



Legislative UPDATE

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Number 1

House Committees Release Interim Reports

Several Texas House committees released their [interim legislative reports](#) last month. Many of the charges and recommendations are relevant to cities, ranging from annexation to water planning and everything in between. Condensed versions of the relevant charges and findings, along with highlights from each committee's recommendations, are listed below. Interested city officials are encouraged to read the reports in their entirety.

House Committee on Land and Resource Management

- **Charge:** Study state preparedness and response to natural disasters, including but not limited to an evaluation of risks to the state, emergency planning efforts, first response efforts, coordination between the General Land Office, the State Emergency Operation Center, and other state, local, and federal resources. Make appropriate recommendations to ensure Texas has the proper programs, resources, and personnel in place to respond to natural disasters.

Findings: The effects of natural and manmade disasters have become more frequent, far-reaching, and widespread. As a result, preserving the safety, security, and prosperity of all parts of our society is becoming more challenging, especially with the lack of funding and proper resources available. Over the years, Texas has begun to learn from its past mistakes. We are now focusing on becoming a state which is proactive instead of focusing on an issue after the fact.

Recommendations: The committee recommended that the legislature: (1) continue current collaboration/outreach programs between the General Land Office, Emergency Management, and local communities to enhance both immediate response and long-term recovery plans after a disaster; (2) strengthen existing capabilities through discussions and decision-making processes; (3) improve on anticipating the needs of local

communities during a natural or manmade disaster; (4) express the need for local communities to request assistance from the state through the entire process of a disaster, from preparing to responding and recovering; and (5) express the need to local communities to have the necessary interlocal agreements for rapid response of manpower and equipment.

Further, because Texas is one of the three western states without a permanent air tanker base that can handle Type 1 air tankers, which can drop 3,000 to 4,000 gallons of retardant on a single trip to the scene of a fire, the state should: (1) build permanent air taker base(s) in a centralized location that is highly susceptible to fires; (2) educate all the stakeholders involved on the importance of communication and sizing up the fire(s); and (3) provide additional funds to the Texas Forest Service to ensure proper resources to prepare for flash draughts and fire seasons.

- **Charge:** Examine the rate of erosion along the Texas coast and the effects of coastal erosion on public beaches, natural resources, coastal development, public infrastructure, and public and private property. Analyze current programs related to coastal erosion and examine their effectiveness.

Findings: The coast of Texas is the home and livelihood of millions of people. The population along the coast is 6.1 million and is projected to increase to 9.3 million by the year 2050. On a broader spectrum, the entire state and the nation benefits from its coast. The coast is credited for a healthy economy due to the industry, ports, commercial fisheries, tourism, and recreation. The General Land Office, along with the U.S. Army Corps of Engineers, have ongoing studies and projects regarding coastal erosion. While coastal erosion is a huge problem, the loss of feet per year has gone down. Upon completion of these studies, we are confident our efforts to reduce the effects of coastal erosion will limit the threat to public beaches, natural resources, coastal development, public infrastructure, and public and private property.

Recommendations: Continue current programs and outreach between the General Land Office and local communities to resolve both immediate and long-term coastal erosion. In addition, use such programs to: (1) continue engaging and educating the public on the importance of the Texas coast and the significance of keeping it resilient; (2) educate the citizens on the important of the Texas Coast; and (3) prevent overlapping of studies and uses of funds.

- **Charge:** Examine current regulatory authority available to municipalities in their extraterritorial jurisdiction. Study current annexation policies in Texas. Make necessary legislative recommendations to ensure a proper balance between development, municipal regulations, and the needs of citizens in Texas.

Findings: *“One bad apple can spoil the whole barrel.”* During the course of the hearing, we heard testimony from representatives of the City of Frisco and Rockport who are the perfect examples of how a master plan, annexation, and extraterritorial jurisdictions are supposed to work. These cities embraced their powers and responsibilities to become the

“poster child” of how and why the current structure is functioning accordingly. However, not all the testimony painted the same picture of a working system.

