

## City-Related Bills Filed

### Property Tax

**H.B. 128 (Goldman) – Property Tax Exemption:** would exempt from property taxes a mineral interest that has a taxable value of less than \$2,000 (Note: current law exempts from property taxes a mineral interest that has a taxable value of less than \$500).

**H.B. 133 (Simpson) – Property Tax Exemption:** would repeal the additional property taxes imposed as a result of certain changes in the use of open-space land appraised as agricultural land.

**H.B. 275 (Ashby) – Property Tax Exemption:** would exempt eggs from property taxes as a “farm product.”

**H.B. 276 (Ashby) – Property Tax:** would provide that land owned by a deployed member of the armed services remains eligible for appraisal as qualified open-space land, even if the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area, if the service member intends to use the land in that manner upon returning to the property.

**H.B. 286 (Canales) – Property Tax Exemption:** would provide that the penalty owed by a disabled veteran to a taxing unit or appraisal district for delinquent property taxes is lower under certain circumstances.

**H.B. 365 (Elkins) – Revenue Cap:** would: (1) lower the property tax rollback rate from eight percent to four percent, with an exception for a city located in an area declared a disaster area by the governor or president of the United States during the current tax year; and (2) provide that a city must hold a ratification election to adopt a tax rate that exceeds the four-percent rollback rate (as opposed to current law, which only requires an election if a petition is received from the citizens). (Companion bill is **S.B. 182** by **Bettencourt**.)

**H.B. 376 (Simmons) – Property Tax:** would provide that a property owner who conveys land appraised as agricultural property to a person who changes the use of the land may be subject to additional taxes if the owner reacquires the land within five years and no longer uses it for agriculture.

**H.B. 432 (Munoz) – Property Tax Exemption:** would provide a complete residence homestead property tax exemption for the surviving spouse of a 100-percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect, but only if the surviving spouse has not remarried since the death of the disabled veteran. (See **H.J.R. 51**, below.)

**H.B. 490 (E. Rodriguez) – Property Tax Exemption:** would authorize a city that adopts or has adopted a local option residence homestead property tax exemption to establish a dollar-amount ceiling on the application of such exemption. (See **H.J.R. 57**, below.)

**H.J.R. 51 (Munoz) – Property Tax Exemption:** would amend the Texas Constitution to permit the legislature to provide a complete residence homestead property tax exemption for the surviving spouse of a 100-percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect, but only if the surviving spouse has not remarried since the death of the disabled veteran. (See **H.B. 432**, above.)

**S.B. 50 (Zaffirini) – Property Tax:** would authorize the attachment of a property tax lien on personal property, regardless of whether the personal property is located within the boundaries of the taxing unit in whose favor the lien attaches.

**H.J.R. 57 (E. Rodriguez) – Property Tax Exemption:** would amend the Texas Constitution to authorize a city that adopts or has adopted a local option residence homestead property tax exemption to take official action before July 1<sup>st</sup> to establish a dollar-amount ceiling on the application of such exemption.. (See **H.B. 490**, above.)

**S.B. 71 (Ellis) – Property Tax:** provides that a person is entitled to an designated appraisal of recreational, park, or scenic land for property tax purposes only if the land is restricted and use of the land is available to the public without a fee or for a nominal fee.

**S.B. 156 (Nichols) – Appraisal Cap:** would: (1) reduce the property tax appraisal cap on homesteads from ten percent to five percent; (2) authorize a county commissioners court to call an election to increase the homestead appraisal cap for all taxing jurisdictions in the county back to some percentage between six and ten; and (3) prohibit a subsequent election from occurring for ten years after such an election is held. (See **S.J.R. 14**, below.)

**S.B. 182 (Bettencourt) – Revenue Cap:** would: (1) lower the property tax rollback rate from eight percent to four percent, with an exception for a city located in an area declared a disaster area by the governor or president of the United States during the current tax year; and (2) provide that a city must hold a ratification election to adopt a tax rate that exceeds the four-percent rollback rate (as opposed to current law, which only requires an election if a petition is received from the citizens).

**S.J.R. 14 (Nichols) – Appraisal Cap:** would amend the Texas Constitution to permit the legislature to: (1) reduce the property tax appraisal cap on homesteads from ten percent to five percent; and (2) authorize a county commissioners court to call an election to increase the homestead appraisal cap for all taxing jurisdictions in the county back to some percentage between six and ten. (See **S.B. 156**, above.)

## **Sales Tax**

**H.B. 79 (Guillen) – Sales Tax Exemption:** would, among other things, exempt from sales and use taxes the sale to, or storage, use, or other consumption by, a new business of a taxable item that will be directly used or consumed by the business during the first ten years of the business's operation.

**H.B. 82 (Guillen) – Sales Tax:** would repeal the state law prohibiting the state comptroller from crediting to the Parks and Wildlife Department or the Texas Historical Commission any amount of taxes imposed on the sale of sporting goods in excess of the amounts appropriated to the department or commission, respectively. (See **H.J.R. 33**, below.)

**H.B. 85 (Craddick) – Sales Tax Exemption:** would exempt from sales and use taxes telecommunications services exclusively provided or used for the navigation of farm and ranch machinery and equipment. (Companion bill is **S.B. 140** by **Perry**.)

**H.B. 157 (Larson) – Sales Tax:** would: (1) allow a city to hold an election to impose a dedicated sales and use tax for sports and venue districts, crime control and prevention districts, economic development corporations, property tax relief, or street maintenance at any rate that is an increment of at least one-eighth of one percent and that would not result in a combined rate that exceeds the maximum local sales and use tax rate of two percent; and (2) allow a city to hold an election to impose its general sales and use tax at any rate that is an increment of at least one-eighth of one percent and that would not result in a combined rate that exceeded the maximum local sales and use tax rate of two percent.

**H.B. 158 (Larson) – Sales Tax:** would repeal the state law prohibiting the state comptroller from crediting to the Parks and Wildlife Department or the Texas Historical Commission any amount of taxes imposed on the sale of sporting goods in excess of the amounts appropriated to the department or commission, respectively. (See **H.J.R. 39**, below.)

**H.B. 206 (Leach) – Sales Tax Exemption:** would exempt from sales and use taxes firearms and hunting supplies if the sale takes place during a period beginning at 12:01 a.m. on the Friday before the last full weekend in August and ending at 12 midnight on the following Sunday.

**H.B. 337 (Gonzalez) – Sales Tax Exemption:** would exempt from sales and use taxes the sale, use, or consumption of a book or magazine that is written for educational, instructional, or pedagogical purposes and is purchased by a full-time or part-time college student who receives financial assistance.

**H.B. 351 (Giddings) – Sales Tax Exemption:** would exempt certain school art supplies from sales and use tax during limited periods of time.

**H.B. 491 (Hernandez Luna) – Sales Tax Exemption:** would exempt the sale, use, or consumption of college textbooks from sales taxes during two seventeen-day periods, one beginning in August and one beginning in January. (Companion bill is **S.B. 232** by **Schwertner**.)

**H.J.R. 33 (Guillen) – Sales Tax:** would amend the Texas Constitution to provide that, for each state fiscal year, the net revenue received from the collection of any state taxes imposed on the sale, storage, or use of sporting goods is automatically appropriated when received to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, and is allocated between those agencies as provided by general law. (See **H.B. 82**, above.)

**H.J.R. 39 (Larson) – Sales Tax:** would amend the Texas Constitution to provide that, for each state fiscal year, the net revenue received from the collection of any state taxes imposed on the sale, storage, or use of sporting goods is automatically appropriated when received to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, and is allocated between those agencies as provided by general law. (See **H.B. 158**, above.)

**S.B. 140 (Perry) – Sales Tax Exemption:** this bill is the same as **H.B. 85**, above.

**S.B. 157 (Zaffirini) – Sales Tax Exemption:** would exempt from sales and use taxes books purchased by college students receiving funding under certain financial assistance programs if the purchase takes place during specified time frames prior to each semester.

**S.B. 228 (Creighton) – Sales Tax Exemption:** would exempt firearms and hunting supplies from sales and use taxes during the last full weekend in August. (Companion bill is **H.B. 206** by **Leach**.)

**S.B. 232 (Schwertner) – Sales Tax:** would exempt the sale, use, or consumption of college textbooks from sales taxes during two, seventeen-day periods, one beginning in August and one beginning in January.

**S.B. 248 (Estes) – Sales Tax:** would repeal the state law prohibiting the state comptroller from crediting to the Parks and Wildlife Department or the Texas Historical Commission any amount of taxes imposed on the sale of sporting goods in excess of the amounts appropriated to the department or commission, respectively. (See **S.J.R. 18**, below.)

**S.J.R. 18 (Estes) – Sales Tax:** would amend the Texas Constitution to provide that, for each state fiscal year, the net revenue received from the collection of any state taxes imposed on the sale, storage, or use of sporting goods is automatically appropriated when received to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, and is allocated between those agencies as provided by general law. (See **S.B. 248**, above.)

## **Purchasing**

**H.B. 208 (Leach) – Construction Procurement:** would provide that the same state laws related to the design and construction of projects, including the procurement of design and construction services, that apply to a governmental entity apply to an agency or instrumentality of the governmental entity, an economic development corporation created by the governmental entity, or an alliance, agreement, partnership, or agency created between the governmental entity and one or more other governmental entities.

**S.B. 39 (Zaffirini) – Purchase of Agricultural Products:** would: (1) allow cities that purchase agricultural products to give preference to products produced or grown in the state when the cost does not exceed 107 percent of the cost of those produced or grown outside of the state and the quality is equal; and (2) require cities to give preference to agricultural products produced or grown in Texas if the cost and quality is equal.

## **Elections**

**H.B. 111 (Martinez-Fischer) – Elections:** would provide that: (1) a person who would be eligible to vote in an election, but who is not registered, shall be accepted for voting during early voting by personal appearance for the precinct of the person’s residence if the person submits a voter registration application and presents proof of identification that establishes the person’s residence; (2) an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar; (3) for a local election held on the uniform election date in November, the timeframe for the local canvass is to be conducted between the 11<sup>th</sup> and 14<sup>th</sup> day after election day; and (4) for a local election held on the uniform election date in May, the local canvass shall be conducted not later than the 14<sup>th</sup> day after election day (current law requires the canvass occur not later than the 11<sup>th</sup> day after election day).

**H.B. 295 (Canales) – Elections:** would provide that a student identification card issued by a public or private institution of higher education, and that contains the student’s photograph, is an acceptable form of photo identification for voting.

**H.B. 303 (Canales) – Elections:** would require the secretary of state to establish methods to obtain a photograph of each registered voter for use on the voter’s registration certificate.

**H.B. 312 (Harless) – Voter Registration:** would require the secretary of state to implement a program to allow a person who has a valid driver’s license or personal identification card to complete a voter registration application on the Internet at the state’s official website.

**H.B. 361 (Springer) – Uniform Election Dates:** would provide that, with certain exceptions, every general or special election in the state, including city elections, shall be held on the first Tuesday after the first Monday in November.

**H.B. 430 (Howard) – Online Voting:** would provide that the Secretary of State shall conduct a study on the feasibility of online voting.

**H.B. 444 (Johnson) – Voter Registration:** would require the secretary of state to implement a program to allow a person to complete a voter registration application over the Internet from the state’s official website.

**H.B. 447 (Johnson) – Elections:** would provide that a student identification card issued by a public, private, or independent institution of higher education, and that contains the person’s photograph, is an acceptable form of photo identification for voting.

**H.B. 448 (Alonzo) – Elections:** would provide that a person who would be eligible to vote in an election, but who is not registered, shall be accepted for voting in the precinct of the person’s residence if, on the day the person offers to vote, the person submits a voter registration application and presents proof of identification that establishes the person’s residence.

