



# Legislative UPDATE

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## **San Antonio Mayor Speaks Up for Cities on Capitol Hill**

On March 13, Mayor Ron Nirenberg of San Antonio testified on behalf of the National League of Cities (NLC) before the House Committee on Transportation and Infrastructure. The following are selected excerpts from Mayor Nirenberg's testimony at the infrastructure briefing, which took place during NLC's 54<sup>th</sup> annual Congressional City Conference:

- **We believe that investing in infrastructure should be Congress' top priority this year.** The challenges that cities and towns must confront are great and growing, but so are the opportunities for investment and innovation. We believe that the greatest opportunity in front of this Committee is to partner and to collaborate with America's mayors and the National League of Cities to address our shared infrastructure priorities.
- **We believe that Congress should focus on three key areas – modern mobility, regional connectivity, and safety.** Cities believe that the mobility of our citizens should be our new measure of success in the next reauthorization. This focus on mobility is to move people in the most efficient, effective and safest way possible.

Today the transportation marketplace is undergoing a technological revolution. From ride-sharing to e-scooters, entrepreneurs are innovating to meet the demand for more and better transit options. We believe in supporting innovation with reasonable rules of the road and by investing in infrastructure that's durable and adaptable to the future.

In San Antonio, we're working on a framework for modern mobility called ConnectSA. This initiative builds off past community planning efforts around land-use, busses, bikes and roads.

The goal is to integrate our infrastructure investments to achieve a more efficient transportation network that moves more people safely and effectively.

Our cities are rapidly growing, and we have to provide more transit choices to alleviate traffic congestion and grow our economy. The U.S. is now the most congested developed nation in the world, with Americans spending an entire work week each year stuck in traffic. In San Antonio, by 2040, we'll add more than a million more people, and with the additional cars we'll lose yet another week per year stuck in traffic.

- **We have to be proactive in addressing this challenge. We need a federal partner that invests in regional connectivity to expand our economy.**
- **Transportation is only as effective as it is safe. In addition to modern mobility and regional connectivity, safety is a top priority for our cities.** In the U.S., crashes and collisions on the roadways are the leading cause of death for people between the ages of 5 and 24. This is an ongoing crisis that deserves more attention. Cities – along with our health professionals, safety workers, transportation leaders – believe that zero is the only acceptable number of deaths on our roads. Cities, like San Antonio, are leading Vision Zero efforts, but saving lives on our nation's roads is a shared responsibility.

The cities and mayors of America are here to be your partners for progress on surface transportation. We urge you to make investing in infrastructure: modern mobility, regional connectivity and safety, your top priority.

- **America's economy will move only as well as its transportation system. Our children and grandchildren's quality of life depends on bold decisions by you and by me.**

Mayor Nirenberg's full testimony can be read [here](#), and the full hearing can be seen [here](#). NLC thanks the mayor for his leadership and for challenging Congress to join cities, towns, and villages in efforts to [rebuild and reimagine America's infrastructure](#).

*(Editor's Note: The edited article above was reprinted with the permission of the National League of Cities.)*

## **Significant Floor Actions**

**Website Posting Requirements:** [C.S.H.B. 305\\*](#), relating to the requirement that a political subdivision with authority to impose a tax post certain information on an Internet website. Passed the House. As passed, the bill was [amended on the floor](#) and would require most cities with a website to post certain information on the site.

*\*Editor's Note: The letters "C.S." in front of a bill denote the "committee substitute" version of the bill. This means the version of the bill that was passed out of the committee is different than the as-filed version.*

## **Significant Committee Actions**

**Bond Issuance:** [C.S.H.B. 440\\*](#), relating to general obligation bonds issued by political subdivision. Reported from the House Committee on Pensions, Investments, and Financial Services. As reported the bill would: (1) require a political subdivision to include any sample ballot prepared for a general obligation bond election to be prominently posted on the political subdivision's website during the 21 days before the election along with the election order, notice of the election, and contents of the proposition, if the political subdivision maintains a website; and (2) provide that a political subdivision may not issue a general obligation bond to purchase, improve, or construct improvements or to purchase personal property if the weighted average maturity of the issue of bonds to finance the improvements or personal property exceeds 120 percent of the reasonably expected weighted average economic life of the improvements or personal property financed with the issue of bonds.

**Bond Issuance:** [C.S.H.B. 477](#), relating to the notice required before the issuance of certain debt obligations by political subdivisions. Reported from the House Committee on Pensions, Investments, and Financial Services. As reported the bill would, among other things: (1) require a political subdivision with at least 250 registered voters to prepare a voter information document stating various types of financial and tax information for each debt obligation proposition on the ballot and require the document to be posted in the same manner as a debt obligation election order; and (2) expand the notice requirements for the issuance of a certificate of obligation.

**Ballot Propositions:** [C.S.S.B. 323](#), relating to the review of ballot proposition language for certain political subdivisions. Reported from the Senate State Affairs Committee. As reported, the bill would require, among other things, a three-judge panel of district judges to approve a city's ballot proposition language prior to an election.

**Lobby Reporting:** [C.S.S.B. 702](#), relating to the authorization and reporting of expenditures for lobbying activities by certain political subdivisions. Reported from the Senate State Affairs Committee. As reported, the bill would require, among other things, a stand-alone vote of the city council to hire a lobby firm and reporting of a city's lobby expenditures to the Texas Ethics Commission.

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## 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 committee hearings held March 12 through March 18, plus late reports from March 11 hearings:

- Troy Downs, Plumbing Inspector, City of Beaumont
- Robert Puente, San Antonio Water System
- Jeff Headley, Houston Police Department
- John Bruce, Chief of Police, City of Frisco
- Joe McComb, Mayor, City of Corpus Christi
- Jared Hockema, City Manager, City of Port Isabel
- Brian England, Deputy City Attorney, City of Garland
- Shawn Roten, City of Garland
- Clifford Sparks, State Legislative Director, City of Dallas
- Doug Caroom, City of Uvalde
- Don McLaughlin, Mayor, City of Uvalde
- Jared Miller, City Manager, City of Amarillo
- Chuck Brawner, Mayor, City of Katy
- Chris Harris, Councilmember, City of Katy
- Dan Curtis, Plano Police Department
- Carla Pendergraft, Director of Marketing, City of Waco

## City-Related Bills Filed

### Property Tax

**H.B. 4184 (Sanford) – Property Tax Exemption:** would: (1) provide that a disabled veteran who has a disability rating of at least 10 percent but less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating; and (2) provide that the surviving spouse or a surviving child of a disabled veteran who was receiving an exemption under (1), above, at the time of the veteran's death may designate a property that qualifies as the spouse's or child's residence homestead. (See **H.J.R. 131**, below.)

**H.B. 4194 (Middleton) – Property Tax Appeals:** would, for a refund made resulting from the final determination of an appeal that decreases a property owner's liability for taxes imposed on a refinery, require the taxing unit to include with the refund interest on the amount refunded calculated at an annual rate that is equal to the auction average rate quoted on bank discount basis for one-month treasury bills issued by the United States government for the week in which

the taxes became delinquent, but not more than four percent, calculated from the delinquency date for the taxes until the date the refund is made.

**H.B. 4253 (Murr) – Property Tax Appraisal:** would potentially make land eligible for appraisal for property tax purposes as qualified open-space land on the basis of its use for wildlife management.

**H.B. 4328 (Clardy) – Property Tax Lending:** would appear to modify the law pertaining to property tax lenders, property tax loans, and tax liens.

**H.B. 4329 (Gutierrez) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.J.R. 134**, below.)

**H.B. 4338 (Gutierrez) – Appraisal Cap:** would establish a ten percent appraisal cap on commercial real property. (See **H.J.R. 136**, below.)

**H.B. 4353 (Burrows) – 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. (Companion bill is **S.B. 1006** by **Bettencourt**.)

**H.B. 4355 (Burrows) – 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. (Companion bill is **S.B. 956** by **Bettencourt**.)

**H.B. 4356 (Burrows) – 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. (Companion bill is **S.B. 955** by **Bettencourt**.)

**H.B. 4367 (Holland) – Property Tax Exemption:** would exempt from property taxation the residence homesteads of qualifying disabled first responders and their surviving spouses. (See **H.J.R. 139**, below.)

**H.B. 4433 (Bohac) – Property Tax Exemption:** would, among other things:

1. define “qualified property” for purposes of a property tax exemption under Section 2, below, to mean property that: (a) consists of tangible personal property used for the production of income or an improvement to real property; (b) is located in an area declared by the governor to be a disaster area following a disaster; (c) is at least 15 percent damaged by the disaster, as determined by the chief appraiser; and (d) for tangible personal property used for the production of income, is the subject of a rendition

statement or property report filed by the property owner that demonstrates that the property had taxable situs in the disaster area for the tax year in which the disaster occurred;

2. provide that a person is entitled to an exemption from taxation by a taxing unit of a portion of the appraised value of qualified property that the person owns in an amount determined by Section 4, below;
3. upon receiving an application for the exemption, require the chief appraiser to determine whether any item of qualified property that is the subject of the application is at least 15 percent damaged by the disaster and assign to each such item of qualified property a damage assessment rating of Level I, Level II, Level III, or Level IV, as appropriate;
4. provide that the amount of the property tax exemption is determined by multiplying the appraised value, determined for the tax year in which the disaster occurred, by: (a) 15 percent if the property is assigned a Level I damage assessment rating; (b) 30 percent if the property is assigned a Level II damage assessment rating; (c) 60 percent if the property is assigned a Level III damage assessment rating; or (d) 100 percent if the property is assigned a Level IV damage assessment rating;
5. provide that, if a person qualifies for the exemption after the beginning of the tax year, the amount of the exemption is calculated by multiplying the amount determined under Section 4, above, by a fraction, the denominator of which is 365 and the numerator of which is the number of days remaining in the tax year after the day on which the governor first declares the area in which the person's qualified property is located to be a disaster area;
6. provide that, if a person qualifies for the exemption after the amount of the tax due on the qualified property is calculated and the effect of the qualification is to reduce the amount of the tax due on the property, the assessor for each taxing unit that has adopted the exemption shall recalculate the amount of the tax due on the property and correct the tax roll;
7. provide that if the tax bill has been mailed and the tax on the property has not been paid, the assessor shall mail a corrected tax bill to the person in whose name the property is listed on the tax roll or to the person's authorized agent;
8. provide that if the tax on the property has been paid, the tax collector for the taxing unit shall refund to the person who paid the tax the amount by which the payment exceeded the tax due;
9. provide that no interest is due on an amount refunded under Section 8, above;
10. provide that the property tax exemption for property damaged in a disaster expires as to an item of qualified property on January 1 of the first tax year in which the property is reappraised; and

11. repeal the existing state statute authorizing reappraisal of property damaged in a disaster area.

(See **H.J.R. 142**, below.) (Companion bill is **S.B. 1772** by **Bettencourt**.)

**H.B. 4488 (Zwiener) – Property Tax Exemption:** would exempt from property taxation the portion of the appraised value of a person’s property that is attributable to the installation in or on the property of a rainwater harvesting or graywater system. (See **H.J.R. 146**, below.)

**H.B. 4494 (Toth) – Appraisal Cap:** would, among other things: (1) provide that the appraised value of residence homestead for a tax year is equal to the market value of the property for the first tax year that the owner qualified the property for a homestead exemption; and (2) require an owner of property to apply for the appraisal cap under (1), above, using an application form prescribed by the comptroller that includes, among other information, the purchase price of the property paid by the applicant.

**H.B. 4528 (Murphy) – Property Tax Exemption:** would provide that certain convention centers and sports facilities owned by a city and leased to a private business to serve a public purpose or function are subject to property taxes imposed by a taxing unit other than the city that owns the property unless the governing body of the taxing unit approves the exemption of the possessory interest in the manner provided by law for official action by the governing body. (Companion bill is **S.B. 1771** by **Bettencourt**.)

**H.B. 4617 (Burrows) – Heavy Equipment Appraisal:** would modify the method for appraising certain dealer’s heavy equipment inventory by minimizing the ability to tie the appraised value of the inventory to the lease or rental price.

**H.J.R. 131 (Sanford) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxation a percentage of the assessed value of the residence homestead of a partially disabled veteran based on the disability rating of the veteran. (See **H.B. 4184**, above.)

**H.J.R. 134 (Gutierrez) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.B. 4329**, above.)

**H.J.R. 136 (Gutierrez) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to limit increases in the appraised value of commercial real property for property tax purposes to ten percent per year. (See **H.B. 4338**, above.)

**H.J.R. 139 (Holland) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxation the residence homesteads of qualifying disabled first responders and their surviving spouses. (See **H.B. 4367**, above.)

**H.J.R. 142 (Bohac) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to provide that a person who owns property located in an area declared by the governor to be a disaster area is entitled to a temporary property tax exemption by a political subdivision of a portion of the appraised value of that property. (See **H.B. 4433**, above.)

**H.J.R. 146 (Zwiener) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxation the portion of the appraised value of a person’s property that is attributable to the installation in or on the property of a rainwater harvesting or graywater system. (See **H.B. 4488**, above.)

**S.B. 1771 (Bettencourt) – Property Tax Exemption:** would provide that certain convention centers and sports facilities owned by a city and leased to a private business to serve a public purpose or function are subject to property taxes imposed by a taxing unit other than the city that owns the property unless the governing body of the taxing unit approves the exemption of the possessory interest in the manner provided by law for official action by the governing body. (Companion bill is **H.B. 4528** by **Murphy**.)

**S.B. 2246 (Paxton) – 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. (Companion bill is **H.B. 2159** by **Meyer**.)

**S.B. 2323 (Creighton) – Property Tax Installment Payments:** would, among other things, authorize a veteran or active duty service member to pay a taxing unit’s taxes imposed on property that the veteran or active duty service member owns in eight equal installments without penalty or interest if the first installment is paid before the first day of the first month that begins after the delinquency date and is accompanied by notice to the taxing unit that the veteran or active duty service member will pay the remaining taxes in seven equal installments.

