



Legislative UPDATE

November 16, 2018
Number 35

Pre-Filing of Bills Begins

Bill filing for the 2019 legislative session began on November 12, and around 460 bills were filed that day. The number is down slightly from the 500 filed on the first day of the 2017 session.

During the 2017 session, more than 6,500 bills or significant resolutions were introduced; more than 2,000 of them would have affected Texas cities in some substantial way. In the end, over 1,200 bills or resolutions passed and were signed into law; almost 300 of them impacted cities in some way.

The number of city related bills as a percentage of total bills filed has risen every year. Twenty years ago, around 17 percent of bills filed affected cities in some way. By 2017, that percentage had almost doubled to 30 percent. In other words, almost a third of the legislature's work is directed at cities, and much of that work aims to limit municipal authority.

During interim hearings, several committees heard testimony related to preemption of local authority, property tax issues, and much more. Many of the pre-filed bills described elsewhere in this edition relate to those issues.

It isn't too early for city officials to visit with legislators, civic groups, and others about the importance of their authority to meet their citizens' needs. The League has developed a messaging campaign called "Our Home, Our Decisions" to help with those visits. The first components are now available for download and use by TML member cities. They are: (1) a three-minute video production; (2) a PowerPoint Presentation that can be customized by cities for local presentations; and, (3) a two-sided handout in PDF format. The video production can be used as an introduction to the slide presentation, and the handout can be photocopied and distributed to attendees. The components, as well as a document with tips on how to use them, are available at www.tml.org/ourhomeourdecisions.

As always, the *Legislative Update* will feature summaries of city-related bills, starting with this edition. Bills will be grouped according to areas of interest to allow city officials to go directly to their area(s) of interest.

One thing is certain: cities will have their work cut out for them in 2019.

City-Related Bills Filed

(Editor's Note: With a few exceptions, these summaries stop at H.B. 344 and S.B. 168. Summaries of higher numbered bills will appear in next week's edition. Also, some lower numbered bills won't be filed until later in the process.)

Property Tax

H.B. 54 (Zerwas) – Property Tax Appeals: would, among other things: (1) require the comptroller to appoint a property tax administration advisory board to make recommendations to the comptroller regarding state administration of property taxation and state oversight of appraisal districts and local tax offices; (2) require the comptroller to establish and supervise a training program on property tax law for the training and education of arbitrators; (3) require the comptroller to prepare an appraisal review board survey form that allows certain individuals to submit comments and suggestions to the comptroller regarding an appraisal review board; (4) apply a term limit of three terms to appraisal review board members only in counties with a population of 120,000 or more; and (5) provide that the appraisal review board may not determine the appraised value of the property that is subject of a protest to be an amount greater than the appraised value of the property as shown in the appraisal records submitted to the board by the chief appraiser.

H.B. 97 (E. Rodriguez) – Property Tax Exemption: would, among other things: (1) require, for purposes of appraisal of qualified open-space land, that a chief appraiser distinguish between the degree of intensity required for various agricultural production methods like organic, sustainable, pastured poultry, rotational grazing, and other uncommon production methods or systems; (2) provide that the production of fruits and vegetables is considered to be an “agricultural use” for purposes of appraisal of qualified open-space land; and (3) require the comptroller to establish appraisal guidelines for uncommon agricultural uses.

H.B. 160 (Raymond) – Property Tax Exemption: would, among other things, provide a local option property tax exemption for a residence homestead owned by a parent or guardian of a minor who is disabled and who resides with the parent or guardian. (See **H.J.R. 19**, below.)

H.B. 164 (Raymond) – Property Appraisal: would require the chief appraiser to exclude from the market value of real property any improvement, or feature incorporated into an improvement, made to a property if the primary purpose of the improvement or feature is compliance with the requirements of the 2010 Americans with Disabilities Act Standards for Accessible Design or any successor standards. (See **H.J.R. 20**, below.)

H.B. 185 (Bernal) – Sales Price Disclosure: would require the comptroller to conduct a study of the impact, feasibility, and advisability of adopting a property tax system in which the disclosure of the sales price of real property is required by law.

H.B. 240 (Bernal) – Property Tax Installment Payments: would provide that any individual who qualifies for a residential homestead exemption may pay off property taxes in installment payments.

H.B. 275 (Miller) – Property Tax Exemption: would exempt from property taxes the residence homestead of the surviving spouse of a member of the armed services who is fatally injured in the line of duty. (See **H.J.R. 23**, below.)

H.J.R. 19 (Raymond) – Property Tax Exemption: would, among other things, amend the Texas Constitution to authorize a local option property tax exemption for a residence homestead owned by a parent or guardian of a minor who is disabled and who resides with the parent or guardian. (See **H.B. 160**, above.)

H.J.R. 20 (Raymond) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exclude from the market value of real property any improvement, or feature incorporated into an improvement, made to a property if the primary purpose of the improvement or feature is compliance with the requirements of the 2010 Americans with Disabilities Act Standards for Accessible Design or any successor standards. (See **H.B. 164**, above.)

H.J.R. 23 (Miller) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxes the residence homestead of the surviving spouse of a member of the armed services who is fatally injured in the line of duty. (See **H.B. 275**, above.)

H.J.R. 24 (Geren) – Public School Finance: would amend the Texas Constitution to: (1) require the state to pay at least 50 percent of the cost of maintaining and operating the public school system; and (2) prohibit the comptroller from certifying legislation containing an appropriation for public education unless the requirement in (1), above, is met.

S.B. 58 (Zaffirini) – Property Tax Exemption: would exempt from property taxes: (1) a motor vehicle leased to the state or a political subdivision of the state; or (2) a motor vehicle that: (a) is leased to an organization that is exempt from federal income taxation as a 501(c)(3); (b) is used exclusively by the organization for religious, educational, or charitable purposes; and (c) would be exempt from taxation if the vehicle were owned by the organization.

S.B. 67 (Nelson) – Property Tax Appeals: would, among other things: (1) require the comptroller to appoint a property tax administration advisory board to make recommendations to the comptroller regarding state administration of property taxation and state oversight of appraisal districts and local tax offices; (2) require the comptroller to establish and supervise a training program on property tax law for the training and education of arbitrators; (3) require the

comptroller to prepare an appraisal review board survey form that allows certain individuals to submit comments and suggestions to the comptroller regarding an appraisal review board; (4) apply a term limit of three terms to appraisal review board members in counties with a population of 120,000 or more only; and (5) provide that the appraisal review board may not determine the appraised value of the property that is subject of a protest to be an amount greater than the appraised value of the property as shown in the appraisal records submitted to the board by the chief appraiser.

S.B. 129 (Hinojosa) – Property Tax Exemption: would: (1) for purposes of the property tax exemption on the residence homestead of the surviving spouse of a first responder, expand the definition of “first responder” to include: (a) certain special federal investigators; (b) Customs and Border Protection Officers or Border Patrol Agents of the United States Customs and Border Protection; and (c) immigration enforcement agents or deportation officer of the Department of Homeland Security; and (2) in the case of the surviving spouse of a first responder described by (1), above, provide that the surviving spouse is entitled to an exemption if the surviving spouse has not remarried since the death of the first responder and was a resident of this state at the time of the first responder’s death.

Sales Tax

H.B. 21 (Canales) – Sales Tax Exemption: would exempt the sale, use, or consumption of college textbooks from sales taxes during two seven-day periods, one beginning in August and one beginning in January.

S.B. 61 (Zaffirini) – Sales Tax Exemption: would exempt the sale, storage, use, or other consumption of firearm safety supplies from the sales tax.

S.B. 146 (Rodriguez) – Sales Tax Exemption: would exempt certain feminine hygiene products from the sales tax.