**H.B. 484 (Capriglione) – Elections:** would provide, among other things, that in order for an individual to be an eligible candidate for city office and qualify for the office, the individual

must be a registered voter in the territory from which the office is elected for six months preceding the regular filing deadline for a candidate's application for a place on the ballot.

**H.B. 534 (Nevarez) – Elections:** would provide that an identification card issued by an agency or institution of the federal or state government and that contains a person's photograph is an acceptable form of photo identification for voting.

**H.B. 535 (Nevarez) – Elections:** would provide that a valid identification card that contains the person's photograph issued by a tribal organization is an acceptable form of photo identification for voting.

**H.B. 536 (Nevarez) – Elections:** would provide that, for a person who is 65 years of age or older, any legal form of identification for voting is acceptable, even if it has expired.

**S.B. 63 (Huffines) – Term Limits:** would, among other things: (1) provide that a person is not eligible to be elected to a full or partial term in any elective office, including a city office, if on the date the term begins the person has served in that office during any part of each of eight or more calendar years; (2) provide that service in more than one elective position on a governing body is considered service in the same office; (3) authorize a person to continue to serve in an office after the end of a term as a holdover under the Texas Constitution; (4) provide that service in office before January 1, 2016, does not count for purposes of determining whether a person is disqualified from election to office under the bill; and (5) authorize a political subdivision to impose a more restrictive limit on the time or number of terms a person may serve in elective office by charter, ordinance, order, or other appropriate means. (See **S.J.R. 6**, below.)

**S.B. 83 (Ellis) – Elections:** would, among other things, provide that: (1) an election officer commits a state jail felony if the officer knowingly: (a) removes the name of an eligible voter from the list of registered voters or the poll list for the precinct; (b) refuses to accept for voting a person whose acceptance is required by law; or (c) prevents the deposit in the ballot box of a marked and properly folded ballot that was provided at the polling place to the voter who is depositing it or for whom the deposit is attempted; and (2) a person is subject to criminal and civil liability if he or she knowingly deceives another person regarding the time, place, or manner of conducting an election or the qualifications for or restrictions governing voter eligibility for an election in this state.

**S.B. 84 (Ellis) – Elections:** would: (1) require that two voter registrars be present at each polling place while the polls are open; and (2) provide for same day voter registration.

**S.B. 85 (Ellis) – Elections:** would provide that a person who is at least 16 years of age is eligible to apply to preregister to vote.

**S.B. 86 (Ellis) – Elections:** would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures.

**S.B. 120 (Campbell) – Elections:** would increase the penalty for theft of an official ballot or official carrier envelope for an election from a state jail felony to a felony of the third degree.

**S.B. 170 (Uresti) – Elections:** would provide that a student identification card issued by a public or private high school or institution of higher education that contains the person’s photograph is an acceptable form of photo identification for voting.

**S.B. 230 (Watson) – Elections:** would provide that the following are acceptable forms of photo identification for voting: (1) a student identification card issued by a public institution of higher education located in this state that contains the person’s photograph; and (2) an identification card issued by a state agency of this state that contains the person’s photograph.

**S.B. 251 (Ellis) – Elections:** would: (1) authorize an entity that orders an election to appoint a person to serve as an interpreter during the election if the person is a registered voter of the county in which the voter needing the interpreter resides or a registered voter of an adjacent county; and (2) provide that a voter may select any person other than the voter’s employer, an agent of the voter’s employer, or an officer or agent of a labor union to which the voter belongs, to serve as the voter’s own personal interpreter.

**S.J.R. 6 (Huffines) – Term Limits:** would amend the Texas Constitution to, among other things: (1) provide that a person is not eligible to be elected to a full or partial term in any elective office, including a city office, if on the date the term begins the person has served in that office during any part of each of eight or more calendar years; (2) provide that service in more than one elective position on a governing body is considered service in the same office; (3) authorize a person to continue to serve in an office after the end of a term as a holdover under the Texas Constitution; (4) provide that service in office before January 1, 2016 does not count for purposes of determining whether a person is disqualified from election to office under this bill; and (5) authorize a political subdivision to impose a more restrictive limit on the time or number of terms a person may serve in elective office by charter, ordinance, order, or other appropriate means. (See **S.B. 63**, above.)

### **Open Government**

**H.B. 283 (Fallon) – Open Meetings:** would: (1) require a home-rule city with a population of 50,000 or more: (a) to make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting, and make available an archived copy of such recording on the Internet; (b) to make the archived recording described in (a), above, available on an existing Internet site, which could be a publicly accessible video-sharing or social networking site; (c) to make available, in a conspicuous manner, on an Internet site that the city maintains the archived recording described in (a), above, or a link to the archived recording; (d) to make the archived recording described in (a), above, available on the Internet not later than seven days after the recording was made and maintain the archived recording on the Internet for not less than two years after the date the recording was first made available; and (e) to comply with the requirements in (b)-(d), above, unless the required recording cannot be made as the result of a catastrophe or technical breakdown, after which the city must make all reasonable efforts to make the required recording available in a timely manner; and (2) authorize a home-rule city with a population of 50,000 or more to broadcast a regularly scheduled open meeting on television.

**S.B. 46 (Zaffirini) – Public Information Act:** would make confidential a photograph that is taken by an appraisal district for property tax appraisal purposes and shows the interior of an improvement to property.

### **Other Finance and Administration**

**H.B. 98 (Flynn) – Federal Actions:** would: (1) establish a joint legislative committee to review any federal action to determine whether such action is unconstitutional; (2) provide that any federal action found by the joint legislative committee to be unconstitutional be sent to the legislature for potential nullification; (3) declare any nullified unconstitutional federal action to have no legal effect in Texas; and (4) prohibit the state or a political subdivision of the state from recognizing, implementing, or enforcing a nullified unconstitutional federal action.

**H.B. 103 (Guillen) – Volunteer Fire Department Sales:** would extend law which expired on September 1, 2014 to continue to allow a volunteer fire department or emergency service organization to have up to ten tax free sales or auctions each calendar year under limited circumstances. (Companion bill is **S.B. 31** by **Zaffirini**).

**H.B. 105 (Guillen) – Volunteer Fire Department Sales:** this bill is identical to **H.B. 103**, above.

**H.B. 114 (Flynn) – Capital Appreciation Bonds:** would provide that a political subdivision may not issue capital appreciation bonds that are secured by property taxes unless: (1) the bonds have a scheduled maturity date that is not later than 20 years after the date of issuance; (2) the governing body of the political subdivision has received a written estimate of the cost of the issuance; (3) the governing body of the political subdivision has determined in writing whether any personal or financial relationship exists between the members of the governing body and any financial advisor, bond counsel, bond underwriter, or other professional associated with the bond issuance; (4) the governing body of the political subdivision posts on its website and enters into the minutes various information regarding the issuance, including: (a) the total amount of the bonds to be voted on; (b) the length of maturity of the bonds; (c) the projects to be financed with the bond proceeds; (d) the total amount of the political subdivision's outstanding bonded indebtedness at the time of the election and updated quarterly; and (e) the information provided under (2) and (3), above; (5) the total amount of capital appreciation bonds does not exceed 25 percent of the political subdivision's total outstanding bonded indebtedness; and (6) the political subdivision does not extend the maturity date of an issued capital appreciation bond.

**H.B. 134 (Simpson) – Local Debt:** would, among other things, require a political subdivision that issues a general obligation bond to: (1) include the following amounts, with each stated as a total amount and per capita amount for the then-current population of the political subdivision, on the ballot proposition for the general obligation bond: (a) the then-current general obligation debt of the local government; (b) the maximum amount of additional general obligation debt that would be authorized if the proposition passed; and (c) the maximum estimated cost to repay the general obligation debt that would be authorized by the proposed amendment, including principal and interest, at a stated likely interest rate; and (2) certify the then-current general



obligation debt, likely interest rate for the proposed bonds, and estimated maximum repayment cost in accordance with the likely interest rate for purposes of the information required to be on the ballot proposition.

**H.B. 139 (Stickland) – Notice by Internet Posting:** would, except in regard to a notice of election, do the following: (1) require a city to provide the comptroller with an electronic copy of a notice required by law to be published in a newspaper not later than the third day before the date the city is required to first publish the notice in the newspaper; (2) require a city to determine by official action whether it will exclusively provide notice in the manner described in (1), above, or provide notice by both newspaper publication and in the manner described in (1), above; (3) provide that if a city decides to exclusively provide notice in the manner described in (1), above, the city: (a) is exempt from providing notice in a newspaper; but (b) must publish in a newspaper of general circulation in the city once a week for four consecutive weeks the Internet website at which the city's notice may be located; (4) require the comptroller to establish and maintain a web page on the comptroller's website to post the notices described in (1), above, not later than the third day after the date the city provides the notice to the comptroller; (5) require the comptroller to establish a system to allow a person, on request, to receive an e-mail alert for an update to a category of notices on the web page established under (4), above, and to maintain an archive on the website of notices posted on the web page; and (6) authorize the comptroller to adopt rules to implement and administer the notice by internet posting program.

**H.B. 146 (Menendez) – Credit Card Purchases:** would require a merchant, including a city, to verify the identity of an individual using photo identification if the purchase of goods or services is in an amount of more than \$200.

**H.B. 156 (Larson) – Local Debt:** would: (1) provide that a home rule city may use the unspent proceeds of bonds that have been sold and delivered for a specific purpose only for that specific purpose, including retiring the outstanding bonds; and (2) eliminate the option of a home rule city to hold an election to approve the use of the unspent proceeds for a different purpose.

**H.B. 165 (Larson) – Federal Detention and Captured Records Laws:** would: (1) provide that a person who is a public officer or employee of this state commits an offense if that person enforces or attempts to enforce a statute, rule, regulation, or order related to: (a) the detention or military custody of persons under certain federal law; and (b) the research and analysis of captured records by the federal Conflict Records Research Center; and (2) provide that a violation of (1), above, constitutes a Class B misdemeanor punishable by confinement for a term not to exceed 180 days, a fine of not more than \$5,000, or both confinement and a fine.

**H.B. 230 (Farrar) – Attorney's Fees:** would provide that a person's ability to recover attorney's fees in civil cases involving a claim for rendered services, performed labor, furnished material, freight or express overcharges, lost or damaged freight or express, killed or injured stock, a sworn account, or an oral or written contract is not applicable to the state, an agency or institution of the state, or a political subdivision of the state.

**H.B. 306 (White) – Medical Assistance:** would prohibit a governmental entity, including a city, from providing indigent medical assistance to individuals who are not lawfully present in the United States, unless mandated by federal law to do so.

**H.B. 371 (McClendon) – Payday and Auto Title Lending:** would provide that the term of a payday or auto title loan made by a credit access business to certain military personnel or their dependents may not exceed 90 days or 180 days, respectively.

**H.B. 486 (Howard) – Financial Statements:** would require the city secretary in a city with a population of 100,000 or more to remove the home address of an individual from a financial statement before posting the statement on the city’s website.

**H.B. 540 (P. King) – Initiative and Referendum:** this bill would apply only to a home rule city that has initiative and referendum provisions in the city charter. The bill would provide that: (1) before ordering an election as required by charter, the city shall submit a measure proposed by petition to enact a new ordinance or repeal an existing ordinance to the attorney general; (2) the attorney general shall, not later than the 90th day after submission: (a) determine whether any portion of the proposed measure would violate the Texas or federal constitution, a state statute, or a rule adopted as authorized by state statute; (b) determine whether passage of the measure would cause a governmental taking of private property for which the Texas or federal constitution would require compensation to be paid to the property owner; and (c) advise the city of its determinations; (3) the city may not hold an election on the proposed measure if the attorney general has determined that any portion of the proposed measure would violate the Texas or federal constitution or a state statute or rule or would cause a governmental taking of private property; and (4) to the extent that the requirements of the bill conflict with a charter provision requiring the city to order an election within a period following receipt of a petition, the bill controls and the period during which the city must order the election is extended to the extent necessary to comply with the bill.