Supporters of annexation claim that by reducing a cities’ unilateral ability to annex areas around it, such actions would hinder growth and services since they receive little to no financial assistance from the state. Decreasing municipal authority would be detrimental the State’s economy.

However, the current system lacks the accountability of city elected officials to residents of extraterritorial jurisdictions. Over the years, the Texas Legislature has not fully addressed forced annexation due to the fear of unintended consequences. Chairman Deshotel expressed his desire to see pressure on those “bad actors” by TML and other municipalities. He would like to see TML continue their efforts in educating municipalities on the proper methods and what’s considered an abuse of power. The subject of annexation reform is not going away due to the continued abuse by those “bad apples.”

We must find a balance of powers between property owners and municipalities to ensure the success of Texas economy.

Recommendations: The committee recommended that: (1) cities should provide a public notice to unincorporated areas of its boundary lines changing due to annexation or ETJ expanding; and (2) the legislature should reconsider annexation reform, which will balance the powers between private property owners and municipalities.

(The committee also included the following recommendation related to eminent domain under this charge: Reconsider eminent domain reform to ensure fair compensation for private property owners.)

House Committee on Special Purpose Districts

Among other things, the House Committee on Special Purpose Districts was charged with studying best practices in the creation, management, and expansion of Municipal Management Districts (MMD). The committee’s recommendations focused on detailed updates to the notice of creation and operational transparency of such districts.

In addition, the committee report includes a thorough history of municipal utility districts.

House Committee on Natural Resources

- **Charge summary:** Examine the regional and state water planning processes, with emphasis on the following: (1) the integration of H.B. 4 (water funding legislation from 2013); (2) the appropriate role of the state in ensuring that the process both supports regional goals and priorities and the water needs of the state as a whole, and how the state

might encourage strategies to benefit multiple regions; (3) the structure and operation of the regional planning groups; (4) the interaction between the planning process and groundwater management; (5) whether the “drought of record” remains the appropriate benchmark for planning and; (6) any impediments to meeting the conservation, agriculture, and rural project goals set by H.B. 4 and possible new approaches to help meet these goals.

Recommendation summary: The report notes that the increasing complexity of the planning process limits its effectiveness as a planning tool for the state. The committee made specific recommendations to: (1) require regions to more thoroughly assess and address particular types of strategies or planning approaches; (2) create an “interregional council” of regional planning group members; (3) provide for direct state involvement in a large-scale, transformative seawater desalination project; (4) provide more specific direction to regions to consider the agricultural and natural resource implications of strategies; (5) require regions to set specific Gallons-Per-Capita-Per-Day (GPCPD) goals; and (6) update the Water Availability Models (WAMs) to account for the new drought of record.

- **Charge summary:** Evaluate the status of water markets in Texas and the potential benefits and challenges of expanded markets for water. Include an evaluation of greater interconnections between water systems through both engineered and natural infrastructure. Examine opportunities for incentives from areas receiving water supplies to areas providing those supplies that could benefit each area and the state as a whole.

Recommendation summary: The recommendations are to: (1) encourage regional planning groups to work together across regions to consider water markets when looking for new sources of water; and (2) direct groundwater conservation districts to set and enforce easy-to-digest rules for water markets in their area.

- **Charge summary:** Analyze the factors contributing to freshwater loss in the state, including evaporation, excess flows into the Gulf of Mexico, and infrastructure inefficiencies, and examine techniques to prevent such losses, including aquifer storage and recovery, off-channel storage, and infrastructure enhancements.

Recommendation summary: The report recommends that water systems with infrastructure issues should make appropriate repairs when needed and are encouraged to apply for financial support through the Texas Water Development Board to help cover the cost of the repairs. The report also recommends that Texas should promote more aquifer storage and recovery projects and more off-channel reservoirs throughout the state to prevent freshwater loss.

- **Charge summary:** Evaluate the progress of seawater desalination projects near the Texas coast as a means of increasing water supplies and reducing strain on existing supplies, building on the work of Joint Interim Committee to Study Water Desalination (created in 2013). Examine the viability of the use of public-private partnerships and of methods by which the state might facilitate such a project.