S.B. 70 (Nelson) – Local Sales and Use Taxes on Remote Sales: would, in relation to the collection of sales taxes on remote sales:

1. provide that a remote seller required to collect and remit local use taxes in connection with a sale of a taxable item compute the amount to collect and remit using either: (a) the combined rate of all applicable local use taxes; or (b) the single local use tax rate;
2. require a remote seller that elects to use the single local use tax rate to notify the comptroller of the election before using the rate;
3. provide that the single local use tax rate effective in a calendar year is equal to the estimated average rate of local sales and use taxes imposed in the state during the preceding state fiscal year;
4. before the beginning of a calendar year, require the comptroller to publish in the Texas Register notice of the single local use tax rate that will be in effect for that calendar year;
5. as soon as practicable after the end of a state fiscal year, require the comptroller to determine the estimated average rate of local sales and use taxes imposed in this state

- during the preceding state fiscal year by: (a) dividing the total amount of net local sales and use taxes remitted to the comptroller during the preceding state fiscal year by the total amount of net state sales and use taxes remitted to the comptroller during that same state fiscal year; (b) multiplying the amount in (a) by the rate provided by the state sales tax rate (6.25); and (c) rounding the amount computed under (b) to the nearest .0025;
6. authorize a purchaser to apply for a refund of any amount by which the amount of use tax computed using the single local use tax rate and paid by the purchaser exceeds the amount the purchaser would have paid if that tax had been computed using the rate described by (1)(a), above;
 7. provide that a person storing, using, or consuming a taxable item in this state purchased from a remote seller is not liable for any additional amount of local use tax if the remote seller elects to use the single local use tax rate and the person pays to the remote seller the amount of local use tax computed on the purchase using the single local use tax rate;
 8. require the comptroller to administer, collect, and enforce local use taxes computed using the single local use tax rate;
 9. require the comptroller to deposit revenue remitted to the comptroller from taxes computed using the single local use tax rate in the state treasury to be held in trust for the benefit of eligible taxing units;
 10. provide that a local taxing unit is an eligible taxing unit if it has adopted a sales and use tax;
 11. require, on a monthly basis, the comptroller to transmit to each eligible taxing unit's treasurer (or the officer performing the functions of that office) the taxing unit's share of money held in trust together with the pro rata share of any penalty or interest on delinquent taxes computed using the single local use tax rate that may be collected;
 12. authorize the comptroller to deduct two percent of each taxing unit's share as a charge by the state for the administration of the tax and deposit that amount in the state treasury to the credit of the comptroller's operating fund;
 13. require the comptroller to retain a portion of each eligible taxing unit's share of money held in trust by the comptroller, not to exceed five percent of the amount eligible to be transmitted to the taxing unit, to make refunds for overpayments of taxes computed using the single local use tax rate, make refunds to purchasers pursuant to (6), above, and to redeem dishonored checks and drafts deposited under (9), above;
 14. require the comptroller to compute for each calendar month the percentage of total sales and use tax allocations to each taxing unit under current allocation laws and rules;
 15. require the comptroller to determine each eligible taxing unit's share of the new money held in trust from deposits for a given month by applying the percentage computed for the eligible taxing unit under current laws and rules to the total amount held in trust from deposits for that month; and
 16. authorize the comptroller to combine an eligible taxing unit's share of the money held in trust under (9), above, with other money held for that taxing unit.

S.B. 119 (West) – Remote Sales and Use Taxes: would: (1) provide that a retailer is engaged in business in the state for purposes of collecting sales and use taxes if, in the previous calendar year or the current calendar year, the retailer: (a) has total receipts of more than \$100,000 from taxable items delivered in the state, including taxable items delivered electronically to purchasers in this state; or (b) has at least 200 sales of taxable items delivered in the state, including taxable

items delivered electronically to purchasers in the state; and (2) require the comptroller to deposit to the credit of the property tax relief fund for school district maintenance and operations the amount of the proceeds from the state sales and use taxes attributable to the collection of the tax by retailers considered to be engaged in business in the state solely on the basis described in (1), above.

Purchasing

H.B. 28 (Romero) – Public Works Contracts: would: (1) prohibit a contractor who is awarded a public works contract by a public body (including a city) or such contractor’s subcontractor from improperly classifying a worker employed by said contractor or subcontractor as an independent contractor for the purpose of avoiding to pay the worker the prevailing wage rate; (2) impose a penalty of \$90 to each contractor or subcontractor for each worker misclassified as an independent contractor for each calendar day or part of the day that the worker is misclassified; (3) require that the public body include the penalty described under (2) in the contract; (4) require an audit, by the public body, of the public work contract for compliance with the provisions of (2) throughout the term of the contract and not later than the 30th day before the date the work is schedule to be completed on the contract; and (5) provide that payment of wages for a public work may only be satisfied by payment to the employee in the form of per diem wages.

H.B. 216 (Reynolds) – Professional Services: would add attorneys to the list of professionals that must be procured according to the Professional Services Procurement Act.

S.B. 45 (Zaffirini) – Expression of Breast Milk: would provide that a public employer that engages in or contracts for the construction or renovation of any building open to the public in which the public employer is housed shall ensure that the building includes a publicly accessible place, other than a bathroom that is shielded from view and free from intrusion of another person where a member of the public can express breast milk.

Elections

H.B. 22 (Romero) – Direct Recording Electronic Voting Machines: would provide that, beginning on September 1, 2021, a voting system that consists of direct recording electronic voting machines may not be used in an election unless the system: (1) uses a paper record; or (2) produces a paper receipt by which a voter can verify that the voter’s ballot will be counted accurately.

H.B. 73 (Romero) – Voter Assistance: would provide, among other things, that a voter who requires assistance by reason of blindness, disability, or inability to read or write, or who requires an interpreter to comprehend the language in which the ballot is printed or to communicate with an election officer, may be given assistance by: (1) a person of the voter’s choice, other than the voter’s employer, an agent of that employer, or an officer or agent of a labor union to which the voter belongs; or (2) if the voter does not choose a person under (1), two election officers.

H.B. 88 (Swanson) – Runoff Ballot: would provide that the order of the candidates’ names on the ballot of any runoff election or election held to resolve a tie vote shall be in the relative order of names on the original election ballot.

H.B. 151 (Swanson) – Voter Assistance: would provide that a person assisting a voter commits a state jail felony if the person assists a voter in a way that is not authorized by state law and does so three or more times in a single election.

H.B. 154 (Swanson) – Voter Identification: would: (1) authorize an election officer to copy identifying documentation presented by a voter or record information from the identifying documentation; (2) authorize an election officer to photograph the entire face of a voter who is accepted for voting if: (a) the identifying documentation presented by a voter is not documentation issued by the Department of Public Safety containing the person’s photograph; or (b) the election official questions the authenticity of the identifying documentation presented by a voter, regardless of whether the documentation is issued by the Department of Public Safety and contains the person’s photograph; (3) provide that a voter may be photographed under (2), above, only while being accepted for voting and may not be photographed while the voter is occupying a voting station; (4) make information copied or recorded under (1) or (2), above, confidential except for use in a criminal investigation or prosecution or a civil court proceeding; and (5) require all information collected under (1) and (2), above, to be provided to the Secretary of State for election-related purposes.

H.B. 177 (Bernal) – Countywide Polling Place: would authorize the secretary of state to select any county to participate in the countywide polling place program. (Companion bill is **S.B. 101** by **Menendez**.)

H.B. 273 (Swanson) – Voting by Mail: would require that the balloting materials for voting by mail shall be mailed to a voter entitled to vote by mail not later than the seventh calendar day after the later of the date the clerk accepts the voter’s application for a ballot to be voted by mail or the date the ballots become available for mailing, except that if the mailing date is earlier than the 38th day before election day, the balloting materials shall be mailed not later than the 30th day before election day.