**H.J.R. 55 (Villalba) – Freedom of Religion:** would amend the Texas constitution to provide that government may not “burden in any way” a person’s free exercise of religion, unless the burden is: (1) necessary to further a compelling governmental interest; and (2) the least restrictive means of furthering that interest.

**S.B. 31 (Zaffirini) – Volunteer Fire Department Sales:** this bill is identical to **H.B. 103**, above.

**S.B. 48 (Zaffirini) – Major Events Trust Fund:** would add the following entities as “site selection organizations” for purposes of the Major Events Trust Fund: (1) ESPN; and (2) any other entity that selects a site to conduct an authorized event.

**S.B. 102 (Hinojosa) – Local Debt:** would require: (1) a ballot proposition submitted for an election to authorize a political subdivision to issue bonds to state: (a) the then-current combined principal and interest required to pay all outstanding debt obligations of the political subdivision on time and in full; (b) the estimated combined principal and interest required to pay the bonds to be authorized on time and in full; and (c) if the bonds are supported by property taxes, the annual increase in property taxes attributable to the bonds to be issued that each homeowner of an average-priced home within the political subdivision may be required to pay; (2) a political

subdivision to post the ballot proposition language to its website as soon as practicable after the official ballots have been prepared and maintain the proposition on the website until the day following the election.

**S.B. 103 (Hinojosa) – Capital Appreciation Bonds:** would prohibit a county, city, special district, school district, junior college district, or other political subdivision from issuing capital appreciation bonds that are secured by property taxes, unless the capital appreciation bonds are being issued for the purpose of financing transportation projects.

**S.B. 185 (Perry) – Immigration:** would: (1) apply to a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney; (2) prohibit those in (1), above, from adopting a rule, order, ordinance, or policy that prohibits the enforcement of laws of this state or federal law relating to immigrants or immigration, including the federal Immigration and Nationality Act; (3) forbid those in (1), above, from prohibiting a person employed by or otherwise under the direction or control of the entity from doing the following: (a) inquiring into the immigration status of a person lawfully detained for the investigation of a criminal offense or arrested; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person lawfully detained for the investigation of a criminal offense or arrested: (i) sending the information to or requesting or receiving the information from United States Citizenship and Immigration Services or United States Immigration and Customs Enforcement, including information regarding a person's place of birth; (ii) maintaining the information; or (iii) exchanging the information with another federal, state, or local governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable and necessary, including providing enforcement assistance; and (d) permitting a federal immigration officer to enter and conduct enforcement activities at a city or county jail to enforce federal immigration laws; (4) prohibit those in (1), above, from considering race, color, language, or national origin while enforcing the laws described in (2), above, except to the extent permitted by the United States Constitution or the Texas Constitution; (5) make an entity in (1), above, ineligible for the receipt of state grant funds for the following year in which a final judicial determination is made that the entity intentionally prohibited the enforcement of the laws described in (2), above; (6) authorize a citizen residing in the jurisdiction of those in (1), above, to file a complaint with the attorney general if the citizen offers evidence to support an allegation that the entity has adopted a rule, order, ordinance, or policy under which the entity prohibits the enforcement of the laws described in (2), above, or that the entity, by consistent action, prohibits the enforcement of those laws; (7) provide that, if the attorney general determines that a citizen complaint filed under (6), above, is valid, the attorney general may file a petition for a writ of mandamus or other equitable relief in a district court in Travis County or the county in which the principal office of the entity is located to compel the entity to comply with (2), above, and allow the attorney general to recover reasonable expenses incurred in obtaining such relief including court costs, attorney's fees, investigative costs, witness fees, and deposition costs; and (8) provide that an appeal of a suit described in (7), above, is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure.

**H.J.R. 40 (Alvarado) – Gambling:** would amend the Texas Constitution to provide that the legislature shall establish a state gaming commission and may authorize and provide for

regulation of the conduct of one or more types of gaming, including casino gaming, at – among other locations – cities with a population of at least 675,000.

**S.J.R. 5 (Campbell) – Health Insurance:** would amend the Texas Constitution to: (1) give each person in this state the right to choose to purchase or decline health coverage without penalty or sanction; (2) prohibit a city, state agency, or other government entity from requiring health coverage through imposition of a penalty; and (3) preserve the right of contract between a health carrier and an individual or group.

**S.J.R. 10 (Campbell) – Freedom of Religion:** would amend the Texas constitution to provide that: (1) government may not “burden” an individual’s or religious organization’s freedom of religion; (2) the right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be burdened unless the government proves it has a compelling governmental interest and has used the least restrictive means to further that interest; and (3) a burden for purposes of (1) and (2), above, includes indirect burdens such as withholding benefits, assessing penalties, or denying access to facilities or programs.

### **Municipal Courts**

**H.B. 53 (McClendon) – Age of Criminal Responsibility:** would provide that, for purposes of criminal prosecution, a defendant is treated as a juvenile if he or she is 10 years of age or older, and under 18 years of age. (Note: current law provides that a defendant retains juvenile status only if he or she is under 17 years old.)

**H.B. 69 (McClendon) – Juveniles:** would create the juvenile court jurisdiction task force and charge it with: (1) evaluating a proposal that would define an offender who is 17 years of age or younger as a child who is under the jurisdiction of a juvenile court; and (2) developing an implementation plan that includes legislative, administrative, and funding changes necessary to implement the proposal.

**H.B. 93 (White) – Failure to Attend School:** would remove municipal court jurisdiction over the offense of failure to attend school.

**H.B. 95 (Fletcher) – Criminal Procedure:** would: (1) allow a prosecutor to designate one person who is an officer or employee of a party that is not a natural person to serve as the state’s courtroom representative during a criminal proceeding; and (2) if a law enforcement officer is designated, provide that he or she may not wear a law enforcement uniform or badge while serving as the representative.

**H.B. 107 (White) – Failure to Attend School:** would lower the fine amount for failure to attend school to a maximum of \$20.

**H.B. 110 (White) – Failure to Attend School:** would prohibit a court from punishing an individual by confinement in jail or detention in a juvenile detention facility if the individual is found to be in contempt of court during a failure to attend school proceeding.

**H.B. 121 (Fletcher) – Payment of Fine and Court Costs:** would allow a peace officer making an arrest to inform the arrestee of the possibility of making an immediate payment to the officer of the fine and court costs owed on a Class C misdemeanor in lieu of arrest.

**H.B. 207 (Leach) – Voyeurism:** would create a class C misdemeanor for the offense of voyeurism.

**H.B. 234 (Farrar) – Cruelty to Animals:** would allow a municipal court that finds an animal's owner has cruelly treated the animal to order the owner to pay the city's reasonable attorney's fees and court costs.

**H.B. 263 (Miles) – Juvenile Records:** would require a juvenile court to immediately order the sealing of a juvenile's records if certain requirements are met.

**H.B. 273 (Miles) – Illegal Dumping:** would provide minimum terms of confinement for the offense of illegal dumping committed inside a city's boundaries.

**H.B. 274 (Miles) – Illegal Dumping:** would increase the maximum fine for violation of an illegal dumping ordinance from \$2,000 to \$4,000.

**H.B. 319 (Keough) – Victim-Offender Mediation Program:** would: (1) provide a city council with the authority to establish a pretrial victim-offender mediation program for persons arrested or charged with a misdemeanor or state jail felony property offense; and (2) impose a \$15 court cost on conviction of a misdemeanor or state jail felony property offense to fund the victim-offender mediation program, of which an establishing city retains 75 percent to cover program costs.

**H.B. 326 (Wu) – Probable Cause Affidavit:** would allow a magistrate to accept a sworn affidavit provided to support the issuance of a search warrant by telephone or by electronic communication.

**H.B. 329 (Wu) – Order of Nondisclosure:** would provide a procedure for an individual to receive an order of nondisclosure for a class C misdemeanor other than a traffic offense.

**H.B. 330 (Wu) – Age of Criminal Responsibility:** would: (1) define a child to be a person between 10 and 17; (2) raise the age for criminal responsibility for sexual abuse from 17 to 18, when the victim is younger than 14; (3) raise the age for criminal responsibility for sending sexually explicit communications from 17 to 18; (4) raise the age of criminal responsibility for certain traffic offenses from 17 to 18; (5) prohibit a court from issuing a *capias pro fine* until an individual reaches 18; (6) raises the age a municipal court can hold a defendant in contempt from 17 to 18; (7) prohibit a law enforcement officer for taking an individual into custody for an offense alleged to occur before the individual's 18<sup>th</sup> birthday; and (8) prohibit a municipal court for issuing a warrant to an individual that committed an offense when the individual was under the age of 18.

**H.B. 348 (Dutton) – Official Oppression:** would: (1) provide that the intentional or knowing suppression of evidence favorable to a defendant and material to the defendant’s guilt or punishment in a criminal trial is a third degree felony; and (2) provide that there is no statute of limitation on the prosecution of an offense described in (1), above.

**H.B. 378 (White) – Failure to Attend School:** would repeal the offenses of failure to attend school and parent contributing to nonattendance.

**H.B. 538 (Spitzer) – Jurisdiction:** would: (1) provide that a municipal court has jurisdiction over a fine-only offense committed on the entire width of a segment of highway or street abutting property located in a city; and (2) expand a peace officer’s jurisdiction in accordance with the court’s jurisdiction described in (1), above.

**H.B. 559 (Anchia) – Magistrates:** would require a magistrate to inform an arrestee that, if the person is not a citizen of the United States, a plea of guilty or no contest for the offense charged may affect the person’s immigration or residency status and may result in deportation. (Companion bill is **S.B. 268** by **Watson**.)

**S.B. 104 (Hinojosa) – Age of Criminal Responsibility:** this bill is identical to **H.B. 53**, above.

**S.B. 106 (Whitmire) – Failure to Attend School:** would: (1) require a municipal court to dismiss a complaint against an individual for failure to attend school if the individual takes a high school equivalency examination administered by the State Board of Education and presents the certificate to the court; (2) provide school districts with additional truancy prevention measures; and (3) lower the maximum fine amount for a failure to attend school violation.

### **Community and Economic Development**

**H.B. 81 (Guillen) – E-Cigarettes:** would include nicotine products, such as electronic cigarettes, in the existing state regulations that govern the sale, distribution, possession, use, and advertising of cigarettes and other tobacco products.

**H.B. 91 (Flynn) – Raw Milk:** would: (1) authorize the sale of raw milk by a raw milk permit holder at their business, a consumer’s residence, or a farmers’ market under certain circumstances; and (2) prohibit a local health authority from mandating a specific method for complying with temperature requirements for milk.

**H.B. 132 (Flynn) – Agriculture:** would provide that: (1) a city may not adopt regulations that interfere with a person’s right to engage in agriculture; and (2) the attorney general may bring an action in a district court in the name of the state to obtain a temporary or permanent injunction against a city adopting a regulation in violation of the bill.

**H.B. 143 (Menendez) – Alcoholic Beverages:** would provide that a city council may enact regulations prohibiting the possession of an open container or the consumption of an alcoholic beverage on a public street, public alley, or public sidewalk within 300 feet of the property line

of a station, platform, bus stop, bus shelter, or other place designated as a place of entry to or exit from a public transportation passenger vehicle.

