2); or (b) the school may file a complaint against the child with a criminal court, if the child fails to comply with or complete graduated sanctions or if the school district has not elected to adopt a system of graduated sanctions.

**H.B. 2146 (Kacal) – Licensed Carry:** would: (1) add municipal and assistant municipal attorneys to the current list of attorneys who may establish handgun proficiency for licensing purposes through an instructor approved by the Texas Commission on Law Enforcement; and (2) authorize a municipal or assistant municipal attorney who holds a license to carry a handgun essentially anywhere. (Companion bill is **S.B. 403** by **Birdwell**.)

**H.B. 2200 (S. Thompson) – Drug-Free Zones:** would: (1) increase the punishment and minimum confinement of certain controlled substance offenses committed in a drug-free zone if the offense was committed in, on, or within 500 feet of premises owned, rented, or leased by an institution of higher learning, the premises of a public or private youth center, or playground, unless the defendant was driving or otherwise in transit through a drug-free zone; (2) delete video arcade facility from (1); and (3) define a “video arcade facility” and makes conforming changes to various statutes which include disposition of seized weapons, child safety zones, and gang-free zones.

**H.B. 2262 (E. Thompson) – Red Light Cameras:** would: (1) provide that a city may not implement or operate a traffic surveillance system with respect to a highway or street under the jurisdiction of the city, and may not issue a civil or criminal charge or citation for an offense or violation based on a recorded image produced by such a system; and (2) include in the definition of “traffic surveillance system” a system that consists of a radar unit or sensor linked to: (a) a camera or other recording device that is used to produce a photo or image of the operator of a motor vehicle or the license plate; (b) a device used to read a license plate; or (c) a device or system used to take a photo or image of a vehicle passing a bus.

**H.B. 2266 (Anchia) – Immigration:** would repeal certain provisions governing state and local enforcement of immigration laws and other provisions related to immigration law, such as the requirement that a law enforcement agency honor a detainer request. (Companion bill is **S.B. 672** by **Menendez**.)

**H.B. 2280 (Goodwin) – Licensed Carry:** would provide that, in relation to the notice required to prohibit licensed carry (e.g., “30.06” and “30.07” signs), the Department of Public Safety (DPS) shall adopt rules that prescribe the size of a sign and the lettering on the signs.

**H.B. 2286 (Oliverson) – Firearm Suppressors:** would prohibit a city from adopting a rule, order, ordinance, or policy under which the entity enforces, or by consistent action allows the enforcement of, a federal statute, order, rule, or regulation that purports to regulate a firearm suppressor if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under the laws of this state.

**H.B. 2323 (Toth) – Red Light Cameras:** would prohibit a county assessor-collector or the Texas Department of Motor Vehicles from refusing to register a motor vehicle alleged to have been involved in a violation detected by a photographic traffic signal enforcement system solely because

the owner of the vehicle is delinquent in the payment of a related civil penalty. (Companion bills are **H.B. 901** by **Hefner** and **S.B. 413** by **Hall**.)

**H.B. 2337 (G. Bonnen) – Debris Removal Contracts:** would provide that the Texas Division of Emergency Management shall: (1) in consultation with political subdivisions and the Federal Emergency Management Agency, identify common issues that occurred after Hurricane Harvey with debris removal and monitoring contracts; (2) in coordination with the Comptroller, develop contracting standards and requirements for contracts used by political subdivisions when contracting for long-term and exigent debris removal and monitoring; (3) develop: (a) a contract template that incorporates the contracting standards and requirements developed under (2); and (b) contracting guidance that provides political subdivisions with an overview of federal contracting standards and requirements; (4) annually: (a) review federal statutory and regulatory changes to procedures regarding contracting; and (b) update the contract template and contracting guidance to reflect any changes; and (5) distribute an updated contract template and contract guidance to political subdivisions as soon as practicable.

**H.B. 2352 (Burns) – 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.

**H.B. 2369 (Miller) – Theft of Packages:** would provide that: (1) theft of a package is a state jail felony for a package that: (a) is delivered by the United States mail, common carrier, or delivery service but not yet received by the addressee; (b) is stolen from a residential or commercial property, including the driveway porch, front door, or any other area of the property; and (c) has a value of less than \$30,000; (2) a person who reasonably believes that another is stealing or attempting to steal a package under (1) is privileged to detain the other person in a reasonable manner, including by use of reasonable force, for a reasonable period to allow for the arrival of law enforcement authorities; and (3) a person who is privileged to detain another under (2) is not liable for damages arising from the detention of that person.

**H.B. 2413 (Lambert) – Administration of Epinephrine by Peace Officer:** would: (1) allow a peace officer to possess and administer an epinephrine auto-injector device to a person in an emergency situation if the peace officer has successfully completed training in the use of the device in a course approved by the Texas Commission on Law Enforcement; and (2) provide that the administration by a peace officer of epinephrine auto injector device in the situation described in (1), would not (a) constitute the unlawful practice of any health care profession; (b) create a civil, criminal, or administrative cause of action or liability; (c) create a standard of care, obligation, or duty that provides a basis for a cause of action for an act or omission; and (d) waive governmental immunity from suit or liability.