Recommendation summary: The recommendation is for the state, through the Texas Water Development Board, to continue to review the feasibility of seawater desalination plants.

House Committee on Homeland Security and Public Safety

- **Charge summary:** Review the functions of the Texas Division of Emergency Management (TDEM) and the state’s natural disaster preparedness planning efforts to determine their effectiveness at addressing a growing range of threats. Identify best practices to ensure coordination between municipalities, counties, and state agencies.

Recommendation summary: The committee’s report made the following recommendations: (1) continue to strengthen resources for mayors and county judges to respond quickly in times of disaster, keeping in mind the perspective that “all disasters are local;” (2) encourage all agencies and stakeholders to continue to identify ways to make disaster response services and communication more seamless; and (3) further build upon H.B. 120 to be able to provide, at the discretion of the TDEM Director, food or drink for any personnel not able to leave their assignment area in times of emergency.

- **Charge summary:** Review the current penalties for operating a commercial motor vehicle that is in violation of state or federal safety standards. Evaluate the role of state and local law enforcement agencies in enforcing commercial motor vehicle standards, and make recommendations to ensure the safety of the traveling public.

Recommendation summary: The committee recommended requiring objective criteria as a demonstration of need to accompany requests from local authorities for the authority to conduct commercial motor vehicle inspections.

- **Charge summary:** Monitor the implementation of the “two steps, one sticker” program as it relates to passenger vehicles, light duty trailers, and other vehicles. Recommend measures to ensure an efficient transition to this system and improve the ease of use for consumers.

Recommendation summary: The recommendations focused on determining whether certain commercial motor vehicles and trailers should be exempted from registration or inspections requirements.

- **Charge summary:** Review the process of dissemination by public entities of criminal records containing incomplete or inaccurate information, assess options for the subjects of such records to correct the misinformation specifically as it interferes with their ability to obtain employment, and determine the need for greater regulations over this process. (*Joint charge with the House Committee on Government Transparency & Operation.*)

Recommendation summary: The committee looked at states that have passed or considered legislation related to curbing the distribution of erroneous criminal history data and determined that the legislature should consider amending the Business and Commerce Code to prohibit business entities from charging consumers for having their mugshots removed from a website if the information is inaccurate, misleading, or has been ordered expunged or sealed by an order of nondisclosure.

House Committee on Public Health: Interim Report

Among other things, the House Committee on Public Health was charged with studying and assessing the state's preparedness for public health threats and emergencies. While there were no concrete legislative recommendations, the committee concluded that "[e]mergency response starts at the local level, and local officials are the life line for an effected community, with support from regional and state partners. Emergency response in the past has proven that the state has the ability and experience to successfully respond to an array of challenges. From natural disasters to a public health crisis, emergency response preparation, training, and communication are the key to an effective response. Local and state officials should make emergency response a priority so that adequate resources are available to keep our state prepared in the future."

House Committee on Pensions

Charges:

1. Study the impact that fluctuations in global financial markets have had on public pensions.
2. Examine Texas pension funds' compliance with Governmental Accounting Standards Board (GASB) Financial Reporting Statements 67 and 68.
3. Examine the immediate and long-term fiscal impact to the state of the unfunded liabilities for the Law Enforcement and Custodial Officer Supplemental Retirement Fund (LECOS) as part of the Employees Retirement System (ERS).
4. Examine the fiscal and policy impacts of structural reforms that would increase state public pension plans' ability to achieve and maintain actuarial soundness.
5. Evaluate the investment performance benchmarks utilized by the state's pension funds and the impact portfolio diversification and short-term and long-term market assumptions have had on achieving expected investment returns.

Recommendations:

1. All pension plans should work with their respective cities in order to negotiate and come to an agreement that works for both the members of the funds and the taxpaying citizens of those cities while it is still financially feasible.
2. Missed payments and contributions could be made up through the use of pension obligation bonds and/or one time payments.

3. A combination of pension obligation bonds and excess bonding capacity could be used to make up for historic shortfalls in actuarially recommended contributions.