**S.B. 2327 (Creighton) – Property Tax Installment Payments:** would, among other things, authorize a person owning property damaged in a disaster to pay a taxing unit’s taxes imposed on the property in eight equal installments if the first installment is paid before the delinquency date and is accompanied by notice to the taxing unit that the person will pay the remaining taxes in seven equal installments.

**S.B. 2337 (Bettencourt) – Treatment of Tax Increment Revenue:** would repeal the statute that excludes captured appraised value attributable to tax increment financing and tax increment from any property tax rate calculation.

**S.B. 2345 (Creighton) – Property Tax Exemption:** would exempt from property taxation the portion of real property owned by a person that is leased to an open-enrollment charter school if: (1) the real property is used exclusively by the school for education functions; (2) the real property is reasonably necessary for the operation of the school; (3) the property owner certifies by affidavit to the school that the rent for the lease of the real property will be reduced by a commensurate amount; (4) the property owner provides the school with a disclosure document

stating the amount by which the taxes on the real property are reduced due to the exemption and the method to be implemented to ensure that the rent charged reflects the reduction; and (5) the rent charged for the lease of the real property reflects the reduction in the amount of property taxes due to the exemption through a monthly or annual credit against the rent. (See **S.J.R. 74**, below.) (Companion bill is **H.B. 388** by **Murphy**.)

**S.B. 2362 (West) – Homestead Exemption:** would: (1) authorize the governing body of a taxing unit to adopt a local option homestead exemption of a percentage of the appraised value of an individual’s residence homestead or of a fixed dollar amount; (2) provide that if the percentage set by the taxing unit produces an exemption in a tax year of less than \$5,000, or of a greater dollar amount not to exceed \$25,000 adopted by the governing body before July 1 of that tax year in the manner provided by law for official action by the body, the individual is entitled to an exemption of \$5,000 or, if applicable, of the greater dollar amount adopted by the governing body; and (3) provide that the percentage adopted by the taxing unit may not exceed 30 percent. (See **S.J.R. 73**, below.) (Companion is **H.B. 4139** by **Capriglione**.)

**S.B. 2427 (Bettencourt) – Property Tax Delinquency:** would, among other things: (1) authorize a tax collector to adopt a written policy that requires payment of taxes, penalties, interest, attorney’s fees, court costs, and other costs and expenses, only with United States currency, a cashier’s check, or, under certain circumstances, a certified check; (2) provide that if a tax sale of the property subject to a petition to vacate a judgment has occurred, the court in which the petition is filed must conduct a hearing on the petition unless the purchaser of the property at the tax sale or from the taxing unit to which the property was bid off, as applicable, consents to the court’s granting of the petition; (3) authorize a tax sale for real or personal property; and (4) provide that the sale of personal property, including a manufactured home, may be conducted at the same place as the sale of real property or at the location of the personal property. (Companion bill is **H.B. 3917** by **Wray**.)

**S.J.R. 73 (West) – Homestead Exemption:** would amend the Texas Constitution to authorize the governing body of a political subdivision that adopts an exemption from property taxation of a percentage of the market value of an individual’s residence homestead to set the minimum dollar amount of the exemption to which an individual is entitled in a tax year. (See **S.B. 2362**, above.)

**S.J.R. 74 (Creighton) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxation any real property that is leased for use as an open-enrollment charter school for educational purposes. (See **S.B. 2345**, above.)

## **Sales Tax**

**H.B. 4366 (Allen) – Sales Tax Exemption:** would exempt certain school supplies from sales taxes if the school supply is purchased by a teacher employed by a public school district or open enrollment charter school for use in the teacher’s classroom during a particular weekend in July. (Companion bill is **S.B. 182** by **Miles**.)

**H.B. 4425 (Longoria) – Sales Tax Exemption:** would provide that in order to be exempt from sales and use taxes, the sale, storage, or use of depreciable tangible personal property must be directly and exclusively used in qualified research and sold, leased, rented to, or stored or used by, a person who: (1) is engaged in qualified research; and (2) will not claim a credit on a franchise tax report for the period during which the sale, storage, or use occurs.

**S.B. 2376 (Hughes) – Sales Tax Sourcing:** would, for city property tax purposes: (1) provide that the sale of services delivered through an on-site satellite receiver or transmitter is consummated at the point of delivery to the consumer; and (2) require a seller who provides such a service to determine for each consumer served what amount of tax is required to be collected for that service and collect only that amount.

### **Purchasing**

**H.B. 4270 (Wu) – Municipal Management Districts:** would authorize a municipal management district to construct public education facilities.

**H.B. 4273 (Zedler) – Municipal Management Districts:** would make numerous detrimental changes to the law governing municipal management districts, including: (1) making the state auditor conduct audits of all municipal management districts and providing detailed procedures for those audits; (2) making various changes to how the board of a district is elected and how members are removed, including recall elections; and (3) providing for an election to repeal a district's taxing authority.

**H.B. 4288 (Morrison) – Construction Program Managers:** would provide: (1) that “program manager” means a sole proprietorship, partnership, corporation, or other legal entity that serves as the primary agent for a governmental entity by providing construction administration and management services for the construction, rehabilitation, alteration, or repair of a facility or other public works project; (2) that “program manager method” means a delivery method by which a governmental entity contracts with a program manager to provide consultation or administrative services during the design and construction phase of a facility or other public works project and to manage multiple contracts with various construction prime contractors; (3) that a governmental entity may retain a program manager for assistance in the construction, rehabilitation, alteration, or repair of a facility or other public works project only as provided by the bill; (4) for 16 items that a program manager may assist a city with; (5) that a program manager may not: (a) perform any aspect of the construction, rehabilitation, alteration, or repair of a facility or other public works project; (b) be a party to a construction subcontract for the construction, rehabilitation, alteration, or repair of a facility or other public works project; or (c) provide or be required to provide performance and payment bonds for the construction, rehabilitation, alteration, or repair of a facility or other public works project; (6) that, on or before the date a governmental entity selects a program manager, the governmental entity must select or designate an engineer or architect to prepare the construction documents for the project; (7) that the governmental entity's engineer or architect may not serve, alone or in combination with another person, as the program manager unless the engineer or architect is hired to serve as the program manager under a separate or concurrent selection process conducted in accordance

with the bill; (8) that the bill does not prohibit the governmental entity's engineer or architect from providing customary construction phase services under the engineer's or architect's original professional service agreement in accordance with applicable licensing laws; (9) that, to the extent that the program manager's services are defined as part of the practice of engineering or architecture, those services shall be conducted by a person licensed under the applicable law; (10) that a governmental entity using the program manager method shall procure, in accordance with applicable law and in any manner authorized by the bill, a general contractor or trade contractors who will serve as the prime contractors for their specific portions of the work and provide performance and payment bonds to the governmental entity in accordance with applicable laws; (11) that a governmental entity shall select a program manager on the basis of demonstrated competence and qualifications in the same manner that an engineer or architect is selected under the Professional Services Procurement Act; and (12) that a program manager selected under the bill shall maintain professional liability or errors and omissions insurance in the amount of at least \$1 million for each occurrence.

**H.B. 4432 (Perez) – Construction Projects:** would provide that: (1) a contract entered into by a governmental entity under a method authorized by the alternative delivery project statute in current law, other than the job order contract method, may cover only a single integrated project; and (2) a governmental entity may not enter into a contract for aggregated projects at multiple locations.

**H.B. 4567 (Coleman) – Electronic Capture Devices:** would provide that, as it relates to purchases by local governmental entities, devices that utilize electronic capture to produce a physical record shall be considered interchangeable with devices that utilize electronic capture to produce an electronic record.

## **Elections**

**H.B. 2226 (Fallon) – Early Voting at Temporary Branch Polling Place:** would provide that: (1) in an election in which the authority ordering the election has established at least five temporary branch polling places in the territory served by the early voting clerk, early voting by personal appearance at no less than 80 percent of the temporary branch polling places shall be conducted on the same days and during the same hours as voting is conducted at the main early voting polling place; (2) for all other elections, early voting by personal appearance at a temporary branch polling place may be conducted on any one or more days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch; and (3) the authority authorized to order early voting on a Saturday or Sunday may order such voting at any temporary branch polling place that is not required to conduct voting on the same days and during the same hours as voting is conducted at the main early voting polling place under (2).

**H.B. 4160 (Swanson) – Uniform Election Date:** would, among other things: (1) eliminate the May uniform election date; (2) establish a uniform election date on the first Tuesday in March in an even-numbered year, which is the primary election date; (3) require an election for the issuance of bonds by a political subdivision to be held on a uniform election date; and (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.

**H.B. 4167 (Bucy) – Changing Residence:** would, among other things: (1) provide that an election officer serving a polling place shall be a deputy voter registrar and shall have the same authority as a regular deputy registrar; (2) provide that, after changing residence to another county, a person must be accepted for provisional voting if: (a) the person would have been eligible to vote in the county the person formerly resided in on election day if the person was still residing in that county; (b) the person is registered to vote in the county the person formerly resided in at the time the person offers to vote in the county the person currently resides in or submitted a voter registration application in the county the person currently resides in; (c) the person's voter registration for the county the person currently resides is not effective on or before election day; and (d) in the county the person currently resides in, the person offers to vote: (i) at any polling place during the early voting period; (ii) at any polling place on election day if the county participates in the countywide polling place program; or (iii) at the polling place of the precinct in which the person resides on election day if the county does not participate in the countywide polling place program; and (3) require the form for a provisional voting affidavit to include a space for entering the precinct number of the precinct in which the voter voted and the name of the county in which the voter is registered to vote.

**H.B. 4245 (Bailes) – Local Option Elections:** would lower the percentage of voters needed to sign a petition requesting an election to prohibit or authorize the sale of alcoholic beverages.

**H.B. 4384 (Allen) – Early Voting by Mail:** would require the secretary of state to prescribe a procedure for the delivery, in person, of a marked ballot during the early voting period and on election day.

**H.B. 4406 (Cain) – Election Procedures:** would, among other things: (1) provide that an election held by a political subdivision to authorize the issuance of bonds does not authorize the issuance of bonds unless at least: (a) two-thirds of the voters voting in the election vote in favor of authorizing the issuance of bonds; and (b) 20 percent of the registered voters eligible to vote in the election vote in the election; (2) provide that, for a political subdivision located entirely in a county with a population of 250,000 or more, the governing body of the political subdivision shall request an election services contract with the county elections administrator to perform all duties and functions of the political subdivision in relation to an election held on the May uniform election date; (3) prohibit a ballot proposition from exceeding 400 characters; (4) provide that an election judge commits a state jail felony if: (a) the judge accepts a voter for voting under the regular procedure for voting if the voter is only permitted to vote a provisional ballot in the election; (b) the judge, in one election, accepts for voting under the regular procedure for voting three or more voters whose names are not on the list of registered voters for the precinct; or (c) the judge provides a voter with a form for an affidavit required under the regular procedure for voting if the form contains false information; and (5) would require early voting to take place at a residential care facility if five or more voters residing in the same residential care facility apply to vote early by mail on the grounds of age or disability.

**H.B. 4447 (Cain) – Early Voting Rosters:** would provide that information on the roster for a person who votes an early voting ballot: (1) by personal appearance shall be made available for public inspection not later than 11 a.m. on the day after the date the information is entered on the roster; and (2) by mail shall be made available for public inspection not later than 11 a.m. on the day following the day the early voting clerk receives the ballot.

**H.B. 4535 (Swanson) – Early Voting:** would provide that, in a county with a population of 100,000 or more, the location of a movable temporary branch early voting polling place may be changed only: (1) once during the early voting period; or (2) after at least half of the early voting period has concluded.

**H.B. 4537 (Swanson) – Recall Elections, Ballot Propositions, and Petitions:** with regard to a city's ballot proposition language, the bill would:

1. require that a ballot proposition substantially submit a question with such definiteness and certainty that the voters are not misled;
2. provide that if a court orders a new election to be held after a contested election is declared void, a person may seek from the court a writ of mandamus to compel the governing body of a city to comply with the requirement that a ballot proposition substantially submit the question with such definiteness and certainty that the voters are not misled;
3. allow a religious organization to circulate or submit a petition in connection with a recall election;
4. provide that, not later than the seventh day after the date that a home rule city publishes ballot proposition language proposing an amendment to the city charter or another city law as requested by petition, a registered voter eligible to vote in the election may submit the proposition for review by the secretary of state (SOS);
5. require the SOS to review the proposition not later than the seventh day after the date the SOS receives the submission to determine whether the proposition is misleading or inaccurate;
6. provide that if the SOS determines that the proposition is misleading or inaccurate, the city shall draft a proposition to cure the defect and give notice of the new proposition;
7. authorize a proposition drafted by a city under (6), above, to be submitted to the SOS under the process outlined in (4), above;
8. provide that if the SOS determines that the city has on its third attempt drafted a proposition that is misleading or inaccurate, the SOS shall draft the ballot proposition;
9. require, in an action in a district court seeking a writ of mandamus to compel the city to comply with the provision described in (1), above, the court to make a determination without delay and authorize the court to: (a) order the city to use ballot proposition language drafted by the court; and (b) award a plaintiff or relator who substantially prevails reasonable attorney's fees, expenses, and court costs;
10. waive and abolish governmental immunity to suit to the extent of the liability created by (9)(b), above;
11. provide that, following a final judgment that a proposition failed to comply with the provision described in (1), above, a city must submit to the SOS any proposition to be

voted on at any election held by the city before the fourth anniversary of the court's finding; and

12. require a city to pay fair market value for all legal services relating to a proceeding regarding ballot proposition language enforcement.