S.B. 74 (Hall) – Elections: would, among other things: (1) shorten the period for early voting by personal appearance to the tenth day before election day through the fourth day before election day; (2) for an election ordered by a city, reduce the time that early voting by personal appearance at the main early voting place must be conducted to at least 12 hours on only one weekday (instead of 12 hours on two weekdays under certain circumstances); (3) provide that the authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted on a Saturday or Sunday during the early voting period; (4) provide that a temporary branch polling place may be located in a movable structure but may not change locations during the early voting period; (5) provide that early voting by personal appearance at each permanent or temporary branch polling place shall be conducted on the same days and during the same hours as voting is conducted at the main early voting polling place; (6) prohibit the use of a voting system that uses direct recording electronic voting machines; (7)

require the presiding judge of a precinct that has completed a vote count in which the total number of ballots counted differs by at least 0.5 percent from the number of people who signed the precinct's signature roster to conduct a recount; and (8) make it a Class A misdemeanor for a person to canvass a precinct's returns prior to the completion of a recount required by (7).

S.B. 101 (Menendez) – Countywide Polling Place: would authorize the secretary of state to select any county to participate in the countywide polling place program. (Companion bill is **H.B. 177** by **Bernal**.)

S.B. 102 (Menendez) – Voter Registration: would, among other things, provide: (1) that an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) that a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during early voting by personal appearance for voting the ballot for the precinct of the person's residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of residence a photo identification that states the person's current address on the day the person seeks to vote; (3) that an election officer must return the original proof of residence to the voter; (4) that a person voting under (2), above, shall vote a provisional ballot; and (5) that the secretary of state may, by rule, designate additional documents that a person may offer to prove the person's residence to register and vote.

S.B. 104 (Menendez) – Voter Identification: would, among other things, eliminate the photo identification requirement and expand the types of documentation that are considered acceptable forms of identification for purposes of voting.

S.B. 164 (Rodriguez) – Early Voting by Mail: would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures.

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

Open Government

H.B. 81 (Canales) – Public Information: would provide that: (1) information related to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event open to the general public and paid for in whole or part with public funds may not be withheld under the exception concerning information related to competition or bidding; and (2) a person, including a governmental body, may not include a provision in a contract related to an event described above that prohibits or would otherwise prevent the disclosure of information; and (3) a contract provision that violates the bill is void.

H.B. 147 (Moody) – Public Information: would allow information concerning law enforcement or prosecutor investigations that did not result in a conviction or deferred adjudication to be released if: (1) each person who is the subject of the information, record, or notation: (a) is deceased; or (b) consents to the release of the information, record or notation; or (2) the information, record or notation relates to a peace officer who is the subject of a criminal or internal investigation arising out of the peace officer's involvement in the detection, investigation, or prosecution of a crime.

H.B. 305 (Paul) – Website Requirement: would require any state agency or political subdivision with the authority to impose a tax to create and maintain a publicly accessible Internet website with the following information: (1) the state agency or political subdivision's contact information, including a mailing address, telephone number, and email address; (2) each elected officer of the state agency or political subdivision; (3) each candidate for an elected office of the state agency or political subdivision; (4) the date and location of the next election for officers of the state agency or political subdivision; (5) each notice of an open meeting; and (6) all minutes or recordings of an open meeting.

S.B. 57 (Zaffirini) – Motor Vehicle Accident Reports: would allow the authorized representative of a medical, legal, or other professional involved in a suit arising from the provision of professional services by the professional in connection with a motor vehicle accident to obtain a motor vehicle accident report on written request and payment of any required fee to the Department of Transportation or the governmental entity that possesses the report.

S.B. 84 (Hall) – Right to Information: would: (1) give an elected or appointed member of the city council (public officer) a right of access to information of the city; (2) provide that a public officer is not required to: (a) obtain approval from the city council to request or obtain information; or (b) specify the purpose for which the information is requested; (3) require the city to provide information to a public officer, including confidential information or information otherwise excepted from disclosure, at no charge and not later than the 10th business day after receiving the request, or as soon as practicable as agreed by the city and the requestor; (4) require a city to provide information requested by a public officer in the manner and format requested, including by allowing: (a) unrestricted access to physical information; and (b) the requestor to make copies or other reproductions of the information; (5) prohibit a city from requiring a public officer to sign a confidentiality agreement in order to receive information; (6) require a public officer to use information only in a manner that maintains the confidential nature of the

information and prohibit the disclosure or release to the public; and (7) provide that a city's public information officer (PIO), or the officer's agent, commits a Class A misdemeanor offense if, with criminal negligence, the PIO or the PIO's agent fails or refuses to provide information to a public officer.

Other Finance and Administration

H.B. 78 (Raymond) – Eight-Liners: would authorize a local option election to legalize or prohibit the operation of eight-liners. (See **H.J.R. 18**, below.)

H.B. 135 (White) –Working Animals: would provide that a county or city may not adopt or enforce a charter provision, ordinance, order, or other regulation that prohibits, directly or indirectly, the use of an animal for the purpose of performing a specific duty for a business, including entertainment, transportation, or exhibition.

H.B. 230 (Krause) – Federal Funds: would provide that a political subdivision that receives or expends a federal grant or other federal funds that have not been appropriated by the legislature shall report to the legislative budget board, the comptroller, and the governor not later than the 90th day of the political subdivision's fiscal year: (1) the total amount of federal funds received or expended in the previous fiscal year; and (2) the use or proposed use of those federal funds.

H.B. 234 (Krause) – Sale of Lemonade: would provide that a city, county, or other local public health authority may not adopt or enforce an ordinance, order, or rule that prohibits an individual younger than 18 years of age from temporarily selling lemonade or other nonalcoholic beverage from a stand on private property.

H.B. 243 (Farrar) – Breastfeeding: would provide that: (1) a mother is entitled to breastfeed her baby in any location in which the mother's and child's presence on the premises is otherwise authorized; (2) the authorization may not be revoked solely because the mother is breastfeeding the child; (3) a person may not interfere with or restrict the right of a mother to breastfeed in accordance with the bill; (4) a mother may bring a civil action against a person who allegedly violates the mother's right to breastfeed a child; and (5) a mother who prevails in an action under the bill is entitled to obtain: (a) injunctive relief; (b) damages in an amount not to exceed \$500 for each day the violation occurs; and (c) reasonable attorney's fees and court costs.

H.B. 244 (Farrar) – Discrimination: would, among other things: (1) prohibit a person from denying an individual full and equal accommodations in any place of public accommodation because of such individual's sexual orientation or gender identity or expression; (2) allow an aggrieved person to file a civil action in district court to recover actual and punitive damages, attorney's fees, and injunctive relief; (3) prohibit employment discrimination on the basis of sexual orientation or gender identity or expression; (4) prohibit a labor organization from excluding, expelling from membership or limiting a member or an applicant for membership on the basis of sexual orientation or gender identity or expression; (5) prohibit an elected official from discriminating, on the basis of sexual orientation or gender identity or expression, against an individual who is an employee or applicant for employment to serve on the official's staff; (6)

prohibit a person from refusing to sell or rent a dwelling to an individual because of such individual's sexual orientation or gender identity or expression; and (7) prohibit the referral of a complaint of housing discrimination to a city if the complaint alleges discrimination based on sexual orientation or gender identity or expression and the city does not have laws prohibiting the alleged discrimination.

H.B. 254 (Bernal) – Discrimination: would, among other things: (1) prohibit a person from denying an individual full and equal accommodations in any place of public accommodation because of such individual's sexual orientation or gender identity or expression; (2) allow an aggrieved person to file a civil action in district court to recover actual and punitive damages, attorney's fees, and injunctive relief; (3) prohibit employment discrimination on the basis of sexual orientation or gender identity or expression; (4) prohibit a labor organization from excluding, expelling from membership or limiting a member or an applicant for membership on the basis of sexual orientation or gender identity or expression; (5) prohibit an elected official from discriminating, on the basis of sexual orientation or gender identity or expression, against an individual who is an employee or applicant for employment to serve on the official's staff; (6) prohibit a person from refusing to sell or rent a dwelling to an individual because of such individual's sexual orientation or gender identity or expression; and (7) prohibit the referral of a complaint of housing discrimination to a city if the complaint alleges discrimination based on sexual orientation or gender identity or expression and the city does not have laws prohibiting the alleged discrimination.