House Committee on Economic and Small Business Development

- **Charge Summary:** Evaluate what local governments are doing to attract businesses to their communities and examine ways the state can leverage these practices and provide support. In addition, study the authority, financial accountability, and types of statutorily-allowed expenditures of Type A and Type B economic development corporations.

Recommendation Summary: The committee recommends tasking the state-created Economic Incentive Oversight (EIO) Board with examining Tax Code Chapter 313 school value limitation agreements and with making recommendations on how the program can be improved without hindering the role these agreements play in the overall landscape of economic incentives in Texas. According to the committee, the overall accountability and transparency of Chapter 313 agreements can be strengthened. The committee also recommends a closer look at Type A and Type B agreements to ensure that all Texas communities that choose to use this tool are able to do so in the most effective manner possible. Additionally, the committee recommends Type A and Type B agreements be examined by the EIO Board to better allow the board to take a comprehensive look at economic development in Texas.

- **Charge Summary:** Evaluate how Texas can support shared economy growth in the state and include implications of such growth on existing businesses like transportation network companies and short-term rental companies. Develop characteristics by which to classify “shared economy” businesses and determine how the state can ensure customer security and satisfaction as well as public health without enacting burdensome regulations.

Recommendation Summary: The committee recommends developing statewide policies to provide a stable environment for “shared economy” industries to flourish while providing adequate consumer protections.

House Committee on Defense and Veterans’ Affairs

- **Charge:** Explore how encroachment (environmental, technological, and architectural) impacts the vital missions of our military bases in Texas and which policies can be put into place while retaining respect for private property rights, economic growth, and the operation of military facilities.

Recommendations: (1) explore the idea of creating a buffer zone around military installations with air operations to prevent encroachment from hindering vital missions executed by the installation, including training and deployment; (2) encourage joint land use studies in defense communities in concert with the military installation in order to

plan the land use in the area and prevent issues with development encroaching on the military installation; (3) encourage the creation of regional coordinating committees in order to increase communication between citizens, government, and military in defense communities; and (4) encourage military installations and defense communities to enter into public-public, and public-public-public-private (P4) partnerships.

- **Charge:** Assess ways the State of Texas can further aid our federal military installations and their communities in order to minimize the negative consequences of a potential forthcoming Base Closure and Realignment (BRAC) round by the federal government.

Recommendation: Explore whether a sustainment or increase in the funding given to the Texas Military Preparedness Commission to award through Defense Economic Adjustment Assistance Grants is needed in order to protect the economic impact the presence of military installations and mission in Texas brings to the State.

City-Related Bills Filed

Each week, League staff summarizes in this section the city-related bills filed during the previous week. For a cumulative list of all city-related bills filed to date, click [here](#).

Property Tax

H.B. 758 (Keough) – Property Tax Refunds: would provide that: (1) a religious organization is entitled to receive from the collector for a taxing unit a refund of the taxes paid by the owner of the property on property that is leased to the organization and used primarily as a place of regular religious worship; (2) the collector shall pay the refund from available current tax collections or from funds appropriated by the taxing unit for making refunds; (3) a religious organization claiming the refund must apply for the refund not later than the third anniversary of the date the taxes on the property were paid or the organization waives the right to the refund; (4) an application for a refund must be made using a form prescribed by the comptroller by rule; (5) if the collector for a taxing unit does not respond to an application for a refund on or before the 90th day after the date the application is filed with the collector, the application is presumed to have been denied; (6) not later than the 60th day after the date the collector for a taxing unit denies an application for a refund, the religious organization may file suit against the taxing unit in district court to compel the payment of the refund; and (7) if the religious organization prevails in the suit, the organization may be awarded court costs and reasonable attorney’s fees in an amount not to exceed the greater of: (a) \$1,500; or (b) 30 percent of the total amount of the refund determined by the court to be due. (See **S.J.R. 49**, below.)

H.B. 777 (Ashby) – Property Tax Appraisals: 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. (Companion bill is **S.B. 175** by **Nichols**.)

