



Legislative UPDATE

March 10, 2017
Number 10

Call to Action: **S.B. 2 (Revenue Cap Bill) Will be Heard on Tuesday in Austin**

The Senate Finance Committee will hear Senate Bill 2 by Senator Paul Bettencourt on Tuesday, March 14, at 9:00 a.m. in room E1.036 at the Texas State Capitol Building. S.B. 2 would impose a 4 percent property tax revenue cap on all city budgets.

Click [here](#) to read the bill and [here](#) to read TML's summary.

The League has prepared talking points against S.B. 2, below. Testifying IN PERSON is essential to defeating S.B. 2. Please also call your senator to voice your opposition. A list of senators, with Capitol office telephone numbers, is available [here](#).

Recommendations for testifying against S.B. 2

City officials will get two minutes to make their case against revenue caps. The goal of all our communications - testimony, media interviews, and meetings with legislators - is to convince legislators that the negative consequences of S.B. 2 far outweigh its negligible benefits.

Our message

All our testimony should focus on the negative consequences of revenue caps on our citizens without producing any tax relief. A revenue cap will seriously damage public safety, economic

development, and transportation. And, property taxes will continue to rise because school district taxes - the real cause of high property taxes in Texas - will continue to escalate. The bottom line of our message is that legislators will get no credit for reducing taxes and will receive all the blame for everything that cities can't afford to do.

Points to make

- **S.B. 2 is an assault on public safety.** Tell them what percentage of your city budget goes to police, fire, and EMS. Legislators can't proclaim that they support law enforcement officers if they vote to restrict the source of funding that pays for salaries, equipment, vehicles, technology, health insurance and pensions of the men and women who protect our citizens. A vote for S.B. 2 is a vote against law enforcement.

Give specific examples of improvements the city wants to make in public safety services that would be threatened by revenue caps: additional personnel, better salaries, body cameras, protective vests, more training, fixing pension problems. S.B. 2 would slam the door on the progress you want to make to protect the citizens of your city.

- **S.B. 2 will damage economic growth.** Cities are on the front line of the competition to attract and keep job-creating businesses. Cities provide the tax abatements and other incentives that bring in new businesses and the services and infrastructure that businesses and their employees need. Revenue caps will reduce the ability of cities to offer the tax abatements and infrastructure improvements that have been crucial to closing the deal in many corporate relocation decisions that create jobs for our citizens.

Give specific examples of job creating deals your city might not have been able to afford under a revenue cap. Even better, give an example of a project that is under consideration now that might be put on hold because of the uncertainty created by S.B. 2.

S.B. 2 threatens highway construction. Over the past two decades, the state has demanded ever increasing financial contributions from local governments for state highway construction projects. Revenue caps will force cities to focus their restricted funding on local street improvements and curtail discretionary spending on state projects.

Give specific examples of state road projects currently under consideration that could be put on hold because of the budget constraints that S.B. 2 would impose on your city.

Responding to questions

There are a few things we can predict from supporters that you should be prepared for.

- **Misleading statistics.** Supporters will recite the increase in city "tax levies" over a certain period of time. Response: That is the increase in total tax collections that reflect economic growth, population growth, and new construction. It is a measure of our success in growing our economy. That does not reflect the taxes on an individual home or business. It is misleading for them to portray it that way.

- **It's not a cap.** Supporters will say it's not a cap because you can exceed it with an election. Response: They can call it whatever they want but we call it a cap, just like the spending limit in the Constitution that senators call a spending cap that can be exceeded by a simple majority vote in both houses. S.B. 2 would be an additional state-imposed restriction on our ability to provide services to our citizens.
- **We're not here to talk about school district taxes.** Supporters may try to stifle any mention of school property taxes. Response: We know some in the legislature don't want to address the real cause of high property taxes and they don't even want anyone to talk about it. OR We know they don't want anyone to say 'the emperor has no clothes,' but we should be honest with the people of Texas about the real cause of high property taxes.
- When in doubt, return to one of your major talking points.

What to avoid

- Don't spend time talking about the principle of local control. For anyone in the legislature that stills believes in the idea of local control, we already have their vote.
- Don't spend time reciting what the bill does. Everyone can read the bill on their own time.
- You don't have to be defensive about your local tax rates. City taxes are not the cause of high property taxes in Texas. The legislature's failure to fund public education is the problem.
- The cost of holding a rollback election is a budgeting concern for cities but not the strongest argument against the bill.
- Supporters say S.B. 2 reduces the rollback rate to 4 percent. We say S.B. 2 imposes a state cap on the revenue and budget of every city in Texas.

Please contact Shanna Igo at sigo@tml.org or 512-750-8718 for any questions.

Public Information Act: Dates of Birth

City officials should be aware that the attorney general is issuing “previous determinations” relating to dates of birth. A previous determination is a letter ruling that allows a city to withhold public citizens’ dates of birth without repeatedly seeking permission to do so from the attorney general.

The general rule under the Public Information Act is that, if a city wants to withhold information from the public, it must first seek a ruling from the attorney general. The attorney general describes a previous determination as “a prior ruling or decision that permits a city to withhold

information in the future without requesting another ruling or decision.” For example, page 4 of [Letter Ruling OR2015-24970 \(2015\)](#) is a previous determination for the city that received the letter.

The attorney general’s long-standing treatment of public citizens’ dates of birth shifted in 2015 when the Third Court of Appeals, in [Paxton v. City of Dallas](#), held that birth dates of certain members of the general public are confidential by law under the Public Information Act.

The case began when the City of Dallas received various, unrelated open records requests. In each instance, the responsive information included birthdates of members of the public. The city asserted that it was not required to disclose the birthdates, arguing that the information is confidential under the common law privacy doctrine. The attorney general rejected that argument and issued a letter ruling concluding that the information must be released. The city challenged that ruling in court.

The Third Court of Appeals explained that “[u]nder the common-law right of privacy, an individual has a right to be free from the publicizing of private affairs in which the public has no legitimate concern.” In deciding the issue at hand, the court primarily relied on a [2010 Texas Supreme Court Case](#) concluding that public employees’ privacy interest in their birth date information substantially outweighed the negligible public interest in disclosure, and that disclosing the information constituted a clearly unwarranted invasion of personal privacy.

Finding the analysis and conclusion in that case equally applicable to members of the general public, the Third Court of Appeals concluded that birth date information of public citizens is confidential by law. Once the Texas Supreme Court denied the petition to review the case, the attorney general began following the law as set out in *Paxton v. City of Dallas*.

The dispute about the proper treatment of dates of birth continues. Several bills have been filed this session regarding the issue. For instance, [H.B. 2710](#) by Hunter would make a date of birth public information unless made confidential under the Public Information Act or other law. And [H.B. 760](#) by Raney would provide that: (1) 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; and (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 liability of any kind.

The League will continue to monitor the issue and report on any changes that may result from the 2017 legislative session. In the meantime, if you have questions about seeking a previous determination for your city, please call the [attorney general](#)’s open government hotline at (877) 673-6839.

TCEQ Phase II Stormwater Permit Renewal

The Texas Commission on Environmental Quality (TCEQ) will host a public stakeholder meeting to discuss the renewal of the 2018 Texas Pollutant Discharge Elimination System (TPDES) Phase II MS4 General Permit. The Federal Clean Water Act requires the Environmental Protection Agency to regulate stormwater discharge into bodies of water in the United States. In Texas, TCEQ ensures compliance with this by issuing a general permit allowing small municipal separate stormwater systems, known as Phase II MS4s, to discharge directly into surface water in Texas. The Phase II MS4 General Permit was originally issued and effective on August 13, 2007. This stakeholder meeting begins the process of renewing this permit, which expires on December 13, 2018.

Interested parties are invited to attend the stakeholder meeting in person on March 21, 2017, at 1:30 p.m. at the TCEQ Complex in Austin. For those unable to attend in person, the meeting will also be [available online](#).

If you view the meeting via webcast and would like to be recognized, or submit comments or questions, please send an e-mail to Outreach@tceq.texas.gov and include your name and the city you represent in the e-mail along with the subject "Phase II MS4 2018 Renewal."

If you have any questions, please contact Heather Lockhart at heather@tml.org.

Payday Lending Clearinghouse Updates

The League's "Payday Lending Clearinghouse" webpage, available at <http://www.tml.org/payday-updates>, includes information related to the regulation of payday and auto title lenders. It is updated from time-to-time to reflect recent developments. On March 1, a City of Austin municipal court judge issued orders in two cases declaring the city's payday lending ordinance to be preempted by state law. The City of Austin has indicated that it will appeal the two decisions.

The two orders can be seen [here](#) and [here](#).

Significant Committee Actions

S.B. 6 (Kolkhorst), Relating to regulations and policies for entering or using a bathroom or changing facility. Reported from the Senate State Affairs Committee.

S.B. 1138 (Whitmire), Relating to the creation of the blue alert system to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer. Reported from the Senate Criminal Justice Committee.

City-Related Bills Filed

Property Tax

H.B. 15 (D. Bonnen) – Revenue Cap: this bill, known as the “Property Tax Payer Empowerment Act of 2017,” would make numerous changes to the process for calculating and adopting property tax rates. Of primary importance to cities, the bill would:

1. lower the property tax rollback rate from eight percent to four percent, with an exception for a taxing unit located in an area declared a disaster area by the governor or president of the United States during the current tax year;
2. require a taxing unit to hold a ratification election in order to adopt a tax rate that exceeds the four-percent rollback rate (as opposed to current law, which only requires an election if a petition is received from the citizens);
3. rename the “effective tax rate” and “effective maintenance and operations rate” the “no new taxes tax rate” and “no new taxes maintenance and operations rate,” respectively;
4. require the comptroller to prescribe the form of the worksheets used by the designated officer or employee of each taxing unit in calculating the no new taxes tax rate and rollback tax rate for the taxing unit;
5. provide that the calculation worksheet form must be in an electronic format and be capable of:
 - a. being completed electronically;
 - b. performing calculations automatically based on the data entered by the designated officer or employee;
 - c. being certified by the designated officer or employee after completion; and
 - d. being submitted electronically to the comptroller on completion and certification;
6. require the comptroller to prepare an annual list that includes the total tax rate imposed by each taxing unit in the state for the year in which the list is prepared that shall be sorted alphabetically according to:
 - a. the county or counties in which each taxing unit is located; and
 - b. the name of each taxing unit;
7. require the comptroller to publish on the comptroller’s Internet website the list required in Section Number 6, above, not later than January 1 of the following year;
8. require the comptroller to create and maintain a property tax database that:
 - a. contains information that is provided by designated officers or employees of taxing units in the manner required by the comptroller;
 - b. is continuously updated as preliminary and revised data become available to and are provided by the designated officers or employees of the taxing units;
 - c. is accessible to the public; and
 - d. is searchable by property address;
9. require the comptroller’s property tax database to include, with respect to each property listed on an appraisal roll:
 - a. the property’s identification number;
 - b. the property’s market value;
 - c. the property’s taxable value;
 - d. the name of the each taxing unit in which the property is located;

- e. for each taxing unit other than a school district in which the property is located;
 - i. the no new taxes tax rate; and
 - ii. the rollback tax rate;
 - f. for each school district in which the property is located:
 - i. the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
 - ii. the rollback tax rate;
 - g. the tax rate proposed by the governing body of each taxing unit in which the property is located;
 - h. for each taxing unit other than a school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:
 - i. the no new taxes tax rate; and
 - ii. the proposed tax rate
 - i. for each school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:
 - i. the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
 - ii. the proposed tax rate
 - j. for each taxing unit other than a school district in which the property is located, the difference between the amount calculated for the no new taxes tax rate and the proposed tax rate;
 - k. for each school district in which the property is located, the difference between the amount calculated to maintain the same amount of state and local revenue per weighted student the district received in the school year beginning in the preceding year and the proposed tax rate;
 - l. the date and location of each public hearing, if applicable, on the proposed tax rate to be held by the governing body of each taxing unit in which the property is located; and
 - m. the date and location of the public meeting in which the tax rate will be adopted to be held by the governing body of each taxing unit in which the property is located;
10. require the property tax database to provide a link to the tax rate and budget information required to be posted on a taxing unit's website (See Section Number 28. of this summary)
11. require the officer or employee designated by the governing body of each taxing unit to calculate the no new taxes tax rate and the rollback tax rate for the unit to electronically submit to the comptroller:
- a. the information described by Section Number 9, above, as the information becomes available; and
 - b. the property tax rate calculation worksheets prepared at the same time the officer or employee submits the tax rates to the governing body of the taxing unit;