H.B. 291 (Springer) – Architectural Barriers: would provide that: (1) the Texas Commission Licensing and Regulation shall impose an administrative penalty on a political subdivision that issues a building construction permit or a final certificate of occupancy without verifying that the building has been registered with the Texas Department of Licensing and Regulation; (2) the total amount of an administrative penalty under this section is the amount calculated by multiplying the population of the political subdivision by one cent; and (3) a penalty collected under the bill may be appropriated only to the office of the governor for the purpose of informing organizations and the general public of disability issues.

H.B. 304 (Paul) – Municipal Management Districts: would make various changes to the governance and operation of municipal management districts.

H.J.R. 18 (Raymond) – Eight-Liners: would amend the Texas Constitution to: (1) authorize the legislature to regulate the operation of eight-liners and similar gaming devices; (2) require that eight-liner regulations provide for a local option election to legalize or prohibit the operation of the devices; and (3) authorize the legislature to impose a fee on gaming devices or allow political subdivisions to impose a fee on gaming devices. (See **H.B. 78**, above.)

S.B. 62 (Zaffirini) – Unfunded Mandates: would create and spell out the duties of an unfunded mandate interagency work group.

S.B. 64 (Nelson) – Cybersecurity: would provide that: (1) the Texas Department of Information Resources must include in the Department's biennial cybersecurity report an evaluation of a program that provides an information security officer to assist local governments

that are unable to justify hiring a full-time information security officer; (2) the Department shall establish an information sharing and analysis organization to provide a forum for state agencies, local governments, public and private institutions of higher education, and the private sector to share information regarding cybersecurity threats, best practices, and remediation strategies; and (3) the Public Utility Commission shall establish a program to coordinate cybersecurity efforts among electric utilities, including a municipally owned electric utility, to provide guidance on best practices in cybersecurity and facilitate the sharing of cybersecurity information between utilities; (4) the PUC shall create and periodically update a list of approved vendors of information technology providers; (5) a utility, including a municipally owned electric utility may not enter into a contract with an information technology provider that is not listed as a PUC-approved vendor.

S.B. 80 (Hall) – Milk Regulation: would: (1) authorize a person who holds a permit to sell raw milk or raw milk products at retail to sell it directly to a consumer at the person’s place of business, the consumer’s residence, or a farmer’s market; (2) establish labeling, storing, handling, and transportation regulations on raw milk and raw milk products available for retail sale; and (3) repeal the authority of a city to adopt an ordinance that allows only pasteurized milk and pasteurized milk products to be sold at retail in that city.

S.B. 82 (Hall) – Lobbying Restrictions: would provide that a political subdivision that receives state funds may not pay: (1) lobbying expenses incurred by the political subdivision; (2) a person or entity that is required to register as a lobbyist with the Texas Ethics Commission; or (3) a person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

S.B. 151 (Rodriguez) – Discrimination: would: (1) provide, with certain exceptions, that a person commits a discriminatory practice in violation of law if the person, because of sexual orientation or gender identity or expression of an individual, denies the individual full and equal accommodation in a place of public accommodation or otherwise discriminates against or segregates the individual based on sexual orientation or gender identity or expression; (2) authorize a person aggrieved because of a violation of law described in (1), above, to file a civil action in district court; and (3) add sexual orientation and gender identity or expression as a protected class in existing state anti-discrimination provisions.

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

S.J.R. 9 (Rodríguez/Hinojosa/Whitmire) – Marriage: would repeal the constitutional provision providing that marriage in this state consists only of the union of one man and one woman and prohibiting this state or a political subdivision of this state from creating or recognizing any legal status identical or similar to marriage.

S.J.R. 10 (Buckingham) – Unfunded Mandates: would amend the Texas Constitution to provide that a law enacted by the legislature on or after January 1, 2020, that requires a city or county to establish, expand, or modify a duty or activity that requires the expenditure of revenue is not effective unless the legislature appropriates or otherwise provides, from a source other than the city or county revenue, for the payment or reimbursement of the costs incurred for the biennium in complying with the requirement.

Municipal Courts

H.B. 51 (Canales) – Municipal Court: would: (1) require the Office of Court Administration to create, promulgate, and update standard forms for use in criminal actions for: (a) waiving a jury trial and entering a plea of guilty or nolo contendere in a misdemeanor case; (b) a trial court to admonish a defendant; and (c) a defendant who receives admonitions in writing to acknowledge that the defendant understands the admonitions and is aware of the consequences of the defendant's plea; and (2) provide that the Texas Supreme Court by rule shall set the date by which all courts must adopt and use the forms.

H.B. 64 (Canales) – Expunction: would entitle a person who was placed under custodial or noncustodial arrest for certain misdemeanor offense to have all records and files related to the arrest expunged if: (1) the person was placed on deferred adjudication community supervision for the misdemeanor offense and subsequently received a dismissal and discharge; (2) the person was not required to register as a sex offender; (3) the person has not been convicted or placed on deferred adjudication community supervision for an offense, other than a traffic offense punishable by fine only, committed after the date of the misdemeanor offense for which the person was placed on deferred adjudication community supervision; (4) the person has no charges pending against him for the commission of any offense, other than a traffic offense punishable by fine only; and (5) a period of not less than five years has passed since the date on which the person received the dismissal and discharge of the deferred adjudication community service. The person must submit an ex parte petition for expunction to the court that placed the person on deferred adjudication community supervision. The petition must contain the information described in section 2(b), Art. 55.02 of the Code of Criminal Procedure and the information described above. The court shall enter an order directing expunction if the court finds that the petitioner is entitled to expunction of any arrest records and file that are the subject of the petition. The expunction fee shall be waived for the expunction described above.

H.B. 110 (Canales) – Class C Misdemeanors: would provide that the Office of Court Administration of the Texas Judicial System shall conduct a study to determine the feasibility, efficiency, and potential cost savings of converting certain Class C misdemeanors to civil violations.

H.B. 178 (Canales) – Jail Credit: would require a judge to give a defendant, at a rate of \$100 per day, credit toward payment of costs imposed on the defendant for each day of confinement in jail or another facility before sentencing.

H.B. 196 (Stephenson) – Financial Responsibility: would authorize a justice or municipal court to access the financial responsibility verification program.

H.B. 229 (Gervin-Hawkins) – Expunction: would: (1) require a trial court presiding over a case in which the defendant’s most serious conviction or deferral was a nonviolent Class B or Class C misdemeanor to order that all records and files relating to the arrest or prosecution be kept confidential; (2) provide that the records remain confidential until the expunction of the records and files unless the defendant is arrested for or charge with a violent offense before the expunction occurs; (3) provide that the records shall be automatically expunged by the trial court not later than the 30th day after: (a) the first anniversary of the date the defendant’s sentence was discharged or the defendant received a discharge and dismissal, if the most defendant’s most serious offense was a Class C misdemeanor; or (b) the second anniversary of the date the defendant’s sentence was discharged or the defendant received discharge and dismissal, if the defendant’s most serious offense was a Class B misdemeanor.

H.B. 250 (Farrar) – Cruelly Treated Animals: would, in a county or city with a population of at least 700,000, authorize a court to order payment of attorney’s fees by the owner of an animal who has been found to have cruelly treated the animal.

S.B. 40 (Zaffirini) – Municipal Courts: would provide, among other things, that – If a disaster precludes a municipal court (or municipal court of record) from conducting its proceedings at the location assigned for the proceedings – the presiding judge of the administrative judicial region, with the approval of the judge of the affected municipal court, may designate for the proceedings an alternate location: (a) in the corporate limits of the municipality; or (b) outside the corporate limits of the municipality at the location the presiding judge of the administrative judicial region determines is closest in proximity to the municipality that allows the court to safely and practicably conduct its proceedings.