**H.B. 2415 (Darby) – Drivers Responsibility Program:** would, among other things, repeal the driver responsibility program and make several conforming changes to related traffic laws.

**H.B. 2421 (Smith) – Wireless Communication Device Warrants:** would, among other things, provide that: (1) a warrant to search a person’s cellular telephone or other wireless communication device may be issued by a judge in the same judicial district or county as the site of: (a) the law enforcement agency that employs the peace officer, if the cellular telephone or other wireless communications device is in the officer’s possession; or (b) the likely location of the telephone or device; and (2) when a district judge in the district that is specified under current law is unavailable, an application for a warrant for the installation of a pen register, ESN reader, or similar equipment may be filed with a district judge in a judicial district for a county that is contiguous with a county containing any of the locations specified in the current law.

**H.B. 2432 (Raney) – Defense to Prosecution:** would provide for a defense to prosecution for certain offenses involving possession of small amounts of controlled substances and other prohibited drugs, substances, chemicals, or paraphernalia for defendants seeking assistance for a suspected overdose.

**S.B. 616 (Birdwell) – Texas Department of Public Safety:** this is the Texas Department of Public Safety sunset bill. Of interest to cities, the bill would – among other things – continue the Department until September 1, 2031, and:

1. require the Department provide to the legislature, not later than January 30 of each year, a report on border crime and other criminal activity;
2. transfer to the Department of Public Safety certain powers and duties related to specific regulatory programs, including dispensers of low-THC cannabis to patients that are prescribed low-THC cannabis, metal recyclers, and inspection stations;
4. abolish the Texas Private Security Board and transfer the administrative, licensing, and enforcement authority held by the board to the Department;
5. provide that the security department of a political subdivision may not employ a commissioned security officer unless the security department provides notice to the Department of: (a) the security department’s intent to employ a commissioned security officer and register with the Department; (b) the name, title, and contact information of the person serving in the security department as the contact for the Department; and (c) any change in the information provided in (5)(a) and (b) above;
6. conditionally transfer the driver’s license, personal identification license, and election identification certificate programs to the Texas Department of Motor Vehicles;
7. provide that, with limited exceptions, a driver’s license expires on the first birthday of the license holder occurring after the eighth, instead of the sixth, anniversary of the date of the application; and
10. create a motorcycle safety grant program funded from the motorcycle education fund account.

(Companion bill is **H.B. 1530** by **Paddie**.)

**S.B. 913 (Watson) – Local Mental Health Authorities:** would: (1) require a school district to post on its website the contact information for the nearest local mental health authority when it post its statement of the policies and procedure adopted to promote the physical health and mental health of students; (2) require the Texas Education Agency, in cooperation with the

Health and Human Services Commission (HHSC), to develop guidelines for school districts in regards to partnering with a local mental health authority and other community or private mental health service and substance abuse service providers to increase student access to school-based mental health services; and (3) add information that the local mental health authority is required to include in its annual report to HHSC. (Companion Bill is **H.B. 1069** by **Price**.)

**S.B. 923 (Huffman) – Sexually Oriented Businesses:** would add restrictions on the age of persons employed by or allowed on the premises of a sexually oriented business to the state’s civil nuisance abatement statute.

**S.B. 963 (Alvarado) – Emergency Management Consulting Services Contracts:** would provide that: (1) each county shall contract with a licensed emergency manager for consulting and other services related to emergency management in the event of a disaster that affects the territory of the county; (2) the county may comply with the requirement described in (1) by jointly contracting with one or more counties for the services of a licensed emergency manager; and (3) the Texas Department of Licensing and Regulation shall lay out administrative provisions for the licensing of emergency managers.

**S.B. 964 (Alvarado) – Volunteer Services During a Disaster:** would provide that: (1) a person who holds a license, endorsement, registration or other authorization required to provide plumbing, air conditioning and refrigeration, and electrical services and who is an employee of the federal government or is licensed in another state may provide such services as a volunteer without holding a state license during a disaster: (a) that is subject to a state emergency plan; or (b) declared by the governor or president of the United States; and (2) any supervision requirement under state law does not apply to services described in (1).

**S.B. 976 (Hughes) – Vehicle Registration:** would, among other things, provide that: (1) an applicant for vehicle registration may list, on an application for vehicle registration, any health condition that may impede communication with a peace officer; (2) the Department of Public Safety shall establish a system to include a health condition described in (1) in the Texas Law Enforcement Telecommunications System for the purpose of alerting a peace officer who makes a traffic stop that the operator of the stopped vehicle may have a health condition that may impede communication; and (3) a license plate may not have visible markings that indicate to the general public that a person voluntarily listed a health condition on an application.