**H.B. 148 (Menendez) – Alcoholic Beverages/Sexually Oriented Businesses:** would create a new “public consumption” alcoholic beverage permit to be administered by the Texas Alcoholic Beverage Commission and authorize various regulations for an establishment holding such a permit.

**H.B. 170 (Alvarado) – E-Cigarettes:** would: (1) include vapor products, such as electronic cigarettes, in the existing state regulations that govern the sale, distribution, possession, use, and advertising of cigarettes and other tobacco products; (2) impose on vapor products the same fire safety standards that are applicable to cigarettes; (3) require schools to prohibit vapor products; and (4) make it a criminal offense to operate a vapor product in certain public places including a library, museum, hospital, transit system bus, intrastate bus, plane, or train.

**H.B. 292 (Stephenson) – Economic Development Corporations:** would authorize a Type A or Type B economic development corporation (EDC) to use corporate revenues on primary job training facilities at a public technical college or high school located in the city limits of an EDC’s authorizing city, or at a public junior college with a service area that includes any portion of the city limits of an EDC’s authorizing city if: (1) the city council of the EDC’s authorizing city adopts a resolution authorizing the EDC to finance the project; or (2) the city council of the EDC’s authorizing city orders an election on the issue after receiving a petition signed by at least 10 percent of the number of voters that participated in the last general election held in the city.

**H.B. 342 (Dutton) – Building Permit Fees:** would abolish a building permit fee on the tenth anniversary after the date the fee is adopted (or reauthorized) unless the city council holds a public hearing on the reauthorization of the fee and reauthorizes the fee by a majority vote of the city council.

**H.B. 359 (Springer) – Disannexation:** would provide that if a city fails or refuses to disannex an area pursuant to a petition alleging failure to provide services, a district court shall enter an order disannexing the area if the court finds that a valid petition was filed with the city and that the city failed to perform its obligations in accordance with the service plan or the state law governing provision of services. (Note: This bill would overturn a Supreme Court of Texas decision in favor of the City of Bryan.)

**H.B. 411 (C. Turner) – Payday and Auto Title Lending:** would prohibit a credit access business from making a telemarketing call to a consumer, regardless of whether the consumer’s name and telephone number are on the Texas no-call list.

**H.B. 539 (P. King) – Regulation of Oil or Natural Gas:** would provide that a city with authority to adopt an oil or gas measure may not adopt one unless the city complies with the numerous and complex requirements of the bill, including submitting various information to the state related to the alleged costs of the measure to the state and remitting payment to the state for its alleged losses as determined by a state agency.

**H.B. 555 (Springer) – Annexation:** would provide that a city may not annex an area if the width of the area at the widest point exceeds the length of the area at the longest point, unless the boundaries of the city are contiguous to the area on at least two sides or the area abuts or is contiguous to another jurisdictional boundary.

**S.B. 80 (Ellis) – Economic Development:** would: (1) require the comptroller to identify all state and local tax preferences and present a schedule to the Legislative Budget Board every odd-numbered year under which each tax preference is reviewed once during each twelve-year period; and (2) require the Legislative Budget Board to evaluate all state and local tax preferences and develop a report on the reviews of the tax preferences.

**S.B. 91 (Ellis) – Payday and Auto Title Lending:** would limit the annual percentage rate of a payday or auto title loan to 36 percent.

**S.B. 92 (Ellis) – Payday and Auto Title Lending:** would: (1) provide that a municipal ordinance regulating credit access businesses is not preempted by the following state law provisions; (2) provide that, if a municipal ordinance conflicts with a provision of state law, the more stringent regulation controls; (3) require the contract and other documents provided by a credit access business to be written wholly in the language in which the contract is negotiated and read in their entirety in the language in which the contract is negotiated to any consumer who cannot read; (4) require the mandatory disclosure under state law that is issued by a credit access business to a borrower to reference nonprofit agencies that provide financial education and training or cash assistance to borrowers; (5) require the mandatory disclosure and notice to be available in English and Spanish and read in their entirety in the language in which the contract is negotiated if the consumer cannot read; (6) prohibit a payday loan if the amount of cash advanced exceeds 20 percent of the borrower's gross monthly income; (7) prohibit an auto title loan if the amount of cash advanced exceeds the lesser of: (a) three percent of the borrower's gross annual income; or (b) 70 percent of the retail value of the motor vehicle; (8) require a payday or auto title loan to be payable in four or fewer installments and proceeds from each installment must be used to repay at least 25 percent of the principal amount of the debt; (9) provide that a payday or auto title loan to be paid by a single lump-sum payment may not be refinanced or renewed more than three times and proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the original debt; (10) provide that a payday or auto title loan made to a consumer on or before the seventh day after the date the consumer has paid a previous extension of consumer credit is considered a refinance or renewal of the previous debt; and (11) require a credit access business to maintain a complete set of records of all extensions of consumer credit for three years after the loan was made.

**S.B. 97 (Hinojosa) – E-Cigarettes:** would include vapor products, such as electronic cigarettes, in the existing state regulations that govern the sale, distribution, possession, use, and advertising of cigarettes and other tobacco products.

**S.B. 100 (Hinojosa) – State Enterprise Zones:** would, among other things, provide that a county may create an enterprise zone within a city provided the county first enters into an interlocal agreement with the city specifying which entity has jurisdiction over the zone.



**S.B. 121 (West) – Payday and Auto Title Lending:** this bill makes extensive modifications to the payday and auto title lender laws. It would, among other things:

1. require the consumer credit commissioner to establish and implement a database for the compilation of information relating to payday loans;
2. provide that payday and auto title lenders are subject to the same level of state regulation and oversight as other credit services organizations (i.e., currently-regulated consumer lenders that don't provide payday or auto title loans);
3. prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than in the form of a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan;
4. provide that a credit services organization may obtain or assist a consumer in obtaining a payday or auto title loan only if the loan is made by a third-party lender that is unaffiliated with the credit services organization and does not have any ownership, directors, officers, members, or employees in common with the credit services organization;
5. prohibit total charges imposed under a payday or auto title loan from exceeding the permissible interest, fee, and other charges for a certain consumer loans under current law;
6. prohibit a credit access business that is subject to a city ordinance regulating payday and auto title loans from evading the city ordinance by: (a) requiring that any part of the transaction occur in a location outside the city limits; or (b) transferring the business's obligations and rights under a payday or auto title loan contract to a branch of the business or another business located outside the city limits;
7. provide that if a credit access business evades a municipal ordinance as provided by (7), above, that the contract between the business and the consumer is void and unenforceable, including any requirement that the consumer pay fees or other consideration;
8. provide that the term of an extension of consumer credit, including all renewals and refinances, obtained for a military borrower may not exceed 90 days for a payday or single-payment auto title loan or 180 days for a multiple-payment auto title loan;
9. provide that the term of an extension of consumer credit by a credit access business may not exceed 180 days;
10. provide that, at any given time, a consumer may have only one outstanding debt from a payday loan and one outstanding debt from an auto title loan;
11. provide that the proceeds of a repossessed motor vehicle that secured an auto title loan shall satisfy all outstanding and unpaid indebtedness under that extension of consumer credit;
12. provide that a local ordinance regulating a credit access business is not preempted if the ordinance is compatible with and equal to or more stringent than a requirement in the bill;
13. provide that a single-payment payday loan: (a) may not exceed 20 or 25 percent of the consumer's gross annual income depending on the income level; (b) may not have a term of less than 10 days or longer than 35 days; and (c) may not be refinanced more than three times;

14. provide that a multiple-payment payday loan: (a) may not exceed 10 or 15 percent of the consumer's gross monthly income, depending on the income level; (b) may not have an original term of more than 180 days if it is payable in more than 12 installments; and (c) with regard to the first installment, may not be due before the 10<sup>th</sup> day after the loan is agreed upon, and any other installment may not be due before the 14<sup>th</sup> day or after the 31<sup>st</sup> day after the date a previous installment is due;
15. provide that a single-payment auto title loan: (a) may not exceed the lesser of 70 percent of the retail value of the motor vehicle securing the debt, or the lesser of six or eight percent of the consumer's gross annual income, depending on the income level; (b) may not have a term of less than 30 days or longer than 35 days; and (c) may not be refinanced more than three times;
16. provide that a multiple-payment auto title loan: (a) may not exceed 70 percent of the retail value of the motor vehicle securing the debt; (b) may not impose a sum of all fees, principal, interest, and other amounts that exceeds 20 or 30 percent of the consumer's gross monthly income, depending on the income level; (c) may not be payable in more than six installments; (d) may not require the first installment to be paid before the 10<sup>th</sup> day after the date the consumer enters into the loan agreement; (e) may not require subsequent instalments to be due before the 28<sup>th</sup> day after the date the previous installment of the loan was due; and (f) may not have a total term of more than 180 days;
17. require an extended payment plan that: (a) provides for payment in four substantially equal installments with respect to a single-payment payday or auto title loan; (b) provides for payment in two substantially equal installments with respect to multiple-payment payday and auto title loans; (c) has a period between installment payments that are not shorter than 10 days for a single-payment payday loan or 30 days for a multi-payment payday loan or any auto title loan; and (d) provides for the first payment to be due not before the 10<sup>th</sup> day after the date the consumer requests an extended payment plan; and
18. require any refinance of a payday or auto title loan to meet all requirements applicable to the original loan.

**S.B. 129 (West) – Economic Development:** would, among other things, require that: (1) the Legislative Budget Board include in any fiscal note for a bill that authorizes a state or local tax preference (defined to include many economic development incentives) a statement of the purpose of the bill and a set of reasonable benchmarks to measure whether and to what degree the bill's purposes have been achieved; (2) the Legislative Budget Board evaluate whether the benchmarks have been met before the first day of the third regular legislative session after a tax preference bill becomes law and provide a report on the board's findings; and (3) the report to contain a review of whether the tax preference statute should be amended or repealed.

**S.B. 178 (Nichols) – Eminent Domain:** would: (1) prohibit a state agency, political subdivision, or a corporation created by a governmental entity from taking private property through the use of eminent domain if the taking is for a recreational purpose, including a parks and recreation system or a specific park, greenbelt, or trail; and (2) provide that the determination by the entity proposing to take the property that the taking does not involve an act or circumstance prohibited by the bill does not create a presumption with respect to whether the taking involves that act or circumstance.

**S.B. 267 (Perry) – Rental Housing:** would provide that neither a city nor a county may not adopt or enforce an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because of the person’s lawful source of income to pay rent, including a federal housing choice voucher.

## **Personnel**

**H.B. 50 (Martinez) — Disease Presumption:** would provide that: (1) a firefighter or emergency medical technician (EMT) who has a heart attack or stroke while on duty is presumed to have suffered the illness or death during the course and scope of employment, which means he or she would be covered by workers’ compensation for that condition; (2) a firefighter or EMT who contracts acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV), hepatitis B, or hepatitis C is presumed to have contracted the disease during the course and scope of employment, which means he or she would be covered by workers’ compensation for that condition if, while on duty: (a) the firefighter or EMT was exposed to a person with these diseases who received treatment from the firefighter or EMT; or (b) the firefighter or EMT regularly responded to scenes or calls involving exposure to blood or other bodily fluids; and (3) a firefighter or EMT who contracts *methicillin-resistant staphylococcus aureus* (MRSA) resulting in illness or death is presumed to have suffered the illness or death during the course and scope of employment, which means he or she would be covered by workers’ compensation for that condition if, while on duty, the firefighter or EMT was exposed to a person with MRSA who received treatment from the firefighter or EMT.

**H.B. 58 (Martinez) — Employee Leave:** would make it an unlawful employment practice to administer a policy relating to leave to care for sick children that does not include foster children.