Community and Economic Development

H.B. 31 (Longoria) – Texas Leverage Fund: would, among other things: (1) establish the Texas leverage fund, which consists of: (a) proceeds from the issuance of revenue-based bonds by the Texas Economic Development Bank; (b) payments of principal and interest on loans made by the Texas Economic Development Bank; (c) loan origination fees imposed on loans made by the Texas Economic Development Bank; (d) investment earnings of the Texas leverage fund; and (e) any other money received by the Texas Economic Development Bank; (2) provide that the Texas leverage fund may only be used to: (a) make loans to economic development corporations (EDCs) for eligible projects; (b) pay the bank’s necessary and reasonable costs of administering the program; (c) pay the principal of and interest on bonds; (d) pay reasonable fees and other costs incurred by the bank in administering the leverage fund; and (e) pay for any other

purpose authorized by law; (3) authorize a Type A or Type B EDC to obtain a loan from the Texas leverage fund program for eligible projects; and (4) authorize a Type A or Type B EDC to pledge revenue from the EDC sales and use tax to secure the loan. (Companion bill is **S.B. 132** by **Hinojosa**.)

H.B. 36 (Ortega) – Substandard Buildings: would: (1) authorize an appeal from an interlocutory order denying a motion filed by a city related to a substandard building determination; and (2) require a court to expedite a proceeding, including an appeal, related to certain substandard building determinations.

H.B. 59 (Swanson) – Low Income Housing Tax Credits: would increase the weight given to a written statement from a state representative who represents the district containing the proposed development site for any low income housing tax credit application submitted to the Texas Department of Housing and Community Affairs.

H.B. 190 (Bernal) – Payday and Auto Title Lending: would provide that a credit services organization may not obtain for a consumer or assist a consumer in obtaining an extension of consumer credit, unless the credit organization uses independently verifiable documentation of income and obligations to find that the consumer can reasonably: (1) repay the extension of consumer credit and all associated fees in cash, in accordance with the time and schedule of payments established by contract and applicable law; and (2) pay due payments on all known obligations of the consumer concurrently.

H.B. 219 (Reynolds) – Comprehensive Plan: would require a city's comprehensive plan to be updated at least every five years and include an environmental evaluation report.

H.B. 242 (Bernal) – Payday and Auto Title Lending: would, among other things: (1) provide that a municipal ordinance regulating credit access businesses is not preempted by state law; (2) provide that, if a municipal ordinance conflicts with a provision of state law, the more stringent regulation controls; (3) require the contract and other documents provided by a credit access business to be written wholly in English or the language in which the contract is negotiated, and read in their entirety in the language in which the contract is negotiated to any consumer who cannot read; (4) prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan; (5) provide that each day of a continuing violation of a provision related to state notice and disclosure requirements or state licensing and regulation requirements by a credit services organization constitutes a separate offense; (6) provide that the general limitations on payday and auto title loans in the bill apply to any consumer physically located in this state at the time the loan is made, regardless of whether the loan was made in person in this state; (7) require a credit access business to require certain types of documentation to establish a consumer's income for purposes of extending credit; (8) provide that a single-payment payday loan: (a) may not exceed 20 percent of the consumer's gross annual income; (b) may not be refinanced more than three times, with the amount of each refinanced payment used to repay at least 25 percent of the principal amount of the original debt; (9) provide that a multiple-payment payday loan: (a) may not exceed 20 percent of the consumer's gross monthly income; and (b) may not be payable in

more than four installments, with the amount of each payment used to repay at least 25 percent of the principal amount of the debt; (10) provide that a single-payment auto title loan: (a) may not exceed the lesser of 70 percent of the retail value of the motor vehicle securing the debt, or three percent of the consumer's gross annual income; and (b) may not be refinanced more than three times, with the amount of each refinanced payment used to repay at least 25 percent of the principal amount of the original debt; (11) provide that a multiple-payment auto title loan: (a) may not exceed the lesser 70 percent of the retail value of the motor vehicle securing the debt, or three percent of the consumer's gross annual income; and (b) may not be payable in more than four installments, with the amount of each payment used to repay at least 25 percent of the principal amount of the debt; (12) require any refinance of a payday or auto title loan to: (a) be authorized by state law; (b) be in the same form as the original loan; and (c) meet all requirements applicable to the original loan; and (13) require a credit access business to maintain a complete set of records of all loans and retain the records until the third anniversary of the date of the loan.

H.B. 280 (Ortega) – Substandard Property: would expand those persons a court may appoint as a receiver for a substandard property to include any individual that the city demonstrates is competent and able to fulfill the duties of a receiver.

S.B. 110 (Menendez) – Payday and Auto Title Lenders: would provide that the amount of a fee paid or to be paid to a credit services organization to assist a consumer in transacting, arranging, guaranteeing, or negotiating an extension of credit or to obtain for a consumer an extension of credit is considered interest for usury purposes under state law if: (1) the extension of credit is secured by a non-purchase money security interest in personal property or is unsecured; and (2) the proceeds of the extension of credit are used for personal, family, or household purposes.

S.B. 118 (West) – Tax Abatements: would extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2029.

S.B. 132 (Hinojosa) – Texas Leverage Fund: would, among other things: (1) establish the Texas leverage fund, a trust fund held outside the state treasury by the comptroller as trustee, that consists of: (a) proceeds from the issuance of revenue-based bonds by the Texas Economic Development Bank; (b) payments of principal and interest on loans made by the Texas Economic Development Bank; (c) loan origination fees imposed on loans made by the Texas Economic Development Bank; (d) investment earnings of the Texas leverage fund; and (e) any other money received by the Texas Economic Development Bank; (2) provide that the Texas leverage fund may be used only to: (a) make loans to economic development corporations (EDCs) for eligible projects; (b) pay the bank's necessary and reasonable costs of administering the program; (c) pay the principal of and interest on bonds; (d) pay reasonable fees and other costs incurred by the bank in administering the leverage fund; and (e) pay for any other purpose authorized by law; (3) authorize a Type A or Type B EDC to obtain a loan from the Texas leverage fund program for eligible projects; and (4) authorize a Type A or Type B EDC to pledge revenue from the EDC sales and use tax to secure the loan. (Companion bill is **H.B. 31 by Longoria**.)

Personnel

H.B. 48 (M. Gonzalez) – Wage Theft: would require: (1) the Texas Workforce Commission (Commission) to make available on its Internet website a publicly accessible list of all employers in the state who have been: (a) assessed an administrative penalty by the Commission, a Commission examiner, or a wage claim appeal tribunal for acting in bad faith in not paying wages; (b) ordered to pay wages by a final order of the Commission or have failed to comply with such order; (c) been convicted for failure to pay wages; and (d) for an employer that is a business entity, the name under which the entity operates, the name of each individual who is an owner of the entity and actively involved in the management of the entity; (2) the Commission to provide notice to an employer not later than the 180th day before the date the employer is listed in the database; (3) the Commission, by rule, establish a process by which an employer may, at any time after receiving the notice described under (2), dispute the employer's inclusion in the database and afford the Commission time to investigate and make a final determination regarding such dispute; (4) the Commission list an employer in the database until the third anniversary of the date the penalty is assessed or the employer is convicted; and (5) the district attorney report to the Commission the name of each employer that is prosecuted and convicted in the attorney's jurisdiction for failure to pay wages or theft of service.

H.B. 83 (Romero) – Unpaid Wages: would require the Texas Workforce Commission (TWC), a TWC examiner, or a wage claim appeal tribunal, upon a finding that an employer acted in bad faith in not paying wages to an employee, to assess an administrative penalty against the employer.

H.B. 106 (E. Rodriguez) – Unpaid Wages: would, among other things: (1) prohibit an employer from retaliating against an employee who in good faith seeks to recover wages owed to the employee; (2) allow an employee who prevails in a lawsuit brought as a result of retaliation for seeking to recoup unpaid wages to recover: (a) reasonable damages incurred by the employee as a result of the adverse employment action; (b) additional damages in an amount equal to the average wages the employee earns during a two-week period, plus \$500; (c) court costs and reasonable attorney's fees incurred by the employee in the suit; (d) reinstatement to the employee's former position or a position that is comparable in terms of compensation, benefits and other conditions of employment; and (e) reinstatement of any benefits and seniority rights lost because of the adverse employment action; and (3) provide that a failure to comply with the wage payment recordkeeping requirements creates a rebuttable presumption that the employee's hours worked, pay rate, and earnings are equal to those amount's provided in the employee's testimony or presented records.