**S.B. 981 (Kolkhorst) - Disaster Assistance Program:** would provide that, for purposes of the federal supplemental nutrition assistance program that provides benefits to victims of disaster, the Health and Human Services Commission shall: (1) in collaboration with local government officials: (a) create a directory of local points of contact for operation of the program; (b) determine the best method for communication between the Commission and local government officials regarding the program; and (c) evaluate, develop, and maintain a list of potential sites for in-person application for program benefits that meet federal requirements; (2) enter into a memorandum of understanding with local government agencies regarding the location of sites for in-person application for program benefits; and (3) provide information regarding the program and strategies for effective collaboration between local governments and the

Commission to local government officials in coastal counties by hosting webinars, conducting conference calls, or holding in-person meetings.

**S.B. 982 (Kolkhorst) – Volunteer Services During Disaster:** would provide that: (1) the Texas Division of Emergency Management (“Division”) shall, in consultation with the Department of State Health Services and local governmental entities that have established emergency management plans, develop a plan to increase the capabilities of local emergency shelters in the provision of shelter and care for specialty care populations during a disaster; (2) the Department of Public Safety shall, in consultation with the Division, increase awareness of and encourage local government emergency response teams to utilize, during a disaster or emergency, services provided by local volunteer networks that are available in the area; and (3) the Department shall develop a plan to create and manage state-controlled volunteer mobile medical units in each public health region to assist counties that lack access to a local volunteer networks.

**S.B. 983 (Kolkhorst) – Study on Disaster Recovery Efforts:** would: (1) create a work group consisting of representatives of local, state, and federal governmental entities and private entities who are appointed by the lieutenant governor and the speaker of the house of representatives to conduct a study on local restrictions that impede disaster recovery efforts; and (2) provide that the study must include: (a) an overview of official actions by governing bodies of political subdivisions and requirements imposed by deed restrictions on property owners’ associations that impede state and federal disaster recovery efforts; and (b) recommendations for minimizing the effect of the official actions and requirements described in (2)(a) on state and federal disaster recovery efforts.

**S.B. 984 (Kolkhorst) – Suspension of Local Laws During Disaster:** would provide that: (1) upon declaration of a state of disaster, the governor by executive order may suspend an order or regulation issued by a county, municipality or other political subdivision or by a property owners’ association to allow for the removal of debris and the placement of temporary housing within the disaster area; and (2) such executive order must specify a limited, defined time for the suspension.

**S.B. 986 (Kolkhorst) – Emergency Management Contracts:** would provide that: (1) the Comptroller shall: (a) update the contract management guide to include contract management standards and information for contracts related to emergency management; and (b) develop such standards in consultation with the Texas Division of Emergency Management, Texas A&M AgriLife Extension Service, Texas A&M Engineering Extension Service, and local governmental entities; and (2) the contract management guide must include: (a) preferred contracting standards; (b) information on contracts for services that may be necessary to respond to a natural disaster or to construct, repair, or rebuild property or infrastructure after a natural disaster, including clearing debris and providing information management services and construction services; and (c) advice on preparing for a natural disaster, including procedures for contracting for services described in (2)(b) before a natural disaster occurs.

**S.B. 1018 (Alvarado) – Firearms:** would: (1) require a person convicted of an offense involving family violence or a person who is the subject of a protective order, to surrender firearms owned by the persons in one of various ways, including to a law enforcement agency for disposition as

required by law; and (2) impose various procedural requirements on the agency and court related to the process.

**S.B. 1023 (Rodriguez) – 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. (Companion bill is **H.B. 1287** by **Israel**.)

**S.B. 1051 (Hughes) – Biometric Identifiers:** would: (1) expand the definition of biometric identifier to include an ear, heartbeat, gait, or vascular pattern; (2) provide that a governmental entity, including a city, may not capture an individual's biometric identifier without the individual's voluntary consent unless: (a) the capture occurs at a location not more than 10 miles from an international border; (b) is authorized under a warrant; (c) occurs during the investigation of an alleged crime and the biometric identifier is: (i) a fingerprint; or (ii) from an individual who is arrested for, charged with, or convicted of the crime; (d) is a fingerprint, heartbeat, or vascular pattern captured by a health care provider or health care facility that captures, possesses, or requires the biometric identifier while providing health care services to the individual; or (e) is required by the Department of Public Safety to authenticate the facial image and thumbprints or fingerprints provided by an applicant for a personal identification certificate, driver's license, commercial driver's license or permit; (3) prohibit a governmental entity from capturing, retaining, or using an individual's biometric identifier that is captured using a photograph, video recording or audio recording of the individual unless: (a) the photograph or recording is captured in relation to a time, place or event connected to a criminal investigation; and (b) the governmental entity destroys the record of the biometric identifier on completion of the entity's use of the biometric identifier for: (i) the criminal investigation; or (ii) the trial or appeal of the prosecution of an alleged crime charged as a result of the investigation; (4) provide that a governmental that captures an individual's biometric identifier based on the exceptions described under (2)(b) and (2)(c) shall destroy all records of the biometric identifier if the biometric identifier was collected: (a) under a warrant issued in the investigation of an alleged crime and charges against the individual are not filed; or (b) exclusively in connection with the investigation of a crime for which: (i) the individual was subsequently acquitted; or (ii) all charges against the individual resulting from the investigation are dismissed; (5) provide that a person may file suit for injunctive relief against a governmental entity that appears to have captured that person's biometric identifier in violation of the bill; (6) allow recovery, against an entity, of damages in an amount not to exceed \$1,000 for each violation, with each day a violation occurs or continues to occur a separate violation and reasonable expenses incurred in obtaining injunctive relief or damages, including court costs, attorney's fees, investigative costs, witness fees, and deposition expenses; and (7) waive sovereign or governmental immunity, as applicable, from suit and liability.