**H.B. 60 (Martinez) – Disease Presumption:** would give former fire fighters, police officers, and EMS personnel additional time to make claims for medical benefits and compensation for diseases such as asbestosis and cancer. (Current law requires the condition to manifest itself while the person is still employed.)

**H.B. 174 (Martinez Fischer) – Minimum Wage:** would require a city, a state agency, and vendors of state agencies to adopt a living wage policy that would require a city, state agency, or vendor to pay the greater of \$10.10 per hour or the federal minimum wage.

**H.B. 187 (S. Thompson) – Employment Discrimination:** would track the language of the federal Lilly Ledbetter Fair Pay Act and would: (1) extend the statute of limitations on pay discrimination claims to include every instance an individual is paid based on a past discriminatory decision made by an employer; and (2) allow back pay and benefit damages for up to two years preceding the date of filing a complaint for pay discrimination. (Companion bill is **S.B. 65** by **Ellis**.)

**H.B. 232 (Farrar) – Breastfeeding:** would create a civil cause of action to allow a mother to sue an entity for a civil penalty, attorneys fees, and an injunction if the entity violates her right to breastfeed in a location where her and the child are otherwise authorized to be.

**H.B. 396 (McClendon) – Minimum Wage:** would: (1) raise the minimum wage for all employers with 26 employees or more; and (2) allow each city or county to adopt a minimum wage higher than the federal and state minimum wages.

**H.B. 434 (S. Thompson) – Construction Workers:** would: (1) define a “construction employer” to mean an employer who employs an individual to provide services directly related to the erection, alteration, repair, renovation, maintenance, or remodeling of a building, structure, appurtenance, road, highway, bridge, dam, levee, canal, jetty, or other improvement to or on real property, including moving, demolishing, dredging, shoring, scaffolding, drilling, blasting, or excavating real property; (2) provide that a construction employer shall properly report the employment status of each employee (i.e., employee or independent contractor) for the purposes of Texas Workforce Commission reporting; and (3) impose penalties for the failure to properly report.

**H.B. 445 (Raney) – Military Paid Leave:** would require a city, or other governmental entity, to give an employee an annual accounting of the state-mandated military paid leave time that the employee has used that year.

**H.B. 509 (Raney) – School Speed limits:** would: (1) require a city to consider the appropriate speed limit near a school, including an open-enrollment charter school, on request; (2) require a city to grant the request for a speed limit requested by a school or to provide written findings for rejecting the speed limit; (3) allow a school to appeal any rejection of a requested speed limit to a district court; and (4) empower a district court to set a speed limit based on an appeal brought by the school.

**H.B. 512 (Moody) – Workers’ Compensation:** would: (1) waive governmental immunity for claims against a public employer, including a city, that discriminates or retaliates against a first responder who has filed a workers compensation claim; and (2) cap damages at \$100,000 for each person’s claim.

**H.B. 532 (McClendon) – Employee Leave:** would: (1) require an employer, including a city, with 25 or more employees to allow an employee who is a parent or guardian to take a limited amount of unpaid time off to meet with his child’s school or attend his child’s school activities subject to reporting and other requirements; and (2) create a cause of action for disciplining an employee for using such leave.

**H.B. 548 (Johnson) – Employee Background Checks:** would prohibit a public employer, including a city, from asking about an employment applicant’s criminal history record information unless: (1) the applicant has been offered a conditional offer of employment or an interview; (2) the applicant would be working with children; or (3) a criminal history information check is required by other law.

**S.B. 65 (Ellis) – Employment Discrimination:** this bill is identical to **H.B. 187**, above.

**S.B. 68 (Ellis) – Minimum Wage:** would require an employer to pay the higher of the federal minimum wage or a minimum wage set by a city or county for services rendered within the city or county.

**S.B. 110 (V. Taylor) – Retirement Benefits:** would: (1) make an elected individual ineligible for a public retirement annuity if: (a) they are convicted of a felony or class A or B misdemeanor related to the performance of their public service; and (b) a judge makes a finding that they are ineligible; (2) prohibit a conviction from affecting the annuity of an alternate payee; (3) require the governing body of a public retirement system to create rules to implement the bill's requirements; and (4) make the system resume full payments if an individual is later determined not guilty or innocent of the crime that lead to the ineligibility.

**S.B. 123 (West) – Minimum Wage:** would allow a city or county to adopt a minimum wage that is higher than federal minimum wage and is enforceable within the city limits or the unincorporated areas of the county.

**S.B. 154 (Rodriguez) – Construction Contractors:** would: (1) require a city's construction contracts to mandate that a contractor: (a) provide at least a 15-minute rest break for every four hours of work its employees perform; and (b) ensure that employees do not work more than three-and-a-half hours without receiving a break; (2) require a city to develop procedures for administering the bill's provisions; and (3) allow a city to impose an administrative penalty if a contractor violates the provisions.

**S.B. 155 (Rodriguez) – Workers' Compensation:** would: (1) require construction contractors and subcontractors to provide workers' compensation insurance coverage for each of their employees; (2) require a contractor to provide certification of coverage of its employees and any subcontractor's employees to the governmental entity; and (3) provide that, if the contractor enters into a contract with a governmental entity for a public project, the coverage must be satisfactory to the governing body of the governmental entity.

### **Public Safety**

**H.B. 64 (Lucio) – Cell Phone Ban:** would: (1) require driver education training to include information on the effect of using a wireless communication device or engaging in other actions that may distract a driver; (2) increase the penalty for a person younger than 18 years of age who uses a wireless communications device while driving in certain circumstances; (3) prohibit a driver from using a wireless communication device to read, write, or send a text message while operating a motor vehicle unless the vehicle is stopped and is outside a lane of travel, with certain exceptions; (4) prohibit the assignment of points under the Driver Responsibility Program when a person is convicted of texting while driving; and (5) provide that the bill does not preempt a local ordinance, rule, or regulation adopted by a political subdivision relating to the use of a portable wireless communication device by the operator of a motor vehicle that is consistent with or more stringent than the provisions of the bill. (Companion bill is **S.B. 25** by **Zaffirini**.)

**H.B. 65 (McClendon) – Disease Control Pilot Programs:** would create county-funded pilot programs for the prevention of communicable diseases, including the distribution of syringes.

**H.B. 68 (Alonzo) – Texas Resident Driver’s Permit:** would create a Texas resident driver’s permit, provisional Texas resident driver’s permit, and Texas resident driver’s instruction permit.

**H.B. 72 (Goldman) – Law Enforcement Vehicles:** would prohibit a city from selling or transferring a marked patrol car or other law enforcement motor vehicle to the public unless the city first removes equipment or insignia that could mislead a reasonable person to believe the vehicle is a law enforcement motor vehicle.

**H.B. 80 (Craddick) – Cell Phone Ban:** this bill is identical to **H.B. 64**, above.

**H.B. 92 (J. White) – Illegal Knife:** would delete a bowie knife from the definition of “illegal knife” for purposes of certain Texas Penal Code provisions, including provisions related to possessing, carrying, and transferring illegal knives.

**H.B. 106 (Flynn) – Open Carry:** would provide that a concealed handgun licensee may carry a concealed or unconcealed handgun.

**H.B. 137 (Stickland) – State Grants:** would prohibit a state agency from giving any funds to a police organization that is involved in lobbying the legislature or other listed political activity.

**H.B. 141 (Menendez) – Cell Phone Ban:** this bill is identical to **H.B. 64** and **H.B. 80**, above.

**H.B. 142 (Stickland) – Red Light Cameras:** would: (1) prohibit all automated traffic enforcement, including red light cameras; (2) eliminate the state trauma account funded by the state’s portion of red light camera fines; and (3) allow a current contract between a city and its red light camera administration company to continue so long as the contract existed as of June 1, 2015.

**H.B. 154 (Johnson) – Peace Officers:** would: (1) prohibit a peace officer from asking the nationality or immigration status of a witness or victim of a criminal offense except: (a) as necessary to investigate the offense; or (b) to provide information about federal visas for individuals providing assistance to law enforcement; and (2) not prevent a peace officer from conducting a separate investigation of any other alleged criminal offense. (Companion bill is **S.B. 160** by **Rodriguez**.)

**H.B. 164 (White) – Open Carry:** would provide, among other things, that a concealed handgun licensee may also carry an unconcealed handgun.

**H.B. 172 (Stickland) – Weapons:** Would prohibit a city from regulating the transfer, private ownership, keeping, transportation, licensing, or registration of electric stun guns, knives, personal defense sprays, or related supplies (Note: Cities are prohibited by current law from regulating those aspects of firearms.)

**H.B. 176 (Kleinschmidt) – Gun Rights:** Would enact the “Second Amendment Preservation Act” and make certain findings related to the Second Amendment to the U.S. Constitution as they relate to federal gun control measures. The bill would also enact a new penalty provision in Texas law titled “Protection of Right to Keep and Bear Arms,” which would provide that: (1) a federal law, including a statute, an executive, administrative, or court order, or a rule, that infringes on a law-abiding citizen's right to keep and bear arms under the Second Amendment to the United States or Texas Constitution is invalid and not enforceable in this state; (2) a federal law that infringes on a law-abiding citizen’s right to keep and bear arms includes a law that: (a) imposes a tax, fee, or stamp on a firearm, firearm accessory, or firearm ammunition that is not common to all other goods and services and may be reasonably expected to create a chilling effect on the purchase or ownership of those items by a law-abiding citizen; (b) requires the registration or tracking of a firearm, firearm accessory, or firearm ammunition or the owners of those items that may be reasonably expected to create a chilling effect on the purchase or ownership of those items by a law-abiding citizen; (c) prohibits the possession, ownership, use, or transfer of a firearm, firearm accessory, or firearm ammunition by a law-abiding citizen; and (d) orders the confiscation of a firearm, firearm accessory, or firearm ammunition from a law-abiding citizen; (3) each state court and law enforcement agency of this state shall protect a law-abiding citizen's right to keep and bear arms; (4) a government agency or an employee or an official of a government agency may not enforce a federal law described by (2), above; (5) a person who knowingly violates (4), above, is liable to a law-abiding citizen whose right to keep and bear arms was infringed by the person, including by means of declaratory relief, injunctive relief, compensation for pecuniary and nonpecuniary losses, and reasonable attorney's fees, court costs, and other reasonable expenses required in bringing the action; (6) a person may not bring an action to assert a claim unless, 60 days before bringing the action, the claimant gives notice to the person who violated the bill; (7) a claimant may, within the 60-day notice period, bring an action for declaratory or injunctive relief and associated attorney's fees, court costs, and other reasonable expenses, if: (a) infringement on the claimant's right to keep and bear arms is imminent; and (b) the claimant was not informed and did not otherwise have knowledge of the enforcement action in time to reasonably provide the notice; (8) a claimant must bring an action to assert a claim for damages under this chapter not later than one year after the date the claimant knew or should have known of the infringement on the claimant’s right to keep and bear arms; and (9) sovereign and governmental immunity to suit and from liability is waived and abolished to the extent of liability created by the bill, and the affirmative defense of official immunity is not available to an employee or official sued under the bill.

**H.B. 195 (Stickland) – Open Carry:** would provide that: (1) a person may carry any firearm in Texas, including a concealed or unconcealed handgun, without a concealed handgun license; and (2) a law enforcement officer may not disarm a “law abiding” person without probable cause of imminent threat.

**H.B. 198 (Huberty) – Concealed Handguns:** would authorize a school board member or superintendent who possesses a concealed handgun license to carry a concealed handgun into the meeting of their school board.

**H.B. 214 (Harless) – Cell Phone Ban:** this bill is identical to **H.B. 64**, above.

**H.B. 216 (J. White) – Concealed Handguns:** would reduce the eligible age to obtain a concealed handgun license from 21 years old to 18 years old.