In addition, with regard to petitions, the bill would:

1. provide that the illegibility of a signature on a petition submitted to a home-rule city is not a valid basis for invalidating the signature if the information provided with the signature legibly provides enough information to demonstrate that the signer is eligible to sign the petition and signed the petition on or after the 180th day before the date the petition was filed;
2. require the SOS to prescribe the form, content, and procedure for a petition and prohibit a home-rule city that uses a form that is different than the SOS form from invalidating a petition because it doesn't contain information that the petition form failed to provide for or required to be provided;
3. provide that a person who circulates or submits a petition is not required to use a petition form prescribed by the SOS or a home-rule city, but that a petition that does not use an officially prescribed form must contain the substantial elements required to be provided on the officially prescribed form;
4. require that the city secretary determine the validity of a petition, including verifying the petition signatures, not later than the 30th day after the date the city receives the petition;
5. prohibit a city from restricting who may collect petition signatures;
6. provide that the provisions described by (4) and (5), above, preempt home-rule charter procedures requiring the city council to hold an election on receipt of a petition; and
7. in regard to a charter amendment election petition: (a) provide that at least five percent of the registered voters of the city on the date of the most recent election held in the city or 20,000, whichever number is smaller, may submit a petition; and (b) require the notice of election include a substantial copy of the proposed amendment in which language sought to be deleted by the amendment is bracketed and stricken through and language sought to be added by the amendment is underlined.

(Companion bill is **S.B. 1225** by **Bettencourt**.)

**H.B. 4539 (Klick) – Elections:** would, among other things: (1) provide that a person may not use any mechanical or electronic means to record images or sound within 100 feet of a voting station, except that a person occupying a voting station may use a mechanical or electronic device to photograph the person's completed ballot; and (2) require the early voting clerk to provide a current copy of the branch daily register for posting on the Internet website of the authority ordering the election, if the authority maintains a website, each day early voting is conducted.

**H.B. 4545 (Swanson) – Election Results:** would require, as soon as practicable after an election: (1) a county, city, and independent school district that holds the election or provides election services and maintains an Internet website to post on its public Internet website: (a) the results of each election; (b) the total number of votes cast; and (c) the total number of votes cast

for each candidate or for or against each measure; and (2) the information in (1) to be accessible without having to make more than two selections or view more than two network locations from the Internet website home page. (Companion bill is **S.B. 1229** by **Bettencourt**.)

**S.B. 901 (Hughes) – Election Integrity:** would, among other things: (1) authorize the signature verification committee to compare the signatures on the carrier envelope certificate and ballot application with any signature of the voter made within the preceding six years and on file with the county clerk or voter registrar to determine whether the signatures are those of the voter; (2) require the early voting ballot board to place the ballot envelope containing an accepted ballot in a separate container from the ballot box containing the early voting ballots voted by personal appearance; (3) require ballots voted by mail to be tabulated separately from ballots voted by personal appearance, and require the ballots to be voted by mail to be separately reported on the returns; and (4) the early voting electronic system ballots counted at a central counting state, the ballots cast at precinct polling places, and the ballots voted by mail shall be tabulated separately and shall be separately reported on the returns.

**S.B. 902 (Hughes) – Election Records:** would: (1) provide that an election record shall be available, not later than the 15th day after election day, in an electronic format for a fee of not more than \$50; (2) require the general custodian of election records to maintain a list with the total votes cast in each precinct by personal appearance on election day and make the list available for public inspection not later than the day after election day; and (3) require that each early voting roster be updated at the end of each day to include the daily total of persons who voted early by personal appearance and by mail, and that the information be available for public inspection.

**S.B. 903 (Hughes) – Election Integrity:** would, among other things, require the early voting clerk to, not later than the 30<sup>th</sup> day after election day, deliver notice to the attorney general of any ballot rejected because any form of voter fraud was committed.

**S.B. 904 (Hughes) – Political Advertising:** would: (1) prohibit the use of government communications systems for political advertising; (2) provide that a person, political campaign, or advocacy group is prohibited from misusing government resources by causing political advertising to be delivered to an e-mail address issued by the state or a political subdivision; and (3) provide that each email sent in violation of (2) may result in a civil penalty of \$100.

**S.B. 2353 (Hall) – Voting System Fund:** would: (1) create a voting system fund as an account in the general revenue fund; (2) provide that a city may apply to the Secretary of State for a grant to replace voting system equipment with the grant being equal to not more than 50 percent of the total cost of the voting equipment; and (3) provide that the Secretary of State shall develop criteria for the fair and proportional distribution of grants. (Companion bill is **H.B. 362** by **Israel**.)

## **Open Government**

**S.B. 1688 (West) – Public Information:** would provide that: (1) under the litigation exception of the Public Information Act, anticipated litigation is considered reasonable only if a person with an alleged claim, or that person’s attorney, has: (a) threatened in writing to take legal action against the governmental body; or (b) made a written demand for compensation as a result of an alleged claim against the governmental body; and (2) a governmental body that receives a written request for law enforcement information from a investigation or prosecution that did not result in a conviction or deferred adjudication may not withhold this information under the law enforcement exception if the written request is made by: (a) a person who is the subject of the information, record or notation; or (b) if the person described in (2)(a) is deceased, the person’s spouse, child, or parent, an administrator of the person’s estate, or any of their attorneys.

**S.B. 2328 (Creighton) – Disclosure of Emergency-Related Information:** would provide that: (1) for purposes of confidentiality of certain information related to security systems, the term “security systems” includes station alert systems used as part of a dispatching system for firefighting, emergency medical services, and law enforcement personnel; and (2) for purposes of the Public Information Act, a volunteer firefighter, from the date the volunteer firefighter begins providing services to a governmental body, may elect whether to allow public access to information in the custody of the governmental body that relates to the firefighter’s home address, home telephone number, emergency contact information, or social security number, or that reveals whether the firefighter has family members.

### **Other Finance and Administration**

**H.B. 2340 (Dominguez) – Disaster Management:** would: (1) establish a group to study the appropriate use of unmanned aircraft in responding to and recovering from a disaster; (2) establish a work group of state agencies to develop recommendations for improving the manner in which electronic information is stored and shared among state agencies and between state agencies and federal agencies to improve the capacity of the agencies to respond and coordinate responses to a disaster; and (3) require the Office of State-Federal Relations to: (a) study federal laws and policies related to issues affecting the ability of federal agencies, state agencies, and local governments to cooperate in responding to a disaster, including issues related to procurement, housing assistance, information sharing, personnel, and federal disaster assistance programs; and (b) make recommendations to improve federal laws and policies related to the issues described in (3)(a).

**H.B. 2707 (Price) – Grant Program:** would expand the current grant program for mental health services administered by Health and Human Services Commission to include substance use disorder services.

**H.B. 2866 (Deshotel) – Child-Care Facilities:** would, among other things, provide that: (1) the Department of Family and Protective Services (DFPS) must release certain information relating to a child fatality with respect to which DFPS is conducting an investigation of alleged abuse or neglect that occurred in a residential child-care facility, day-care center, group day-care home, before-school or after-school program, school-age program, or family home, regardless of whether the facility or program is licensed, registered, or listed with DFPS; (2) after completing

a child abuse or neglect investigation where abuse or neglect is determined to be the cause of a child fatality, DFPS must promptly release investigation information including: (a) whether the facilities or programs mentioned in (1), were licensed, registered or listed at the time of the child's fatality; (b) previous child abuse or neglect investigations concerning those facilities and programs; (c) any reported licensing, registration or listing violations; (d) records of any training completed by those facilities and programs; and (3) if a child-care facility receives a written notice from Health and Human Services Commission of a violation of a statute or rule, the facility must give a copy of the notice to each parent or legal guardian of child attending the facility or home. (Companion bill is **S.B. 705** by **Watson**.)

**H.B. 3778 (Button) – Short-Term Rental Preemption:** would severely limit a city's authority to regulate short-term rentals. Specifically, the bill would provide that:

1. "short-term rental unit" means a dwelling that is: (a) used or designed to be used as the home of a person, family, or household, including a single-family dwelling or a unit in a multi-unit building, including an apartment, condominium, cooperative, or timeshare; and (b) rented wholly or partly for a fee and for a period of less than 30 consecutive days;
2. the bill does not require a city to regulate a short-term rental unit, but does require a city that elects to regulate a unit to comply with the bill;
3. except as provided by the bill, a city may not: (a) adopt or enforce an ordinance, rule, or other measure that: (i) prohibits or limits the use of property as a short-term rental unit; or (ii) is applicable solely to short-term rental units, or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units; or (b) apply a municipal law, including a noise restriction, parking requirement, or building code requirement, or other law to short-term rental units or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units in a manner that is more restrictive or otherwise inconsistent with the application of the law to other similarly situated property or persons;
4. in regard to a short-term rental unit, a city may prohibit: (a) the use of the unit to promote activities that are illegal under municipal or other law; (b) the provision or management of the unit by a registered sex offender or any person having been convicted of a felony; (c) the serving of food to a tenant unless the serving of food at the unit is otherwise authorized by municipal law; (d) the rental of the unit to a person younger than 18 years of age; or (e) the rental of the unit for less than 24 hours;
5. in regard to a short-term rental unit, a city may require: (a) a unit provider (an undefined term) to: (i) register the unit; (ii) designate an emergency contact responsible for responding to complaints regarding the unit; (iii) have the unit inspected on an annual basis by the local building code department or fire marshal, as applicable, to verify that the unit meets state and municipal requirements; and (iv) post the number of a permit issued by the city for the unit on every listing advertising the unit on a short-term rental unit listing service; and (b) either: (i) a unit provider, or property manager on the provider's behalf, to maintain property and liability insurance for the unit in an amount required by the city; or (ii) the unit provider to provide proof that the short-term rental unit listing service that lists the unit is

- maintaining property and liability insurance for the unit in an amount required by the city;
6. “bedroom” means an area of a residential dwelling intended and used as sleeping quarters, and the term does not include a kitchen, dining room, bathroom, living room, utility room, closet, or storage area;
  7. a city may limit the maximum occupancy of individuals 18 years of age or older in a unit to a number that is not less than two individuals multiplied by the number of bedrooms in the unit plus two additional individuals;
  8. with regard to registration, a city that adopts a registration requirement: (a) shall approve or deny a registration application not later than the 45th calendar day after the date the city receives the application, or the application is deemed approved; (b) if the city approves a registration application, shall issue a permit valid for at least one year following the date of the issuance of the permit; (c) may suspend a permit only in accordance with the bill; (d) may not charge a registration fee in an amount greater than the lesser of an amount to cover the administrative costs of enforcing the registration requirement or \$450; (e) may require the short-term rental unit provider to affirm that the unit does not violate any rules or bylaws of any condominium, cooperative, property owners’ association, or other similar entity that has jurisdiction over the property in which the unit is located; (f) may maintain an Internet website or telephone hotline that enables a member of the public to file a complaint regarding a short-term rental unit; (g) may deny renewal of a permit if the short-term rental unit provider did not provide the city with a renewal application before midnight on the date in which the permit expires; (h) may prohibit transfer of registration permits; (i) may not restrict the number of permits issued for short-term rental units, including units in multi-family dwellings, located in a commercial area or another area outside of a residential area of the city regardless of whether a unit is the primary residence of the unit owner; (j) may not restrict the number of permits issued for short-term rental units that are located within a residential area of the city and are the primary residence of the unit owner; (k) may place a reasonable density restriction or reasonable per capita percentage restriction on the number of permits issued for short-term rental units that are located in a residential area and not the primary residence of the owner if the city: (i) finds that active enforcement of the city’s noise restrictions, parking requirements, building code requirements, or other laws is insufficient to protect the health and safety of city residents in the residential area; (ii) does not prohibit more than 12.5 percent of the total number of residential properties in the city from being eligible for a permit; and (iii) applies the restriction uniformly across the entire city; (l) the registration is considered approved if a city fails to approve or deny a registration application in accordance with certain requirements; and (m) a registration requirement adopted by a city that is more stringent than requirements in effect immediately before the new requirement takes effect applies only to a permit issued or renewed on or after the effective date of the new requirement;
  9. with regard to registration suspension: (a) a city may suspend the registration of a short-term rental unit for a period not to exceed one year if: (i) as a direct result of the operation of the unit, the unit has been in violation of a municipal law related to noise, parking, or habitability standards at least three times during one calendar year; (ii) the unit provider is delinquent in the remittance of a local hotel occupancy tax by

- more than 90 days and the city has provided sufficient notice and opportunity for the provider to remit the tax; or (iii) the unit provider is in violation of a municipal requirement enacted in accordance with the bill; and (b) the city has the burden of proof of demonstrating that the violation was a direct result of the short-term rental unit's operation and the unit provider failed to make reasonable attempts to abate the violation;
10. in addition to any penalty provided for an underlying offense or violation, a city may assess a civil penalty against a unit provider not to exceed \$200 per day for a violation of the bill;
  11. if a short-term rental unit provider knowingly tolerates a violation of the bill, fails to make reasonable attempts to abate a violation, and has violated a municipal law related to unsanitary conditions, noise, over-occupancy, parking, or solid waste five times or more in a calendar year, the city may assess a civil penalty against the unit provider in an amount not to exceed \$2,000 per day for the violation;
  12. with regard to listing requirements: (a) a short-term rental unit listing service may not list a short-term rental unit that does not hold a permit in violation of a municipal ordinance; and (b) a city that revokes a short-term rental unit permit may notify a short-term rental unit listing service of the revocation for the service to comply with (a);
  13. the comptroller's office shall establish and maintain a statewide database of all cities that have adopted short-term rental unit ordinances and publish the list on its website;
  14. the bill does not prohibit: (a) a condominium, cooperative, property owners' association, or other similar entity from prohibiting or otherwise restricting an owner of property within the entity's jurisdiction from using the property as a short-term rental unit; (b) a lessor, through the terms of a lease agreement, from restricting the use of the leased property as a short-term rental unit; or (c) a property owner from placing a restrictive covenant or easement on the property that restricts the future use of the property as a short-term rental unit;
  15. a person who facilitates a short-term rental but does not collect hotel tax on the short-term rental shall file with the comptroller a report stating: (a) the physical address of the property rented; (b) the name and address of the owner of the property rented; (c) the dates of the rental; (d) the amount paid for the rental if the person facilitated payment for the rental; (e) the listing price for the rental if the person listed a price for the rental; and (f) any other information required by the comptroller;
  16. the comptroller shall make information obtained from a report under (15) available to a city or county that imposes a hotel occupancy tax on the short-term rental described by the report; and
  17. the bill does not prohibit a city from contracting with a third party, which may be a short-term rental listing service (defined as a person who facilitates, including by listing short-term rental units on an Internet website, the rental of a short-term rental unit), to provide services that assist in ensuring compliance with municipal requirements imposed in accordance with the bill.