H.B. 144 (Canales) – Credit Reports: would prohibit an employer from taking an adverse employment action against an employee or applicant based wholly or partly on a credit report unless the employer provides a copy of the report along with instructions regarding how the employee or applicant may provide additional information about the report.

H.B. 194 (Reynolds) – Minimum Wage: would increase the minimum wage to not less than the greater of \$15 an hour or the federal minimum wage (currently at \$7.25).

H.B. 215 (Reynolds) – Peace Officers: would, in relation to an officer-involved injury or death case: (1) disqualify a prosecuting attorney from prosecuting a peace officer who is employed by a political subdivision that is also served by the attorney, and require that the attorney general appoint a special prosecutor; and (2) require a law enforcement agency to report the incident to the attorney general as soon as practicable, and cooperate with a special prosecutor in the prosecution of any related offense.

H.B. 222 (Krause) – Paid Sick Leave: would: (1) prohibit the governing body of a city from adopting or enforcing any ordinance, rule or regulation that requires an employer to provide employee paid sick leave; and (2) make such ordinance, rule, or regulation void and unenforceable.

H.B. 287 (S. Thompson) – Pay Discrimination: would: (1) extend the statute of limitations on pay discrimination claims to include each time: (a) a discriminatory compensation decision or other practice is adopted; (b) an individual becomes subject to a discriminatory compensation decision or other practice; (c) an individual is adversely affected by application of a discriminatory compensation decision or other practice, including each time wages affected wholly or partly by the decision or other practice are paid; and (2) allow, in certain instances, liability and back pay and benefit damages to accrue for up to two years preceding the date of filing a complaint for pay discrimination.

H.B. 290 (S. Thompson) – Minimum Wage: would provide for a phased-in minimum wage that will result in the following higher wages by 2024: (1) not less than the greater of \$10.10 an hour or the federal minimum wage (currently at \$7.25 per hour); and (2) for a tipped employee, tips, plus \$2.85 an hour.

S.B. 46 (Zaffirini) – Sexual Harassment: would, among other things, expand the definition of employer, for the purposes of the prohibition of sexual harassment of unpaid interns, to include a person who employs one or more employees or someone who acts directly or indirectly in the interests of the employer.

S.B. 91 (Menéndez) – Nondisclosure Agreements: would, among other things: (1) provide that a nondisclosure or confidentiality agreement or other agreement between an employer and an employee void and unenforceable to the extent the agreement prohibits the employee from notifying or limits the employee’s ability to notify, a local or state law enforcement agency or any state or federal regulatory agency of a criminal offense committed: (a) by an employee of the employer; or (b) at the employee’s place of employment; and (2) prohibit an employer from requiring, as a condition of employment or receipt of employment benefit, an employee or applicant for employment to enter into an agreement described in (1); and (3) prohibit an employer from retaliating against an individual who refuses to enter into an agreement described in (1).

S.B. 112 (Menéndez) – Pay Discrimination: would: (1) extend the statute of limitations on pay discrimination claims to include each time: (a) a discriminatory compensation decision or other practice is adopted; (b) an individual becomes subject to a discriminatory compensation decision or other practice; (c) an individual is adversely affected by application of a discriminatory

compensation decision or other practice, including each time wages affected wholly or partly by the decision or other practice are paid; and (2) allow, in certain instances, liability and back pay and benefit damages to accrue for up to two years preceding the date of filing a complaint for pay discrimination.

S.B. 113 (Menéndez) – Minimum Wage: would, among other things, require an employer to pay a minimum wage that is not less than the greater of \$10.10 an hour or the federal minimum wage (currently at \$7.25 per hour). (See **S.J.R. 5**, below.)

S.B. 159 (Rodriguez) – Nondisclosure Agreements: would: (1) provide that a nondisclosure or confidentiality agreement or other agreement between an employer and employee is void and unenforceable if such agreement prohibits or limits the employee from notifying a local or state law enforcement agency or any state or federal regulatory agency of sexual assault or sexual harassment committed by the employee or at the employee's place of employment; (2) provide that a mandatory arbitration agreement between an employer and employee is void and unenforceable if the such agreement requires mandatory arbitration of a dispute involving an allegation of sexual assault or sexual harassment; and (3) prohibit an employer from discriminating against an individual in connection with an employment relationship because the individual refuses to sign an agreement described in (1) and (2).

S.B. 160 (Rodriguez) – Sex Discrimination: would, among other things: (1) provide that the following actions constitute discrimination on the basis of sex unless the applicant has provided, after receiving a written offer of employment that includes the applicant's wages, prior written authorization to a prospective employer to confirm the employee's compensation: (a) including a question regarding an applicant's wage history information on an employment application form; (b) inquiring into or considering an applicant's wage history information; and (c) obtaining an applicant's wage history information from a previous employer, unless such wages are subject to disclosure under the Public Information Act; (2) prohibit an employer from paying wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work on jobs, which requires equally or substantially similar skill, effort or responsibility, and which are performed under similar working conditions; (3) prohibit an employer from retaliating or otherwise discriminating against the person because the person: (a) opposes an illegal act or practice; (b) seeks to enforce protected rights; or (c) testifies, assisted or participated in any manner in an investigation, hearing or other proceeding; (4) prohibit an employer from discharging, discriminating, coercing, intimidating, threatening or interfering with an employee or other person because: (a) the person inquired about, disclosed, compared or otherwise discussed an employee's wages; or (b) exercised, enjoyed, aided, or encouraged another person to exercise or enjoy any right granted under (1); and (5) require each employer to post in a conspicuous place on the employer's premises a notice setting forth the requirements of the bill.

S.B. 161 (Rodriguez) – Local Minimum Wage: would, among other things, allow: (1) a city to adopt a minimum wage that is greater than the minimum wage established by state or federal law to be paid by an employer to each employee for services performed in the city; (2) a county to adopt a minimum wage that greater than the minimum wage established by state or federal law to

be paid by each employee for services performed in the unincorporated areas of the county, including areas located within the extraterritorial jurisdiction of a city.

S.J.R. 5 (Menéndez) – Minimum Wage: would amend the Texas Constitution to provide that an employer shall pay an employee not less than the greater of \$10.10 an hour or the federal minimum wage (currently at \$7.25 per hour).

Public Safety

H.B. 34 (Raymond) – Disaster Alert System: would require the Texas Division of Emergency Management (Division) to develop and implement a statewide disaster alert system that provides for the following: (1) activation of the system in the event of a disaster affecting any location in the state; (2) operation of the system in conjunction with any other emergency alert system required by federal or state law; (3) notification of persons statewide of a disaster affecting any location in the state; (4) provision of notification through public and commercial television or radio broadcasts, a system of dynamic message signs located across the state, reverse 9-11 calls, texts messages, e-mails, social media, and other instant messaging systems; (5) allowing persons to register for a preferred method of receiving notification; (6) immediate activation of the system upon a determination by the Division that a disaster has occurred or the occurrence or threat of disaster is imminent, or upon being notified of a declaration of disaster; (7) issuance of updated notifications for the duration of the disaster; (8) notification that includes all information necessary to enable a person who may be affected by the disaster to make informed decisions regarding the person's safety; (9) notification that enables a person in another location in the state to assist an affected person; (10) notification that includes real-time information regarding the availability of gas, food, lodging, 24-hour pharmacy services, medical care, and the disposition of a deceased individual; (11) for a hurricane, notification of the category of classification of the hurricane, including updated information on changes in the category classification, expected time and location of landfall for the hurricane, and other detailed information about the hurricane; (12) termination of the system when the Division determines that the threat or danger has passed or the disaster has been addressed to the extent that emergency conditions no longer apply; and (13) termination of the system when the governor terminates a declared state of disaster.