12. require the comptroller to deliver by e-mail to the designated officer or employee confirmation of receipt of the property tax rate calculation worksheets submitted to the comptroller;
13. require the comptroller to incorporate all tax rate calculation worksheets into the property tax database and make them available to the public not later than the third day after the date the comptroller receives them;
14. for the notice of appraised value sent to each property owner by the chief appraiser, delete the section stating the amount of tax that would be imposed on the property on the basis of the tax rate for the preceding year if the appraised value is greater than it was in the preceding year;
15. amend the definition of “debt” for purposes of calculating a property tax rate to mean a bond, warrant, certificate of obligation, or other evidence of indebtedness owned by a taxing unit that *has been approved at an election* and is payable solely from property taxes in installments over a period of more than one year, not budgeted for payment from maintenance and operations funds, and secured by a pledge of property taxes, or a payment made under contract to secure indebtedness of a similar nature issued by another political subdivision on behalf of the taxing unit;
16. require the designated officer or employee of a taxing unit to use the property tax rate calculation worksheet forms prescribed by the comptroller in calculating the no new taxes tax rate and the rollback tax rate;
17. require the designated officer or employee of a taxing unit to submit the property tax rate calculation worksheet to:
 - a. the chief appraiser of the appraisal district in which the taxing unit is located; and
 - b. the chief financial officer or the auditor for the taxing unit;
18. provide that the designated officer or employee of a taxing unit other than a school district may not submit the no new taxes tax rate and the rollback tax rate to the governing body of the taxing unit and the governing body of the taxing unit may not adopt a tax rate until:
 - a. the chief appraiser submits to the governing body of the unit a written certification that the values used in the calculations are the same as the values shown in the unit’s appraisal roll; and
 - b. the chief financial officer or the auditor for the unit submits to the governing body of the unit a written certification that the rollback tax rate has been calculated correctly;
19. require the comptroller to adopt rules governing the form of the certifications required by Section Number 18 of this summary, above, and the manner in which they are required to be submitted;
20. by August 7 or as soon thereafter as practicable, require the chief appraiser of the appraisal district in which the property is located to deliver by regular mail or e-mail to each property owner a notice that the estimated amount of taxes to be imposed on the owner’s property by each taxing unit in which the property is located may be found in the comptroller’s property tax database, and the notice must include:
 - a. the address of the internet website at which the information may be found;
 - b. a statement that the property owner may request a written copy of the information from the assessor for each taxing unit in which the property is located; and

- c. the address and telephone number of each assessor from whom the written copy may be requested;
21. prohibit the tax assessor from certifying an anticipated collection rate that is lower than the lowest actual collection rate in the preceding three years;
22. provide that the governing body of a taxing unit may not hold a public hearing on a proposed tax rate or a public meeting to adopt a tax rate until the 14th day after the date the officer or employee designated by the governing body of the unit to calculate the new taxes tax rate and the rollback tax rate for the unit electronically submits to the comptroller the information required for the comptroller's property tax database;
23. provide that the governing body of a taxing unit other than a school district may not adopt a tax rate until:
 - a. the comptroller has included the information for the unit's current tax year in the comptroller's property tax database; and
 - b. the chief appraiser of the appraisal district in which the taxing unit participates has delivered the notice required by Section Number 20 of this summary, above;
24. provide that a person who owns taxable property is entitled to an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with certain tax rate calculation, publication, and adoption requirements, without regard to whether the failure to comply was in good faith;
25. provide that an action to enjoin the collection of taxes must be filed not later than the 15th date after the date the taxing unit adopts a tax rate;
26. provide that a property owner is not required to pay the taxes imposed by a taxing unit on the owner's property while an action filed by the property owner to enjoin the collection of taxes imposed by the taxing unit on the owner's property is pending, and that if the property owner pays the taxes and subsequently prevails in the action, the property owner is entitled to a refund of the taxes paid, together with reasonable attorney's fees and court costs;
27. require each taxing unit to maintain an Internet website; and
28. require each taxing unit to post on its Internet website the following information in a format prescribed by the comptroller:
 - a. the name and official contact information for each member of the governing body of the taxing unit;
 - b. the mailing address, e-mail address, and telephone number of the taxing unit;
 - c. the taxing unit's budget for the preceding two years;
 - d. the taxing unit's proposed or adopted budget for the current year;
 - e. the change in the amount of the taxing unit's budget from the preceding year to the current year, by dollar amount and percentage;
 - f. for a taxing unit other than a school district, the amount of property tax revenue budgeted for both maintenance and operations and debt service, respectively, for:
 - i. the preceding two years; and
 - ii. the current year
 - g. the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for the preceding two years;
 - h. the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for current year; and
 - i. the most recent financial audit of the taxing unit.

H.B. 27 (Springer) – Property Tax Appraisal: would provide that: (1) for properties other than a residence homestead, a property must have the same highest and best use as the subject property to be considered a comparable property; (2) a use restriction on property that prohibits the continuation of the current use of the property, or prohibits a competitive use of the property, by a subsequent owner may not be considered in the determination of the property’s highest and best use; and (3) for properties other than a residence homestead, the determination of the market value of property must include consideration of whether the highest and best use of the property is the continuation of the current use of the property.

H.B. 2524 (Fallon) – Property Tax Exemption: would provide: (1) that the surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse’s residence homestead so long as the surviving spouse has not remarried since the death of the first responder; and (2) that a surviving spouse who receives an exemption under (1) is entitled to receive an exemption from taxation of a property that the surviving spouse subsequently qualifies as the surviving spouse’s residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the exemption applied so long as the surviving spouse has not remarried since the death of the first responder. (See **H.J.R 88**, below.) (Companion bills are **H.B. 570** by **Button** and **S.B. 15** by **Huffines**.)

H.B. 2532 (R. Anderson) – Property Tax Appraisal: would, among other things: (1) require the chief appraiser to use the income method of appraisal to appraise nonexempt property used for low-income or moderate-income housing, regardless of whether the chief appraiser considers that method to be the most appropriate method of appraising the property; and (2) provide that in using the income method to appraise the property, the chief appraiser shall: (a) use information contained in the most recent annual owner’s compliance report filed by the organization that owns the property with the Texas Department of Housing and Community Affairs to: (i) estimate the property’s gross income potential and operating expenses; and (ii) make projections relating to the property’s future operating expenses; and (b) make projections relating to the property’s future rent or income potential using the maximum amount of rent that is permitted to be charged from the property, as established by the United States Department of Housing and Urban Development.

H.B. 2560 (T. King) – Heavy Equipment Appraisal: would modify the method for appraising certain dealer’s heavy equipment inventory by minimizing the ability to tie the appraised value of the inventory to the lease or rental price.

H.B. 2589 (Button) – Property Tax Appraisal: would modify the way that a retailer’s retail inventory is appraised for property tax purposes.

H.B. 2591 (Herrero) – Tax Exemption: would provide that a navigation district and its property is exempt from all taxes and special assessments imposed by the state or a political subdivision of the state. (Companion bill is **S.B. 1133** by **Hinojosa**.)

H.B. 2635 (Dutton) – Property Tax Installment Payments: would provide that an owner of property who inherited the property from a person who was at the time of the person’s death receiving a deferral from the collection of taxes for the property is entitled to pay the deferred taxes and the interest that accrued on those taxes during the deferral period in installments.

H.B. 2653 (Geren) – Property Tax Appeals: would: (1) authorize a property owner to appeal an order of the appraisal review board determining that the appraisal review board lacks jurisdiction to finally determine a protest by the property owner because the property owner failed to comply with a statutory requirement; (2) provide that a property owner who establishes that the appraisal review board had jurisdiction to issue a final determination of the protest is entitled to a final determination by the court of the protest on any ground, regardless of whether the property owner included the ground in the property owner’s notice of protest; and (3) provide that for certain appeals, if a plea to the jurisdiction is filed in the appeal on the basis that the property owner failed to exhaust the property owner’s administrative remedies, the court may, in lieu of dismissing the appeal for lack of jurisdiction, remand the action to the appraisal review board with instructions to allow the property owner an opportunity to cure the property owner’s failure to exhaust administrative remedies.

H.B. 2714 (Bohac) – 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: (a) that is leased to an organization that is exempt from federal income taxation as a 501(c)(3); and (b) is used exclusively by the organization for religious, educational, or charitable purposes.

H.B. 2756 (Cook) – Tax Redeterminations and Refunds: would: (1) provide that a person may file a petition for a tax redetermination before the expiration of 60 days after the date the notice of determination is issued; (2) provide that a person claiming a refund of a tax is entitled to a hearing on the claim if the person requests a hearing on or before the 60th day after the date the comptroller issues a letter denying the claim for refund; and (3) authorize a taxpayer who is dissatisfied with the decision on a motion for redetermination or decision on a tax refund claim to file a motion for rehearing in the time provided for filing a motion for rehearing in a contested case.

H.B. 2868 (Hefner) – Appraisal District: would: (1) require the board of directors of an appraisal district to approve a proposed budget before September 15; (2) require the board to submit the proposed budget to each taxing unit entitled to vote on the appointment of board members for final approval; (3) provide that not later than the 30th day after the date the proposed budget is submitted to the taxing units, the governing body of each taxing unit entitled to vote on the appointment of board members shall vote to approve or disapprove the proposed budget; (4) provide that the budget does not take effect unless the governing bodies of a majority of the taxing units entitled to vote on the appointment of board members vote to approve the budget by that date; and (5) provide that if the budget is not approved by that date, the board shall adopt a new proposed budget and submit the proposed budget to each taxing unit entitled to vote on the appointment of board members within 30 days.

H.B. 2877 (Sanford) – Property Tax Exemption: would, among other things, provide that a disabled veteran is entitled to an exemption from property taxation of the following applicable

percentage of the assessed value of a property the veteran owns and designates for the exemption: (1) \$10,000 for a veteran having a disability rating of at least 10 percent but less than 30 percent; (2) \$15,000 for a veteran having a disability rating of at least 30 percent but less than 50 percent; (3) \$20,000 for a veteran having a disability rating of at least 50 percent but less than 70 percent; or (4) \$24,000 for a veteran having a disability rating of at least 70 percent. (See **H.J.R. 92**, below.)

H.B. 2887 (Thierry) – Property Tax Exemption: would provide that a veteran of the United States armed services who served in the armed services for at least three years is entitled to an exemption from taxation of \$5,000 of the appraised value of the veteran’s residence homestead. (See **H.J.R. 93**, below.)

H.B. 2906 (Raymond) – Property Tax Appraisal: would provide that the appraisal review board, on motion of a property owner, may direct by written order changes in the appraisal roll or related appraisal records for the current tax year and for either of the two preceding tax years to correct an inaccuracy in the appraised value of the owner’s tangible personal property that is the result of an error or omission in a rendition statement or property report filed for the applicable tax year.

H.B. 2989 (D. Bonnen) – Property Tax Refund: would provide that if a correction decreases the tax liability of a property owner after the owner has paid the tax, the taxing unit shall refund to the property owner who paid the tax the difference between the tax paid and the tax legally due.

H.B. 3002 (Miller) – Property Tax Exemption: would: (1) provide that a disabled veteran who has a disability rating of at least 80 percent but less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran’s residence homestead equal to the disabled veteran’s disability rating; (2) provide that the surviving spouse of a disabled veteran who qualified for an exemption under (1) is entitled to an exemption from taxation of the same percentage of the appraised value of the same property to which the disabled veteran’s exemption applied if: (a) the surviving spouse has not remarried since the death of the disabled veteran; and (b) the property: (i) was the residence homestead of the surviving spouse when the disabled veteran died; and (ii) remains the residence homestead of the surviving spouse; and (3) provide that if a surviving spouse who qualifies for an exemption under (2) subsequently qualifies a different property as the surviving spouse’s residence homestead, the surviving spouse is entitled to an exemption from taxation of the subsequently qualified residence homestead in an amount equal to the dollar amount of the exemption from taxation of the former residence in the last year in which the surviving spouse receive an exemption if the surviving spouse has not remarried since the death of the disabled veteran. (See **H.J.R. 97**, below.)