**S.B. 1057 (Hall) – Handguns:** would provide that an owner of property on which the carrying of a handgun is not otherwise unlawful is immune from civil liability with respect to any claim that is based on the property owner's failure to exercise the option to forbid the carrying of handguns on the property, unless the liability arises from a willful or wanton act or gross negligence by the owner.

**S.B. 1064 (Flores) - Passing Certain Vehicles:** would add service vehicles used in the maintenance of an electrical power line and using required visual signals to the offense of passing certain vehicles. (Companion bill is **H.B. 1770** by **Martinez**.)

**S.B. 1165 (Rodriguez) – Immigration:** modify the provisions of S.B. 4 (2017), relating to the enforcement of immigration laws by local governments, by providing that: (1) a local entity, including the governing body of a city, a police officer, city attorney, or campus police department may adopt, enforce, and endorse a policy to provide guidance to peace officers regarding inquiries into the immigration status of a person presumed to be a victim of or witness to family violence; (2) the policy: (a) must provide specific criteria to enable a peace officer to determine whether a person is likely to have been a victim of or witness to family violence; and (b) may be designed for the purpose of limiting inquiries regarding the nationality or immigration status of those persons.

**S.B. 1172 (Menendez) – Licensed Carry:** would provide that: (1) if a peace officer arrests a person who is carrying a firearm: (a) the officer shall disarm the person and seize the firearm as evidence; and (b) if the seized firearm is a handgun and the person holds a license to carry a handgun, the officer shall seize the person’s handgun license; (2) a license holder commits a class B misdemeanor offense if, while carrying a handgun on or about the license holder’s person, a magistrate or a peace officer demands that the license holder display identification and the license holder fails to display both the license holder’s driver’s license or identification certificate issued by the department and the license holder’s handgun license; and (3) a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm on the physical premises of a police station or other building that is a place of operation for a law enforcement agency, including a county sheriff’s department, unless the person is licensed to carry.

### **Transportation**

**H.B. 2126 (K. King) – Cotton Trucks:** would provide that a truck-tractor operated in combination with a semitrailer and used to transport seed cotton or cotton may not be operated on a highway or road if the vehicle is higher than 14 feet 6 inches. (Companion bill is **S.B. 688** by **Perry**.)

**H.B. 2149 (Shaheen) – License Plates:** would provide that a person may operate a passenger car or light truck on a public highway with only one rear license plate displayed. (Companion bill is **S.B. 805** by **Fallon**.)

**H.B. 2163 (Bernal) – Neighborhood Electric Vehicles:** would define a “neighborhood electric vehicle” to be an electric vehicle that can attain a maximum speed of 35 miles per hour and otherwise complies with Federal Motor Vehicle Safety Standards applicable to motorcycles or Federal Motor Vehicle Safety Standards for low-speed vehicles.

**H.B. 2188 (Frullo) – Bicycles:** would regulate the operation of electric and non-electric bicycles and: (1) prohibit a city from prohibiting the operation of an electric bicycle on a highway, or in

an area in which the operation of a non-electric bicycle is otherwise permitted, unless the area is not open to motor vehicles and has a natural surface tread made by clearing and grading native soil; and (2) provide that a city may prohibit the operation of bicycle on a sidewalk and establish speed limits for bicycles on paths where bicycles may be operated.

**H.B. 2219 (Israel) – Vehicles with Automated Braking Systems:** would: (1) define a “public transit vehicle” as a bus or other vehicle used to provide transit services to the public by a political subdivision or a private entity operating under a contract with a political subdivision; (2) provide that a public transit vehicle equipped with a connected braking system that is following another public transit vehicle equipped with that system may be assisted by the system to maintain any desired distance between the vehicles; (3) provide that an operator of a public transit vehicle that is following one or more other public transit vehicle may not be assisted by the system to maintain an assured clear distance of safe space if the public transit vehicles are equipped with a connected braking system and the speed of each public transit vehicle is coordinated through the connected braking system; and (4) provide that an operator of a public transit vehicle that is following one or more other public transit vehicle does not have to leave sufficient space between the operator and the vehicle preceding the operator so that another vehicle can safely enter and occupy the space in a business, residential, or non-business or residential area if the public transit vehicles are equipped with a connected braking system and the speed of each public transit vehicle is coordinated through the connected braking system. (Companion Bill is **S.B. 1135** by **Watson**.)

**H.B. 2290 (Buckley) – Slow-Moving-Vehicle Emblem:** would require a slow-moving-vehicle emblem to be mounted on the rear of the vehicle at any height that does not impair the visibility of the emblem (current law requires it be placed three to five feet above the road surface).