H.J.R. 49 (Keough) – Property Tax Refunds: would amend the Texas Constitution to authorize the legislature by general law to provide that a religious organization that leases property for use as an actual place of religious worship is entitled to a refund from each political subdivision that taxes the property of the ad valorem taxes imposed on the property by that political subdivision and collected from the owner of the property. (See **H.B. 758**, above.)

S.B. 403 (Kolkhorst) – Property Tax Appraisals: would provide that: (1) the market value of a parcel of commercial or residential real property may not be increased for the first two tax years after the tax year for which the market value of the property was reduced by at least 15 percent: (a) by the appraisal review board and the board’s determination is not overturned on appeal; or (b) as a result of the final determination of an appeal of an order of the appraisal review board; (2) an appraisal under (1) does not prohibit an increase in the market value of a parcel of commercial or residential real property attributable to an improvement to the property made after the most recent appraisal of the property that increases the market value of the property and the value of which is not included in the market value of the property for the preceding tax year; (3) repairs to or ordinary maintenance of an existing structure or the grounds or another feature of property are not considered an improvement to the property for purposes of (2); (4) the market value of a parcel of commercial or residential real property appraised under (1) is considered to be the market value of the property for purposes of state administration of taxes and the determination of school district property values; and (5) a parcel of commercial or residential real property appraised under (1) may not be used as a comparable property or a ratio study sample for purposes of determining whether another property is unequally appraised.

Sales Tax

No sales tax bills were filed this week.

Purchasing

H.B. 770 (Y. Davis) – Procurement: would require that the iron, steel, and manufactured goods used in many state-aided city construction projects be produced in the United States, unless the governing body of the governmental entity responsible for the project determines that: (1) iron, steel, or specific manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (2) inclusion of iron, steel, or specific manufactured goods produced in the United States will increase the total cost of the iron, steel, or specific manufactured goods for the project by more than 15 percent.

Elections

S.B. 405 (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).

Open Government

H.B. 760 (Raney) – Dates of Birth: would provide that: (1) dates of birth are not “super-public information” and a governmental body has the discretion to redact dates of birth of a living person from any information without asking for a ruling from the office of the attorney general; (2) county, district and municipal clerks and city secretaries may disclose in the ordinary course of business a person's date of birth contained in information held by the clerk or secretary and that disclosure is not official misconduct and does not subject them to civil or criminal liability of any kind.

Other Finance and Administration

H.B. 738 (Shaheen) – 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; (2) print the ballot in accordance with a specific format required by state law; and (3) 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. 739 (Shaheen) – Local Debt: would require: (1) a ballot proposition submitted for an election to authorize a political subdivision to issue bonds to state: (a) as a total amount and as a per capita amount, the then-current combined principal and interest required to pay all outstanding debt obligations of the political subdivision on time and in full; (b) as a total amount and as a per capita amount, 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, if the political subdivision maintains a 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; and (3) the secretary of state to develop a form of the ballot for a local bond election, but provide that a political subdivision is not required to use the form.

H.B. 742 (Farrar) – Breastfeeding: would provide that: (1) a person may not interfere with or restrict the right of a mother to breast-feed in any location the mother and child are authorized to be, and the mother’s authority to be on the premises may not be revoked just because she is breast-feeding; (3) the comptroller shall notify in its tax e-newsletter and seminars about the right to breast-feed; (4) a mother may bring a civil action against a person who is allegedly violated the mother’s right to breast-feed; and (5) if mother prevails in a civil action, she is entitled to: (a) injunctive relief; (b) damages up to \$500 for each day a violation occurred; and (c) reasonable attorney’s fees and court costs.

H.B. 744 (Farrar) – Attorney Fees: would provide that attorney’s fee cannot be recovered from the state, an agency or institution of the state, or a political subdivision of the state if the claim is 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 except where the law allows.