H.B. 3137 (Hefner) – Property Tax Appraisal: would, among other things: (1) provide that a person is not required to file a new application for appraisal of land because of a change in ownership of the land if the change in ownership results from a transfer of the land from the former owner to a person who is related to the former owner within the second degree by affinity or third degree by consanguinity; and (2) provide that if an appraisal roll is changed due to a

transfer under (1), the property owner must pay to each affected taxing unit a penalty equal to 10 percent of the difference between the amount of tax imposed on the land and the amount of tax that would have been imposed had the land been taxed at market value.

H.B. 3138 (Gutierrez) – Intangible Personal Property: would provide that, for property tax purposes, the definition of intangible personal property includes: (1) the value of: (a) a brand name; (b) a business service; or (c) a business; and (2) income derived from the operation of a business other than income from use of the property.

H.B. 3148 (Uresti) – Installment Payments: would: (1) expand the types of groups who may be able to pay off delinquent property taxes in quarterly installment payments; and (2) for a residence homestead, authorize a person who is disabled or over 65 or disabled veterans and their unmarried surviving spouses to pay off delinquent property taxes in monthly installment payments.

H.B. 3168 (Geren) – Property Tax Appraisal: would, among other things: (1) establish an office of local property tax ombudsman in the office of the comptroller to resolve complaints involving alleged violations of procedural requirements imposed by law, by comptroller rule, or by the rules of procedure established by an appraisal review board regarding the activities of an appraisal district, appraisal review board, chief appraiser, or appraisal review board member; and (2) prohibit a taxing unit from challenging before the appraisal review board the level of appraisals of any category of property in the district.

H.B. 3191 (Uresti) – Property Tax Appraisal: would, among other things: (1) require the comptroller's binding arbitration form to allow a property owner requesting binding arbitration regarding property located in a county with a population of 120,000 or more to request that the arbitrator be selected only from those arbitrators listed in the comptroller's registry who reside in that county; and (2) provide that if a property owner request binding arbitration, the parties shall attempt to select an arbitrator only from those arbitrators listed in the comptroller's registry who reside in the county in which the property that is subject of the appeal is located.

H.B. 3264 (R. Anderson) – Property Tax Exemption: would: (1) entitle a first responder to an exemption from taxation of \$10,000 of the appraised value of the responder's residence homestead if the residence homestead is located in the political subdivision that employs the first responder; (2) provide that if a first responder is employed by the state, the first responder is entitled to receive the exemption regardless of the location of the residence homestead; (3) provide that a first responder who sustains an injury in the performance of that person's duties as a first responder and presents evidence satisfactory to the chief appraiser that the first responder's condition is a total disability resulting in permanent incapacity for work and that the total disability has persisted for more than 12 months is entitled to an exemption from taxation of the total appraised value of the first responder's residence homestead; (4) provide that the surviving spouse of a first responder who qualified for an exemption under (3) is entitled to an exemption from taxation of the total appraised value of the same property to which the first responder's exemption applied if: (a) the surviving spouse has not remarried; and (b) the property: (i) was the residence homestead of the surviving spouse when the first responder died; and (ii) remains the residence homestead of the surviving spouse; and (5) provide that if a first

responder who qualifies for an exemption under (3) dies while unmarried, the first responder's surviving children, if any, are entitled to an exemption from taxation of the total appraised value of the same property to which the first responder's exemption applied if: (a) one or more of the surviving children are younger than 18 years of age and unmarried; and (b) the property: (i) was the principal residence of one or more of the surviving children described by (a) when the first responder died; and (ii) remains the principal residence of one or more of those surviving children who are younger than 18 years of age and unmarried. (See **H.J.R. 102**, below.)

H.J.R. 88 (Fallon) – Property Tax Exemption: would amend the Texas Constitution to provide that: (1) the surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead so long as the surviving spouse has not remarried since the death of the first responder; and (2) a surviving spouse who receives an exemption under (1) is entitled to receive an exemption from taxation of a property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the exemption applied so long as the surviving spouse has not remarried since the death of the first responder. (See **H.B. 2524**, above.)

H.J.R. 92 (Sanford) – Property Tax Exemption: would amend the Texas Constitution to provide that a disabled veteran is entitled to an exemption from property taxation of the following applicable percentage of the assessed value of a property the veteran owns and designates for the exemption: (1) \$10,000 for a veteran having a disability rating of at least 10 percent but less than 30 percent; (2) \$15,000 for a veteran having a disability rating of at least 30 percent but less than 50 percent; (3) \$20,000 for a veteran having a disability rating of at least 50 percent but less than 70 percent; or (4) \$24,000 for a veteran having a disability rating of at least 70 percent. (See **H.B. 2877**, above.)

H.J.R. 93 (Thierry) – Property Tax Exemption: would amend the Texas Constitution to provide that a veteran of the United States armed services who served in the armed services for at least three years is entitled to an exemption from taxation of \$5,000 of the appraised value of the veteran's residence homestead. (See **H.B. 2887**, above.)

H.J.R. 96 (Button) – Property Tax Exemption: would amend the Texas Constitution to provide that the governing body of one or more political subdivisions may exempt from property taxation a person's inventory held for sale at retail.

H.J.R. 97 (Miller) – Property Tax Exemption: would amend the Texas Constitution to provide that a disabled veteran who has a disability rating of at least 80 percent but less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating. (See **H.B. 3002**, above.)

H.J.R. 102 (R. Anderson) – Property Tax Exemption: would propose an amendment to the Texas Constitution that would: (1) entitle a first responder to an exemption from taxation of \$10,000 of the appraised value of the responder's residence homestead if the residence

homestead is located in the political subdivision that employs the first responder; (2) provide that if a first responder is employed by the state, the first responder is entitled to receive the exemption regardless of the location of the residence homestead; (3) provide that a first responder who sustains an injury in the performance of that person's duties as a first responder and presents evidence satisfactory to the chief appraiser that the first responder's condition is a total disability resulting in permanent incapacity for work and that the total disability has persisted for more than 12 months is entitled to an exemption from taxation of the total appraised value of the first responder's residence homestead; (4) provide that the surviving spouse of a first responder who qualified for an exemption under (3) is entitled to an exemption from taxation of the total appraised value of the same property to which the first responder's exemption applied if: (a) the surviving spouse has not remarried; and (b) the property: (i) was the residence homestead of the surviving spouse when the first responder died; and (ii) remains the residence homestead of the surviving spouse; and (5) provide that if a first responder who qualifies for an exemption under (3) dies while unmarried, the first responder's surviving children, if any, are entitled to an exemption from taxation of the total appraised value of the same property to which the first responder's exemption applied if: (a) one or more of the surviving children are younger than 18 years of age and unmarried; and (b) the property: (i) was the principal residence of one or more of the surviving children described by (a) when the first responder died; and (ii) remains the principal residence of one or more of those surviving children who are younger than 18 years of age and unmarried. (See **H.B. 3264**, above.)

S.B. 1133 (Hinojosa) – Tax Exemption: would provide that a navigation district and its property is exempt from all taxes and special assessments imposed by the state or a political subdivision of the state. (Companion bill is **H.B. 2591** by **Herrero**.)

S.B. 1209 (Uresti) – Property Appraisal: would authorize land used for local predation management activities to be appraised for property tax purposes as qualified open-space land. (Companion bill is **H.B. 1471** by **Murr**.)

S.B. 1275 (V. Taylor) – Property Tax Appraisal: would, among other things, provide that for the purpose of appraising certain nonexempt property used for low-income or moderate-income housing, the chief appraiser shall use the income method of appraisal, regardless of whether the chief appraiser considers that method to be the most appropriate method of appraising the property.

S.B. 1286 (Bettencourt) – Property Tax Appeals: would, among other things: (1) require the comptroller to adopt rules prescribing: (a) the manner and form, including security requirements, in which a person must provide a copy of material the person intends to offer or submit to the appraisal review board at a hearing, which must allow the appraisal review board to retain the material as part of the board's hearing record; and (b) specifications for the audiovisual equipment provided by an appraisal district for use by a property owner or the property owner's agent; and (2) impose restrictions on who can be appointed as an arbitrator for a property tax appeal through binding arbitration.

S.B. 1345 (Watson) – Property Tax Exemption: would exempt from property taxation property owned by a charitable organization used to provide tax return preparation and other financial services without regard to the beneficiaries’ ability to pay.

S.B. 1360 (Watson) – Property Tax Notice: would, among other things, require the chief appraiser of an appraisal district to provide notice to taxpayers regarding school district tax rates and the amount paid by the school district to the state.

S.B. 1378 (Zaffirini) – Foreclosure of Property Tax Lien: would authorize an individual to abate a sale to foreclose a tax lien if the tax was imposed against the property that the individual owns and occupies as a residence homestead.

Sales Tax

H.B. 2562 (Shine) – Sales Tax Exemption: would exempt from sales taxes: (1) an admission to the championship game of the National Football League; and (2) the sale of an audio master recording by the producer of the master.

H.B. 2563 (Shine) – Sales Tax Exemption: would exempt from sales taxes the sale of an audio master recording by the producer of the master.

H.B. 2751 (Raymond) – Sales Tax: would provide that, for sales tax purposes, “tangible personal property” includes streaming video provided via the Internet or similar technology, regardless of the type of device used by the purchaser to receive the streaming video.

H.B. 3046 (Dale) – Sales Tax Ballot Propositions: would authorize a city to use a combined ballot proposition to lower or repeal any city sales tax and by the same proposition raise or adopt any other city sales tax.

S.B. 1159 (Garcia) – Sales Tax Exemption: would provide that the sale, use, or consumption of course materials is exempted from the sales tax if the course materials are purchased by a university or college student and are specifically required by the instructor of a course in which the student is enrolled.

Purchasing

H.B. 2689 (Murphy) – Prevailing Wage Rates: would: (1) allow the use of a third-party survey to determine prevailing wage rates; and (2) provide that any survey used to determine a general prevailing rate must be conducted within a three-year period preceding the date the public body calls for bids for the public work.

H.B. 2780 (Paddie) – U.S. Steel: would provide that: (1) the uniform general conditions for a construction project, including a city project, in which iron or steel products will be used must require that the bid documents provided to all bidders, and the contract, include a requirement

that any iron or steel product used in the project be produced in the United States; (2) a governmental entity may decide not to use iron or steel products produced in the United States if the products are not: (a) produced in sufficient quantities; (b) reasonably available; or (c) of a satisfactory quality; and (3) a governmental entity may decide not to use iron or steel products produced in the United States if the use will increase the total cost of the project by more than 20 percent. (Companion bill is **S.B. 1289** by **Creighton**.)

H.B. 3020 (Cyrier) – Procurement: would provide that: (1) a purchasing cooperative shall maintain an Internet website with a continually updated list of purchases made through the cooperative or through agreements that must include for each purchase: (a) the name of the purchaser; (b) the name of the vendor; (c) the amount of the purchase; (d) the date of the purchase; and (e) the fees paid to the cooperative or managing entity; (2) a local government may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative in an amount greater than \$50,000 unless the purchase is approved by the governing body of the local government at a public meeting and other conditions in current law are met; (3) the current laws relating to construction procurement may be enforced through an action for declaratory or injunctive relief filed not later than the 10th business day after the date on which the contract bid evaluations are made public; and (4) an economic development corporation is subject to the same construction procurement laws as a city.

H.B. 3250 (Leach) – Construction Procurement: would provide that a governmental entity, including a city: (1) may implement a prequalification process to eliminate unqualified offerors from consideration for a public work project under a construction procurement method in current law; (2) that implements a prequalification process shall advertise or publish notice of the prequalification process along with a request for qualifications; (3) may directly solicit qualifications from potential offerors if the competitive requirements of current law are followed; (4) in determining the award of a construction contract, may consider – among the other factors in current law: (a) the offeror’s experience with similar construction projects and reputation; and (b) good faith efforts to comply with laws, rules, or applicable municipal charters in relation to historically underutilized businesses; (5) shall base its selection among offerors using detailed methodology for scoring each criterion; and (6) shall deliver to an offeror who is not selected and seeks an explanation of why a written explanation of its evaluation and, if applicable, ranking of the offeror’s submission, including an explanation of why the submission was evaluated or ranked differently than the offeror’s previous submission to the governmental entity.

S.B. 1215 (Hughes) – Construction Defects: this bill is somewhat unclear as to its application. It would presumably apply to a construction project owned by a city, and it would provide that: (1) a contractor is not responsible for the consequences of defects in, and may not warranty the accuracy, adequacy, sufficiency, or suitability of, plans, specifications, or other design or bid documents provided to the contractor by: (a) the person with whom the contractor has entered into the contract; or (b) another person on behalf of the person with whom the contractor has entered into the contract; and (2) a person may not waive the bill’s requirements by any means.