**H.B. 4148 (Zwiener) – Dark Sky Communities:** would provide that: (1) a city that has applied for or received the International Dark Sky Community designation may regulate by ordinance the installation and use of outdoor lighting in the city and the city's extraterritorial jurisdiction;

(2) a city may sue in any court to enjoin a violation of an ordinance under (1); and (3) a person who violates an ordinance adopted under (1) commits a Class C misdemeanor offense.

**H.B. 4210 (E. Johnson) – Newspapers:** would: (1) remove the requirement that a newspaper used for publication by a governmental entity must be entered as a second-class postal matter in the county where the newspaper is published; and (2) require a governmental entity to consider selecting a newspaper that is a minority-owned business if: (a) a substantial percentage of residents are members of a minority group; and (b) a newspaper in the area where a notice must be published is a minority-owned business and widely circulated in the area.

**H.B. 4226 (Nevarez) – Trades Board of the State of Texas:** would create the Trades Board of the State of Texas, which would replace the agencies that currently license and regulate plumbers, electricians, and air conditioning and refrigeration contractors.

**H.B. 4249 (Kuempel) – Air Conditioning and Refrigeration Contractors:** would provide that: (1) a city may not collect a registration fee, administrative fee, or any other fee from a person who holds a state air conditioning or refrigeration license for: (a) work performed in the city; or (b) notice that the person is engaging those trades in the city; and (2) the bill does not prohibit a city from collecting a building permit fee.

**H.B. 4289 (Coleman) - Health Care Provider Participation Programs:** would: (1) allow a local jurisdiction, including a city, to establish a health care provider participation program for the purpose of providing additional compensation to hospitals by collecting mandatory payments from certain hospitals in the jurisdiction; and (2) provide for detailed implementation provisions. (Companion bill is **S.B. 2256** by **Kolkhorst**.)

**H.B. 4326 (Martinez) – Luxury Vehicle Tax:** would provide that: (1) a fee is imposed on each retail sale or lease of a new luxury motor vehicle by a franchised dealer at a dealership in a qualifying city or the extraterritorial jurisdiction of that city; (2) the amount of the fee is equal to one percent of the gross sale or lease price of the new luxury motor vehicle; and (3) a city may use revenue from the fee imposed under the bill to: (a) construct, maintain, or improve public roadways; (b) construct, maintain, or improve drainage or stormwater management or detention facilities; and (c) construct, maintain, or improve flood control or prevention facilities.

**H.B. 4346 (Lozano) – Off-Site Restaurant Meal Service Operations:** would provide that: (1) a city, a county, a public health district, or the Department of State Health Services may not require a license holder to obtain a separate license to operate an off-site restaurant meal service other than the license by the city, county, public health district, or the department required of an off-site restaurant meal operator engaged in catering operations in the jurisdiction; and (2) a city, a county, a public health district, or the Department of State Health Services may not require a meal service broker to obtain a license.

**H.B. 4361 (E. Thompson) – Standing of Cities:** would provide that a city has standing to bring or intervene in a civil action if the intervention is necessary to protect or defend the rights of a resident of the city, regardless of whether the party opposing the city resident is located outside of the city.

**H.B. 4408 (Cain) – Local Debt Elections:** would prohibit a political subdivision from issuing a public security for the same purpose that was submitted to the voters in a bond proposition during the preceding five years and was not approved.

**H.B. 4469 (Meza) – Disasters Affecting Elderly and Disabled Persons:** would, among other things, establish a task force on disaster issues affecting disabled persons and elderly persons to: (1) administer grants to provide financial support for certain activities, strategies, procedures, policies, and research that include disabled persons and elderly persons in the preparation for, response to, recovery from, and mitigation of disasters; and (2) study methods to more effectively accommodate disabled persons and elderly persons during a disaster or emergency evacuation. (This bill is identical to **H.B. 4479** by **Walle**.)

**H.B. 4479 (Walle) – Disasters Affecting Elderly and Disabled Persons:** this bill is the same as **H.B. 4469**, above.

**H.B. 4482 (Y. Davis) – Tax Exemptions:** would, among other things: (1) require the Sunset Advisory Commission to evaluate various tax exemptions, including property tax and sales tax exemptions, that are not explicitly provided by the Texas Constitution; (2) require the Sunset Advisory Commission to present its evaluation and recommendations on retaining or repealing exemptions to the legislature; and (3) provide that a tax exemption is repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

**H.B. 4497 (Hefner) – Discrimination:** would, in regard to a person's sincerely held religious belief or moral conviction that marriage is a union between one man and one woman (belief): (1) prohibit a governmental entity from taking any discriminatory action against a person who has provided or declined to provide the following for a purpose related to the solemnization, formation, celebration, or recognition of a marriage: (a) photography, poetry, videography, disc jockey services, wedding planning, printing, publishing, or similar marriage-related goods or services; or (b) floral arrangements, dressmaking, cake or pastry artistry, venue rentals, or similar marriage-related services, accommodations, facilities, goods, or privileges; (2) provide that the bill may not be construed to: (a) preempt or repeal a state or local law that is equally or more protective; (b) narrow the meaning or application of a state or local law protecting a belief; or (c) prevent a governmental entity from providing a benefit or service authorized under state law; (3) provide that the bill applies to and, in case of conflict, supersedes: (a) each state law that impinges on a belief; and (b) any ordinance or other exercise of a governmental entity's authority that impinges on a belief; (4) authorize a person to bring a claim for damages against a governmental entity for violating the prohibition in (1) in a judicial or administrative proceeding, or as a defense in such a proceeding, regardless of whether the proceeding is brought by or in the name of the governmental entity, a private person, or another party, and regardless of whether administrative remedies have been exhausted; and (5) authorize a person to seek injunctive relief to prevent or remedy a violation of the prohibition in (1).

**H.B. 4518 (Martinez Fischer) – Consumer Privacy:** would: (1) impose various requirements on certain businesses in regard to the privacy of a consumer's personal information collected by

the business; and (2) provide that the bill preempts and supersedes any ordinance, order or rule adopted by a political subdivision relating to the collection or sale by a business of a consumer's personal information.

**H.B. 4534 (Lucio) – Texas Windstorm Insurance Association:** would make changes to the funding structure of TWIA.

**H.B. 4551 (Dutton) – Preemption:** would provide that: (1) if a court determines that an order, ordinance, or similar measure of a political subdivision is unenforceable because it is preempted by the state constitution or a state statute, the court shall award the person prevailing in the action challenging the order, ordinance, or measure on that basis court costs and reasonable and necessary attorney's fees to be paid by the political subdivision; and (2) if a court determines that an officer of a political subdivision has failed to perform an act of the office required by the state constitution or a state statute, the court shall award the person prevailing in the action challenging the officer for failure to perform that act court costs and reasonable and necessary attorney's fees to be paid by the political subdivision for which the officer served at the time of the failure to perform the act.

**H.B. 4575 (Burrows) – Texas Citizen's Participation Act (anti-SLAPP law):** would, among other things, and for purposes of the Texas Citizen's Participation Act: (1) provide that "exercise of the right of association" means a communication between individuals who join together to collectively express, promote, pursue, or defend common interests relating to public participation in governmental or official proceedings; (2) provide that "legal action" does not include: (a) an alternative dispute resolution procedure, including arbitration; (b) a petition under the Texas Rules of Civil Procedure for oral or written depositions; or (c) a discovery request in litigation, including a subpoena request; (3) make a party moving to dismiss under the Act provide written notice of the date and time of the hearing not later than the 14th day before the date of the hearing; (4) allow a party bringing the legal action that is the subject of a motion under (3) to file a response to the motion not later than the seventh day before the date of the hearing; and (5) provide that the Act doesn't apply to a deceptive trade practice or a covenant not to compete.

**H.J.R. 138 (Cain) – Expenditure Cap:** would amend the Texas Constitution to provide that, unless additional expenditures are authorized by a majority of the political subdivision's voters voting at an election called for that purpose, the rate of growth of a political subdivision's total expenditures from all available sources of revenue in a fiscal year may not exceed the estimated rate of growth of the state's population, adjusted by the estimated rate of monetary inflation in the state.

**H.J.R. 143 (G. Bonnen) – Public Funds Investment Act:** would amend the Texas Constitution to authorize the legislature to vest the power to invest and manage any public funds in any public officer of the state, a board composed of public officers of the state, or an entity that is governed by appointees of public officers of the state. (See **H.B. 4452**, above.)

**S.B. 4 (Taylor) – Public School Finance:** would make numerous changes to the system of school finance in Texas, including providing funding for full-day prekindergarten, providing

incentives to improve reading performance, and increasing funding for teacher merit pay and for low-income students.

**S.B. 28 (Huffman) – Contingent Fee Legal Services Contract:** would provide, among other things, that a political subdivision, including a city, may not enter into a contingent fee contract for legal services unless the contract is first approved by the attorney general.

**S.B. 906 (Hughes) – Lobbying:** would: (1) prohibit a political subdivision from spending public money to influence the outcome of any legislation that may expand access to elective abortions by an abortion provider; (2) authorize a taxpayer or resident to seek injunctive relief against a political subdivision for a violation of (1); and (3) provide that a taxpayer or resident who prevails in an action described in (2) is entitled to recover attorney's fees and costs.

**S.B. 2013 – Super-Preemption:** would provide that: (1) a city or county may not adopt or enforce a regulation that conflicts with a state law; (2) a city or county regulation that conflicts with a state law is void; (3) for purposes of the bill, a city or county regulation that conflicts with a state law includes a regulation: (a) that is a type of regulation expressly preempted by the state law; (b) that regulates an area in which state law is pervasive and occupies the field; (c) that frustrates the purpose of the state law; (d) for which there is no reasonable construction under which the regulation and the state law can be given full effect; or (e) that regulates an activity performed under a license issued by the state and actually or effectively prohibits a person from performing the licensed activity; and (3) the attorney general shall enforce the bill. (Companion bill is **H.B. 3734** by **Swanson**.)

**S.B. 2199 (Taylor) – Diaper Changing Stations:** would provide that, with limited exceptions, a person who engages in or contracts for the construction of a building, or the renovation of the restrooms of a building, with one or more restrooms accessible to the public, including a building owned or leased by a political subdivision, shall ensure that every member of the public has access to a private space for a diaper changing station in at least one restroom.

**S.B. 2219 (Bettencourt) – Local Debt:** would: (1) provide that an election for the approval of the issuance of bonds or other debt shall be held on the November uniform election date; (2) provide that an emergency election declared by the governor at which a proposition for approval of the issuance of bonds or other debt is submitted to the voters shall be held on any uniform election date; (3) require a proposition submitted to the voters for approval of the imposition, increase, or reduction of a tax to specifically state, as applicable: (a) with respect to a proposition that only seeks voter approval of the imposition or increase of a tax: (i) the estimated additional tax burden that would be imposed on a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, after the imposition or increase of the tax, if approved; and (ii) a detailed description of the purposes for which the tax is to be imposed or increased, if approved; and (b) with respect to a proposition that only seeks voter approval of the reduction of a tax, the estimated tax reduction for a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, if the reduction of the tax is approved; (4) provide that a proposition under (3), above, relating to the approval of the issuance of bonds may not exceed 5,000 characters or a different limit prescribed by the secretary of state that ensures that the proposition does not exceed one

page of the ballot or one screen on an electronic voting machine; and (5) require a proposition seeking voter approval of the issuance of bonds to specifically state: (a) a general description of the purposes for which the bonds are to be authorized; (b) the total principal amount of the bonds; (c) the total amount of the political subdivision's debt secured by property taxes currently outstanding; (d) the total amount of the political subdivision's current payment on debt secured by property taxes; (e) the amount of taxes required to be imposed on a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, to repay the political subdivision's current debt obligations secured by property taxes; and (f) the estimated tax burden that would be imposed on a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, to repay the bonds to be authorized, if approved.

**S.B. 2235 (Buckingham) – Metropolitan Rapid Transit Authorities:** would authorize the registered voters of an authority, by petition, to require an election to decrease the authority's sales and use tax rate.

**S.B. 2253 (Miles) – E-Cigarettes and Cannibidiol Products:** would: (1) create a new state fee on the sale of e-cigarettes, vapor products, and cannibidiol products; and (2) direct the comptroller to deposit the fees collected to the credit of the state's designated trauma facility and emergency medical services account.

**S.B. 2256 (Kolkhorst) – Health Care Provider Participation Programs:** would: (1) allow a local jurisdiction, including a city, to establish a health care provider participation program for the purpose of providing additional compensation to hospitals by collecting mandatory payments from certain hospitals in the jurisdiction; and (2) provide for detailed implementation provisions. (Companion bill is **H.B. 4289** by Coleman.)

**S.B. 2305 (Taylor) – Texas Windstorm Insurance Association:** would make changes related to the issuance of insurance by TWIA.

**S.B. 2329 (Creighton) – Lobbying Restrictions:** would provide that: (1) a political subdivision or a public entity may not spend public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature; except as provided by (2); (2) a political subdivision or a public entity may spend public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature only if the expenditure is authorized by a majority vote on a stand-alone agenda item of the governing body of the political subdivision or public entity in an open meeting of the governing body; and (3) if a political subdivision or public entity does not comply with the requirements of the bill, an interested party is entitled to appropriate injunctive relief to prevent any further activity in violation of the bill.

**S.B. 2357 (Lucio) – Emergency Management Program:** would provide, among other things, that an emergency management program that is maintained by a county or an interjurisdictional emergency management program that the county participates in must provide for catastrophic debris management.

**S.B. 2380 (Hughes) – Occupational Licenses:** would require the Texas Department of Licensing and Regulation, in cooperation with the secretary of state, the comptroller, the Texas Commission on Environmental Quality, other state agencies, and political subdivisions of the state that provide occupational licenses to establish a pilot program, to create special economic zones in eligible counties for the purpose of reducing barriers and costs of entry to occupations and entrepreneurship for residents of, and new and existing businesses located in, or relocating to, a special economic zone. (Companion bill is **H.B. 3565** by **White**.)