H.B. 38 (Canales) – Unmarked Firearms: would provide that a law enforcement agency that purchases or otherwise obtains ownership of an unmarked firearm (e.g., a firearm without a serial number, with certain exceptions) shall destroy the firearm.

H.B. 63 (Moody) – Reduction of Penalties for Small Amounts of Marihuana: would reduce the civil and criminal penalties for possession of certain small amounts of marihuana and provide an exception to prosecution for possession of associated drug paraphernalia. (Companion bill **S.B. 156.**)

H.B. 91 (Martinez) – Disaster Identification System: would establish, for use in an area subject to a declaration of a state disaster, a disaster identification system that would allow any person to use an illuminating display to communicate with disaster relief personnel.

H.B. 121 (Swanson) – Licensed Carry: would provide that a license holder who is carrying a handgun and is personally given notice that carry has been prohibited on the property, and who promptly departs, has an affirmative defense to prosecution.

H.B. 131 (Moody) – Extreme Risk Protective Order: would create an extreme risk protective order and provide, among other things, that: (1) a court may prohibit the person who is subject to the order from purchasing, owning, possessing, or controlling a firearm for the duration of the order and order the person to relinquish, without delay, any firearms owned by or in the actual or constructive possession or control of the person to a law enforcement agency for holding as described by the bill; (2) a law enforcement officer who takes possession of a firearm from a person shall immediately provide the person a written copy of the receipt for the firearm and a written notice of the procedure for the return of a firearm under the bill; (3) not later than the seventh day after the date a firearm is received, the law enforcement agency holding the firearm shall notify the court that the person has relinquished the firearm; and (4) prior to releasing the firearm after the expiration of the order, the law enforcement agency shall conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm and follow certain procedures under the bill based on the results. (Companion bill is **S.B. 157** by **Rodriguez**.)

H.B. 143 (Swanson) – Secure Weapons Storage in Public Buildings: would: (1) apply to a building or portion of a building used by a political subdivision of this state that is generally open to the public and in which carrying a firearm, handgun, knife, or other weapon on the premises or part of the premises is prohibited; (2) provide that, for such a building, the political subdivision must provide temporary secure weapon storage lockers directly outside or immediately inside the entrance to the building; and (3) mandate many requirements for the lockers.

H.B. 152 (Minjarez) – Sexual Assault Evidence: would: (1) apply portions of the Sexual Assault Prevention and Crisis Services Act to sex offenses other than just sexual assault; (2) allow a health care facility to collect evidence of a sexual assault or other sex offense and release the evidence to a law enforcement agency; (3) require that a health care facility or other entity that performs a medical examination to collect evidence of a sexual assault or other sex offense: (a) provide the survivor with certain information about the storage and destruction of the evidence; and (b) store the evidence for at least one year; and (4) decrease the time in which a law enforcement agency must submit evidence of a sexual assault or sex offense to a crime lab from 30 to 14 days, and require the crime lab to analyze the evidence within 60 days of receipt of the evidence.

H.B. 171 (Canales) – Forfeiture Proceeding: would: (1) provide that contraband is not subject to seizure and forfeiture if the property is not otherwise unlawful to possess and the admissibility of the property as evidence would be prohibited in the prosecution of the underlying offense; and (2) limit the admissibility of evidence in an asset forfeiture proceeding.

H.B. 172 (Bernal) – Licensed Carry: would provide that, in relation to the notice required to prohibit licensed carry (e.g., “30.06” and “30.07” signs): (1) the Department of Public Safety

(DPS) shall adopt rules that prescribe the size of a sign and the lettering on the signs; (2) the rules may not require that the signs be larger than 8.5 inches by 11 inches for each language in which the sign must be posted; (3) DPS by rule shall adopted a Spanish translation of the language required to be on the signs; and (4) DPS shall make available on its website a printable copy of the English and Spanish versions of the signs.

H.B. 182 (Canales) – Forfeiture Proceeding: would: (1) raise the state’s burden of proof from preponderance of the evidence to clear and convincing evidence in proceedings related to the seizure of property and forfeiture hearings; (2) limit the transfer of forfeitable property to the federal government; and (3) limit law enforcement agency or Texas National Guard cooperation in federal forfeiture actions.

H.B. 209 (Reynolds) – Medical Marihuana: would authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by qualifying patients with certain debilitating medical conditions. (Companion bill **S.B. 90** by **Menendez**.)

H.B. 213 (Gervin-Hawkins) – Public Transportation System Vehicles: would increase the criminal penalty for certain offenses committed in a vehicle operated by a public transportation system.

H.B. 224 (Gervin-Hawkins) – Aggressive Dogs: would (1) define “aggressive dog” to be a dog that makes an unprovoked attack on a domestic animal or livestock that: (a) causes bodily injury to the animal or livestock; and (b) occurs in a place other than an enclosure in which the dog was being kept, and that is reasonably secured to prevent the dog from leaving the enclosure; and (2) provide that municipal animal control authority may impound and manage dangerous dogs and aggressive dogs in the extraterritorial jurisdiction of the city if: (a) the authority receives a petition signed by at least three residents from three different households in the extraterritorial jurisdiction requesting assistance from the authority and alleging that: dangerous dogs or aggressive dogs have repeatedly attacked humans, domestic animals, or livestock within the extraterritorial jurisdiction, and due to the presence of dangerous dogs or aggressive dogs, the extraterritorial jurisdiction is an unsafe environment for humans, domestic animals, or livestock; and (b) in the extraterritorial jurisdiction, no animal control authority is authorized to operate, or the operating animal control authority does not provide for the impoundment or management of dangerous dogs or aggressive dogs.

H.B. 235 (Gervin-Hawkins) –Public Transportation System Vehicles: would increase the criminal penalty for certain offenses committed in a vehicle operated by a public transportation system.

H.B. 238 (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. 257 (Blanco) – School Marshals: would apply to any school district, open-enrollment charter school, private school, or junior college that appoints a school marshal or authorizes any other individual to carry a handgun for security purposes under written regulations or written authorization and would provide that: (1) the governing body of the school shall adopt a policy regarding communication and coordination with local law enforcement agencies that includes information detailed in the bill; and (2) information provided to a law enforcement agency under a policy adopted under the bill regarding the identity or place of employment of an individual authorized to carry a handgun is confidential.

H.B. 262 (E. Thompson) – Red Light Cameras: would: (1) prohibit a local authority, including a city, from implementing or operating an automated traffic control system used to enforce speed limits or red lights; and (2) provide that a local authority that violates (1) is liable for certain civil penalties.

H.B. 265 (Blanco) – Immigration/Racial Profiling: would provide that the racial profiling policy adopted by each law enforcement agency in this state, which requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, include information relating to whether the peace officer inquired as to the immigration status of the individual detained and – if so – the reason for the inquiry.

H.B. 274 (S. Harris) – Disaster Fund: would create a \$15 million disaster reinvestment and infrastructure planning revolving fund, to be funded in perpetuity under the administration of the Water Development Board, for the purpose of providing loans and grants to: (1) a Category I qualifying political subdivision (a political subdivision, including a city, located wholly or partly in an area declared by the governor to be a disaster area that FEMA has determined is eligible to receive financial assistance from FEMA in response to the disaster); and (2) a Category II qualifying political subdivision (a political subdivision, including a city, located wholly or partly in an area declared by the governor to be a disaster area that FEMA has determined is ineligible to receive financial assistance from the agency in response to the disaster).

H.B. 292 (S. Thompson) – Peace Officer Curriculum: would include instruction on the trafficking of persons in the basic training curriculum for peace officers.

H.B. 299 (Murr) – Drug Free Zones: would increase certain controlled substance offenses to a felony of the first degree if it is shown on the trial of the offense that the offense was committed in, on, or within 1,000 feet of any real property that is owned, rented or leased to a school or school board, the premises of public or private youth center, or playground; or on a school bus.

H.J.R. 21 (Rodriguez) – Medical Marihuana: would amend the Texas Constitution to provide that the legislature by law shall authorize and regulate the possession, cultivation, and sale of cannabis for medical use in Texas. (Companion bill is **S.J.R. 7** by **Rodriguez**.)