S.B. 1289 (Creighton) – U.S. Steel: this bill is the same as **H.B. 2780**, above.

Elections

H.B. 2554 (Shaheen) – Early Voting by Personal Appearance: would, among other things: (1) provide that a temporary branch early voting polling place may be located in a movable structure, but the structure may not change locations during the early voting period; (2) require that early voting by personal appearance at each permanent or temporary branch polling place be conducted on the same days and during the same hours as voting is conducted at the main early voting polling place; and (3) require cities to use county election precincts for all elections. (Companion bill is **S.B. 1717** by **Hall**.)

H.B. 2559 (Reynolds) – Annual Mail Ballot Applications: would provide that an annual mail ballot application is not available for public inspection before the first business day after the earliest occurring election held by the authority to which the application was submitted in the calendar year for which the application was submitted.

H.B. 2676 (W. Thompson) – Voter Eligibility: would provide that a person on parole or released to mandatory supervision, other than a person required to register as a sex offender, is considered to have fully discharged the person's sentence and will be eligible to register to vote and will be a qualified voter if the person: (1) was released on parole or to mandatory supervision not less than 10 years before the day the person offers to vote; and (2) has been released from supervision and reporting requirements.

H.B. 2691 (G. Bonnen) – Elections: would, among other things: (1) require the notice of appointment given to a presiding election judge or alternate election judge to contain any available telephone number and email address of the alternate judge or presiding judge; (2) provide that the countywide polling place program applies to any resulting runoff election for an election held on the uniform election date in May; and (3) eliminate the requirement of an election authority to furnish precinct boundary maps to an election judge.

H.B. 2699 (Neave) – Ballot Preparation: would provide that: (1) a candidate's name shall be printed on the ballot with the given name or initials first, followed by a nickname, if any, followed by the surname, including any married name; and (2) a person may use any surname acquired by law or marriage.

H.B. 2701 (Hinojosa) – Early Voting by Mail: would provide that a person who is a permanent caretaker of a person who has a disability may apply to the early voting clerk to participate in early voting by mail.

H.B. 2720 (Shine) – Polling Place: would provide that a polling place may not be located at the residence or place of business of a person who is: (1) a candidate for an elective office; or (2) related within the third degree by consanguinity or the second degree by affinity to a candidate for elective office.

H.B. 2722 (Phillips) – Early Voting by Mail: would authorize a voter to apply for a ballot to be voted by mail on the grounds of employment hardship.

H.B. 2734 (Reynolds) – Elections: would, among other things: (1) provide that the countywide polling place program applies to any resulting runoff election for an election held on the uniform election date in May; and (2) eliminate the requirement of an election authority to furnish precinct boundary maps to an election judge.

H.B. 2815 (Oliverson) – Early Voting: would require early voting to take place at a residential care facility if five or more voters residing in the same residential care facility apply to vote early by mail on the grounds of age or disability.

H.B. 2834 (Blanco) – Polling Places: would require the secretary of state to prescribe procedures requiring each entity designating the location of a polling place, including an early voting polling place, to submit information on the location to the secretary of state for inclusion on the secretary of state’s website.

H.B. 2840 (Alonzo) – Early Voting by Personal Appearance: would, among other things, provide that in an election ordered by a city, early voting by personal appearance at the main early voting polling place shall be conducted from 7 a.m. until 7 p.m.

H.B. 2889 (Laubenberg) – Election Contests: would provide that the costs of an election may be assessed against the governmental or political entity the contestee represents.

H.B. 2919 (Sanford) – Candidates for Elective Office: would: (1) require that an applicant for a place on the ballot for a city office state with which party the candidate is aligned, or state that the candidate is not aligned with any party; and (2) allow a candidate for city office to declare a party affiliation, which must appear on the ballot next to the candidate’s name.

H.B. 2983 (Klick) – Voting Procedure: would: (1) require an election officer to ask a voter if the voter’s residence address on the precinct list of registered voters is current and whether the voter has changed residence, regardless if the voter has just changed residences within the county; (2) provide that if a voter’s address is not current because the voter has changed residence to a different county within 30 days of the date of election, the voter may vote, if otherwise eligible, in the election precinct in which the voter is registered; and (3) provide that in a joint election, if the voter’s address is not current because the voter has changed residence within the county, the voter may vote, if otherwise eligible, in the election precinct in which the voter is registered.

H.B. 2984 (Klick) – Voting Procedure: would, among other things, provide that a person may vote a limited ballot by personal appearance: (1) at any early voting polling place; or (2) at the discretion of the county clerk, on election day at: (i) a countywide polling place or the polling place located in the precinct of the new residence of the voter; or (ii) the clerk’s office or the location that served as the main early voting polling place.

H.B. 3060 (Hinojosa) – Early Voting by Mail: would require the signature verification committee, before deciding whether to accept or reject an early voting ballot voted by mail containing a defect, to immediately contact a voter or witness, as appropriate, to advise the voter or witness of any defect in the ballot and provide the person an opportunity to correct the defect.

H.B. 3068 (Reynolds) – Petition for Place on the Ballot: would, among other things: (1) provide that an electronic signature in connection with a candidate's application for a place on the ballot is valid; and (2) provide that a person circulating a petition described by (1) need not: (a) point out and read to each person signing the petition each statement pertaining to the signer that appears on the petition; or (b) verify each signer's registration status and ascertain that each registration number entered on the petition is correct.

H.B. 3072 (E. Rodriguez) – Petition for Place on the Ballot: would: (1) provide that a single notarized affidavit by any person who obtained signatures is valid for all signatures gathered by the person if the date of notarization is on or after the date of the last signature obtained by the person; and (2) provide that a petition may be corrected and additional signatures presented to the appropriate authority after it has been initially filed but not after the deadline for filing the petition.

H.B. 3118 (Allen) – Early Voting by Mail: would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bills are **S.B. 426** by **Rodriguez** and **H.B. 956** by **Ortega**.)

S.B. 1125 (Hall) – Early Voting: would provide that the period for early voting by personal appearance begins on the 10th day before election day and continues through the day before election day.

S.B. 1142 (Hall) – Automatic Recount: would: (1) 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 (2) make it a Class A misdemeanor for a person to canvass a precinct's returns prior to the completion of a recount required by (1).

S.B. 1144 (Hall) – Direct Recording Electronic Voting Machines: would provide that beginning on September 1, 2024, 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.

S.B. 1150 (Buckingham) – Ballot Propositions: would require each proposition on the ballot to identify the name of the authority ordering the election on the measure and assign a number to the measure that corresponds to the order in which it is placed on the ballot. (Companion bill is **H.B. 273** by **Gonzales**.)

S.B. 1296 (Huffman) – Ballot Language: would, for an election held on certain measures and held by a political subdivision located primarily in a county with a population of more than 120,000: (1) require a political subdivision to submit to the regional presiding judge of the administrative judicial region that the political subdivision is located in: (a) the ballot proposition language; and (b) a brief statement on the purpose of the proposition; (2) provide that a political subdivision that is located in two or more administrative judicial regions may select the

administrative judicial region to which the political subdivision submits the proposition language for review; (3) provide that a judge receiving a submission under (1) must appoint three judges from the administrative judicial region to serve on a panel to review the ballot proposition language before the election may be held; (4) provide that if the panel finds the language of the proposition is clear and understandable to the average voter, the panel shall approve the language of the proposition for the ballot; (5) provide that if the panel finds the language of the proposition is not clear and understandable to the average voter or does not make a finding on the proposition language before the 31st day after the date the panel is appointed, the language is disapproved and may not be used on the ballot at the election; (6) authorize the panel to provide the political subdivision with rewritten ballot proposition language that is clear and understandable to the average voter for use in the election; and (7) provide that if the panel disapproves of the ballot language, the political subdivision may: (a) hold the election with the rewritten ballot proposition language provided by the panel; or (b) submit revised ballot proposition language for approval by the panel.

Open Government

H.B. 2641 (Sanford) – Community Development Corporations: would provide that a community development corporation must: (1) broadcast over the Internet live video and audio of each meeting held by the board of directors of the corporation; and (2) make available through the corporation’s Internet website archived video and audio for each meeting for which live video and audio was provided.

H.B. 2670 (Hunter) – Public Information: would: (1) define “temporary custodian” to mean a current or former officer or employee who, in the transaction of official business, creates/created or receives/received public information that the officer or employee has not provided to the officer for public information of the governmental body; (2) provide that a current or former officer or employee who maintains public information on a privately owned device must: (a) forward or transfer the information to the governmental body to be preserved; or (b) preserve the public information in its original form on the privately owned device for the requisite retention period; (3) require a public information officer to make reasonable efforts to obtain public information from a temporary custodian if: (a) the information has been requested in a public information request; (b) the officer is aware of facts sufficient to warrant a reasonable belief the temporary custodian is in possession, custody, or control of the information; (c) the officer is unable to comply with a request without obtaining the information from the temporary custodian; and (d) the temporary custodian has not provided the information to the officer; (4) provide that a current or former officer or employee does not have a personal or property right to public information the officer or employee created or received while acting in an official capacity, and must surrender the information not later than the 10th day after the date the officer for public information requests the information be returned or surrendered; (5) provide that if a temporary custodian fails to comply with (4), the officer for public information must notify the attorney general who may then sue for an injunction or writ of mandamus to compel the surrender or return of the information; (6) require a court to dismiss, with prejudice, a suit in (5) if the current or former officer or employee files an answer containing a general denial supported by a sworn affidavit stating the individual is not in possession, custody, or control of public information

responsive to the request, but provide that the suit is dismissed without prejudice and may be refiled by the attorney general if, in providing the affidavit, the officer or employee engaged in perjury and is arrested, charged, or indicted for that offense; (7) for purposes of seeking an attorney general decision, provide that the governmental body is considered to receive a request for information on the date the information is surrendered by a temporary custodian or returned to the governmental body from a temporary custodian; and (8) make it a criminal offense for a temporary custodian to refuse to surrender or return information as required in (4). (Note: This bill would overrule the court of appeals opinion in *El Paso v. Abbott*, which concluded that the Public Information Act does not force a city employee or official to turn over public information in his or her possession.)

H.B. 2710 (Hunter) – Dates of Birth: would provide that: (1) a date of birth is public information and not excepted from required disclosure unless made confidential under the PIA or other law; and (2) the personnel information exception does not exempt from disclosure a date of birth.

H.B. 2742 (G. Bonnen) – Governmental Information Access: would provide that:

1. the legislature, the lieutenant governor, committees of the legislature, and legislative agencies would have a right of access to governmental information, including information that is confidential or excepted from disclosure, from governmental bodies (GB) as defined by the Public Information Act (PIA);
2. a request for access to governmental information must state that the request is made for a legislative purpose, but the requestor does not have to specify the legislative purpose;
3. the GB must provide the requested information to the requestor promptly, but not later than: (a) the fifth business day, or as soon as practicable as agreed to by the GB and the requestor, following the date the request is received, if the request is received when the legislature is convened in regular or special session; or (b) the 10th business day following the date the request is received, if the request is received when the legislature is not convened in regular or special session;
4. the GB must provide the requested information in the manner requested and provide the information without charge, except that a requestor is entitled to only one paper copy of the information without charge;
5. the GB shall provide guidance to the recipient of confidential information regarding how information may be generalized or modified so that the information as generalized or modified is no longer confidential and subject to the confidentiality agreement and may be disclosed for a legislative purpose outside the office of the recipient;
6. confidentiality is not waived on the requested information for purpose of state or federal law or waive the right of the GB to assert exceptions to disclosure in the future;
7. GB may require requestor or a designated employee of the requestor who will view or handle requested information and that is confidential or excepted from disclosure under law to sign a confidentiality agreement that covers the information;
8. except for a requirement prescribed by federal law, a confidentiality agreement may only require that: (a) the information not be disclosed outside of the requestor's office unless the information is generalized or modified in accordance with GB's guidance; (b) the information is labeled as confidential; (c) the information be kept securely; or (d) the

number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned remaining confidential and subject to the confidentiality agreement;

9. GB must submit a confidentiality agreement to the requestor not later than the third business day following the date the request is received or the GB waives the right to require the requestor to sign the agreement;
10. the confidentiality agreement is void to the extent that the agreement covers information that is finally determined by an attorney general's decision to not be confidential or excepted from disclosure;
11. requestor may seek an attorney general's decision about whether the information covered by the confidentiality agreement is confidential or excepted from disclosure;
12. the attorney general's office by rule shall establish procedures and deadline for a request for an attorney general's written decision on information covered by the confidentiality agreement and render a decision not later than 45th business day or 55th business is unable to issue decision in 45-day period;
13. the requestor, GB, or person with proprietary interest or privacy interest in the information affected by the decision can appeal the attorney general's decision to a Travis County district court;
14. the requestor or the attorney general's office may file suit for a writ of mandamus compelling a GB to provide requested information;
15. a writ of mandamus suit, if filed by the requestor, must be filed in a district court of the county in which the GB's main office is located or, if filed by the attorney general's office, must be filed in a Travis County district court; and
16. it is a criminal offense if a person who is a recipient of confidential information knowingly: (a) uses the confidential information for the purpose other than the purpose for which the information was received or for a purpose unrelated to the law that permitted the person to obtain access to the information, including solicitation of political contributions or solicitation of clients; (b) permits inspection of the confidential information by a person who is not authorized to inspect the information; or (c) discloses the confidential information to a person who is not authorized to receive the information.