**S.B. 2430 (Bettencourt) – Municipal Management Districts:** would, among other things: require a municipal management district board to dissolve the district on written petition filed with the board by the owners of: (1) 50 percent or more of the assessed value of the property in the district based on the most recent certified county property tax rolls; or (2) 50 percent or more of the surface area of the district according to the most recent certified county property tax rolls.

**S.B. 2439 (Taylor) – Texas Windstorm Insurance Association:** would make changes related to the funding of TWIA.

### **Municipal Courts**

**H.B. 2910 (Klick) – Municipal Judges:** would: (1) provide that the residential address and telephone number of a municipal judge or the judge’s spouse’s is confidential on various election documents; (2) define the term “state judge” in the Election Code to include municipal judges; and (3) make several conforming changes related to the confidentiality of a municipal judge’s residential address and telephone number.

**H.B. 2955 (Price) – Specialty Court Programs:** would, among other things, move approval of a specialty court program to the Office of Court Administration of the Texas Judicial System.

**H.B. 3027 (Ramos) – Order of Nondisclosure:** would: (1) allow certain defendants convicted of or placed on deferred adjudication community supervision for certain offenses, including a Class C misdemeanor of theft, to petition the court for an order of nondisclosure of criminal history record information if the defendant committed the offenses solely as a victim of human trafficking or compelling prostitution; and (2) create procedures concerning granting the order of nondisclosure described in (1).

**H.B. 3104 (Goldman) – Juvenile Court Proceedings:** would, among other things, allow the court to exclude the public from a juvenile court proceeding on the motion of any party if the court determines that: (1) there exists a reasonable and substantial basis for believing that public access to the proceeding could harm the child, endanger the child’s right to have a fair trial, or endanger a victim of the conduct of the child; (2) the potential for harm to the child or victim outweighs the benefits of public access to the proceeding; and (3) the harm can be remedied only by excluding the public from the proceeding.

**H.B. 3281 (Hinojosa) – Defense Limitations:** would: (1) define the terms “gender identity” and “sexual orientation;” (2) limit the use of certain defenses if they are based on the actor’s or

defendant's discovery or knowledge of, or the victim's disclosure or potential disclosure of, the gender identity or sexual orientation of the victim or a nonviolent romantic or sexual advance made by the victim toward the actor; and (3) apply regardless of whether a defendant's knowledge, discovery, or belief regarding the victim's gender identity or sexual orientation was accurate.

### **Community and Economic Development**

**H.B. 3815 (Morrison) – Plats:** would provide that, before a plat may be recorded, the plat must include a certification by a surveyor or a registered engineer describing any area that is being subdivided that is in a 100-year floodplain, 500-year floodplain, flood pool, or reservoir, or stating that no such area is in a 100-year floodplain, 500-year floodplain, flood pool, or reservoir. (Companion bills are **S.B. 1220** by **Bettencourt** and **H.B. 3839** by **Murphy**.)

**H.B. 4146 (Capriglione) – Payday Lending and Auto Title Lending:** would, among other things: (1) create new regulations to govern credit access business loans that: (a) provide for an effective rate of interest of 10 percent per year, or less; (b) are extended primarily for personal, family, or household use; (3) are made by a person engaged in the business of making, arranging, or negotiating those types of loans; (d) is either a multi-installment non-recourse term loan secured by a first lien on a motor vehicle that includes an administrative fee or a multi-installment unsecured term loan that includes an administrative fee; (2) provide that the scheduled installment earnings method is a method to compute an interest charge by applying a daily rate to the unpaid balance of the principal amount as if each payment will be made on its scheduled installment date; (3) require payday and auto title loans to use the scheduled installment earnings method in (2), above, to compute interest; (4) prohibit interest being compounded if calculated under the scheduled installment earnings method; (5) require the loan to comply with any rule promulgated by the Consumer Financial Protection Bureau that regulates payday installment loans either secured by motor vehicle or unsecured; (6) authorize a credit access business to charge an administrative fee for services provided to obtain or assist in obtaining a loan; (7) prohibit a person who is a party to a loan or the credit access business who obtained the loan or assisted in obtaining the loan from evading the application of the law or a rule adopted pursuant to the law by use of any device, subterfuge, or pretense; (8) require a person to hold a credit access business license to engage in the business of obtaining or assisting in obtaining an extension of consumer credit; (9) provide that the term of a secured or unsecured loan that a credit access business obtains or assists in obtaining may not be greater than 180 days; (10) provide that, if the loan is prepaid in full, including payment in cash or by a new loan or renewal of the loan, the lender earns interest for the period beginning on the date of the loan and ending on the date of the prepayment or demand for payment in full; (11) provide that a loan secured by a motor vehicle may require a borrower to insure the motor vehicle offered as security for the loan; (12) provide that a borrower must receive a copy of each document signed by the borrower along with the names and addresses of the borrower, lender, and credit access business; (13) require a lender or credit access business to give a receipt to a person who makes a cash payment on a loan; (14) provide that, at any time during regular business hours, the lender or credit access business shall accept partial prepayment or prepayment of a loan in full; (15) authorize a loan to contract for an amount incurred by the lender for: (a) court costs and

attorney's fees assessed by a court only if the borrower is found to have committed forgery, fraud, or theft in connection with the loan; (b) a fee authorized by law for filing, recording, or releasing in a public office a security for a loan; (c) a fee for recording a lien on or transferring a certificate of title to a motor vehicle offered as security for a loan; (d) reasonable costs actually incurred by the lender for repossession and sale of the security; and (e) a fee for the return by a depositor institution of a dishonored check, negotiable order of withdrawal, or share draft offered in full or partial payment of a loan; (16) prohibit a borrower from granting as security for a loan an assignment of wages; (17) prohibit a borrower from signing a promise to pay or loan obligation that does not disclose the amount financed and the schedule of payments; (18) provide that, unless the borrower is proved in court to have committed fraud, forgery, or theft in connection with the loan, a borrower shall not be personally liable for any deficiency where the sale of the security for the loan does not satisfy the indebtedness; (19) provide that a borrower may not pay a prepayment penalty in connection with a loan; and (20) prohibit a person from threatening or pursuing criminal charges against a person who seeks a benefit from a credit access business for an extension of consumer credit in the absence of forgery, fraud, theft, or other criminal conduct.

**H.B. 4154 (Zweiner) – Eminent Domain:** would provide that: (1) a governmental entity may take possession of condemned property pending the results of further litigation, if the entity pays the property owner or deposits with the court the amount awarded by the special commissioners; and (2) the possession may not take place before the 180<sup>th</sup> day after the date of the commissioners' award.

**H.B. 4162 (Swanson) – Affordable Housing:** would, among other things, alter the scoring system for an application for a low income housing tax credit to: (1) increase the weight given to a written statement from the state representative who represents the district containing the proposed development site; and (2) give consideration to whether the proposed project: (a) is consistent with sound underwriting practices and when economically feasible, serves individuals and families of extremely low income by leveraging private and state and federal resources; (b) serves traditionally underserved populations; (c) demonstrates support from local political subdivisions based on the subdivision's commitment of development funding; (d) rehabilitates or performs an adaptive reuse of a certified historic structure as part of the development; (e) remains affordable to qualified tenants for an extended, economically feasible period; and (f) complies with accessibility standards.

**H.B. 4224 (Reynolds) – Group Homes:** would require a study to evaluate state and local regulation of group homes.

**H.B. 4238 (Kuempel) – Multiunit Complex Fees:** would prohibit a city from imposing on a landlord of a multiunit complex: (1) an annual rental license fee more than the lesser of: (a) \$10 per dwelling unit; or (b) \$1,500; or (2) a change of address fee of more than \$150 for the change of the landlord's address.

**H.B. 4257 (Craddick) – Annexation Retaliation:** would provide that: (1) the disapproval of the proposed annexation of an area does not affect any existing legal obligation of the city proposing the annexation to continue to provide governmental services in the area, including water or

wastewater services, regardless of whether the city holds a certificate of convenience and necessity to serve the area; and (2) a city that makes a wholesale sale of water to a special district may not charge rates for the water that are higher than rates charged in other similarly situated areas solely because the district is wholly or partly located in an area that disapproved of a proposed annexation. (Companion bill is **S.B. 1449** by **Campbell**.)

**H.B. 4317 (Flynn) – Public Facilities Corporations:** would provide that:

1. two or more sponsors may create a public facilities corporation to accomplish the corporation's purposes with respect to each of the sponsors;
2. the articles of incorporation or the bylaws of the corporation may provide any terms that are mutually acceptable to the corporation's sponsors, including terms allowing sponsors to be added or removed from the corporation or one or more sponsors to be delegated the authority or duty to take actions authorized by law;
3. subject to the terms of the corporation's articles of incorporation and bylaws, if a corporation is created under the terms of the bill: (a) each sponsor may use the corporation in any manner in which a sponsor may use a corporation; (b) each sponsor is treated as a sponsor of the corporation; (c) the corporation may issue bonds or refunding bonds or incur other obligations to finance, refinance, or provide one or more public facilities on behalf of one or more of the corporation's sponsors; and (d) the corporation may loan the proceeds of an obligation to any entity to accomplish the purposes of one or more of the corporation's sponsors;
4. for purposes of the bill, "non-sponsoring entity" means a municipality, county, school district, housing authority, or special district that is not a sponsor of the corporation being used by the city, county, school district, housing authority, or special district;
5. with the consent of a corporation's sponsor, a corporation may agree to be used by one or more non-sponsoring entities in any manner in which a sponsor may use a corporation;
6. the agreement may contain any terms mutually acceptable to the corporation and the non-sponsoring entity, and the sponsor of the corporation may be a party to the agreement; and
7. a corporation used by a non-sponsoring entity may exercise the corporation's powers in the same manner that the corporation may with respect to the corporation's sponsor, including: (a) issuing bonds or refunding bonds or incurring other obligations to finance, refinance, or provide one or more public facilities on behalf of the non-sponsoring entity, the corporation's sponsor, or both; and (b) loaning the proceeds of the obligations to any entity to accomplish the purposes of the non-sponsoring entity, the corporation's sponsor, or both.

**H.B. 4320 (Kuempel) – Limitation on Municipal Regulation:** would provide that, in an area in which the residents are ineligible or have only limited eligibility to vote in municipal elections, a city may not regulate an activity or structure that is regulated by this state.

**H.B. 4370 (E. Johnson) – Affordable Housing:** would, with regard to affordable housing tax credits, eliminate: (1) the application criteria measuring quantifiable community participation with respect to the development, evaluated on the basis of a resolution concerning the development that is voted on and adopted by a city council in which the proposed development site is to be located; (2) the application criteria measuring the level of community support for the application, evaluated on the basis of a written statement from the state representative who

represents the district containing the development; and (3) the requirement that the Texas Department of Housing and Community Affairs provide written notice of the filing of an application to: (a) members of the legislature who represent the community containing the development and (b) the chief executive officer of the political subdivision containing the development.

**H.B. 4410 (Cain) – Photography of Critical Infrastructure:** would provide that: (1) a municipality may restrict, by ordinance, photography of critical infrastructure, including all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation; and (2) an ordinance adopted under (1) must: (a) state the distance from which critical infrastructure may not be photographed; and (b) require notice of the photography restrictions be posted prominently and conspicuously in public areas around the critical infrastructure.

**H.B. 4443 (Smithee) – Affordable Housing:** would prohibit the Texas Department of Housing and Community Affairs from awarding positive points for positive written statements received from the state representative who represents the district containing the proposed development site, if a resolution is voted on and approved in support of the application by the city council of a city in which the proposed development site is to be located.

**H.B. 4467 (Thierry) – Roofing Contractors:** this bill is called the Roofing Contractor Consumer Protection Act and would provide that: (1) a person may not act as or offer to act as a roofing contractor unless the person holds a license issued under the bill; (2) the bill is not intended to conflict with or affect the authority of any state or local agency, board, or department that administers or enforces any law or ordinance or that establishes, administers, or enforces a policy, rule, qualification, or standard for a trade or profession; (3) a roofing contractor shall comply with local ordinances and regulations relating to standards and permits for roofing services; (4) a roofing contractor shall display the contractor's business name and the number of the license issued by the executive director on each vehicle owned by the contractor and used in providing roofing services; and (5) city employees acting in an official capacity are exempt from the bill's requirements.

**H.B. 4573 (Zweiner) – Eminent Domain:** would require the Texas Parks and Wildlife Department to provide guidance to landowners undergoing the eminent domain process concerning fish, wildlife, nongame, and habitat management including: (1) negotiating best management practices for land restoration following construction of common infrastructure projects that use eminent domain such as roads, rail lines, pipelines, and power lines; (2) recommendations on how to ensure an accurate valuation of wildlife lands; (3) reasonable indemnification, including proof of appropriate insurance coverages, sound risk management practice policies, hold harmless agreements, and other provisions that provide the property owner with reasonable liability protection from any and all possible claims associated with the condemnation process; (4) the maximum acceptable width of permanent easements, resulting from condemnation; (5) liability for damages and losses caused by or arising out of construction, maintenance, replacement, or operations such as, but not limited to loss of livestock, wildlife, exotic game, crops, fences, gates, trees, buildings, and other improvements; (6) non-interference clauses with regard to other operations on property, such as grazing, farming, hunting, oil and

gas operations, and other normal activities found on private properties in Texas; (7) timetable requirements for completion of constructions; and (8) the responsibility of the condemning entity to remove the infrastructure within a defined timeline.

**H.B. 4608 (White) – Electrical Inspections:** would provide that the Texas Department of Licensing and Regulation may contract with a municipal or county inspector to enforce or assist in the enforcement of the state’s electrical licensing law, including the performance of inspections and investigations required by that law.

**H.J.R. 4 (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. (Companion bill is **S.J.R. 51** by **Hinojosa**.)

**H.J.R. 145 (S. Davis) – Disaster Assistance:** would amend the Texas Constitution to provide that: (1) the legislature by general law may authorize the disaster reinvestment and infrastructure planning board or its successor to issue general obligation bonds of the State of Texas in an amount not to exceed \$500 million and to enter into related credit agreements; and (2) the proceeds from the sale of the bonds shall be deposited to the credit of the disaster reinvestment and infrastructure planning revolving fund or its successor fund and shall be used for disaster assistance.