**H.B. 2291 (Buckley) – Gas-Powered Bicycles:** would: (1) define a “gas-powered bicycle” to mean a bicycle that is propelled by a gas motor or in combination with human power, cannot go more than 20 miles per hour without the application of human power, and does not exceed 100 pounds; (2) prohibit an owner from registering a gas-powered bicycle; (3) provide that a gas-powered bicycle is not a moped for purposes of the section of law that requires a person have a driver’s license to operate a moped; and (4) remove a gas-powered bicycle from the definition of “moped” and “motor vehicle” for purposes of the Rules of the Road, and make such a bicycle subject to the rules applicable to a bicycle.

**H.B. 2292 (Buckley) – Slow-Moving-Vehicle Emblem:** would except a slow-moving vehicle from the general limitations on operating on an improved shoulder of a roadway.

**H.B. 2370 (Kuempel) – Private Roads:** would provide that a city may not impose a higher standard for a private road or street in a subdivision than the city imposes on itself for the construction of roads or streets of a similar type and with a similar amount of traffic.

**H.B. 2513 (Martinez) – Electric Vehicles:** would provide that: (1) the commissioners court of a county may impose, for registering an electric vehicle, an additional fee of \$200 or \$300 if the vehicle has a gross weight of more than 10,000 pounds; and (2) the fee revenue collected must be deposited to the credit of the county road and bridge fund.

**S.B. 962 (Nichols) – State Transportation Funding:** would eliminate the expiration date relating to the determination of the fund balances in the state’s “Rainy Day” and State Highway Funds.

**S.B. 969 (Hancock) – Mobile Delivery Devices:** would:

1. preempt city authority over personal delivery or mobile carrying devices by providing that a local authority may regulate the operation of a personal delivery or mobile carrying device on a highway or in a pedestrian area in a manner not inconsistent with the bill;
2. define “mobile carrying device” as an electrically powered device that transports cargo while remaining within 25 feet of a human operator and is equipped with technology that allows the operator to actively monitor the device;
3. define “personal delivery device” as an electronically powered device that is designed primarily for transporting cargo in a pedestrian area and is equipped with automated driving technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a human;
4. provide that, for the purposes of crossing a sidewalk or hike and bike trail, a mobile carrying or personal delivery device is not considered a vehicle;
5. provide that a person may operate a personal delivery device only if: (a) the person is a business entity and (b) a human who is an agent of the business entity actively monitors or exercises physical control over the navigation and operation of the device;
6. provide that a business entity is considered to be the operator of the device solely for the purposes of assessing compliance with applicable traffic laws unless the agent of the entity is operating the device outside the scope of the agent’s office or employment;
7. provide that a person is not considered the operator of a personal delivery device solely because the person requests delivery or service provided by the device or dispatches the device;
8. provide that a person operating a mobile carrying device is considered to be the operator of the device for the purpose of assessing compliance with applicable traffic laws;
9. provide that a personal delivery device or mobile carrying device operated under the bill must: (a) operate in a manner that complies with the provisions of the law applicable to pedestrians, unless the provision cannot by its nature apply to the device, (b) yield the right-of-way to all other traffic, including pedestrians, (c) not unreasonably interfere with other traffic, including pedestrians, (d) if operated at nighttime, display lights required by law, (e) comply with any applicable regulations adopted by a local authority, (f) not transport hazardous materials, and (g) be actively monitored or controlled as provided by the bill;
10. provide that a mobile carrying device must be within 25 feet of the operator while the device is in motion;
11. provide that a personal delivery or mobile carrying device operated under the bill may be operated only: (a) in a pedestrian area; or (b) on a highway in an area that is not a pedestrian area on the left side of a roadway or the shoulder and if a sidewalk is not provided or is not accessible;
12. provide that a personal delivery device must: (a) be equipped with a marker that clearly states the name and contact information of the owner and a unique identification number,

- (b) be equipped with a braking system that enables the device to come to a controlled stop, (c) weigh less than 110 pounds, excluding any cargo, and (d) have a maximum speed of 12 miles per hour or less;
13. provide that a mobile carrying device must: (a) be equipped with a braking system that enables the device to come to a controlled stop, (b) weigh less than 110 pounds, excluding any cargo, and (c) have a maximum speed of 12 miles per hour or less;
  14. provide that local law enforcement may still enforce the laws of the state relating to the operation of a personal delivery or mobile carrying device; and
  15. provide that a business entity that operates a personal delivery device must carry an insurance policy.

(Companion bill **H.B. 2301** by **Landgraf**.)

**S.B. 1076 (Watson) – Alternately Fueled Vehicles:** would provide that the Department of Motor Vehicles shall enact an additional motor vehicle registration fee on alternately fueled vehicles.

**S.B. 1077 (Watson) – Gas Tax:** would increase the rate of the state gasoline tax from 20 to 40 cents per gallon.

**S.B. 1080 (Watson) – Local Transportation Funding:** would enact the Texas Local Option Transportation Act, which would – among other things – expire in 2029 and authorize the commissioners court of a county with a population of more than one million to call an election on the uniform election date in November on the issue of imposing an additional 10 cent motor fuels tax in the county for certain transportation projects.