(Companion bill is **H.B. 456** by **V. Taylor**.)

H.B. 2783 (Smithee) – Public Information Act: would provide that, in a writ of mandamus suit, declaratory judgment suit, or injunctive relief suit, the court shall assess costs of litigation and reasonable attorney's fees incurred by a plaintiff who substantially prevails or to whom a governmental body voluntarily releases the requested information after filing an answer to the suit.

H.B. 2863 (White) – Juvenile Records: would make various changes to the law relating to confidentiality of juvenile records held by a law enforcement agency or municipal court.

H.B. 3047 (Dale) – Videoconference: would provide that a member of a governmental body who participates in a meeting by videoconference shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or

disconnected, but that a governmental body may continue the meeting if a quorum remains present at the meeting location or, if applicable, continues to participate in a meeting.

H.B. 3053 (Ortega) – Dates of Birth: would add to the list of “super public” information the date of birth of a person who is or has been confined in a city or county jail or in a correctional facility operated by or under contract with the Texas Department of Criminal Justice and that is contained in a record of a law enforcement agency or criminal justice agency.

H.B. 3141 (Burkett) – Legal Notices: would provide that: (1) a city may satisfy a requirement to provide notice by publication in a newspaper by: (a) contracting with a utility to include a copy of the notice in the utility bill that is received by each utility customer; and (b) mailing the notice to municipal residents who do not receive a utility bill; and (2) a city or utility providing notice shall ensure that the notice is received at least one day before the date of the event for which the notice is provided.

H.B. 3203 (Fallon) – Open Meetings: would, among other things:

1. require that a governmental body prepare and keep for each open meeting: (a) minutes; and (b) either a video recording of the meeting or an audio recording of the meeting if it is an authorized telephone conference call meeting;
2. except from the requirement in (1) a city (and certain deliberative bodies of the city) with a population of less than 25,000;
3. require a city with a population of less than 25,000 to prepare and keep minutes or make a recording of each open meeting, and provide that the minutes must state the subject of each deliberation and the vote, decision, or other action taken;
4. with certain exceptions, require a city with a population of 25,000 or more to archive and make available on the Internet website of the body each recording of an open meeting required to be recorded, and if the city has no website, to make the archive available on some other publicly-accessible website;
5. except for a consultation with an attorney, require that a governmental body prepare and keep for each closed meeting: (a) a certified agenda; and (b) either a video recording of the meeting or an audio recording of the meeting if it is an authorized telephone conference call meeting;
6. except from the requirement in (5) a city (and certain deliberative bodies of the city) with a population of less than 25,000;
7. except for a consultation with an attorney, require a city with a population of less than 25,000 to either keep a certified agenda of a closed meeting or make a recording of the proceedings and require the presiding officer to certify that any agenda is a true and correct record of the proceedings;
8. require that the certified agenda in (7) include a statement of the subject matter of each deliberation, a record of any further action taken, and announcement by the presiding officer at the beginning and end of the meeting indicating the date and time;
9. require that a recording in (7) including announcements by the presiding officer at the beginning and ending of the meeting indicate the date and time;
10. require a governmental body to permanently preserve the certified agenda and recording of a closed meeting;

11. except from the requirement in (10) a city (and certain deliberative bodies of the city) with a population of less than 25,000, and instead require that the certified agenda or recording of a closed meeting be preserved for at least two years;
12. provide that a member of a governmental body commits a Class C misdemeanor offense if the member participates in an open meeting knowing that a required recording is not being made; and
13. a member of the governmental body commits a Class C misdemeanor offense if the member knowingly fails to ensure that a recording of an open meeting is made available and maintained on the Internet.

H.B. 3222 (Goldman) – Public Information Act: would provide that a current legal spouse of a person already listed in the exception concerning the confidentiality of home address, home telephone number, emergency contact information, social security numbers and personal family information of public employees is included in the exception under the Public Information Act.

H.B. 3234 (Moody) – Public Information Act: would provide that a governmental body cannot use the law enforcement/prosecutorial information exception of the Public Information Act on information, internal records, or notations that deal with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication if: (1) each person who is subject of the information, record, or notation is deceased or 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. 3237 (Moody) – Search Warrant Affidavits: would provide that a search warrant affidavit becomes public information when the search warrant for which the affidavit was presented is executed.

H.B. 3271 (Shaheen) – Public Information: would provide that: (1) city officers have a right of access to public information, including confidential information; (2) a city may require a municipal officer to sign a confidentiality agreement that covers the information; (3) a city officer may ask for a ruling from the attorney general's office as to whether the information in (2) is confidential; (4) a city officer may appeal the attorney general's ruling in (3) in district court; (5) a city charter may not limit the right of a city officer to obtain information under other law or grant authority to a city council to withhold information from the officer; and (6) city councilmembers have a right of access to any building, structure, room, land, or body of water owned, leased by, or under the exclusive control of the city. (Companion bill is **S.B. 515** by **V. Taylor**.)

S.B. 1304 (Perry) – Juvenile Records: this bill is the same as **H.B. 2863**, above.

S.B. 1332 (Rodriguez) – Dates of Birth: this bill is identical to **H.B. 3053**, above.

S.B. 1347 (Watson) – Public Information: would provide for: (1) an expedited response procedure that would allow a city to withhold or redact information that it in good faith believes

is excepted from disclosure; and (2) a detailed process that a city must follow to utilize the procedure. (Companion bill is **H.B. 2328** by **Lucio**.)

S.B. 1357 (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. 2551 (Krause) – Short-Term Rentals: would preempt a city’s authority to regulate short-term rentals. Specifically, the bill would provide that:

1. “short-term rental” is defined as a residential property, including a single-family dwelling or a unit in a condominium, cooperative, or time-share, that is rented wholly or partially for a fee for a period not longer than 30 consecutive days;
2. a city is prohibited from adopting or enforcing a local law that expressly or effectively prohibits the use of a property as a short-term rental;
3. a city is prohibited from adopting or enforcing a local law that restricts the use of or otherwise regulates a short-term rental based on the short-term rental’s classification, use, or occupancy;
4. a city may adopt or enforce a regulation on a property used as a short-term rental only if the city demonstrates the regulation’s primary purpose is to protect the public’s health and safety;
5. regulations are permitted that would address: (a) fire and building codes; (b) health and sanitation; (c) traffic control, and (d) solid or hazardous waste control;
6. a city may adopt or enforce a local regulation that limits or prohibits the use of short-term rental only if the law prohibits the use of a rental for the purpose of: (a) housing sex offenders; (b) operating a structured sober living home; (c) selling illegal drugs, (d) selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code, or (d) operating as a sexually oriented business; and
7. a city must apply a local law regulating land use to a short-term rental in the same manner as another similar property, which includes regulations on: (a) residential use and

other zoning matters; (b) noise; (c) property maintenance; and (d) nuisance. (Companion bill is **S.B. 451** by **Hancock**.)

H.B. 2553 (Shaheen) – Lobbying Activities: would require a city that imposes a tax and uses any public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature to disclose on any comprehensive annual financial report required to be prepared by the city: (1) the total amount spent during the fiscal year on influencing legislation; and (2) each person required to register as a lobbyist who was compensated by the city during the fiscal year to try to influence the outcome of legislation.

H.B. 2585 (Raymond) – Housing Authorities: would provide that all municipal housing authorities may borrow money, accept grants, and exercise the power to provide safe and sanitary housing communities for veterans and are not subject to the area operation limitation with respect to housing projects that primarily benefit veterans.

H.B. 2612 (Meyer) – Civil Liability: would provide that a person is liable for damages proximately caused by the consumption or ingestion of a synthetic substance by another person or strictly liable for all damages caused by the consumption or ingestion and of a synthetic substance by a minor if the actor: (1) produced distributed, sold, or provided the synthetic substance to the other person or minor; or (2) aided in the production, distribution, sale, or provision of the synthetic substance to the other person or minor.

H.B. 2642 (Sanford) – Local Debt: would provide that a city or county shall include in any publicly disseminated information relating to the proposed issuance of general obligation bonds, including information provided on the Internet website of the city or county, the following information: (1) the purpose for which the bonds are issued; (2) the amount of the bonds; (3) the likely rate of interest on the bonds; and (4) the maximum estimated cost to repay the bonds that would be authorized by the proposed issuance, including the principal and interest at the likely interest rate determined under (3).

H.B. 2647 (Stephenson) – Public Funds Investment Act: would provide that an investment in an interest-bearing banking deposit or other obligation that is guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund is an authorized investment under the Public Funds Investment Act.

H.B. 2648 (Stephenson) – Public Funds Investment Act: would provide that obligations, including letters of credit, of the United States or its agencies and instrumentalities, including the Federal Home Loan Banks, are authorized investments under the Public Funds Investment Act.

H.B. 2664 (Miller) – Day Care Centers: would, among other things, provide that the executive commissioner of Department of Family and Protective Services (DFPS) by rule shall adopt minimum standards that apply to day-care centers for nutrition and daily dietary requirements, physical activity, and time spent using or viewing electronic devices. (Companion bill is **S.B. 818** by **Watson**.)

H.B. 2690 (Morrison) – State Hotel Occupancy Taxes: would, beginning in 2020, require the comptroller to compute the amount of revenue derived from the collection of state hotel occupancy taxes at a rate of two percent and received from hotels located in coastal counties and transfer that amount to the coastal erosion response account to be used in ways that benefit coastal counties.

H.B. 2733 (Lucio) – Towing and Booting: would: (1) prohibit a towing company from removing and storing a vehicle that is unauthorized from a vehicle parking facility unless the parking facility owner or certain persons authorized by a parking facility owner request that the vehicle be towed; (2) allow a parking facility owner to authorize a person to request that an unauthorized vehicle be towed if: (a) the person is authorized to park a vehicle in a specific space; and (b) the vehicle identified for towing is obstructing or occupying the space in which the person is authorized to park; and (3) prohibit a parking facility owner from causing a boot to be installed on an unauthorized vehicle in the parking facility unless the owner requests the boot.

H.B. 2741 (Deshotel) – Gambling: would authorize certain forms of gambling and provide that a portion of a gaming tax on casinos be used to fund the Texas Windstorm Insurance Association. (See **H.J.R. 90**, below.)

H.B. 2758 (Geren) – Seed Regulation: would prohibit a city from adopting an ordinance that regulates agricultural seed, vegetable seed, weed seed, or any other seed in any manner, including planting seed or cultivating plants grown from seed. (Companion bill is **S.B. 1172** by **Perry**.)

H.B. 2770 (Smithee) – Common Nuisance: would provide that a suit may be brought under the state’s nuisance statute by the attorney general, or district, county, or city attorney against a person who operates a web address or computer network that engages with certain activity, including human trafficking. (Companion bill is **S.B. 1196** by **Kolkhorst**.)