**S.B. 2147 (Zaffirini) – Eminent Domain:** would: (1) for purposes of determining the value of property in an eminent domain proceeding, provide that the Texas Department of Agriculture shall develop a method an appraiser may use to assess the value of investments made in a property owner’s real property in an effort to meet soil, water, or air quality standards established by a state or federal certification process; (2) state that the method developed under (1) must provide an objective means to quantify any enhancement in the value of real property that results from an investment described by (1); and (3) as the basis for assessing actual damages to a property owner from a condemnation, provide that the special commissioners shall admit evidence on, among other things, the enhanced value of the property resulting from investments described by (1).

**S.B. 2370 (Hughes) – Subdivision Platting/Permit Vesting:** this bill would modify the law relating to subdivision platting and permit vesting. With regard to subdivision platting, the bill would provide that:

1. the municipal authority responsible for approving plats shall approve or disapprove a plat within 30 days after the date the plat is filed, and a plat is considered approved by the municipal authority unless it is disapproved within that period and in accordance with (3)(a), below;
2. if an ordinance requires that a plat be approved by the governing body of the city in addition to the planning commission, the governing body shall approve or the plat within 30 days after the date the plat is approved by the planning commission or is considered approved by the inaction of the commission, and a plat is considered approved by the

governing body unless it is disapproved within that period and in accordance with (3)(a), below;

3. if a plat is disapproved: (a) the municipal authority or governing body of the city, as applicable, shall provide the applicant a written statement of the reasons for disapproval that: (i) is provided with the notice of disapproval; and (ii) lists each reason for the disapproval, which must: (A) be related to the requirements in the subdivision platting law; and (B) not be arbitrary or intended to delay approval; and (b) the applicant may submit a written response to the municipal authority or governing body of the city, as applicable, that remedies each reason for disapproval;
4. a municipal authority or the governing body of a city, as applicable, shall determine whether to approve an applicant's previously disapproved plat application not later than the 30th day after the date the municipal authority or governing body, as applicable, receives the applicant's response;
5. a municipal authority or the governing body of a city, as applicable, shall approve a previously disapproved plat application if the applicant's response adequately addresses each reason for the disapproval, and – if the authority or governing body disapproves a response – the authority or governing body: (a) must comply with (3)(a), above and may disapprove only for a reason provided to the applicant for the original application under Subsection (3)(a), above;
6. a previously disapproved plat application is considered approved if: (a) the applicant filed a response that meets the requirements of the subdivision platting law; and (b) the municipal authority or governing body does not disapprove the application on or before the date required by (4), above; and
7. the bill applies to a city regardless of whether it has entered into an interlocal agreement.

With regard to permit vesting, the bill would provide that:

1. a political subdivision that adopts a permit regulation requiring regulatory agency approval for proposed land development shall determine whether to approve or disapprove the development application not later than the 60th day after the date the application is filed with the agency, and an application is considered approved by the agency unless the agency disapproves of the application in that period and in accordance with (2)(a), below;
2. if a land development application under (1), above, is disapproved: (a) the regulatory agency shall provide the applicant a written statement of the reasons for disapproval that: (i) is provided with the notice of disapproval; and (ii) lists each reason for the disapproval, which must: (A) be related to the requirements of the permit regulation; and (B) not be arbitrary or intended to delay approval; and (b) the applicant may submit a written response to the agency that remedies each reason for disapproval;
3. a regulatory agency shall determine whether to approve an applicant's previously disapproved development application not later than the 30th day after the date the application was filed and – if the agency disapproves a response – the agency: (a) must comply with (2)(a), above; and (b) may disapprove only for a reason provided to the applicant for the original application under (2)(a), above;
4. a regulatory agency shall approve a previously disapproved development application if the applicant's response adequately addresses each reason for the disapproval;

5. a previously disapproved development application is considered approved if: (a) the applicant filed a response that meets the requirements of (4), above; and (b) the regulatory agency does not disapprove the application on or before the date required by (3), above, and in accordance with (4), above; and
6. the bill applies to a political subdivision regardless of whether the political subdivision has entered into an interlocal agreement.

(Companion bill is **H.B. 3167** by **Oliverson**.)

**S.J.R. 75 (Miles) – Disaster Mitigation:** would amend the Texas Constitution to provide that the legislature by general law may authorize the Texas Water Development Board to issue general obligation bonds of the State of Texas in an aggregate amount not to exceed \$10 billion and enter into related grant agreements to provide financial assistance to political subdivisions for projects related to disaster recovery, disaster mitigation, disaster response, or to construct, repair, rehabilitate, or reconstruct state or local infrastructure.

### **Personnel**

**H.B. 4290 (Flynn) – Public Retirement Systems:** would provide that certain public retirement systems shall develop funding soundness plans if the systems have specific unfunded actuarial accrued liabilities.

**H.B. 4478 (Neave) – Settlement Agreements:** would provide that a settlement agreement between a government agency and the agency's employee related to a claim or complaint of sexual assault or unlawful sex discrimination or retaliation shall not contain a provision that prevents the disclosure of factual information related to the claim or complaint unless such provision is requested by the employee.

**H.B. 4555 (C. Turner) – Calculating Overtime Pay:** would provide that, for purposes of calculating the minimum wage paid to a nonexempt employee, an employer may not use a method that: (1) guarantees weekly pay for a variable number of hours; or (2) establishes a fixed salary for fluctuating hours in a workweek.

**H.B. 4563 (C. Turner) – Sexual Harassment Records:** would provide that: (1) an employer who has 50 or more employees shall maintain an internal record of each complaint that includes an allegation of sexual harassment made by the employee to the employer; and (2) such record shall be maintained for at least five years after the last date of employment of the employee or the person alleged to have committed the sexual harassment, whichever date is latest.

**H.B. 4616 (Walle) – Calculating Overtime Pay:** would provide that, for purposes of calculating the minimum wage paid to a nonexempt employee, an employer may not use a method that: (1) guarantees weekly pay for a variable number of hours; or (2) establishes a fixed salary for fluctuating hours in a workweek.

**S.B. 2158 (Buckingham) – Tactical Medical Officers:** would provide that: (1) a person may serve as a “tactical medical officer” if the person: (a) is licensed or certified, as applicable, as an EMT, paramedic, medical doctor; (b) holds a license to carry a concealed handgun; (c) is certified by the Texas Commission on Law Enforcement as a tactical medical officer after 80 hours of instruction under the bill; and (d) is appointed as a tactical medical officer by a law enforcement agency; and (2) a tactical medical officer may make arrests and exercise all authority given to peace officers, subject to written regulations adopted by the law enforcement agency having jurisdiction over the officer, if the tactical medical officer acts in a manner that is necessary to prevent or abate the commission of an offense that threatens serious bodily injury to or the death of a person.

**S.B. 2181 (Nelson) – Workers Compensation:** would provide that lifetime income benefits are paid until the death of the employee for, among other things: (1) a physically traumatic injury to the brain resulting in permanent cognitive defects that: (a) render the employee permanently unemployable without significant accommodations; or (b) affect the non-vocational quality of the employee’s life so as to eliminate the employee’s ability to engage in a range of usual cognitive processes; (2) third degree burns that cover at least 40 percent of the body and require grafting, or third degree burns covering the majority of: (a) both hands; (b) both feet; (c) one hand and one foot; or (d) one hand or foot and the face; or (3) permanent and total disability in certain circumstances if the employee is: (a) a first responder; and (b) employed by a political subdivision that self-insures, either individually or collectively. (Companion bill is **H.B. 3676** by **Capriglione**.)

**S.B. 2224 (Huffman) – Public Retirement System Funding Policy:** would provide that the governing body of a public retirement system shall: (1) adopt a written funding policy that details the governing body’s plan for achieving a funded ratio of the system that is equal to or greater than 100 percent; (2) maintain for public review at its main office a copy of the policy; (3) file a copy of the policy and each change to the policy with the board not later than the 31<sup>st</sup> day after the date the policy or change is adopted; and (4) submit a copy of the policy and each change to the policy to the system’s associated governmental entity not later than the 31<sup>st</sup> day after the date the policy or change is adopted.

**S.B. 2288 (Fallon) – Immigration Violations:** would provide, among other things, that: (1) the Texas Workforce Commission (Commission) shall investigate complaints of employers, other than governmental entities, who employ persons not lawfully present in the United States; (2) upon receipt of a notice by the attorney general from the Commission of an order finding that an employer has knowingly employed a person not lawfully present in the United States, the attorney general shall promptly notify the United States Immigration Customs Enforcement and appropriate local law enforcement agencies of the identity and address, if known, of each employee who is not lawfully present in the United States; (3) each license held by an employer who knowingly employs a person not lawfully present in the United States shall be suspended; and (4) upon receipt of a notice from the Commission of an order suspending a license, a licensing authority, including a municipality that issues or renews a license, shall immediately determine if the authority has issued a license to the person named in the order, and if a license has been issued: (a) record the suspension of the license in the licensing authority’s records; (b)

report the suspension as appropriate; and (c) demand surrender of the suspended license if required by law for other cases in which a license is suspended.

**S.B. 2294 (Powell) – Compensation of Peace Officers:** would provide that: (1) a law enforcement officer stipend account shall be established in the state’s general revenue fund to be used only to provide \$1,000 monthly stipends to full-time local law enforcement officers, including a marshal or police officer of a city; (2) the comptroller may adopt rules requiring a city to report to the comptroller, information regarding the number, identities, and employment schedules of local law enforcement officers entitled to stipends and to report information related to the stipend payments made to the officers; and (3) a city shall pay to each local law enforcement officer employed by the city not less than the greater of: (a) \$15 an hour; or (b) the federal minimum wage, except if paying said minimum wage would result in an economic hardship for the city or county, as determined by the Texas Workforce Commission.

**S.B. 2429 (Bettencourt) – Defined Contribution Plans:** would provide, among other things, a home-rule city that is the sponsoring authority of a public retirement system that provides municipal retirement benefits to its employees shall, upon receipt of a petition from at least 10 percent of the number of voters who voted in the most recent election of the city, order an election to authorize the creation of a defined contribution plan for newly hired or a category of newly hired city employees.

## **Public Safety**

**H.B. 2340 (Dominguez) – Emergency and Disaster Management:** would: (1) provide that one purpose of the Texas Disaster Act of 1975 is to encourage adoption of the strategic plan of the Federal Emergency Management Agency; (2) establish a group to study the use of unmanned aircraft in responding to and recovering from disasters; (3) require the Texas Division of Emergency Management (Division) to establish a work group to develop recommendations for improving the manner in which electronic information is stored and shared among state agencies and federal agencies to improve disaster response; and (4) require the Office of State-Federal Relations, the Division, and federal agencies to study laws and policies related to issues of federal, state, and local cooperation in responding to disasters.

**H.B. 2345 (Walle) – Disaster Mitigation:** would provide that: (1) the Institute for a Disaster Resilient Texas is a component of Texas A&M University; (2) the institute shall assist the Flood Event Partnership Options Special Study Committee, which is also established under the bill and consists of nine persons appointed by the governor to represent the flooding-related interests of various interests, including cities; and (3) the committee shall deliver to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature a report on flood mitigation efforts not later than September 1, 2020.

**H.B. 2499 (Springer) – Official Oppression:** would: (1) provide that a “public servant” includes: (a) a federal officer, employee, or agent; (b) another person acting under the contract with a federal branch, department, or agency for the purpose of providing security or law enforcement services; or (c) any person acting under color of federal law; (2) apply the offense

of official oppression to a public servant if the person while acting under color of the person's office or employment without probable cause to believe the other person committed an offense: (a) performs a search without effective consent for the purpose of granting access to a publicly accessible building or form of transportation; and (b) intentionally, knowingly, or recklessly: (i) touches the private parts of the other person, including touching through clothing; or (ii) causes physical contact with the other person when the actor knows or should reasonably believe that the other person will regard the contact as offensive or provocative; (3) create a defense to prosecution if the actor performed the search pursuant to and consistent with an explicit and applicable grant of federal statutory authority that is consistent with the United States Constitution; (4) provide when consent is considered effective; and (5) require the attorney general of Texas to defend the validity of this statute if the federal government challenges the validity of statute on the grounds of unconstitutionality, preemption, or sovereign immunity.

**H.B. 4147 (C. Bell) – Mental Health Awareness:** would require certain first responders and first responder trainees to complete at least 6 hours of mental health awareness training.

**H.B. 4157 (Anchia) – Designated Law Enforcement Office:** would change the definition of a “designated law enforcement office or agency” to include a police department in a city with a population of 200,000 or more, which then affects certain laws governing the installation and use of tracking equipment and access to certain communications.

**H.B. 4187 (Middleton) – Reporting Felony Offenses:** would provide that: (1) a person with knowledge of the commission of a felony offense, other than a state jail felony, may report the offense to any attorney who prosecutes criminal cases on behalf of the state; (2) the attorney described in (1) shall investigate the report only if the person making the report demonstrates that: (a) the person previously reported the offense to law enforcement more than one year before the date of the report; and (b) following the report to law enforcement, the person diligently cooperated with law enforcement in investigating the offense for a period of not less than one year; (3) if a peace officer has not prepared a written report relating to the offense reported under (1), the attorney shall investigate the report and may refer the matter to: (a) a law enforcement agency; or (b) a court with jurisdiction over the offense; and (4) the state's public corruption unit may investigate an allegation of a retaliation action, including filing of criminal charges, seizure of property, or arrest or search of an individual without probable cause, taken by an individual that is elected, appointed, or employed as a peace officer for a governmental entity against a person because the person made a report under (1).

**H.B. 4265 (Zedler) – Red Light Signals:** would provide that an operator of a motorcycle or bicycle facing only a steady red signal at a traffic-actuated electric traffic-control signal may proceed if the traffic-actuated electric traffic-control signal fails to register the motorcycle or bicycle after two cycles of the traffic-control signal.