**H.B. 225 (Guillen) – Drug Possession:** would create a defense to prosecution for drug possession crimes, if the individual: (1) requested emergency medical assistance in response to the possible controlled substance overdose of another person; (2) was the first person to make a request for medical assistance; (3) remained on the scene until the medical assistance arrived; and (4) cooperated with medical assistance and law enforcement personnel.

**H.B. 226 (Guillen) – Concealed Handguns:** would provide that: (1) a state agency or a political subdivision of the state may not provide notice that a concealed handgun licensee is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are actually prohibited from carrying a handgun on the premises; (2) a state agency or a political subdivision of the state that improperly posts notice is liable for a civil penalty; (3) a citizen of this state or a person licensed to carry a concealed handgun may file a complaint with the attorney general that a state agency or political subdivision has improperly posted notice; (3) before a suit may be brought against a state agency or a political subdivision of the state for improperly posting notice, the attorney general must investigate the complaint to determine whether legal action is warranted; (4) if legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that gives the agency or political subdivision 15 days from receipt of the notice to remove the sign and cure the violation to avoid the penalty; (5) if the attorney general determines that legal action is warranted and that the state agency or political subdivision has not cured the violation within the 15-day period, the attorney general or the appropriate county or district attorney may sue to collect the civil penalty, and the attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief; and (6) a state agency or political subdivision may only prohibit a concealed handgun licensee from carrying in a meeting room where a governmental body that is subject to the Open Meetings Act is meeting.

**H.B. 229 (Guillen) – Surplus Property:** would require the Public Safety Commission to establish a procedure for the disposition of surplus motor vehicles and other law enforcement equipment that authorizes the Department of Public Safety to directly transfer surplus property to a city or county law enforcement agency at a price or for other agreed consideration.

**H.B. 235 (Farrar) – Animal Cruelty:** would: (1) require the Texas Department of Public Safety to establish and maintain a database of persons convicted or receiving deferred adjudication for a cruelty to animal offense; (2) establish a procedure to provide local law enforcement or animal control officers with information on whether an individual is required to register; and (3) provide penalties for an individual who is required to register and fails to do so.

**H.B. 237 (Springer) – Volunteer Fire Training:** would prohibit a state agency from requiring a license or certification for a volunteer fire fighter or a member of an industrial emergency response team who is a not a full-time paid employee.



**H.B. 248 (Leach) – Asset Forfeiture:** would raise the state’s burden of proof from “preponderance of the evidence” to “clear and convincing” in certain criminal asset forfeiture proceedings.

**H.B. 249 (Leach) – Asset Forfeiture Audits:** would: (1) require that the annual audit form prepared by a law enforcement agency in regard to property forfeited under criminal asset forfeiture proceedings include, for each seizure of proceeds or property: (a) the specific criminal offense on which the seizure was based; and (b) if charges were brought in connection with the offense, the disposition of those charges; and (2) require, not later than February 1 of each year, the attorney general to publish a report summarizing the results of criminal asset forfeiture audits.

**H.B. 265 (Miles) – Official Oppression:** would increase the penalty prescribed for official oppression when the public official involved in the oppression is a peace officer who knowingly causes bodily injury to another.

**H.B. 266 (Miles) – Improper Sexual Activity:** would, among other things, provide for enhanced penalties when peace officers and correctional facility personnel engage in improper sexual activity with a juvenile in the custody of the Texas Juvenile Justice Department or other state financed correctional facility.

**H.B. 278 (Ashby) – Concealed Handguns:** would authorize most prosecuting attorneys, including municipal attorneys, to carry a concealed or unconcealed handgun essentially anywhere.

**H.B. 291 (Huberty) – Open Carry:** would provide that a concealed handgun licensee may carry a concealed or unconcealed handgun. (This bill is identical to **H.B. 106** by **Flynn**.)

**H.B. 308 (Springer) – Concealed Handguns:** would, among other things, expand the places where a concealed handgun licensee can carry a concealed handgun to include bars; high school, collegiate, and professional sporting events; jails; hospitals; amusement parks; places of religious worship; and meetings of governmental entities.

**H.B. 324 (Dutton) – Body Cavity Search:** would: (1) define “body cavity search” to mean an inspection that is conducted of a person’s anal or vaginal cavity in any manner; and (2) prohibit a peace officer from conducting such a search of a person arrested or detained during the investigation of a criminal offense, unless a magistrate has issued a search warrant authorizing that search.

**H.B. 325 (Wu) – Marihuana:** would, with some exceptions, provide that the possession of .35 ounces or less of marihuana is a class C misdemeanor.

**H.B. 349 (Kleinschmidt) – Criminal History Record Information:** would: (1) require the Department of Public Safety (DPS) to maintain the electronic fingerprint record of each person who is the subject of a criminal history record information (CHRI) request; and (2) allow a person who is the subject of a CHRI request to authorize DPS to forward updated CHRI,

including information received from the Federal Bureau of Investigation, to a person entitled to receive such information.

**H.B. 353 (K. King) – Concealed Handguns:** would provide that emergency services personnel engaged in providing emergency services in a county with a population of 50,000 or less may carry a concealed handgun while on duty.

**H.B. 368 Villalba – Family Violence:** would require a peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence to take certain video recordings or photographs in relation to the suspect and any possible victim (provided a camera is provided to the officer by the employing law enforcement agency).

**H.B. 381 (Burkett) – Burglary of a Vehicle:** would reduce the punishment that may be ordered by the judge for certain burglary of a vehicle offenses.

**H.B. 383 (McClendon) – Unprotected Road User:** would: (1) create offenses and penalties for certain actions taken by an operator of a motor vehicle in relation to an “unprotected road user,” such as a pedestrian, utility worker, or bicyclist; and (2) require that certain high-risk vehicles be equipped with a mirror in certain circumstances.

**H.B. 384 (Spitzer) – Sex Offender Residency Restrictions:** would permit a general law city to prohibit a registered sex offender from going in, on, or within a specified distance of a child safety zone within the city. (Note: Home rule cities already possess this power under current law.)

**H.B. 403 (Dutton) – Drug Offenses:** would reduce the penalty for certain offenders for possession of a small amount of certain controlled substances.

**H.B. 413 (Goldman) – Gun Rights:** would enact the “Second Amendment Preservation Act” and make certain findings related to the Second Amendment to the U.S. Constitution as they relate to federal gun control measures. The bill would also enact a new penalty provision in Texas law titled “Protection of Right to Keep and Bear Arms,” which would provide that: (1) a federal law, including a statute, an executive, administrative, or court order, or a rule, that infringes on a law-abiding citizen's right to keep and bear arms under the Second Amendment to the United States or Texas Constitution is invalid and not enforceable in this state; (2) a federal law that infringes on a law-abiding citizen's right to keep and bear arms includes a law that: (a) imposes a tax, fee, or stamp on a firearm, firearm accessory, or firearm ammunition that is not common to all other goods and services and may be reasonably expected to create a chilling effect on the purchase or ownership of those items by a law-abiding citizen; (b) requires the registration or tracking of a firearm, firearm accessory, or firearm ammunition or the owners of those items that may be reasonably expected to create a chilling effect on the purchase or ownership of those items by a law-abiding citizen; (c) prohibits the possession, ownership, use, or transfer of a firearm, firearm accessory, or firearm ammunition by a law-abiding citizen; and (d) orders the confiscation of a firearm, firearm accessory, or firearm ammunition from a law-abiding citizen; (3) each state court and law enforcement agency of this state shall protect a law-abiding citizen's right to keep and bear arms; (4) a government agency or an employee or an

official of a government agency may not enforce a federal law described by (2), above; (5) a person who knowingly violates (4), above, is liable to a law-abiding citizen whose right to keep and bear arms was infringed by the person, including by means of declaratory relief, injunctive relief, compensation for pecuniary and nonpecuniary losses, and reasonable attorney's fees, court costs, and other reasonable expenses required in bringing the action; (6) a person may not bring an action to assert a claim unless, 60 days before bringing the action, the claimant gives notice to the person who violated the bill; (7) a claimant may, within the 60-day notice period, bring an action for declaratory or injunctive relief and associated attorney's fees, court costs, and other reasonable expenses, if: (a) infringement on the claimant's right to keep and bear arms is imminent; and (b) the claimant was not informed and did not otherwise have knowledge of the enforcement action in time to reasonably provide the notice; (8) a claimant must bring an action to assert a claim for damages under this chapter not later than one year after the date the claimant knew or should have known of the infringement on the claimant's right to keep and bear arms; and (9) sovereign and governmental immunity to suit and from liability is waived and abolished to the extent of liability created by the bill, and the affirmative defense of official immunity is not available to an employee or official sued under the bill. (Companion bill is **H.B. 176** by **Kleinschmidt**.)

**H.B. 414 (Dutton) – Drug Offenses:** would reduce to a class C misdemeanor the penalty for possession of one ounce or less of marijuana or a synthetic cannabinoid.

**H.B. 415 (Riddle) – Open Carry:** would provide that a concealed handgun licensee may carry a concealed or unconcealed handgun. (Companion bills are **H.B. 106** by **Flynn** and **H.B. 291** by **Huberty**.)

**H.B. 417 (Pickett) – Fertilizer Facilities:** would: (1) increase reporting requirements for owners and operators of ammonium nitrate facilities, including requiring the owner or operator to: (a) file an updated “tier two” form with the Texas Commission on Environmental Quality (TCEQ) not later than the 90th day after there is a change in chemical weight range in a hazardous chemical or extremely hazardous material or within 72 hours of beginning operation or having a reportable addition of ammonium nitrate; and (b) furnish the tier two form to the local fire chief and local emergency planning committee; (2) give the Texas commissioner of insurance, in consultation with the state fire marshal, the authority to develop standards for ammonium nitrate facilities; (3) increase the duties and authority of state and local fire marshals and fire departments by: (a) requiring the owner or operator of an ammonium nitrate storage facility to allow a state or local fire marshal to examine the facility; (b) allowing a local fire department to access an ammonium nitrate storage facility to make a pre-fire planning assessment; (c) requiring an owner or operator to correct any hazardous situations found by a fire marshal; (d) allowing a fire marshal to enforce any standards adopted by the commissioner of insurance by reporting violations to the Texas Feed and Fertilizer Control Service; (e) allowing a fire marshal or fire department to do an inspection of an ammonium nitrate facility without being certified as an inspector by the Texas Commission on Fire Protection; (4) increase the authority and duties of the TCEQ in regards to ammonium nitrate facility reporting and enforcement by: (a) requiring the TCEQ to inform the Texas Division of Emergency Management (TDEM) and the state fire marshal within 72 hours of receiving a tier two form reporting the presence of ammonium nitrate at an ammonium nitrate storage facility; (b) making the TCEQ, rather than the Texas Department of State Health Services, the repository for information regarding ammonium nitrate

facilities; (c) allowing the TCEQ to enforce ammonium nitrate facility reporting requirements through Chapter 7 of the Water Code including penalties of up to \$5,000 for each violation and corrective action orders; and (5) require state agencies such as the TCEQ and the TDEM to report to local entities regarding ammonium nitrate tier two reporting.

**H.B. 422 (Krause) – Firearms:** would, among other things: (1) prohibit the state or a political subdivision of the state from contracting with or in any other manner providing assistance to a federal agency or official with respect to the enforcement of a federal statute, rule, or regulation purporting to regulate a firearm, a firearm accessory, or firearm ammunition if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under the laws of this state; and (2) provide that the attorney general shall defend any agency or political subdivision of the state if the federal government attempts to sue or prosecute it based on the bill's requirements.