H.B. 2779 (Schaefer) – Religious Freedom: would, among other things: (1) prohibit a governmental entity, including a city, from taking any discriminatory action against: (a) a religious organization because the organization, based on or in a manner consistent with a sincerely held religious belief or moral conviction, makes an employment-related decision, or makes a decision concerning the sale, rental or occupancy of a dwelling or other housing under the religious organization’s control; (b) a religious organization that advertises, provides, or facilitates adoption or foster care consistent with a sincerely held religious belief or moral conviction; (c) a person granted custody of a foster or adoptive child for instructing the child based on a sincerely held religious belief or moral conviction; (d) a person who declines to participate in certain treatment or counseling related to sex reassignment or gender identity; (e) a person who has provided or declined to provide certain goods and services related to celebrating or recognizing a marriage; (f) a person who establishes sex-specific standards for employee and student dress, grooming, and bathroom access; (g) an employee who lawfully speaks or engages in expressive conduct based on or in a manner consistent with a sincerely held religious belief or moral conviction; (h) a person employed by or acting on behalf of an entity who has authority to authorize or license marriages and seeks recusal from that duty based on a sincerely held religious belief or moral conviction; (2) allow certain claims, defenses, injunctive relief, and

declaratory relief for a violation of the prohibition in (1); and (3) waive sovereign immunity, and establish a two-year limitations period for a violation of the prohibition in (1).

H.B. 2781 (Miller) – Vehicle Regulation: would authorize certain counties to remove and store vehicles and other personal property from a roadway, and regulate vehicle storage facilities, junkyards, and auto wrecking and salvage yards.

H.B. 2829 (Oliveira) – Unclaimed Property: would provide that, in furtherance of the authority to examine and investigate regarding unclaimed property, the comptroller or the comptroller’s designee may: (1) take testimony; (2) administer oaths; (3) subpoena witnesses; and (4) issue subpoenas or commission to require any person to appear at the place and time stated in the subpoena or commission and: (a) give testimony under oath; or (b) produce relevant books, records, document, papers, accounts, and other data as may be relevant or material to the inquiry being made.

H.B. 2839 (Longoria) – Credit Card Transactions: would require a merchant, in a point of sale transaction, to require an individual using a credit card or debit card to provide photo identification, and allow a merchant to refuse the card if the individual fails to provide the photo identification. (Companion bill is **S.B. 1381** by **Hughes**.)

H.B. 2870 (Burns) – Fee Exemption: would exempt members of the Texas National Guard or Texas State Guard on active duty, who are preparing to be deployed in a hostile fire zone, from paying certain fees incurred in order to arrange the member’s personal affairs, including fees for a birth certificate and property tax records.

H.B. 2876 (Sanford) – Wedding Industry Professionals: would, among other things, prohibit a city from penalizing or withhold benefits or privileges, including any tax exemption, contract, grant, or license from wedding industry professionals who refuse to provide certain goods, services, and facilities on the basis of a sincerely held religious belief.

H.B. 2878 (Sanford) – Conscientious Refusal: would provide that: (1) a physician or health care provider may not be held civilly or criminally liable solely because of the provider’s refusal of a health care service that is contrary to a sincerely held set of moral convictions arising from a belief in God or religious faith (“conscientious refusal of a health care service”); (2) it is a violation for a person to discriminate against another person because of their conscientious refusal of a health care service, including discrimination with regard to licensing, hiring, promoting, transferring or granting staff appointments or privileges; (3) it is a violation to discriminate against an applicant for employment because of the applicant’s conscientious refusal of a health care service; (4) it is a violation for a public official to discriminate against a recipient entitled to aid, assistance, or benefits because of the recipient’s conscientious refusal of a health care service; (5) a health care facility must develop a written conscientious refusal protocol, and doesn’t have to counsel a patient regarding a health care service if doing so is contrary to the conscience of the facility, physician or provider; and (6) governmental immunity is waived and civil damages, court costs, and attorney’s fees are available to an injured person.

H.B. 2899 (Simmons) – Discrimination: would provide that: (1) a political subdivision may not adopt an order, ordinance, or other measure to: (a) protect a class of persons from discrimination; or (b) reduce or expand a class of persons protected under state law from discrimination; and (2) an order, ordinance, or other measure that is adopted by a political subdivision before the date this section becomes law and that violates section (1) is null and void.

H.B. 2921 (Sanford) – Vehicle Storage: would require the operator of a governmental vehicle storage facility to allow the owner of property that is left in a vehicle stored at the facility to recover the property if: (1) at the time the vehicle was towed to the facility for storage, the vehicle was operated by a motor carrier, and the property was transported under an agreement between the property owner and the motor carrier; and (2) the property owner demonstrates ownership of the property.

H.B. 2922 (Alonzo) – Service Charge: would: prohibit a city from collecting a service charge when a payment by credit card is not honored by the credit card company if: (1) the city is notified at the time of payment that the payment is not honored; and (2) the person immediately submits to the city an alternative form of payment.

H.B. 2928 (Stephenson) – Public Funds Investment Act: would provide: (1) that an obligation, including a letter of credit, of the Federal Home Loan Banks is an authorized investment under the Public Funds Investment Act; and (2) that a certificate of deposit or share certificate is an authorized investment if the certificate is issued by a depository institution that has its main office or a branch office in this state and is secured in accordance with the Public Funds Collateral Act.

H.B. 2956 (Kuempel) – Signs: would: (1) repeal city authority to regulate outdoor signs in the extraterritorial jurisdiction; (2) provide that, in regard to state highways, a person commits an offense if the person erects, maintains, or allows outdoor advertising on property owned by the person, that is higher than 65 feet, excluding a cutout that extends above the rectangular border, measured from the highest point on the sign to grade level of the road; and (3) provide that, in regard to rural roads, an on-premise or off-premise sign may not be higher than 65 feet, excluding a cutout, measure from the highest point on the sign to the grade level of the road (current law is 42 ½ feet).

H.B. 2967 (Raymond) – Animal Shelters: would, among other things: (1) require one vet associated with an animal shelter serve on the State Board of Veterinary Medical Examiners; (2) require a veterinarian to submit to the Texas State Board of Pharmacy a record of each controlled substance dispensed including the name, strength and quantity of the substance, date the substance is dispensed, name of the animal, species/genera/estimated date of birth of the animal, name/address of animal's owner, directions for use of the substance, intended use of the substance, contact information of vet, and other information required by rule; and (3) prohibit a veterinarian from dispensing certain drugs to a client unless the vet has reviewed the prescription and dispensing history associated with the client by accessing information submitted to the Texas State Board of Pharmacy under (2).

H.B. 3010 (Lucio) – Venue Projects: would, among other things, provide that an area or facility for active transportation use and airport facilities located in a city located on the international border are approved venue projects.

H.B. 3030 (Burns) – Fiscal Notes: would require the state Legislative Budget Board to include in each fiscal note a statement indicating whether the bill or resolution may create an increased cost for one or more counties or cities.

H.B. 3074 (E. Rodriguez) – Emergency Services Districts: would require a city to factor in sales tax revenue to the amount that must be paid to an emergency services district when the city seeks to remove territory from the district.

H.B. 3077 (E. Rodriguez) – Venue Districts: would, among other things: (1) authorize a city to spend hotel occupancy tax revenue dedicated to a venue district on a city parks and recreation system, watershed protection and preservation projects, a recharge protection project, a conservation easement, or an open-space preservation program intended to protect water; and (2) authorize a city to spend short-term motor vehicle rental tax revenue dedicated to a venue district on a city parks and recreation system.

H.B. 3082 (Capriglione) – Public Funds Investment Act: would: (1) lower the number of required continuing Public Funds Investment Act training hours for city finance and investment officers from eight hours every two years to five hours every two years; and (2) clarify that that a city investment officer need not take continuing investment training if the city: (a) does not invest city funds; or (b) only deposits city funds in interest-bearing deposit accounts or certificates of deposit. (Note: city finance and investment officers must still initially receive ten hours of training within 12 months after taking office or assuming investment duties.)

H.B. 3094 (Burkett) – Prevention Advisory Board: would provide that a Prevention Advisory Board be created and one of the tasks of the board is to maximize funding sources to expand prevention programs, including federal and local government funds and private funds.

H.B. 3178 (Anchia) – Brokers: would: (1) allow any city to contract with a broker to lease or sell a tract of real property owned by the city; (2) allow a home-rule city to contract with a broker to sell a tract of real property that the city holds in trust and has authority to sell; (3) provide that if the contract with a broker under (1) or (2) requires the tract be listed at least 30 days on a multiple-listing service, the city may sell the tract on or after the 30th day the property is listed to a buyer produced by a broker who submits the most advantageous offer; (4) require a city to post notice of intent to sell real property in a newspaper not less than once, at least 14 days before the date the city accepts an offer produced by a broker, and exempt a city from certain other requirements.

H.B. 3229 (Phelan) – Assistance Animals: would: (1) define “assistance animal” to include a “service animal” and an animal that provides emotional support to a person with a disability; (2) define “service animal” to mean a canine specially trained or equipped to do work or perform tasks for a person with a disability and used by a person with a disability; (3) provide full and equal access to all housing accommodations for a person with a total or partial disability who has

or obtains an assistance animal; and (4) provide that a person who misrepresents the use of a canine as an assistance animal to a landlord or landlord's agent is guilty of a misdemeanor offense.

H.B. 3259 (Shaheen) – Red Light Cameras: would amend the law relating to enforcement of red light camera violations, including: (1) authorizing the county attorney for the county or the city attorney for the city in which a red light violation is alleged to bring suit to collect a related civil penalty; (2) repealing the procedures to have an administrative adjudication hearing in relation to a red light camera violation; and (3) repealing the state law that provides that a failure to pay a civil penalty or contest liability in a timely manner is an admission of liability and a waiver of the right to appeal.

H.J.R. 90 (Deshotel) – Gambling: would amend the Texas Constitution to authorize certain forms of gambling and provide that a portion of a gaming tax on casinos be used to fund the Texas Windstorm Insurance Association. (See **H.B. 2741**, above.)

S.B. 1164 (V. Taylor) – Fees: would: (1) prohibit a city from imposing a new fee unless the fee is approved by at least two-thirds of the members of the governing body and the voters voting at an election held for that purpose; and (2) make the prohibition in (1) applicable only to a fee projected to generate substantial revenue (defined as an amount equal to at least 1% of the general revenue during the most recent fiscal year) during the 12-month period after the date of an election to approve the fee.

S.B. 1172 (Perry) – Seed Regulation: would prohibit a city from adopting an ordinance that regulates agricultural seed, vegetable seed, weed seed, or any other seed in any manner, including planting seed or cultivating plants grown from seed.

S.B. 1196 (Kolkhorst) – Common Nuisance: this bill is the same as **H.B. 2770**, above.

S.B. 1221 (Watson) – Hotel Occupancy Taxes: would: (1) require cities to annually report to the comptroller: (a) the rate of the city's hotel occupancy tax and, if applicable, the rate of the city's hotel occupancy tax supporting a venue project; (b) the amount of revenue collected during the city's preceding fiscal year from: (i) the city's hotel occupancy tax; and (ii) if applicable, the city's hotel occupancy tax supporting a venue project; and (c) the amount and percentage of revenue described by (1)(b)(i) allocated by the city for the promotion of the arts during the city's preceding fiscal year; (2) require cities to make the report required in (1) by: (a) submitting the report to the comptroller on a form prescribed by the comptroller; or (b) providing the comptroller a direct link to, or a clear statement describing the location of, the information required to be reported that is posted on the Internet website of the city.

S.B. 1251 (West) – Ending Homelessness Fund: would create a fund to provide grants to cities to combat homelessness funded by voluntary contributions made when a person registers or renews the registration of a motor vehicle.

S.B. 1272 (Miles) – Hurricane Preparedness: would provide that the governor shall issue a proclamation each year before hurricane season instructing: (1) individuals, including residential

and commercial property owners, to prepare their property and communities for the upcoming hurricane season; (2) state agencies to review and update their hurricane preparedness plans; and (3) cities and other entities to conduct community outreach and education activities on hurricane preparedness between May 25th and May 31st of each year to the extent practicable.

S.B. 1276 (Campbell) – Bathrooms: would provide that a public or private entity that provides a gender-neutral bathroom, changing room, locker room, shower room, or similar facility must prominently display on each entrance to the facility an icon, symbol, or other identifying device that designates the facility as gender-neutral.

S.B. 1344 (V. Taylor) – Public Retirement Systems: would provide that a public retirement system, other than the Texas Municipal Retirement System, shall: (1) select an independent firm to evaluate the retirement system’s investment practices and performances; and (2) make changes to the investment reporting requirements to the Pension Review Board.