**H.B. 4358 (Sanford) – Carbon Monoxide Alarms/Smoke Alarms:** would require a landlord in certain residential properties to install carbon monoxide alarms in certain circumstances and, in relation to city regulation, would provide that: (1) the bill does not: (a) affect a local ordinance adopted before January 1, 2020, that requires landlords to install smoke alarms or carbon monoxide alarms in new or remodeled dwelling units before January 1, 2020, if the ordinance

conforms with or is amended to conform with the bill; (b) limit or prevent adoption or enforcement of a local ordinance relating to fire safety as a part of a building, fire, or housing code, including any requirements relating to the installation of smoke alarms or carbon monoxide alarms or the type of smoke alarms or carbon monoxide alarms; (c) otherwise limit or prevent the adoption of a local ordinance that conforms to current law but which contains additional enforcement provisions, except as provided by (2), below; or (d) affect a local ordinance that requires regular inspections by local officials of smoke alarms or carbon monoxide alarms in dwelling units and that requires smoke alarms or carbon monoxide alarms to be operational at the time of inspection; (2) if a carbon monoxide alarm powered by battery has been installed in a dwelling unit built before January 1, 2020, in compliance with the bill and local ordinances, a local ordinance may not require that a carbon monoxide alarm powered by alternating current be installed in the unit unless: (a) the interior of the unit is repaired, remodeled, or rebuilt at a projected cost of more than \$5,000 and: (b) the repair, remodeling, or rebuilding requires a municipal building permit and either: (i) the repair, remodeling, or rebuilding results in the removal of interior walls or ceiling finishes exposing the structure; or (ii) the interior of the unit provides access for building wiring through an attic, crawl space, or basement without the removal of interior walls or ceiling finishes; (c) an addition occurs to the unit at a projected cost of more than \$5,000; (d) a carbon monoxide alarm powered by alternating current was actually installed in the unit at any time before January 1, 2020; or (e) a carbon monoxide alarm powered by alternating current was required by lawful city ordinance at the time of initial construction of the unit; and (3) if a dwelling unit was occupied as a residence before January 1, 2020, or a certificate of occupancy was issued for the dwelling unit before that date, a carbon monoxide alarm may be powered by battery and is not required to be interconnected with other carbon monoxide alarms, except that a carbon monoxide alarm that is installed to replace a carbon monoxide alarm that was in place on the date the dwelling unit was first occupied as a residence must comply with residential building code standards that applied to the dwelling unit on that date or (2), above.

**H.B. 4440 (Lucio III) – Enhanced Penalty for Use of Force:** would provide that the criminal penalty for the offense of resisting arrest by using force against a peace officer or another person shall be enhanced to a state jail felony if the use of force causes bodily injury to the officer or the other person. (Companion bill is **S.B. 2209** by Flores.)

**H.B. 4448 (Springer) – Unmanned Aircraft:** would change to state law regarding the use of an unmanned aircraft to: (1) provide that it is lawful to capture an image using an unmanned aircraft if the image is: (a) captured by a person operating the aircraft for a commercial purpose in compliance with Federal Aviation Administration’s regulations; and (b) reasonably related to a commercial purpose, including images captured for purposes of navigation or public safety; (2) amend the definition of “critical infrastructure facility” to remove the requirement that the facility be completely enclosed by a fence; and (3) remove certain provisions related to civil actions.

**H.B. 4483 (Y. Davis) – Peace Officer Training:** would provide that: (1) as part of the minimum curriculum requirements, a peace officer shall complete a comprehensive education and training program on identifying, communicating with, and supporting individuals with disabilities; and

(2) such training shall be completed 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. 4544 (Meyer) – Coyote Control:** would provide that: (1) a city with a population density of more than 2,500 persons per square mile may capture, relocate, or euthanize a coyote located within the city or its extraterritorial jurisdiction; and (2) the city may request assistance from Texas Wildlife Services to capture, relocate, or euthanize a coyote.

**H.B. 4571 (Coleman) – Criminal Procedure:** would, among other things: (1) provide that a magistrate, including a municipal court judge, shall release on personal bond a defendant who is not charged with and has not been previously convicted of a violent offense unless the magistrate finds good cause to justify not releasing the defendant on personal bond; (2) modify current law to provide that: (a) a person who is arrested without a warrant and who is detained in jail must be released on personal bond that has not monetary limits; (b) a person who is arrested without a warrant and who is detained in jail must be released on bond, in an amount not to exceed \$5,000 not later than the 24<sup>th</sup> hour after the person's arrest if the person was arrested for a felony and a magistrate has not determined whether probable cause exists to believe the person committed the offense; (3) provide that a peace officer may not conduct a search based solely on a person's consent to the search unless: (a) the officer verbally and in writing informs the person of the person's right to refuse the search; and (b) the person signs an acknowledgment that the person: (i) received the information described in (3)(a); and (ii) consents to the search; (4) provide that racial profiling data collected shall be admissible in court; (5) provide that a peace officer who is charging a person, including a child, with committing an offense that is a misdemeanor punishable by fine only, other than the offense of public intoxication, alcohol-related offenses involving a minor, or an offense for which the officer reasonably believes is necessary to take the person before a magistrate to prevent a foreseeable injury or altercation, shall, instead of taking the person before a magistrate, issue a citation to the person; (6) provide that a peace officer who is charging a person, including a child, with committing an alcohol-related offense involving a minor that is a misdemeanor punishable by fine may, instead of taking the person before a magistrate, issue a citation that contains specific information; (7) provide that for a traffic-related offense that is misdemeanor that is punishable by fine only, a peace officer shall issue a written notice to appear; and (8) require, as part of the minimum curriculum requirements, a peace to complete a statewide education and training program on tactical communication.

**H.B. 4610 (Shaheen) – Emergency Detention:** would: (1) provide that a peace officer who apprehends a person with mental illness without a warrant and transports the person to a facility must immediately transfer custody of the person to the facility unless the person commits an assault against the peace officer during the transportation; (2) require that a judge or magistrate notify the applicable law enforcement agency of the issuance of an emergency apprehension and detention warrant by: (a) email with the warrant attached as a secure document in a portable document format; or (b) secure electronic means, including satellite transmission, closed-circuit television transmission, or certain other methods of two-way electronic communication; (3) require a law enforcement agency that receives an emergency apprehension and detention warrant to serve the warrant as soon as practicable after the hour the agency receives the warrant;

and (4) prohibit a court from charging a fee in excess of \$25 for filing an application for emergency detention or for issuing a related warrant.

**S.B. 1804 (Kolkhorst) – Family Violence Bond Conditions:** would, among other things, provide that: (1) as soon as possible, but not later than the next business day after the date a magistrate issues an order imposing a condition of bond or modifying or removing a condition concerning a defendant charged with an offense involving family violence, a magistrate shall send a copy of the order to the chief of police in the city where the victim of the offense resides, if the victim resides in a city; (2) a court clerk shall send a copy of the order in (1) to the victim at the victim’s last known address as soon as possible, but not later than the next business day after the date the order is issued; (3) if a victim is not present when an order is issued under (1), the magistrate shall order a peace officer to make a good faith effort to provide notice of the order to the victim within 24 hours by calling the victim’s last known phone number; and (4) not later than the third business day after the date of receipt of the copy of an order issued under (1), the law enforcement agency shall enter, modify or remove certain information into the statewide law enforcement information system maintained by the Department of Public Safety.

**S.B. 2159 (Buckingham) – Stop Signs as Yield Signs:** would allow operators of motor vehicles to treat a stop sign as a yield sign at certain intersections.

**S.B. 2192 (Hinojosa) – 911 Calls:** would provide that: (1) a recording of an emergency call made to a public safety agency or a public safety answering point that contains the final words spoken by an individual is confidential; (2) a governmental body shall disclose information that is confidential under the bill and that is not confidential or otherwise excepted from disclosure under another provision of law to a requestor who is: (a) an investigator that certifies that the information will only be used in conjunction with a civil, criminal, administrative, or trial proceeding in a court or government agency, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgment or order, or under any order of any court; or (b) is a first responder; and (3) a governmental body may withhold a recording described by (1) without the necessity of requesting a decision from the attorney general.

**S.B. 2229 (Fallon) – Critical Infrastructure:** would increase the criminal liability for engaging in certain conduct involving a critical infrastructure facility.

**S.B. 2230 (Fallon) – Local Registration of Violent Offenders:** would require: (1) certain offenders who have been convicted of, received a grant of deferred adjudication community supervision for, or received a juvenile adjudication or deferral for an offense and have subsequently been discharged or placed under community supervision or mandatory supervision for certain violent offenses to register with a local law enforcement authority: (a) annually; (b) every 90 days if the offender is determined to be high risk, (c) every 30 days if the offender does not have a permanent address; and (d) within five days after the offender changes his or her address; and (2) a local law enforcement authority to promptly forward the registration information to the Department of Public Safety for inclusion in a central database of violent offenders.

**S.B. 2320 (Creighton) – Licensed Carry/Courts:** would authorize a county commissioner who holds a license to carry a handgun on the premises of any court, including a municipal court, or office utilized by the court.

**S.B. 2365 (Hughes) – Parental Rights:** would provide, among other things: (1) that the state or a political subdivision may not restrict or interfere with a parent’s fundamental right to make decisions in the raising of the parent’s child unless the state or political subdivision demonstrates that the action of the state or political subdivision: (a) is in furtherance of a compelling governmental interest; and (b) is narrowly tailored to accomplish that interest; and (2) a court may not restrict or interfere with the fundamental right of a parent solely because the court believes a better decision could be made, unless the court: (a) first overcomes the presumption that a parent is a fit parent and acts in the best interest of the child; and (b) finds that the parent is not a fit parent, or the infringement is necessary to prevent a significant impairment of the child’s physical health or emotional well-being. (Companion bill is **H.B. 2528** by **Leach**.)

**S.B. 2384 (Watson) – Sexual Assault:** would establish the Office of Sexual Assault Survivor Assistance within the criminal justice division of the governor’s office to work with various governmental entities and establish policies regarding sexual assault prevention, investigation and prosecution, and services provided to survivors. (Companion bill is **H.B. 1590** by **Howard**.)

**S.B. 2416 (Campbell) – Medical Research Cannabis:** would: (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical research cannabis in addition to low-THC cannabis for medical use; (2) provide for the establishment of compassionate-use review boards to evaluate and approve proposed research programs to study the medical use of cannabis and oversee patient treatment undertaken as part of an approved research program, including the approval of cannabis products to be prescribed and evaluated; (3) provide that patient treatment as part of a research program under (2) shall only be administered by a physician certified by an institutional review board to participate in the program and that a patient must be a permanent resident of Texas and 21 years of age or older; authorize the licensing of dispensing organizations for medical research cannabis; (4) remove the requirement that a second physician qualified to prescribe low-THC cannabis must concur with the first doctor’s opinion in order for the first doctor to prescribe low-THC cannabis; (5) expand patients who may receive low-THC and medical research cannabis from patients with epilepsy to patients for whom the physician has determined the risk of medical use of low-THC cannabis is reasonable in light of the potential benefit; (6) authorize an application fee for licenses to operate a dispensing organization; and (7) prevent cities from enacting, adopting, or enforcing a rule, ordinance, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of medical cannabis as authorized by the bill.

## **Transportation**

**H.B. 4217 (Israel) – Gas Tax:** would increase the rate of the state gasoline tax from 20 to 40 cents per gallon. (Companion bill is **S.B. 1077** by **Watson**.)

**H.B. 4218 (Israel) – Alternatively Fueled Vehicles:** would provide that the Department of Motor Vehicles shall enact an additional motor vehicle registration fee on alternatively fueled vehicles. (Companion bill is **S.B. 1076** by **Watson**.)

**H.B. 4281 (Israel) – 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. (Companion bill is **S.B. 1080** by **Watson**.)

**H.B. 4484 (Wray) – Red Light Cameras:** would: (1) prohibit a local authority from: (a) implementing or operating a photographic traffic signal enforcement system; and (b) issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system; and (2) except from the prohibition in (1) a system that takes images of vehicles that pass a school bus if the system is used only for the prosecution of a criminal offense and the person who is cited is authorized to contest the citation in court.

**H.B. 4498 (Guillen) – TxDOT Projects:** would: (1) apply only to a grant awarded by the Texas Department of Transportation for the construction of a transportation project in a county or city with a population of less than 15,000; and (2) provide that the department shall reimburse a grant recipient for costs incurred by the recipient that exceed the amount of the grant awarded by the department if the construction of the transportation project is managed by the department.

**H.B. 4499 (Raymond) – Motor-Assisted Scooters:** would:

- (1) define a “motor-assisted scooter” as having a gas motor with a displacement not exceeding 40 cubic centimeters or an electric motor with a power output not exceeding 1,000 watts;
- (2) require that a person hold a valid driver’s license and be at least 16 years old to operate a motor-assisted scooter;
- (3) prohibit a motor-assisted scooter from carrying more than one person;
- (4) allow a person to operate a motor-assisted scooter on: (a) a path set aside for the exclusive use of bicycles, pedestrians, or both; (b) on a roadway in a bicycle lane; or (c) on a roadway without a bicycle lane if the roadway has a speed limit of 30 miles per hour or less and the person rides as close to the right curb or edge of the roadway as possible, with some exceptions;
- (5) prohibit a person from operating a motor-assisted scooter at more than 15 miles per hour;
- (6) require that a person operating a motor-assisted scooter yield the right of way to a pedestrian;
- (7) prohibit a person from parking motor-assisted scooter in a manner that obstructs a roadway, paths, or sidewalk;
- (8) allow cities to impose further restrictions than the bill on: (a) speed limit of a motor-assisted scooter; (b) the location where motor-assisted scooters may be operated; (c) the minimum age requirement to operate motor-assisted scooters; and (d) where a person may park a motor-assisted scooter;
- (9) allow cities to impose a higher criminal or civil penalty for a violation of the bill;
- (10) allow cities to require that the operator of a motor-assisted scooter wear a safety helmet; and

(11) allow cities to prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the city council determines the prohibition is necessary in the interest of safety. (Companion bill is **S.B. 549** by **West**.)