**H.B. 455 (Johnson) – Body Cameras:** would provide, among other things, that: (1) a law enforcement agency in this state shall apply to the Department of Public Safety for a grant to equip officers with body cameras if the agency employs officers who: (a) are engaged in traffic or highway patrol or otherwise regularly stop or detain motor vehicles; or (b) respond to calls for assistance from the public; (2) a law enforcement agency that receives "a grant" from the department to provide body cameras to its officers or that otherwise operates a body worn camera program shall adopt a policy for the use of body cameras; (3) before a law enforcement agency may operate a body camera program, the agency must provide training to: (a) officers who will wear the body cameras; and (b) any other personnel who will come into contact with video and audio data obtained from the use of body cameras. (Companion bill is **S.B. 158** by West.)

**H.B. 460 (Bell) – Blood Specimen Warrant:** would allow a warrant issued to collect a blood specimen from a person suspected of committing an intoxication offense to be executed in a county that is contiguous to the county in which the warrant was issued.

**H.B. 461 (Canales) – Smoking:** would create a class C misdemeanor offense for smoking in a passenger vehicle when a child who is required to be secured in a child passenger safety seat system is in the vehicle.

**H.B. 472 (Stephenson) – Asset Forfeiture:** would: (1) allow law enforcement agencies to use criminal asset forfeiture funds for certain audit costs; (2) allow attorneys representing the state to use criminal asset forfeiture funds for certain witness-related and audit costs; and (3) require that a criminal asset forfeiture audit include a detailed report itemizing all seizures, indicating the specific criminal offense on which the seizure was based, and setting out the disposition of any charges, if applicable.

**H.B. 473 (Giddings) – Law Enforcement Vehicles:** would prohibit a city from selling or transferring a marked patrol car or other law enforcement motor vehicle to the public unless the city first removes equipment or insignia that could mislead a reasonable person to believe the vehicle is a law enforcement motor vehicle. (This bill is similar to **H.B. 72** by Goldman.)

**H.B. 474 (Reynolds) – Body Cameras:** would provide, among other things, that: (1) a law enforcement agency in this state shall equip with body worn cameras all officers who are engaged in traffic or highway patrol or otherwise regularly stop or detain motor vehicles or who respond to calls for assistance from the public; (2) a law enforcement agency that is not able to equip all officers described in (1) with body worn cameras because it would cause financial hardship shall submit to the Texas Department of Public Safety an annual report that: (a) states that the agency lacks the money to equip with body worn cameras all officers who are required to wear a camera; and (b) includes both the number of cameras in use by the agency and the number of cameras required under (1); (3) a law enforcement agency is not required to equip all officers described in (1) with body worn cameras until the agency receives the necessary money; (4) each officer equipped with a body worn camera shall: (a) activate the camera when responding to calls for assistance and when performing other law enforcement activities, including traffic stops, pursuits, arrests, searches, or interrogations; and (b) if practicable, before engaging with a person who will be recorded, provide the person with verbal notice of the recording; (5) a recording created with a body worn camera and documenting an incident that is the subject of an investigation or complaint may not be deleted or destroyed before the completion of the investigation into the incident or the final disposition of the complaint regarding the incident; (6) a recording that is not required to be retained under (5) shall be deleted or destroyed as soon as practicable after the 180th day after the date the recording is made; and (6) a recording made by a body worn camera is public information.

**H.B. 479 (Bell) – Dispatch:** would transfer the regional emergency medical dispatch resource center program from the health education center at the University of Texas Medical Branch at Galveston to the Commission on State Emergency Communications.

**H.B. 488 (Guillen) – Synthetic Drugs:** would designate certain synthetic compounds to Penalty Group 2 or 2-A of the Texas Controlled Substances Act. (Companion bill is **S.B. 199** by **Perry**.)

**H.B. 507 (Moody) – Marijuana:** would make possession of less than one ounce of marijuana a civil offense; and would also make the identity of a person cited or found liable for a civil marijuana penalty confidential under the Public Information Act.

**H.B. 530 (Hernandez Luna) – Asset Forfeiture:** would: (1) allow a law enforcement agency to transfer not more than ten percent of the gross amount credited to the agency's criminal asset forfeiture fund to a separate special fund to provide scholarships to the children of certain peace officers who are killed in the line of duty; and (2) require the attorney general to develop an annual report detailing the amount of funds forfeited, or credited after the sale of forfeited property, and post the same on the attorney general's website.

**H.B. 533 (Ashby) – Vehicle Impoundment:** would: (1) authorize a peace officer to impound or authorize a vehicle storage facility to remove and impound a vehicle of a person who: (a) is involved in a motor vehicle accident or is stopped for an alleged violation of a local traffic ordinance, state traffic law, or any other law applicable to the operation of a vehicle on a roadway; and (b) operates a motor vehicle without establishing financial responsibility for the vehicle; (2) require a peace officer who impounds or authorizes the impoundment of a vehicle under (1), above, to instruct the operator of the vehicle as to how the owner of the vehicle may recover the motor vehicle; (3) allow a law enforcement agency or vehicle storage facility to

release a vehicle impounded under (1), above, only if the owner provides: (a) sufficient evidence showing the motor vehicle was exempt from the financial responsibility requirement; or (b) sufficient evidence showing that on the applicable date the vehicle was in compliance; or (c) sufficient evidence showing financial responsibility for the vehicle has been obtained and is valid; and (d) provides a driver's license issued to the owner of the vehicle and pays all associated fees; and (4) authorize the law enforcement agency or vehicle storage facility that impounds a vehicle under (1), above, to release the vehicle to a person who is shown as a lienholder on the vehicle's certificate of title only if the person provides a statement from an officer of the lienholder establishing that the obligation secured by the vehicle is in default and the person pays all associated fees.

**H.B. 541 (Canales) – Custodial Interrogations:** would: (1) limit the law enforcement agencies that are qualified to conduct a custodial interrogation of an individual suspected of committing murder, capital murder, kidnapping, aggravated kidnapping, trafficking of persons, continuous trafficking of persons, continuous sexual abuse of young children, indecency with a child, improper relationship between educator and student, sexual assault, aggravated sexual assault or sexual performance by a child; (2) require a law enforcement agency qualified to conduct a custodial interrogation described in (1), above, to make an electronic recording of the interrogation when it occurs in a place of detention, including a city police station or department; (3) provide that an electronic recording described in (2), above, is only complete if the recording begins at the time the person being interrogated receives a Miranda warning and continues until the interrogation ceases; (4) exempt a recording described in (2), above, from public disclosure; and (5) excuse a law enforcement agency from making the electronic recording described in (2), above, if: (a) the accused refuses to respond to questioning or cooperate in the interrogation; (b) a statement was not made exclusively as a result of a custodial interrogation; (c) the recording equipment malfunctions; (d) exigent public safety concerns prevent or render infeasible the making of the recording; or (e) the peace officer reasonably believes that the accused was not taken into custody for or being interrogated concerning the commission of an offense listed in (1), above.

**H.B. 543 (Dutton) – DWI:** would allow the commissioners court of a county or the governing body of a city to create a “Direct Intervention using Voluntary Education, Restitution, and Treatment (DIVERT)” program for certain first-time DWI offenders.

**H.B. 554 (Springer) – Concealed Handguns:** would provide a defense to prosecution for a concealed handgun licensee who accidentally carries a concealed handgun into the secure area of an airport. (Companion bill is **H.B. 571** by **Pickett**.)

**H.B. 563 (Dutton) – Law Enforcement:** would: (1) expand the definition of the crime of official oppression to include excessive force; and (2) make excessive force by a peace officer a third degree felony.

**H.B. 571 (Pickett) – Concealed Handguns:** this bill is identical to **H.B. 554**, above.

**H.B. 573 (J. White) – Concealed Handguns:** would allow an election judge or clerk who possesses a concealed handgun license to carry a concealed handgun on the premises of a polling place.

**H.J.R. 56 (J. White) – Gun Rights:** would amend the Texas constitution to provide that the legislature may not regulate the wearing of arms in any way, even if the regulation is designed to prevent crime.

**H.J.R. 61 (Ashby) – Hunting:** would amend the Texas Constitution to provide that the people have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing. (Note: this bill would likely eliminate a city’s ability to regulate the discharge of firearms.)

**S.B. 25 (Zaffirini) – Cell Phone Ban:** this bill is identical to **H.B. 64** and **H.B. 214**, above.

**S.B. 87 (Ellis) – Statewide Smoking Ban:** would: (1) prohibit smoking in most public places, in places of employment, and in seating areas at outdoor events; (2) preempt a city ordinance that prohibits smoking to a lesser degree; (3) provide that a city ordinance that prohibits or restricts smoking to a greater degree is not preempted; (4) require the Texas Department of State Health Services to annually request other government agencies, including cities, to establish local operating procedures to comply with the bill; and (5) require a city as an employer or an owner of a public place to post a no smoking sign at each entrance of the public place or place of employment.

**S.B. 93 (Ellis) – Driver Responsibility Program:** would, among other things, repeal the driver responsibility program.

**S.B. 95 (Hinojosa) – Asset Forfeiture:** would raise the state’s burden of proof from “preponderance of the evidence” to “clear and convincing” in certain criminal asset forfeiture proceedings.

**S.B. 131 (West) – Handling of Evidence:** would: (1) require a law enforcement agency in possession of physical evidence, not later than the 60th day after the date on which a conviction is final in a misdemeanor case, to file with the court or any magistrate a motion requesting the authority to dispose of the evidence; and (2) with certain exceptions, prohibit a city from appointing or employing a person to act as an evidence technician unless the person has completed an accredited training program consisting of at least eight hours of training.

**S.B. 133 (Schwertner) – School Resource Officers:** would authorize local mental health authorities to provide an approved mental health first aid training program to a “school resource officer,” defined to mean a peace officer who is assigned by the officer’s employing political subdivision to provide a police presence at a public school, safety or drug education to students of a public school, or other similar services.

**S.B. 158 (West) – Body Cameras:** would provide, among other things, that: (1) a law enforcement agency in this state shall apply to the Department of Public Safety for a grant to equip officers with body cameras if the agency employs officers who: (a) are engaged in traffic or highway patrol or otherwise regularly stop or detain motor vehicles; or (b) respond to calls for

assistance from the public; (2) a law enforcement agency that receives “a grant” from the department to provide body cameras to its officers or that otherwise operates a body worn camera program shall adopt a policy for the use of body cameras; (3) before a law enforcement agency may operate a body camera program, the agency must provide training to: (a) officers who will wear the body cameras; and (b) any other personnel who will come into contact with video and audio data obtained from the use of body cameras.

**S.B. 160 (Rodriguez) – Nationality or Immigration Inquiries:** would: (1) allow a peace officer to inquire as to the nationality or immigration status of a victim of or witness to an offense only if the inquiry is necessary to investigate the offense or provide information about federal visas that protect individuals providing assistance to law enforcement; and (2) clarify that (1), above, does not prevent an officer from: (a) conducting a separate investigation of any other alleged criminal offense; or (b) inquiring as to the nationality or immigration status of a victim or witness if the officer has probable cause to believe the person has engaged in specific conduct constituting a separate criminal offense. (Companion bill is **H.B. 154** by **Johnson**.)

**S.B. 172 (Huffman) – Bath Salts:** would modify the Texas Controlled Substances Act by: (1) adding certain chemicals related to hallucinogenic bath salts to existing penalty groups; and (2) changing the penalty group for other chemicals found commonly in hallucinogenic bath salts.

**S.B. 173 (Huffman) – Synthetic Marijuana:** would modify the Texas Controlled Substances Act by: (1) changing the penalty group for some synthetic cannabis chemicals; and (2) adding additional synthetic cannabis chemicals to the Act.