H.J.R. 22 (Reynolds) – Officer-Involved Death or Injury: would amend the Texas Constitution to provide that the attorney general shall appoint a special prosecutor to perform the duties of a prosecuting attorney in any prosecution of a peace officer for an offense arising out of an officer-involved injury or death, from which the prosecuting attorney is disqualified.

S.B. 43 (Zaffirini) – Cell Phone Ban: would provide: (1) that a vehicle operator commits an offense if the operator uses a portable wireless communication device while operating a motor vehicle, unless the vehicle is stopped outside a lane of travel; (2) for an affirmative defense (except for a person under 18 years of age or by a person operating a school bus with a minor passenger on the bus) for the use of a portable wireless communications device: (a) in conjunction with a handsfree device; (b) to contact emergency services; or (3) that was mounted in or on the vehicle solely to continuously record or broadcast video inside or outside of the vehicle.

S.B. 53 (Zaffirini) – 9-1-1 Service: would: (1) to the extent practicable and within available resources, require a public safety answering point to receive emergency 9-1-1 communications by calls and text messages; and (2) require a provider or user to provide to the public safety answering point any other relevant and available contact information of a person requesting emergency services using a device not associated with a telephone number.

S.B. 77 (Hall) – Red Light Cameras: would: (1) prohibit a governmental entity from using information from traffic surveillance technology (technology that records or reads license plates) for any purpose; and (2) except from the prohibition in (1) toll enforcement, school bus cameras, and certain technology that is physically held by a law enforcement officer.

S.B. 78 (Hall) – License Plate Readers: would provide that: (1) a law enforcement agency may use an automatic license plate reader; (2) images and any related data produced from an automatic license plate reader may be used only for a law enforcement purpose; (3) images and any related data produced from an automatic license plate reader used by a municipal parking enforcement authority may be used only by the authority to issue a citation at the time of an alleged violation of a vehicle parking ordinance; (4) images and any related data produced from an automatic license plate reader must be destroyed promptly after collection, unless the image or data is from a motor vehicle that: (a) is involved in a criminal offense or an ongoing criminal investigation; or (b) is registered to a person who is involved in a criminal offense or an ongoing criminal investigation; and (5) a law enforcement agency or municipal parking enforcement authority may not enter into an agreement with a private person to provide images or any related data produced from an automatic license plate reader to the person for a commercial purpose.

S.B. 86 (Hall) – Regulation of Raising Six or Fewer Chickens: would provide that (1) a political subdivision may not impose a governmental requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision; and (2) a city may impose reasonable governmental requirements on the raising or keeping of poultry in the boundaries of the city that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including: (a) a limit on the number of chickens an individual may raise or keep in excess of six; (b) a prohibition on breeding poultry; (c) a prohibition on raising or

keeping roosters; or (d) the minimum distance an individual must maintain between a chicken coop and a residential structure.

S.B. 87 (Hall) – Driver Responsibility Program: would repeal the driver responsibility program and the vehicle safety inspection program for certain vehicles.

S.B. 90 (Menendez) – Medical Marihuana: would authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by qualifying patients with certain debilitating medical conditions. (Companion bill **H.B. 209** by **Reynolds**.)

S.B. 120 (West) – Criminal History Record Information: would: (1) apply only to private entities that compile and disseminates for compensation criminal history record information (CHRI) of individuals and that provide CHRI to a customer on request without verifying the information after receipt of the request; (2) provide that the private entity shall destroy and may not disseminate any CHRI when the entity receives a certified or noncertified copy of the order showing or notice from Department of Public Safety (DPS) that an order of expunction has been issued or order of nondisclosure of CHRI been issued; (3) provide that a private entity that purchases or otherwise obtains CHRI that originates from DPS, a custodian of the court, or another government agency or entity of the state may disseminate that information: (a) if, within the 60-day period preceding the date of dissemination, the private entity verifies the CHRI was obtained from or verified by DPS, a custodian of court records, or another governmental agency or entity of the state within the same 60-day period; or (b) with a notice that CHRI was received from the governmental source more than 60 days before the date it was provided and may not reflect the current state of the CHRI and should be verified before taking any action based on the CHRI to a law enforcement agency or an investigation agency, consumer reporting agency with certain requirements; and (4) a private entity shall disclose to each purchaser or recipient of CHRI at the time the information is provided: (a) the name of the governmental entity from which the information originated; and (b) the date on which the information was last received from or updated by the governmental entity.

S.B. 156 (Rodriguez) – Marihuana: would reduce the civil and criminal penalties for possession of certain small amounts of marihuana and provide an exception to prosecution for possession of associated drug paraphernalia. (Companion bill **H.B. 63** by **Moody**.)

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

S.B. 167 (Rodriguez) – Immigration Enforcement: would provide that a local entity, including the governing body of a city, a police officer, or a city attorney, does not violate the provisions of S.B. 4 (2017), relating to the enforcement of immigration laws by local governments, by merely endorsing a policy under which the entity or department prohibits or materially limits the enforcement of immigration laws.

S.B. 168 (Rodriguez) – Immigration Enforcement: would remove the provision in S.B. 4 (2017), relating to the enforcement of immigration laws by local governments, that provides for the forfeiture of elective or appointive office by a person who violates the immigration-related proscriptions in the bill.

S.J.R. 7 (Rodriguez) – Legalization of Medical Marihuana: would amend the Texas Constitution to provide that the legislature by law shall authorize and regulate the possession, cultivation, and sale of cannabis for medical use in Texas. (Companion bill is **H.J.R. 21** by Reynolds.)

S.J.R. 8 (Rodriguez) – Legalization of Marihuana: would amend the Texas Constitution to provide that the legislature by law shall authorize and regulate the possession, cultivation, and sale of cannabis in Texas.

Transportation

H.B. 44 (Romero) – Impact Fees: would require the Texas Department of Transportation to conduct a study on the use of city impact fees for roadway facilities.

H.B. 119 (Minjarez) – Automated Vehicles: would provide that: (1) the manufacturer of an automated motor vehicle is not liable for damage that arises from an accident involving the vehicle if a person other than the manufacturer modified or attempted to modify the vehicle without the manufacturer's consent and: (a) the modification or attempted modification of the vehicle was the direct cause of the accident; or (b) the modification or attempted modification of the vehicle interfered with the normal operation of the vehicle; and (2) an accident report prepared by the Texas Department of Public Safety must include a way to indicate whether: (a) an automated motor vehicle was at fault or otherwise involved in the accident; and (b) the owner of an automated motor vehicle involved in the accident was contacted.

H.B. 293 (Pickett) – Transportation Funding: would provide that: (1) in each state fiscal year beginning on or after September 1, 2011, the comptroller shall deposit an additional 40 percent of the motor vehicle sales tax revenue in excess of the first \$5 billion to the credit of the state highway fund; and (2) money deposited to the credit of the state highway fund under the bill may be appropriated only to: (a) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (b) repay the principal of and interest on general obligation bonds issued for transportation projects.

Utilities and Environment

H.B. 137 (Hinojosa) – Hazardous Dam Reporting: would require the Texas Commission on Environmental Quality to provide a report of a dam that has a hazard classification of high or significant to the emergency management director for the political subdivision in which the dam is located.

H.B. 296 (Perez) – Electric Bill Assistance: would provide that a municipally owned utility that provided reduced rates to customers using support from the former system benefit fund shall include with a notice of disconnection for nonpayment sent to a customer who received a reduced rate a statement describing payment assistance, alternative payment arrangements, deferred payment plans, or other payment plan options offered by the utility.

S.B. 76 (Hall) – Electric Grid Security: would provide that: (1) the governor shall appoint members of the grid security council; (2) the council shall monitor economic, environmental, regulatory, and technological developments that may affect the security of the electric grid; and (3) not later than the November 1 preceding each regular session of the legislature, the council shall prepare and submit a report to the legislature analyzing grid security.

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