**S.B. 2418 (Nichols) – Transportation:** would make beneficial changes to the method by which funds from the rainy day fund are allocated to the state highway fund.

**S.B. 2260 (Flores) – Transportation Infrastructure Fund:** would provide that, to be eligible to receive a grant under the Transportation Infrastructure Fund program, matching funds may include in-kind contributions. (Companion bill is **H.B. 3196** by **Landgraf**.)

### **Utilities and Environment**

**H.B. 4150 (Paddie) – Electric Utilities:** would provide that investor-owned electric utilities owning transmission and distribution assets must, not later than May 1, 2020, provide a report to the Public Utility Commission related to its safety procedures.

**H.B. 4246 (Nevarez) – Nonsubmetered Water and Sewer Billing:** would provide that: (1) each municipally owned utility that bills for nonsubmetered master metered utility service shall make publicly available for each entity billed a statement that includes: (a) a current copy of the municipally owned utility's rate structure applicable to the billed service; and (b) a list of fees and charges applicable to the billed service; (2) a municipally owned utility may not charge a dwelling unit base charge of more than \$5 for nonsubmetered master metered utility service; and (3) a person may appeal a charge that does not comply with the bill by filing a petition with the Public Utility Commission, which shall hear the appeal de novo with the city having the burden of proof to establish that the fee complies with the bill.

**H.B. 4247 (Wilson) – Concrete Crushing:** would, among other things, provide that the Texas Commission on Environmental Quality shall, by rule, prohibit the operation of a rock or concrete crushing facility within 880 yards of a building in use as a single or multifamily residence, school, place of worship, or hospital at the time the application for a permit to operate the facility at a site near the residence, school, place of worship, or hospital is filed with TCEQ.

**H.B. 4254 (Metcalf) – Water CCNs:** would, among other things, provide that: (1) the holder of a certificate of convenience and necessity that is the subject of a petition for certain decertifications of an area may not borrow money under a federal loan program after the date the petition is filed until the Public Utility Commission issues a decision on the petition; (2) a landowner that submits a petition under the bill may pay or defease federal loans for a certificate holder that is a borrower under a federal loan program; and (3) the commission may issue an order to require the certificate holder to accept a loan payment or defeasance.

**H.B. 4279 (Coleman) – Texas Water Development Board:** would provide that: (1) the Texas Water Development Board (TWDB) shall establish a grant program to use the proceeds from the sale of bonds and the interest issued on those bonds to provide financial assistance to qualifying political subdivisions and the state for the financing of qualifying projects in the political subdivisions and the state; (2) the TWDB shall develop and implement an application process for

a grant, including, at a minimum, a description of the qualifying project for which the applicant is requesting a grant, an estimate of the total cost of the project, and evidence that the applicant has staff, policies, and procedures in place adequate to complete the project; (3) the TWDB may issue general obligation bonds for the purposes provided in the bill; (4) the Texas Disaster Mitigation, Recovery, Response, and Infrastructure fund is established as a special fund in the state treasury outside the general revenue fund to be used by the TWDB, without further legislative appropriation, for the purposes of implementing the Texas Disaster Mitigation, Recovery, Response, and Infrastructure bonds as provided by the bill; (5) the TWDB shall establish a point system for prioritizing projects for which financial assistance is sought from the TWDB; (6) with certain exceptions, money in the fund may be used by the TWDB only to provide financing or refinancing, under terms specified by the TWDB, for projects included in the bill; and (7) financing or refinancing of projects may be provided by using money in the fund to make loans to eligible political subdivisions and the state or to purchases bonds or other obligations of eligible political subdivisions and the state bearing interest at a rate or rates determined by the TWDB, including a rate below prevailing market rates. (Companion bill is **S.B. 2437** by Miles.)

**H.B. 4360 (E. Thompson) – Permit Applications for Municipal Solid Waste Facilities:** would provide that, if after review of an application for a permit for a municipal solid waste facility, the Texas Commission on Environmental Quality (TCEQ) finds that necessary information is omitted from the application, that the application contains incorrect information that is material to the application, or that more information is necessary to complete the processing of the application, TCEQ shall issue a notice of deficiency and order the information to be provided not later than the 60<sup>th</sup> day after the date the notice is issued and if the information is not provided by the 60<sup>th</sup> day, TCEQ shall dismiss the application.

**H.B. 4422 (Wilson) – Aggregate Production and Paving Facilities:** would provide that the Texas Commission on Environmental Quality shall require, by rule, that a permit holder of a permit issued under the Texas Clean Air Act relating to the production of aggregates, operation of a concrete plant that performs wet batching, dry batching, or central mixing, or operation of a hot mix asphalt plant must: (1) pave each road inside the permitted facility used for the movement of certain commercial vehicles; and (2) construct acceleration and deceleration lanes for egress from and ingress to the aggregate production operation to protect public safety.

**H.B. 4486 (E. Thompson) – Municipal Solid Waste Facilities:** would: (1) provide that the Texas Commission on Environmental Quality (TCEQ) may not issue a municipal solid waste facility permit or allow special conditions for the approval of an application for a permit or an amendment to a permit unless the applicant has satisfied all requirements of Chapter 361 of the Health and Safety Code governing municipal solid waste permits, rules adopted under the Chapter, and other requirements of state and local law, including requirements relating to authorizations from local governments and siting in a floodplain; (2) provide that TCEQ shall charge an applicant for a municipal solid waste facility permit an application fee of \$2,000; (3) provide that TCEQ shall inspect the facility or site used or proposed to be used to store, process, or dispose of municipal solid waste to confirm information included in the application before a permit for a proposed municipal solid waste facility is issued, amended, extended, or renewed; (4) provide that, among other things, a representative of a municipal solid waste facility that is

subject to an enforcement action must attend a meeting and make a reasonable effort to respond to questions relevant to the enforcement action at the meeting; (5) add that whether the prohibited act created a public nuisance is a factor to be considered by TCEQ in determining the amount of an administrative penalty; (6) provide that in order to be eligible to preside at a hearing related to a municipal solid waste facility permit, an administrative law judge must have experience with solid waste engineering or management; and (7) provide that, if after review of an application for a municipal solid waste facility permit, TCEQ finds that necessary information is omitted from the application, that the application contains incorrect information that is material to the application, or that more information is necessary to complete the processing of the application, TCEQ shall issue a notice of deficiency and order the information to be provided not later than the 60<sup>th</sup> day after the date the notice is issued and if the information is not provided by the 60<sup>th</sup> day, TCEQ shall dismiss the application.

**H.B. 4553 (Lucio) – Certificates of Convenience and Necessity:** would provide that the Texas Public Utility Commission may grant single certification to a city in an area it annexes, unless the commission makes an express finding that the city failed to demonstrate the retail public utility currently providing service is not capable of providing service to a proposed decertified area on a continuous and adequate basis and supports each of its findings and conclusions based solely on the information provided by the city and the retail public utility.

**H.B. 4568 (Cyrrier) – Landfills in a Floodplain:** would provide that: (1) a local floodplain manager who has information regarding a floodplain, 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 to the best of the local floodplain manager's knowledge; (2) on receipt of an updated local flood map, the board shall certify the map and make it available on the board's Internet website; and (3) the Texas Commission on Environmental Quality 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.

**H.B. 4577 (Smithee) – Rural Broadband:** would attempt to encourage the deployment of broadband in rural areas.

**H.B. 4600 (Wilson) – Aggregate Production Operations:** would provide that, for certain aggregate production operations located within the corporate limits or extraterritorial jurisdiction of a city, if the property boundary upon which the permit is proposed is located within 880 yards from property that has entered into a development agreement with the city: (1) the applicant shall include a letter from the city verifying that construction and operation of the facility under the proposed permit is a land use authorized by the city's zoning regulations or is compatible with the land use established by the development agreement, as applicable; (2) the Texas Commission on Environmental Quality shall not issue a permit for property that has not received the requisite verification described by (1); and (3) in the event the city does not provide a response to the permit application within 30 days from the date the verification letter was requested by the applicant, the verification shall be deemed to have been provided.

**S.B. 2195 (Lucio) – Electric Billing:** would provide, among many other things: (1) for various changes to current law relating to metering and billing requirements for certain apartment houses, manufactured homes, and recreational vehicles; (2) that a political subdivision may not authorize the construction or occupancy of a new apartment house, including the conversion of property to a condominium, unless the construction plan provides for the measurement of the quantity of electricity consumed by the occupants of each dwelling unit of the apartment house, either by separate metering by the utility company or by submetering by the owner; (3) that the owner of an apartment house or manufactured housing community may submeter each dwelling unit in the apartment house or manufactured housing community that is not separately metered to measure the quantity of electricity consumed by the occupants of the dwelling unit; and (4) that the Public Utility Commission shall adopt rules under which an owner, operator, or manager of an apartment house or manufactured housing community [mobile home park] for which electricity is not separately metered may install submetering equipment to allocate fairly the cost of the electrical consumption of each dwelling unit in the apartment house or manufactured housing community.

**S.B. 2272 (Nichols) – Water CCNs:** would, among other things, provide that: (1) the holder of a certificate of convenience and necessity that is the subject of a petition for certain decertifications of an area may not borrow money under a federal loan program after the date the petition is filed until the Public Utility Commission issues a decision on the petition; (2) a landowner that submits a petition under the bill may pay or defease federal loans for a certificate holder that is a borrower under a federal loan program; and (3) the commission may issue an order to require the certificate holder to accept a loan payment or defeasance.

**S.B. 2278 (Buckingham) – Aggregate Production Operations:** would: (1) provide for the Texas Commission on Environmental Quality to regulate aggregate productions that are first required to be registered on or after September 1, 2019, occupy at least 10 acres, and are located inside the boundaries or extraterritorial jurisdiction (ETJ) of a city; (2) provide that an initial application or the first renewal application for an aggregate production operation must contain a reclamation plan that, among other things, specifies which parts of the aggregate production operation will be reclaimed for forest, pasture, crop, horticultural, homesite, recreation, industrial, or other uses, including use by wildlife for food, shelter, or ground cover; and (3) require a city with an aggregation production in its ETJ as described in (1) to consider and possibly approve amendments to a reclamation plan under certain circumstances. (Companion bill is **H.B. 2710** by **Murr**.)

**S.B. 2322 (Creighton) – Municipal Water Rates:** would provide that a municipality or a municipally owned utility may not establish a rate applicable only to entities that qualify for a sales tax or ad valorem tax exemption that is higher than a rate established for entities that receive comparable utility services. (Companion bill is **H.B. 4114** by **C. Bell**.)

**S.B. 2331 (Creighton) – Texas Water Development Board Loan Programs:** would: (1) clean up the statutes for the programs that provide for financial assistance from the Texas Water Development Board to consistently require water conservation plans as part of the application process, with certain exceptions; and (2) require all entities applying for SWIFT assistance to

submit a water conservation plan, not just those with surface water rights. (Companion bill is **H.B. 3339** by **Dominguez**.)

**S.B. 2387 (Powell) – TCEQ Proposed Rules:** would, among other things: (1) remove the Texas Commission on Environmental Quality (TCEQ) from certain regulatory analysis of rules requirements when proposing rules that exceed a standard set by federal law, exceed an express requirement of state law, exceed a requirement of a delegation agreement between the state and an agency or representative of the federal government, or adopt a rule solely under the general powers of the agency instead of under a specific law; (2) provide that when adopting a new rule related to certain oil and gas operations under the Texas Clean Air Act, TCEQ must conduct a regulatory analysis that: (a) identifies the problem the rule is intended to address; (b) determines whether a new rule is necessary to address the problem; and (c) considers the benefits and costs of the proposed rule in relationship to state agencies, local governments, the public, the regulated community, and the environment; (3) provide that when giving notice of an environmental rule, TCEQ shall incorporate into the fiscal note a draft impact analysis describing the anticipated effects of the proposed rule; and (4) provide that a person who submits a comment on a proposed environmental rule may challenge the validity of an environmental rule that is not proposed and adopted in strict compliance with the procedural requirements of the bill by filing an action for declaratory judgment not later than the 30<sup>th</sup> day after the effective date of the rule.

**S.B. 2393 (Zaffirini) – Municipal Solid Waste Facilities:** would provide that the Texas Commission on Environmental Quality (TCEQ) may not issue a permit for a new municipal solid waste landfill facility or an areal expansion of an existing municipal solid waste landfill facility unless: (1) TCEQ determines that permitted facilities conveniently located near the proposed new or expanded facility do not have a projected capacity to dispose of the volume of waste projected for the area for 30 years following the date of application for the permit; or (2) the governing body of the city or county in which the landfill facility is located first approves, by resolution or order, the issuance of the permit.

**S.B. 2437 (Miles) – Texas Water Development Board:** would provide that: (1) the Texas Water Development Board (TWDB) shall establish a grant program to use the proceeds from the sale of bonds and the interest issued on those bonds to provide financial assistance to qualifying political subdivisions and the state for the financing of qualifying projects in the political subdivisions and the state; (2) the TWDB shall develop and implement an application process for a grant, including, at a minimum, a description of the qualifying project for which the applicant is requesting a grant, an estimate of the total cost of the project, and evidence that the applicant has staff, policies, and procedures in place adequate to complete the project; (3) the TWDB may issue general obligation bonds for the purposes provided in the bill; (4) the Texas Disaster Mitigation, Recovery, Response, and Infrastructure fund is established as a special fund in the state treasury outside the general revenue fund to be used by the TWDB, without further legislative appropriation, for the purposes of implementing the Texas Disaster Mitigation, Recovery, Response, and Infrastructure bonds as provided by the bill; (5) the TWDB shall establish a point system for prioritizing projects for which financial assistance is sought from the TWDB; (6) with certain exceptions, money in the fund may be used by the TWDB only to provide financing or refinancing, under terms specified by the TWDB, for projects included in the bill; and (7) financing or refinancing of projects may be provided by using money in the fund

to make loans to eligible political subdivisions and the state or to purchases bonds or other obligations of eligible political subdivisions and the state bearing interest at a rate or rates determined by the TWDB, including a rate below prevailing market rates. (Companion bill is **H.B. 4279** by Coleman.)

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