H.B. 754 (Fallon) – Immigration: would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would provide that:

1. a peace officer may not stop a motor vehicle or conduct a search of a business or residence solely to enforce a federal law relating to immigration, unless the officer is acting: (a) at the request of, and providing assistance to, an appropriate federal law enforcement officer; or (2) under the terms of an agreement between the law enforcement agency employing the officer and the federal government under which the agency receives delegated authority to enforce federal law relating to immigrants or immigration;
2. a peace officer may arrest an undocumented person only if the officer is acting to preserve the peace under his or her basic authority to enforce laws;
3. if a person is arrested and is unable to provide proof of lawful presence in the U.S., not later than 48 hours after the person is arrested and before the person is released on bond, a law enforcement agency performing the booking process shall: (a) review any information available from the federal Priority Enforcement Program or a successor program; and (b) if information obtained under (a) reveals that the person is not a citizen or national of the U.S. and is unlawfully present in the U.S.: (i) provide notice of that fact to the judge or magistrate authorized to grant or deny the person’s release on bail (the judge is then required to record the status in the court’s records); and (ii) record that fact in the person’s case file;
4. a law enforcement agency that has custody of a person subject to an immigration detainer issued by Immigration and Customs Enforcement (ICE) shall: (a) provide to the judge or magistrate authorized to grant or deny the person’s release on bail notice that the person

is subject to an immigration detainer (the judge is then required to record the status in the court's records); (b) record in the person's case file that the person is subject to an immigration detainer; and (c) comply with, honor, and fulfill the requests made in the detainer; and

5. if a criminal defendant is in the U.S. illegally and is to be confined to jail by a court judgment, the judge shall issue an order requiring the correctional facility to reduce the defendant's sentence by a period of not more than seven days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

The bill would prohibit certain city actions by providing that:

1. a "local entity" is defined to include, among others, a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney (but would exempt schools and hospitals, but not hospital peace officers);
2. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
3. a local entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney from doing any of the following: (a) inquiring into the immigration status of a person under a lawful detention or under arrest; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest: (i) sending the information to or requesting or receiving the information from Citizenship and Immigration Services or ICE, including information regarding a person's place of birth; (ii) maintaining the information; or (iii) exchanging the information with another local entity or a federal or state governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or (d) permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws; and
4. a local entity or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing immigration laws except to the extent permitted by the United States or Texas Constitutions.

The bill would provide for a state-level complaint and enforcement process by providing that:

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws.
2. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general shall, not later than the 10th day after the date of the determination, provide written notification to the entity that: (a) the complaint has been filed; (b) the attorney general has determined that the complaint is valid; (c) the attorney general is

authorized to file an action to enjoin the violation if the entity does not come into compliance on or before the 90th day after the date the notification is provided; and (d) the entity will be denied state grant funds for the state fiscal year following the year in which a final judicial determination is made.

3. not later than the 30th day after the day a local entity receives written notification of a complaint, the local entity shall provide the attorney general with a copy of: (a) the entity's written policies related to immigration enforcement actions; (b) each immigration detainer received by the entity from the Department of Homeland Security; and (c) each response sent by the entity for a detainer;
4. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief and may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; and
5. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws (the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to a city).

Finally, the bill would provide that not later than January 1, 2018, each local law enforcement agency shall: (a) formalize in writing any unwritten, informal policies relating to the enforcement of immigration laws; and (b) update the agency's policies to be consistent with the bill and to include provisions prohibiting an agency officer or employee from preventing agency personnel from taking immigration enforcement actions described by the bill. (Companion bill is **S.B. 4** by **Perry**.)

H.B. 762 (Shaheen) – Immigration: would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would prohibit certain city actions by providing that:

1. a "local entity" is defined to include, among others, a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney (but would exempt schools and hospitals, but not hospital peace officers);
2. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
3. a local entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney from doing any of the following: (a) inquiring into the immigration status of a person under a lawful detention or under arrest; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest: (i) sending the information to or requesting or receiving the information from Citizenship and Immigration Services or ICE, including information regarding a person's place of birth; (ii) maintaining the information; or (iii) exchanging the information with another local entity or a federal or state governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing

enforcement assistance; or (d) permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws; and

4. a local entity or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing immigration laws except to the extent permitted by the United States or Texas Constitutions.