**S.J.R. 45 (Watson) – Passenger Rail:** would amend the Texas Constitution to allow the expenditure of motor vehicle fuel taxes and registration fees for passenger rail and transit.

### **Utilities and Environment**

**H.B. 1963 (Thompson of Brazoria) – Solid Waste Permits:** would provide that: (1) in order to be eligible to preside at a contested case hearing related to a permit for a municipal solid waste facility, an administrative law judge must have experience with solid waste engineering or management; and (2) for a hearing related to a permit for a municipal solid waste facility, the administrative law judge shall present the findings and conclusions at an open meeting of the Texas Commission on Environmental Quality and answer questions related to the findings and conclusions asked by the commissioners.

**H.B. 2023 (Metcalf) – State Water Pollution Control Revolving Fund:** would provide that the state water pollution control revolving fund is held by the Water Development Board to provide: (1) financial assistance to persons for eligible projects for assistance under the Federal Water Pollution Control Act; and (2) linked deposits to eligible financial institutions for loans to persons for nonpoint source pollution control projects. (Companion bill **S.B. 942** by **Johnson**.)

**H.B. 2031 (J. Turner) – Water Conservation Public Awareness Program:** would provide that, to develop and administer a statewide water conservation public awareness program, the executive administrator of the Texas Water Development Board may use: (1) funds specifically appropriated for the purpose of a statewide water conservation public awareness program or other funds available to the agency for that purpose; (2) available federal funds; or (3) other funds received in the form of grants or donations.

**H.B. 2055 (E. Thompson) – TCEQ Enforcement:** would: (1) require that the Texas Commission on Environmental Quality publish a report on enforcement actions and the resolution of those actions on its website; (2) provide that for certain enforcement actions, including at a municipal solid waste facility, at the request of a state senator or state representative, TCEQ shall conduct a public informational meeting regarding the status of the enforcement action in the county in which the facility that is the subject of the enforcement action is located; and (3) require a representative from the subject facility to attend the informational meeting in (2) and make a reasonable effort to answer questions.

**H.B. 2093 (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.

**H.B. 2094 (S. Thompson) – Texas Emissions Reduction Plan:** would make various changes to the administration of the TERP program.

**H.B. 2098 (Nevarez) – Border Wall Study:** would require the Texas Water Development Board and the Texas Commission on Environmental Quality to conduct a study regarding the effects of the construction of a border wall on watershed drainage, groundwater, and surface water.

**H.B. 2122 (Harris) – Groundwater Conservation Districts:** would apply only to a district that regulates production based on tract size or acreage, and would provide that: (1) a retail public utility, including a city, may petition a district to authorize the retail public utility to produce groundwater based on: (a) the aggregate acreage owned or leased by the retail public utility; and (b) the acreage of the landowners served by the retail public utility; (2) a district may only base a retail public utility's authorized production amount in a manner consistent with district rules and based on acreage of landowners served by the retail public utility if: (a) the utility has acquired from the landowner a real property interest in the groundwater beneath the land; or (b) the landowner has provided written permission for the retail public utility to exercise the utility's real property interest in the groundwater beneath the landowner's land until the landowner: (i) drills a well and produces water from the land; or (ii) transfers title to the land or real property interest in the groundwater to another person; (3) the district shall hold a public hearing to consider approval of a petition submitted under the bill; and (4) the district shall require the retail public utility submitting the petition to provide written notice of the hearing not later than the 60<sup>th</sup> day before the date of the hearing to: (a) the landowners served by the retail public utility; (b) persons with permitted or registered wells in the district; and (c) other persons who have a property interest in groundwater under land that is within one mile of the utility's wells in the district.

**H.B. 2123 (Harris) – Groundwater Conservation Districts:** would provide that: (1) a person with groundwater ownership and rights may petition the district where the property that gives rise to the ownership and rights is located to adopt a rule or modify a district rule; (2) the district shall hold a hearing on a petition in the same manner as a rulemaking hearing; (3) after a hearing, the district shall grant or deny the petition and may grant or deny the petition wholly or partly; (4) the district shall provide an explanation for the action the district takes on the petition, including a determination about the consistency of the action with the concerns raised by the petitioner’s explanation; and (5) as soon as practicable after a petition or a portion of a petition is granted, the district shall engage in rulemaking consistent with the granted petition or the granted portion of the petition.

**H.B. 2148 (Blanco) – Renewable Energy Standards:** would provide that the Public Utility Commission shall conduct a study on the feasibility of expanding the renewable energy goal under the Utilities Code to establish a goal that 50 percent of the generating capacity installed in Texas comes from renewable energy sources by 2030 and 100 percent of the generating capacity installed in Texas comes from renewable sources by 2050.

**H.B. 2203 (Miller) – Notice of Radioactive Substance Release:** would provide that, notwithstanding any law requiring confidentiality, a person who accidentally releases a radioactive substance into the environment shall immediately notify each political subdivision of this state into which the substance was released.