**S.B. 181 (Ellis) – Electronic Recording of Interrogations:** would, among other things: (1) require a police department to make an audio or audiovisual electronic recording of custodial interrogations of persons suspected of or charged with certain offenses; (2) set out good cause reasons that make electronic recording infeasible; (3) require preservation of the electronic recording for a specified time; (4) require a prosecutor to provide a defendant with a copy of the recording; and (5) exempt the electronic recording from release under the Texas Public Information Act, except when it must be released under the law enforcement exception.

**S.B. 199 (Perry) – Synthetic Drugs:** would modify the Texas Controlled Substances Act by adding certain chemicals commonly found in bath salts and synthetic marijuana.

**S.B. 229 (Creighton) – Firearms:** would, with limited exceptions, provide that a person who is an officer or employee of the United States, the state, or a political subdivision commits a class A misdemeanor if the person, while acting under color of the person’s office or employment, intentionally or knowingly seizes a firearm as required by a federal statute, order, rule, or regulation that imposes a prohibition, restriction, or other regulation on firearms that does not exist under the laws of this state.

**S.B. 257 (Ellis) – Firearms:** would provide that: (1) a law enforcement agency that receives a report of a lost or stolen firearm shall provide a copy of the report to the Department of Public Safety; (2) the department shall analyze information received under the bill and shall make the analysis available to any local law enforcement agency, political subdivision, or state agency to



the extent the analysis is reasonably necessary or useful to the agency or subdivision in carrying out duties imposed by law on the agency or subdivision; and (3) a person commits an offense if he or she fails to report the loss or theft of a firearm to law enforcement.

**S.B. 259 (Ellis) – Firearms:** would require a criminal background check for essentially any transfer of a firearm.

### **Transportation**

**H.B. 122 (Pickett) – Transportation Funding:** would provide that: (1) debt obligations for state transportation needs may not be issued after January 1, 2015; and (2) the Texas Mobility Fund may be used to repay the principal and interest on bonds that have already been issued for state transportation needs.

**H.B. 129 (Goldman) – Transportation Funding:** would allocate all motor vehicle sales tax proceeds to the state highway fund.

**H.B. 151 (Guillen) – Transportation Funding:** would, among other things: (1) create a tax to be imposed on the number of vehicle miles traveled during a tax period by a motor vehicle subject to inspection; (2) define the tax period to be the 12 months between a vehicle's inspection period; (3) provide a total exemption for vehicles that travel less than 5,000 miles in the tax period; (4) provide that the tax is equal to the difference between the following, rounded to the nearest whole dollar: (a) the number of miles traveled during the tax period multiplied by one cent; and (b) a credit as defined by the bill and representing motor fuels taxes paid by the owner of the vehicle; (5) direct the comptroller to establish a road construction account in the state highway fund and to deposit the revenue from the tax imposed by the bill to the credit of that account to be used only for the purpose of maintaining public roadways in this state.

**H.B. 202 (Leach) – Transportation Funding:** would provide that: (1) in each state fiscal year beginning on or after September 1, 2018, the comptroller shall deposit to the credit of the state highway fund an amount of money that is equal to 50 percent of the money that is received from the motor vehicle sales tax and is remaining after the comptroller makes the required allocation to the property tax relief fund; and (2) the money allocated to the state highway fund may not be used for toll roads.

**H.B. 373 (Simmons) – Transportation Funding:** would provide that, beginning in increments in 2015 and completed in 2020, the net revenue derived from the state sales tax imposed on the sale of a motor vehicle sold in this state shall be deposited to the credit of the state highway fund.

**H.B. 392 (McClendon) – Transportation Funding:** would: (1) authorize the commissioners court of a county to impose an additional fee, not to exceed \$10, for registering a vehicle in the county; and (2) provide that the county may use the fee revenue only to fund a nontolled transportation project that relieves congestion, improves safety, or addresses air quality.

**H.B. 393 (McClendon) – Transportation Funding:** would increase by \$10 the motor vehicle registration fee for vehicles under 6,000 pounds.

**H.B. 395 (McClendon) – Transportation Funding:** would, among other things, raise the state's gas tax from 20 to 30 cents per gallon and direct that the increase be deposited in the state highway fund.

**H.B. 399 (Harless) – Transportation Funding:** would incrementally increase the state's gas tax from 20 to 30 cents by 2018, and would thereafter index annual increases or decreases to the highway cost index. (See **H.J.R. 48**, below.)

**H.B. 401 (Harless) – Transportation Funding:** would in 2016 increase by \$24.25 the motor vehicle registration fee for vehicles under 6,000 pounds and in 2017 increase the fee by an additional \$25. (See **H.J.R. 48**, below.)

**H.B. 469 (Metcalf) – Transportation Funding:** would provide that, beginning in increments in 2017 and completed in 2026, the revenue derived from the state sales tax imposed on the sale of a motor vehicle sold in this state shall be deposited to the credit of the state highway fund. (See **H.J.R. 53**, below.)

**H.B. 529 (Larson) – Texas Transportation Commission:** would provide that the Texas Transportation Commission shall consist of three members who are elected statewide. (Currently, the commission consists of five members are appointed by the governor and approved by the Senate.)

**H.J.R. 27 (Pickett) – Transportation Funding:** would amend the Texas Constitution to provide that: (1) subject to legislative allocation, appropriation, and direction, three-fourths of the net revenue from the motor fuel tax shall be used for the sole purpose of constructing and maintaining public highways, and one-fourth of the net revenue shall be allocated to school funding; and (2) for a biennium, the legislature may not appropriate funds derived from the revenue described (1), above, for a purpose other than acquiring rights-of-way or constructing or maintaining public roadways in an amount that exceeds the lesser of: (a) the total amount of those funds appropriated for a purpose other than acquiring rights-of-way or constructing or maintaining public roadways in the preceding biennium; or (b) the maximum amount that may be appropriated under (a), above, reduced by 20 percent from the preceding biennium if the estimate of anticipated revenue from all sources made in advance of the regular session for the biennium exceeds the total amount of revenue from all sources for the preceding biennium by more than three times the amount of the reduction.

**H.J.R. 28 (Pickett) – Transportation Funding:** would amend the Texas Constitution to provide that the net revenue from motor vehicle registration fees and motor fuels tax shall be used for the sole purpose of constructing and maintaining public highways, provided that one-fourth of that revenue remains allocated to public school funding. (Companion bill is **S.J.R. 12** by **Perry**.)

**H.J.R. 29 (Pickett) – Transportation Funding:** this bill is identical to **H.J.R. 28**, above.

**H.J.R. 36 (Larson) – Transportation Funding:** would amend the Texas Constitution to provide: (1) that, subject to legislative appropriation, allocation, and direction: (a) three-fourths of the net revenue that is remaining after payment of all refunds allowed by law and expenses of collection that is derived from taxes on motor fuels and lubricants used to propel motor vehicles over public highways – and on new and used motor vehicle tires and new and used motor vehicle part – shall be used for the sole purpose of constructing and maintaining public highways; and (b) one-fourth of the net revenue shall be allocated to the available school fund; and (2) certain limits on the amounts that may appropriated for those purposes each biennium.

**H.J.R. 48 (Harless) – Transportation Funding:** would amend the Texas Constitution to provide that revenue from increases in the state sales tax on motor vehicles, state gas tax, and state registration fees must be credited to the state highway fund, which can be used only to plan, design, construct, and maintain nontolled highways. (See **H.B. 399** and **H.B. 401**, above.)

**H.J.R. 53 (Metcalf) – Transportation Funding:** would amend the Texas Constitution to authorize revenue from the state sales tax imposed on the sale of a motor vehicle to be deposited to the credit of the state highway fund. (See **H.B. 469**, above.)

**S.B. 61 (Huffines) – Transportation Funding:** would provide that: (1) all of the revenue from the state gasoline and special fuels taxes be credited to the state highway fund; and (2) money deposited to the state highway fund may be used only for acquiring rights-of-way and constructing public roadways.

**S.B. 139 (Perry) – Transportation Funding:** would provide that: (1) money that is required to be used for public roadways by the Texas Constitution or federal law and that is deposited in the state treasury to the credit of the state highway fund be used only: (a) to improve the state highway system; or (b) to mitigate adverse environmental effects that result directly from construction or maintenance of a state highway. (This bill would end “diversion” of state transportation money that is currently funding the Texas Department of Transportation.) (See **S.J.R. 12**, below.)

**S.B. 184 (Schwertner) – Transportation Funding:** would end the diversion of state highway fund money that currently supports the Department of Public Safety. (See **S.J.R. 15**, below.)

**S.J.R. 12 (Perry) – Transportation Funding:** this bill is identical to **H.J.R. 28**, above.

**S.J.R. 15 (Schwertner) – Transportation Funding:** would provide that three-quarters of the state’s motor vehicle registration fees and the state’s gas tax shall be credited to the state highway fund to be used only for the purpose of constructing and maintaining public highways. (See **S.B. 184**, above.)

### **Utilities and Environment**

**H.B. 190 (Burkett) – Environmental Rules:** would require the Texas Commission on Environmental Quality to conduct a regulatory analysis before adopting an environmental rule and when giving notice incorporate more detailed information into the fiscal note.

**H.B. 201 (Leach) – Water Rights:** would: (1) amend the Texas Commission on Environmental Quality’s review of an application for a water right, including adding a requirement that the executive director determine whether the applicable water conservation and drought contingency plans of the applicant are adequate; and (2) prohibit the TCEQ from referring an issue regarding a water right application to the State Office of Administrative Hearings, unless the issue is a disputed question of fact and is relevant and material to a decision on the application.

**H.B. 280 (Simmons) – Texas Water Development Board:** would require the Texas Water Development Board (TWDB) to post additional information on its website, including: (1) the amount of bonds issued and the terms of the bonds; (2) the expenses incurred in investing money in the State Water Implementation Fund for Texas fund; (3) the rate of return on the investment of money in the fund; and (4) a description of the point system for prioritizing projects established by the TWDB and the number of points awarded for each project.

**H.B. 423 (Farias) – Solid Waste:** would prohibit an individual from disposing of computer equipment or a television at a municipal solid waste facility.

**H.B. 457 (McClendon) – Transportation Funding:** would allocate a certain amount of state revenue from the titling of motor vehicles to the Texas emissions reduction plan and the Texas rail relocation and improvement fund.

**H.B. 497 (Wu) – Saltwater Pipelines:** would add to the definition of a “saltwater pipeline facility” in current law a pipeline that contains salt and other substances and is intended to be used in drilling or operating a well used in the exploration for or production of oil or gas, including an injection well used for enhanced recovery operations. The result of the expanded definition would be to grant such pipeline operators the right to run their pipelines on or across city rights-of-way, subject to certain city restrictions and payment of right-of-way rental fees.

**S.B. 78 (Ellis) – State Water Plan:** would require that the state water plan include an assessment of the best available science related to trends in factors affecting future water availability and future water use.

**S.B. 109 (Taylor) – Water Rights:** this bill is identical to **H.B. 201**, above.

**S.B. 253 (Ellis) – Environmental Justice Communities:** would: (1) require a person applying for a permit for a new facility that requires approval from Texas Commission on Environmental Quality (TCEQ) or the expansion of such a facility to submit to the TCEQ a report stating whether the facility is to be located in an environmental justice community; (2) require a facility in an environmental justice community to consult with the mayor in the city in which the facility is to be located; (3) require a permit applicant to publish notice of and hold a public hearing to provide information on the potential environmental impacts of the facility; and (4) allow a city and an owner or developer of an affecting facility to enter into a community environmental benefit agreement.