The bill would provide for a state-level complaint and enforcement process by providing that:

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws;
2. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general shall, not later than the 10th day after the date of the determination, provide written notification to the entity that: (a) the complaint has been filed; (b) the attorney general has determined that the complaint is valid; (c) the attorney general is authorized to file an action to enjoin the violation if the entity does not come into compliance on or before the 90th day after the date the notification is provided; and (d) the entity will be denied state grant funds for the state fiscal year following the year in which a final judicial determination is made;
3. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief and may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; and
4. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws (the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to a city).

H.B. 763 (Shaheen) – Immigration: would: (1) require a law enforcement agency, within 48 hours after a person is arrested and before the person is released on bond, to: (a) review any information available about the person under the federal Priority Enforcement Program; or (b) request information regarding the person's immigration status from a peace officer or other law enforcement officer that is authorized to verify a person's immigration status or a federal immigration officer; (2) exempt a law enforcement agency from checking immigration status if a transferring agency already checked such status; and (3) require law enforcement agency that has custody of a person subject to an immigration detainer to provide that information to the judge or magistrate authorized to grant or deny a person's release and detain the person as required by the immigration detainer.

H.B. 764 (Shaheen) – Immigration: would provide that: (1) a local government that releases from custody a person who is the subject of an immigration detainer issued by United States Immigration and Customs Enforcement is liable for damages resulting from a felony committed by the person in Texas within four years following the person’s release; and (2) there is no liability for damages sustained by a person who is subject to an immigration detainer following the person’s release by a local government.

H.B. 765 (Shaheen) – Immigration: would: (1) require a political subdivision, including a city, to register and participate in the E-verify program to verify information of all new employees; and (2) eliminate state funding for any political subdivision who does not register and participate in the E-verify program.

Municipal Courts

H.B. 736 (Shaheen) – Uncollectible Fees: would: (1) authorize a trial court, in a criminal action or proceeding, to make a finding that a fee or item of cost imposed in the action or proceeding is uncollectible if certain court officers request such a finding and the officer believes: (a) the defendant is deceased; (b) the defendant is serving a life sentence or life without parole; or (c) the fee has been unpaid for at least 10 years; (2) authorize a court in which a court cost or fee was imposed on a party in a civil case to make a finding that the cost or fee is uncollectible if the clerk requests such a finding and the cost or fee has been unpaid for at least 20 years; and (3) provide that neither (1) nor (2) applies to a court cost or fee imposed by the Texas Supreme Court, Texas Court of Criminal Appeals, or any Texas court of appeals.

H.B. 774 (E. Johnson) – Arrests for Fine-Only Offenses: would: (1) prohibit a police officer from arresting an individual for an offense punishable by fine only, unless the offense is public intoxication or an alcohol offense involving a minor; and (2) require an officer who stops a motor vehicle for an offense punishable by fine only to notify the person that: (a) the alleged offense is a misdemeanor punishable by fine only; and (b) the officer may not arrest the person based solely on that offense. (Companion bills are **H.B. 567** by **White**, **H.B. 571** by **J. Johnson**, and **S.B. 271** by **Burton**.)

Community and Economic Development

H.B. 741 (Bernal) – Payday Lending: would: (1) provide that a credit services organization may not offer an extension of consumer credit or provide advice or assistance to a consumer with regard to obtaining an extension of consumer credit unless the credit services organization finds, using independently-verifiable documentation of income and obligations, that the consumer can reasonably repay in cash, in the time and schedule of payments established by contract and by all applicable law, the extension of consumer credit and all associated fees and costs and pay all known obligations concurrently; and (2) require the credit services organization to retain all documentation used to establish the affordability of an extension of consumer credit.

H.B. 779 (Shaheen) – Moving Image Industry Incentive Program: would abolish the Music, Film, Television, and Multimedia Office in the office of governor and the moving image industry incentive program.

H.B. 780 (Shaheen) – Zoning: would: (1) authorize a city to enact: (a) reasonable zoning rules that limit the use of land for dispensing organizations or the cultivation or production of low-THC cannabis to specified areas; and (b) ordinances, orders, or other rules that regulate the time, place, and manner of dispensing organization operations; and (2) provide that a rule, ordinance, order, resolution or other city regulation that prohibits or has the effect of prohibiting the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by the Health and Safety Code, is void and unenforceable.