**H.B. 2212 (Phelan) – Electric Customer Consulting:** would, among other things, provide that a person may not provide electric customer consulting services, unless the person is registered with the Public Utility Commission as a residential customer choice consultant.

**H.B. 2224 (Walle) – Electric Bill Assistance:** would provide that: (1) the Public Utility Commission (PUC), in cooperation with the Texas Division of Emergency Management and the Railroad Commission, shall: (a) promote public awareness of bill payment assistance available during a disaster for electric, gas, telecommunications, water, and wastewater services; and (b) provide the public with information about billing practices during a disaster to ensure that consumers of electric, gas, telecommunications, water, and wastewater services have an adequate understanding of their rights; and (2) customer awareness efforts by the PUC must be conducted in English and Spanish and any other language as necessary to further the purposes of the bill.

**H.B. 2249 (Lucio) – Groundwater Conservation Districts:** would provide that: (1) in regulating the production of groundwater based on tract size or acreage, a district shall consider the service area of a retail public utility, including a city, that serves the territory where production is regulated by the district; (2) to determine the service area of a retail public utility for consideration under the bill, a district shall determine the number of acres in the retail public utility’s service area that overlie the aquifer from which a completed or proposed well owned by the retail public utility will produce groundwater and deduct from that number the number of acres in that portion of the service area that the district has permitted to landowners; and (3) on the anniversary of the date the permit was issued to the retail public utility, the district shall adjust the permit held by the retail public utility to account for the number of acres permitted to landowners in that portion of the service area since the most recent determination of acreage of

the service area. The bill would also provide that, in relation to a district that regulates production based on tract size or acreage: (1) the district may not deny a permit for the production of groundwater to a landowner because of the location of a well owned by a retail public utility; and (2) a retail public utility may not file a protest or objection to a landowner's application for a permit if the proposed well is located in the retail public utility's service area.

**H.B. 2253 (Israel) – Air Quality Programs:** would, among other things, authorize certain county commissioners courts to impose an additional vehicle registration fee of up to \$6 to be used for local air quality programs as authorized by the bill.

**H.B. 2263 (Paddie) – Sale of Natural Gas/Electricity:** would, among other things: (1) allow the Texas Land Commissioner to sell natural gas to a public retail customer, including a school district, other political subdivision, or military installation; and (2) provide that a tax may not be imposed on the gross receipts from the sale of electricity to a public school district customer.

**H.B. 2312 (Beckley) – Utility Right-of-Way Planting:** would provide that the Texas Department of Transportation – in consultation with the Department of Agriculture – by rule shall require a utility (including a city utility) that disturbs the right-of-way of a state highway while constructing or maintaining a utility facility in the right-of-way to install, at the utility's expense, in the right-of-way after the construction or maintenance is complete plants that: (1) are native, regionally appropriate, and pollinator-friendly; and (2) generally grow roots less than four feet below the surface.

**H.B. 2426 (Reynolds) – On-Site Sewage Disposal Systems:** would: (1) increase the maximum amount of waste each day in the definition for an "on-site sewage disposal system" from 5,000 to 10,000; (2) increase the minimum number of acres where an on-site sewage disposal system is subject to permits from 10 acres to 1,000 acres; and (3) require a person who pumps an on-site sewage disposal system or any part of it to hold a license.

**H.B. 2493 (Holland) – Electric Grid:** would create the Texas Electric Grid Security Council as an advisory body to facilitate the creation, aggregation, coordination, and dissemination of best security practices for the electric industry, including the generation, transmission, and delivery of electricity. (Companion bill is **S.B.475** by **Hancock**.)

**S.B. 900 (Hinojosa) – Drought Contingency Plans:** would provide that a wholesale or retail public water supplier or irrigation district: (1) may review and update the supplier's or district's drought contingency plan and submit it to the Texas Commission on Environmental Quality; (2) may include in each reviewed or updated drought contingency plan an evaluation of the effectiveness of strategies in the plan that were implemented by the supplier or district during any previous period of significant drought; (3) shall notify TCEQ when the supplier makes changes to its drought contingency plan; and (4) provide that TCEQ shall maintain on its website a list and details about wholesale and retail public water suppliers that are currently implementing a drought contingency plan.

**S.B. 936 (Hancock) – Cybersecurity:** would provide that: (1) the Public Utility Commission and ERCOT shall contract with an entity selected by the commission to act as the commission's

cybersecurity monitor to: (a) manage a comprehensive cybersecurity outreach program for monitored utilities; (b) meet regularly with monitored utilities to discuss emerging threats, best business practices, and training opportunities; (c) review self-assessments by monitored utilities of cybersecurity efforts; (d) research and develop best business practices regarding cybersecurity; (e) report to the commission on monitored utility cybersecurity preparedness; and (2) a municipally owned utility may elect to participate and share in costs associated with the cybersecurity monitor program or to discontinue participation.

**S.B. 938 (Flores) – Texas Parks and Wildlife Department Rules:** would provide that the Parks and Wildlife Department is not subject to additional requirements when it adopts a rule that imposes a cost on regulated persons, including another state agency, a special district, or a local government. (Companion bill is **H.B. 1896** by **Phelan**.)