S.B. 1363 (Uresti) – Diaper Changing Stations: would provide that: (1) a governmental entity that engages in or contracts for the construction or renovation of any building operated by the governmental entity that has one or more restrooms accessible to the general public shall provide a diaper changing station in at least one restroom designated for each gender or, if applicable, in at least one restroom not designated by gender; and (2) the governmental entity shall post in a conspicuous place a sign with clear language indicating the location in the building of each restroom with a diaper changing station.

S.B. 1381 (Hughes) – Credit Card Transactions: this bill is identical to **H.B. 2839**, above.

S.B. 1382 (Hughes) – Energy Savings Performance Contracts: would expand the definition of “energy savings” to include the estimated amount of avoided expected future operating and maintenance costs for purposes of a local government entering into an energy savings performance contracts. (Companion bill is **H.B. 1571** by **Paddie**.)

S.B. 1409 (Menendez) – Credit Card Information: would: (1) require a business that accepts a credit card or debit card for payment and retains any data related to the card other than a confirmation number for the transaction to secure the retained information from a breach of system security; (2) require a business that has a breach of system security to send notice to the attorney general and each financial institution that issued a credit or debit card affected by the breach; (3) establish the data security breach victim compensation fund; and (4) provide that a business that fails to secure its computer system and suffers a breach is liable to the state for a civil penalty of \$50 for each credit card and debit card from which information was compromised.

Municipal Courts

H.B. 12 (Price) – Mental Illness/Disability: would make various changes to the law dealing with a person with a mental illness or intellectual disability who is involved with the court

system, and provide for the eligibility for medical assistance of certain mentally ill inmates. More specifically, it would provide that:

1. if a magistrate is provided written or electronic notice of credible information that may establish reasonable cause to believe that a person brought before the magistrate has a mental illness or intellectual disability, the magistrate shall conduct the proceedings in accordance with certain laws related to early detection and release on bond of those with mental illness or intellectual disability (Code of Criminal Procedure articles 16.22 and 17.032);
2. in regard to trial priorities, a defendant who has been determined to be restored to competency shall be given preference over certain other matters;
3. a court must dismiss certain misdemeanor charges when a defendant is sent to a jail-based restoration of competency program and not tried before a certain period of time;
4. the Health and Human Services Commission must: (a) implement a jail-based restoration of competency program (to replace the current pilot program); and (b) establish a grant program (primarily for counties, local mental health authorities, and hospital districts) to reduce recidivism, arrest, and incarceration among individuals with mental illness and reduce wait time for forensic commitment; and
5. the director of the Office of Court Administration must make information available to the courts regarding best practice for addressing the needs of persons with mental illness in the court system.

H.B. 2680 (Canales) – Forms: would require the Office of Court Administration to create forms for municipal courts to use when a defendant is waiving a jury trial and entering a plea of guilty or no contest.

H.B. 2773 (Walle) – Time Payment Fee: would repeal the \$25 time payment fee a person is required to pay if they use a payment plan for paying the fine and court costs associated with the conviction of a misdemeanor offense.

H.B. 2795 (Lang) – Marriage Ceremonies: would provide, among other things, that a municipal court judge or retired municipal court judge may decline to conduct a marriage ceremony and, unless the judge is discriminating on the basis of race, religion, or national origin, the judge may not be subject to an administrative or civil penalty imposed by a city.

H.B. 2911 (Lucio) – Veterans Reemployment Program: would provide that: (1) veterans placed on deferred adjudication community supervision for or convicted of a misdemeanor offense are eligible to participate in a veterans reemployment program; (2) the judge shall tell the veteran about the veterans reemployment program, but may not require the veteran to participate in the program; and (3) a fee may be assessed for participation in the education and training courses in an amount sufficient to cover the cost of providing the courses, unless the court determines the defendant is indigent and reduces or waives the fee.

H.B. 2934 (Thompson) – Inability to Pay: would: (1) require a court that makes a finding that a defendant is unable to pay a fine and court costs to notify the Department of Public Safety; and (2) prohibit DPS from denying renewal of the defendant's driver's license.

H.B. 3011 (Murr) – Failure to Appear: would require a magistrate to release on personal bond a defendant who is arrested on a warrant for failure to appear if the defendant shows good cause for the failure to appear. (Companion bill is **S.B.1338** by **Whitmire**.)

H.B. 3135 (Cain) – Judicial Conduct: would prohibit disciplinary action against a judge for refusing to follow an action or ruling of a federal court. (Companion bill is **S.B. 1307** by **Hall**.)

H.B. 3139 (Dutton) – Expunction: would require a court to order documents related to a dismissed complaint expunged, regardless of whether the person files a petition for expunction.

H.B. 3147 (White) – Expunction: would entitle a person to obtain an expunction of the person's arrest if the person was arrested solely as a result of identifying information that was inaccurate due to a clerical error.

S.B. 1307 (Hall) – Judicial Conduct: this bill is the same as **H.B. 3135**, above.

S.B. 1311 (Garcia) – State Traffic Fine: would modify the distribution of the \$30 state traffic fine as follows: (1) 10 percent (down from 67 percent) to the credit of the state's general revenue fund; and (2) 90 percent (down from 33 percent) to the credit of the designated trauma facility and emergency medical services account. (Certain overages from the general revenue portion of the fee would continue to be deposited to the Texas Mobility Fund.)

S.B. 1320 (Huffman) – Protective Order Registry: would provide that: (1) the Office of Court Administration (OCA), in consultation with the Department of Public Safety and the courts, shall establish and maintain a central, computerized, and Internet-based registry for applications for protective orders filed in this state and protective orders issued in this state; (2) the OCA shall establish and maintain the registry in a manner that allows municipal and county case management systems to easily interface; and (3) city attorneys and peace officer will have access to a copy of each application for protective order and a copy of the protective order.

S.B. 1335 (Hinojosa) – Fines and Court Costs: would prohibit a municipal court from ordering the confinement of a person for failure to pay all or any part of a fine or court costs imposed for the conviction of an offense punishable by fine only. (Companion bill is **H.B. 1125** by **White**.)

S.B. 1338 (Whitmire) – Failure to Appear: this bill is the same as **H.B. 3011**, above.

Community and Economic Development

H.B. 2564 (Button) – Economic Development Corporations: would, among other things: (1) require the state Economic Incentive Oversight Board to examine the effectiveness, efficiency, and financial impact on the state of projects undertaken by Type A and Type B economic development corporations; and (2) require a Type A or Type B economic development corporation to provide to the board any information concerning a project undertaken by the corporation as necessary to enable the board to perform the board's duties under (1).

H.B. 2596 (Larson) – Annexation/ETJ: would provide that: (1) the map that each city is required to prepare showing the boundaries and extraterritorial jurisdiction (ETJ) shall also be prepared in a digital format widely used by common geographic information system software; (2) the map in (1) shall be provided in notices related to annexation; (3) in addition to the notice provided to a person who is placed in a city’s three-year annexation plan, a city (before the 90th day after the date the city adopts or amends its annexation plan) shall give written notice to each property owner in any area that would be newly-included in the city’s ETJ as a result of the proposed annexation; (4) the notice in (3) must include, among other things, a list of municipal ordinances that would be applicable in the area that would be newly-included in the city’s ETJ; (5) a city must post notice of annexation hearings in any area that would be newly-included in city’s ETJ as a result from the proposed annexation; and (5) the notice required by (5) must include, among other things, a list of municipal ordinances that would be applicable in the area that would be newly-included in the city’s ETJ.

H.B. 2621 (Darby) – Enhanced Oil Recovery Reinvestment Zones: would, among other things: (1) authorize the Texas Railroad Commission to designate an area as an enhanced oil recovery reinvestment zone under certain circumstances; and (2) within the enhanced oil recovery reinvestment zone, authorize a political subdivision under certain circumstances to: (a) impose a limitation on the appraised value of a property interest; (b) refund sales taxes imposed by the political subdivision; and (c) exempt the sale or use of a taxable item used in the operation of a project in the enhanced oil recovery reinvestment zone.

H.B. 2651 (Laubenberg) – Economic Development Corporations: would: (1) authorize a Type A or Type B economic development corporation to create one or more subsidiary corporations; and (2) provide that any subsidiary corporation is subject to all of the same legal provisions governing the corporation that creates the subsidiary corporation.

H.B. 2684 (Burns) – Eminent Domain: would provide that: (1) after making a bona fide offer, an entity with eminent domain authority shall disclose to the property owner any new, amended, or updated appraisal report produced or acquired by or on behalf of the entity after making the offer and used in determining the entity’s opinion of value; (2) a disclosure required by (1) must be made not later than the earlier of: (a) the 10th day after the date the entity receives the appraisal report; or (b) the third business day before the date of a special commissioner’s hearing if the appraisal report is to be used at the hearing; (3) detailed requirements must be included in an easement acquired for pipeline or electric transmission right-of-way; (4) the special commissioners may admit evidence on the price paid for pipeline or power line rights-of-way in privately-negotiated transactions made in the absence of a potential, actual, or threatened condemnation; (5) if the amount of damages awarded by the special commissioners is at least 20 percent greater than the amount of the condemnor’s final offer or if the commissioners’ award is appealed and a court awards damages in an amount that is at least 20 percent greater than the amount of the condemnor’s final offer, the condemnor shall pay all costs and any reasonable attorney’s fees and other professional fees incurred by the property owner in connection with the eminent domain proceeding; (6) a written agreement entered into by a governmental entity and a property owner in connection with a proceeding initiated by the entity to condemn the owner’s property or under a threat of condemnation by the entity of the owner’s property is enforceable

by the property owner, and entry into the agreement waives the entity's governmental immunity from suit and from liability to the extent necessary to enforce the agreement; and (7) if the federal government, the state, or a political subdivision of the state assumes possession of taxable property under a possession and use agreement, or a similar agreement, that is entered into under threat of condemnation, the value of the property for property tax purposes is reduced in accordance with a certain formula.

H.B. 2694 (Kacal) – Eminent Domain: would provide: (1) detailed requirements that an easement acquired for pipeline or electric transmission right-of-way must include; (2) for a prohibition against any use of the property being conveyed, other than a use stated in the instrument, without the express written consent of the property owner; (3) for a covenant that the entity will indemnify and hold the property owner harmless against any claim brought against the property owner arising out of or relating to the use of condemned property by the entity or the entity's agents or contractors; and (4) for a covenant that the entity will secure and keep in full force and effect at all times while the entity continues to use the condemned property a policy or policies of liability insurance that meet certain requirements. (Companion bill is **S.B. 742** by **Kolkhorst**.)

H.B. 2792 (M. Gonzalez) – Public Housing: would affect public housing converted under the authority of the Rental Assistance Demonstration (RAD) program administered by the U.S. Department of Housing and Urban Development and provide, among other things, that a recipient of housing assistance administered through a housing choice voucher program who is residing in a unit converted through the RAD program may be appointed as a housing authority commissioner when the authority has five commissioners or has seven or more commissioners.

H.B. 2814 (Oliverson) – Residential Fire Sprinklers: would provide that: (1) a certified fire inspector who is employed or appointed by a political subdivision or this state may inspect or review plans only for the sprinkler portion of a multipurpose residential fire sprinkler installation, repair, or replacement; (2) a city with a population of less than 50,000 may enact an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new one- or two-family dwelling only if the city holds an election called for the purpose of authorizing the city to enact the requirement; and (3) a city described by (2) that enacts the requirement may not impose an inspection fee for inspection of a multipurpose residential fire protection sprinkler system, but may impose an annual inspection fee not to exceed \$25 for inspection of any other fire sprinkler protection system.

H.B. 2947 (Moody) – Affordable Housing: would provide that: (1) developments that propose to rehabilitate or reconstruct housing units that are owned by a public housing authority or public facility corporation can be considered at-risk developments to receive low income housing tax credits; and (2) an at-risk development that was previously allocated housing tax credits set aside does not lose eligibility for those credits if the portion of units reserved for public housing as a condition of eligibility for credits are later converted under the federal Rental Assistance Demonstration program administered by the United States Department of Housing and Urban Development.

H.B. 2998 (Blanco) – Defense Communities: would make various changes relating to a defense economic readjustment zones.

H.B. 3045 (Dale) – Economic Development Corporations: would authorize a city to hold an election to reduce or increase the sales tax rate for a Type B economic development sales tax.

H.B. 3081 (Capriglione) – Payday Lending: would provide that a person subject to regulation by a finance agency and the person’s business activities subject to that regulation are subject only to applicable federal law and regulations and applicable state law, including rules adopted by the finance commission. (Note: this bill would preempt all city payday lending ordinances.)