Personnel

H.B. 786 (VanDeaver) – Volunteer Emergency Responders: would: (1) provide that a city that employs 20 or more employees may not terminate or suspend the employment of, or in any other manner discriminate against, an employee who is a volunteer emergency responder and who is absent from or late to the employee's employment because the employee is responding to an emergency in the employee's capacity as a volunteer emergency responder; (2) prohibit an employee who is a volunteer emergency responder from being absent from the employee's employment for more than 14 days in a calendar year unless the employee's absence is approved by the employer; (3) require an employee described in (1) to make a reasonable effort to notify the employer that the employee may be absent or late, and if the employee is unable to provide the notice due to the extreme circumstances of the emergency or inability to contact the employer, require the employee to submit to the employer, on the employer's request, a written verification of participation in an emergency activity that contains certain information; (4) authorize a city described in (1) to reduce the wages otherwise owed to the employee for any pay period because the employee took time off responding to an emergency or, in lieu of reducing an employee's wages, require the employee to use existing vacation leave time, personal leave time, or compensatory leave time for the absence, except as otherwise provided by a collective bargaining agreement; (5) provide that an employee whose employment is suspended or terminated in violation of (1) is entitled to: (a) reinstatement to the employee's former position or a comparable position; (b) lost wages; and (c) reinstatement of any fringe benefits and seniority rights; and (6) provide that an employee whose employer violates (1) may bring a civil action against the employer to enforce the employee's rights.

Public Safety

H.B. 749 (Farrar) – Animal Cruelty: would: (1) to the extent that certain funding becomes available, require the Texas Department of Public Safety (DPS) to establish a database containing information about certain persons convicted of or receiving deferred adjudication community supervision for certain offenses involving animal cruelty; (2) require that a person described in (1) register or verify registration with a local law enforcement authority: (a) annually; (b) every 90 days if the person is determined to be high risk; or (c) every 30 days if the

person doesn't have a permanent address; (3) require local law enforcement to promptly forward animal cruelty registration information to DPS for use in the database; and (4) require DPS to establish procedures so that peace officers and animal control officers who provide certain identifying information to DPS will automatically be provided information as to whether a person is required to be registered in the animal cruelty database.

H.B. 790 (Lozano) – Criminal Law: would remove a “dagger, including but not limited to a dirk, stiletto, and poniard” from the definition of illegal knife.

S.B. 401 (Huffman) – Forfeiture of Contraband: would: (1) require a peace officer that seizes property as contraband without a warrant to make application for a warrant no later than 48 hours after the seizure and require the property to be returned if no warrant is issued; (2) require a court to dismiss a forfeiture proceeding and return the property if the court determines that property was not seized in accordance with (1); (3) require that any order of return of property in (2) be stayed upon notice and perfection of an appeal by the state's attorney; (3) make a law enforcement agency in custody of seized property liable for all associated storage costs; (4) raise the state's burden of proof from “preponderance of the evidence” to “clear and convincing evidence” in forfeiture proceedings; (5) authorize a court to order the attorney representing the state to pay court costs, including deposition fees and attorney's fees, if a forfeiture proceeding is dismissed or it is determined that the property is not forfeitable; and (6) allow the expenditure of forfeiture funds for storage costs, court costs, and attorney fees described in (3) and (5).

Transportation

S.B. 402 (Zaffirini) – Public Transportation Services: would provide that, to the extent practicable within available resources, a public transportation provider that provides public transportation services designed for people with disabilities who are unable to use the provider's bus or rail services shall notify individuals who are certified by the provider as eligible to use the provider's services that the individuals are entitled to use another provider's service for not more than 21 days without an additional application.

Utilities and Environment

H.B. 787 (Parker) – Electric Grid: would provide that ERCOT shall collect and compile information, which would not be subject to the Public Information Act, related to the security of the electric grid.

H.B. 788 (Parker) – Electric Grid: would provide that the Public Utility Commission shall establish a program to pay expenses incurred to increase the security of the electric grid in ERCOT.

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