**S.B. 942 (Johnson) – State Water Pollution Control Revolving Fund:** would provide that the state water pollution control revolving fund is held by the Water Development Board to provide: (1) financial assistance to persons for eligible projects for assistance under the Federal Water Pollution Control Act; and (2) linked deposits to eligible financial institutions for loans to persons for nonpoint source pollution control projects. (Companion Bill **H.B. 2023** by **Metcalf**.)

**S.B. 990 (Watson) – Local Flood Maps:** would provide that: (1) a local floodplain manager who has information regarding a floodplain, a flood-prone area, or flood-risk zone in the manager's political subdivision that is more recent than the information in the national flood map used in the political subdivision may deliver to the Texas Water Development Board: (a) a local flood map that represents the more recent information; (b) information relevant to the creation of the local flood map; and (c) a sworn statement that the information represented in the local flood map is accurate and to the best of the local floodplain manager's knowledge; (2) a local floodplain manager is not personally liable for damages arising from the use of information in a local flood plain map; and (3) the TCEQ shall consider a local flood map in determining whether to issue a permit for a municipal solid waste landfill or transfer station to be located in a floodplain.

**S.B. 1003 (Hall) – Electric Grid Protection:** would: (1) enact various provisions related to the protection of the electric grid; and (2) prohibit a city or other political subdivision from enacting or enforcing an ordinance or other measure that bans, limits, or otherwise regulates inside the boundaries or extraterritorial jurisdiction of the city or political subdivision a micro-grid that is authorized by the bill.

**S.B. 1030 (Hall) – Fluoride:** would require a water supply system that furnishes drinking water to which fluoride has been added to disclose on its internet website: (1) the amount of fluoride that occurs naturally; (2) the amount of fluoride added to the drinking water; (3) the combined fluoride in the water; (4) the identity of the person who supplies the fluoride additive and the person with whom the system contracts to add the fluoride additive; and (5) the annual cost of adding fluoride to the drinking water.

**S.B. 1041 (Taylor) – Brackish Groundwater Designations:** would extend the time for the Texas Water Development Board to identify and designate brackish groundwater production zones for certain areas from 2022 to 2032.

**S.B. 1070 (Watson) – Clean Air Act Funding:** would provide that the commissioners court of a participating county (an affected county in which the commissioners court by resolution has chosen to implement a low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program) by order may impose an additional fee, not to exceed \$6, for a vehicle inspected in the county to be used for various clean air programs.

**S.B. 1103 (Perry) – Rural Broadband:** would, among other things: (1) establish the broadband office at the Texas Public Utility Commission to: (a) facilitate and coordinate the efforts of state agencies and local units of government, including regional planning commissions, in connection with the planning and deployment of broadband projects; (b) develop broadband investment and deployment strategies for rural communities and other areas of this state that are underserved and unserved with respect to broadband; (c) promote and coordinate public sector and private sector broadband solutions in support of statewide broadband development goals; (d) assist and promote local and regional broadband planning; (e) pursue and obtain federal sources of broadband funding; (f) develop a framework to measure broadband access in and designate areas of this state that are underserved and unserved with respect to broadband; (g) develop statewide goals for broadband deployment in rural communities and other underserved and unserved areas; (h) manage and award funds allocated to the broadband office for broadband projects; and (i) serve as an information clearinghouse in relation to federal programs providing assistance to local entities with respect to broadband; and (2) provide that the broadband office shall establish a program to provide grants to public or private entities for projects that stimulate the installation and maintenance of broadband in rural communities (defined as a city with a population of less than 50,000 or a county with a population of less than 200,000) and other underserved or unserved areas of this state with respect to broadband. (Companion bill is **H.B. 2423** by **Anderson**.)

**S.B. 1152 (Hancock) – Right-of-Way Franchise Fees:** would provide that: (1) “affiliated group” means a group of one or more entities in which a controlling interest is owned by a common owner or owners, either corporate or noncorporate, or by one or more of the member entities; (2) provide that a certificated telecommunications provider is not required to pay any right-of-way access line fee compensation for a given year if the provider determines that the sum of the access line compensation due from the provider and any member of the provider’s affiliated group to all cities in this state is less than the sum of the fees due from the provider and any member of the provider’s affiliated group to all cities in this state under the state cable franchise law; (3) the determination under (2) for a given year must be based on amounts actually paid, or amounts that would have been paid, during the immediately preceding calendar year by the provider and any member of the provider’s affiliated group; (4) the holder of a state-issued certificate of franchise authority to provide video service is not subject to the right-of-way rental fee for a given year if the holder determines that the sum of fees due from the holder and any member of the holder’s affiliated group to all cities in this state is less than the sum of the compensation due from the holder and any member of the holder’s affiliated group to all cities in this state under the telecommunications access line fee law; (5) the determination under (4) for a

given year must be based on amounts actually paid, or amounts that would have been paid, during the immediately preceding calendar year by the provider and any member of the provider's affiliated group. (Note: this bill would essentially allow a company to elect to pay either access line fees or state cable franchise fees.)

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