H.B. 3162 (G. Bonnen) – Excavating: would amend procedures for emergency excavations under the “call before you dig” statute.

H.B. 3170 (Bell) – Eminent Domain: would provide, among other things, that: (1) after making a bona fide offer, an entity with eminent domain authority shall disclose to the property owner any new, amended, or updated appraisal report produced or acquired by or on behalf of the entity after making the offer and used in determining the entity’s opinion of value; (2) a disclosure required by (1) must be made not later than the earlier of: (a) the 10th day after the date the entity receives the appraisal report; or (b) the third business day before the date of a special commissioner’s hearing if the appraisal report is to be used at the hearing; (3) a court shall dismiss a condemnation proceeding unless the entity that files a petition proves to the court that the entity has not violated legal procedural requirements; and (4) a court that grants a motion to dismiss shall make an allowance to the property owner for reasonable and necessary fees for attorneys, appraisers, and photographers and for the other expenses incurred by the property owner to the date of the hearing.

H.B. 3172 (Button) – State Economic Development Incentives: would establish an electronic information and application system for state incentives for economic development purposes.

H.B. 3174 (Reynolds) – Comprehensive Plan: would: (1) require a city that has adopted a comprehensive plan to update it every five years; and (2) require that, as part of a city’s comprehensive plan, the city must also adopt an environmental evaluation report that includes certain projected environmental changes, adverse environmental effects, projected environmental benefits, measures for identifying the protection of resources, and either an assessment of the cost to remedy or mitigate any adverse effects or a feasibility study of alternative planning that mitigates adverse effects.

H.B. 3211 (Paddie) – Excavating: would amend the state “call before dig” statute to include requirements for large operation excavations.

H.B. 3220 (Phelan) – Property Tax Abatement: would require a property tax abatement agreement to include either: (1) a waiver by the property owner of the right to protest before an appraisal review board and the right to contest in any court the unequal appraisal of property subject to the agreement for a tax year in which a portion of the property is exempt from taxation under the agreement; or (2) provisions for the recapture of all or a portion of the property tax

revenue lost as a result of the agreement if the appraised value of the property subject to the agreement does not attain a value specified in the agreement for a year covered by the agreement and payment of a penalty or interest, or both, on that recaptured property tax revenue.

S.B. 1155 (Menendez) – Payday Lending: would provide that the amount of a fee paid or to be paid to a credit services organization (e.g., a payday or auto title lender) 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. 1238 (Rodriguez) – Low Income Housing: would make certain at-risk developments eligible to receive low income housing tax credits.

S.B. 1248 (Buckingham) – Manufactured Homes: would: (1) prohibit a city from requiring “a change in the nonconforming use” of any portion of land within a manufactured home community if the nonconforming use of land is: (a) authorized by law; or is not authorized by law on September 1, 2017, but the city has taken no action to enforce the violation before September 1, 2017; and (b) at least 50% of the lots are occupied by a manufactured home as a residence; (2) define “a change in the nonconforming use” to include: (a) requiring the amount of land designated as a nonconforming use to be decreased; (b) imposing an expiration on the nonconforming use designation; (c) declaring the nonconforming use of the land to be abandoned; and (d) requiring an amortization period for the nonconforming use of the land; (3) authorize a manufactured home owner to install a new or used manufactured home on a lot in a manufactured home community under certain circumstances; and (4) prohibit a city from regulating a tract or parcel of land as a manufactured home community, park, or subdivision unless the tract or parcel contains at least four spaces offered for lease for installing and occupying manufactured homes. (Companion bill is **H.B. 1852** by **Lucio**.)

S.B. 1385 (Campbell) – Pay-or-Waive: would provide that: (1) if the application of a provision of the Natural Resources Code, the Government Code, the Local Government Code, or the Water Code, or of a rule, policy, or ordinance adopted by a city pursuant to those codes, has the effect of requiring that more than 55 percent of the surface area of an owner’s private real property, other than areas designated by the Federal Emergency Management Agency as being in the 100-year floodplain, remain in a natural or undeveloped state, the statute, rule, policy, or ordinance may not be enforced with respect to the property unless the enforcing entity pays for a conservation easement or condemns the property using eminent domain; and (2) various exceptions from the bill apply, such as requirements under the federal Coastal Zone Management Act or state laws related to beach erosion or Texas Commission on Environmental Quality on-site sewage facility regulations. (Companion bill is **H.B. 1135** by **Workman**.)

S.B. 1387 (Hinojosa) – State Enterprise Zones: would provide that a “new permanent job” or a “retained job” created or retained by a business in a state enterprise zone must be a full-time position and provide employment benefits, including health care benefits.

Personnel

H.B. 2587 (Alonzo) – Union Representation: would provide that: (1) a public employee may request to have representation from any labor organization for which the employee is eligible for membership by virtue of their employment if the public employee is in an investigatory interview the employee thinks will lead to disciplinary action; (2) a public employer shall either: (a) grant the request and delay the interview until representation arrives and has had an opportunity to consult privately with the employee; (b) deny the request and end the interview; or (c) offer the employee the choice of continuing the interview unrepresented or accepting any disciplinary action determined by the employer without an interview; (3) a public employer that allows a public employee to obtain representation must provide the employee a reasonable amount of time to obtain representation; (4) a public employee is not entitled to representation in: (a) interviews to improve an employee's work techniques; (b) interviews that are not for disciplinary purposes; (c) interviews to inform the employee of the employer's decision of final disciplinary action; or (d) conversations initiated by the employee about previously determined disciplinary action; and (5) a public employer is not required to inform the public employee of the employee's right to representation. (Companion bill is **S.B. 369** by **Garcia**.)

H.B. 2619 (Giddings) – Police Officers: would provide that the criminal justice division of the governor's office: (1) shall establish and administer a grant program through which a law enforcement agency may apply for a grant to implement practices designed to maintain the mental health of peace officers employed by the law enforcement agency; and (2) shall evaluate and compare the practices implemented by each law enforcement agency that receives this grant to determine the most successful practices for maintaining the mental health of peace officers.

H.B. 2672 (Collier) – Fire and Police Collective Bargaining: would provide that: (1) the policy of this state is that a political subdivision shall provide its fire fighters and police officers with compensation and other conditions of employment that are substantially equal to compensation and other conditions of employment that prevail in comparable fire and police departments; (2) judicial enforcement is no longer a remedy for failure to agree on wages and working conditions; and (3) a public employer and an association that is a bargaining agent shall submit to binding interest arbitration if the parties reach an impasse in collective bargaining or are unable to settle after the 61st day after the date the appropriate lawmaking body fails to approve a contract reached through collective bargaining.

H.B. 2750 (Hinojosa) – Public Service Loan Forgiveness: would require a city employer to provide written notice of the ability of eligible employees to participate in the Public Service Loan Forgiveness Program within five days of an employee beginning employment with the city. (Companion bill is **S.B. 1060** by **West**.)

H.B. 2787 (White) –Discrimination: would prohibit employment discrimination based on an individual's political beliefs and provide, among other things, that: (1) it is an unlawful employment practice for a person elected to public office to discriminate because of political beliefs against an individual who is an employee or applicant for employment to serve on the official's staff, serve on a policy-making level, or serve the elected official as an immediate

advisor in regard to constitutional or legal powers of the office; and (2) a political subdivision or two or more political subdivisions acting jointly may create a local commission to secure freedom from employment discrimination, including discrimination based on political beliefs.

H.B. 3015 (T. King) – Vacation Leave Time Account: would provide that: (1) a city shall establish and maintain a vacation leave time account for each firefighter employee organization (FEO); (2) firefighters who are members of an FEO may donate any amount of accumulated vacation time to the vacation leave time account; (3) a firefighter that wishes to donate to the vacation leave time account must authorize the donation in writing on a form provided by the FEO and approved by the city; (4) only a firefighter who is a member of the FEO may use the vacation time donated and may use the time without receiving a reduction in salary and without reimbursing the city; (5) a request to use the vacation time in the FEO’s account must be in writing and be submitted to the city by the president or the equivalent officer of the FEO or by that officer’s designee; and (6) the city shall account for the time donated to each account and used from each account and shall credit and debit the applicable account on an hour-for-hour basis, regardless of the cash value of the time donated or used.

H.B. 3041 (Blanco) – Nonexempt Employees: would, in cities that employ more than 25 employees, require unpaid time off for nonexempt employees to participate in certain academic, extracurricular, and developmental activities of the employee’s child.

H.B. 3193 (Alvarado) – Police/Fire Collective Bargaining: would provide that a political subdivision shall provide its fire fighters and police officers with compensation and other conditions of employment that are substantially equal to compensation and other conditions of employment that prevail in comparable fire and police departments.

S.B. 1140 (Zaffirini) – Sexual Harassment: would: (1) define “employer” to mean a person who employs an employee or acts directly or indirectly in the interest of an employer in relation to an employee; (2) amend the definition of “sexual harassment” to mean an unwelcome sexual advance, a request for a sexual favor, or any other conduct of a sexual nature if made as a term or condition of an individual’s employment or used as the basis for a decision affecting the individual’s employment; and (3) provide that sexual harassment of an employee is an unlawful employment practice.

S.B. 1160 (Garcia) – Wage Discrimination: would: (1) prohibit an employer from inquiring into, considering, or obtaining an applicant’s wage history unless available under the Public Information Act; (2) notwithstanding (1), allow an applicant to provide an employer written authorization to obtain information about wage history after the employer has made a written offer of employment; (3) provide that an employer commits an unlawful employment practice if the employer discriminates among employees on the basis of sex in paying compensation or engages in certain other prohibited acts; (4) require employers to post notice setting forth certain information about sex discrimination in compensation; (5) establish a complaint and enforcement process at the Texas Workforce Commission regarding sex discrimination in compensation; and (6) create a task force on wage disparity.

S.B. 1262 (Huffman) – Criminal History Information: would provide that a political subdivision may not adopt or enforce any ordinance or other local regulation that prohibits, limits, or otherwise regulates a private employer’s ability to request, consider, or take employment action based on the criminal history record information of an applicant or employee. (Companion bill is **H.B. 577** by **Workman**.)

Public Safety

H.B. 2521 (Perez) – Mugshots: would provide that a criminal justice agency, which includes a city police department, may not disclose or release a photograph of an individual taken pursuant to an arrest or other involvement in the criminal justice system, with certain exceptions.

H.B. 2552 (Thompson of Harris) – Prostitution: would provide, among many other things, that: (1) proof in the form of a person’s arrest or the testimony of a law enforcement agent that prostitution, promotion of prostitution, aggravated promotion of prostitution or compelling prostitution is committed at a place licensed as a massage establishment is prima facie evidence that an owner knowingly tolerated the activity; and (2) a city that has established a first offender prostitution prevention program shall submit to the criminal justice division of the governor’s office an annual report that concerns the performance of the program and include: (a) the number of participants in the program; (b) a sample or overview of the curriculum; (c) information regarding the program administrators; (d) a statement of the program’s effectiveness for the most recent state fiscal year; and (e) any other information requested by the division. (Companion bill is **S.B. 1226** by **Huffman**).

H.B. 2575 (Meyer) – Sex Offender Registration: would require: (1) a police officer to include a statement on the sex offender registration form that a person must provide notice of entry onto school property; and (2) a person subject to sex offender registration to immediately notify the school administrative office upon entering a school premises.

H.B. 2631 (Dutton) – Nuisance Abatement: would: (1) allow residents of a city, by petition, to require a city to file suit to take remedial action against an alleged public nuisance occurring in the city; (2) set out the information that must be included in the petition in (1), including an allegation that the alleged nuisance is within 1,000 feet of a residence, and the procedures the governing body must follow on receipt of a petition; and (3) provide that if a court determines a public nuisance exists that constitutes a threat to the public health or welfare of the city’s residents, the court may order the city to: (a) warn any person who uses or is about to use the premises for the purposes constituting the nuisance that the use constitutes a public nuisance; (b) investigate whether the city should file a suit to abate the nuisance; (c) purchase the nuisance property, if it serves a public purpose of the city; or (d) exercise the power of eminent domain to acquire the nuisance property, if it serves a public purpose of the city.

H.B. 2639 (Pickett) – Silver Alert: would provide that: (1) a person with Alzheimer’s disease is added to the silver alert program; (2) a local law enforcement agency may notify the Department of Public Safety (DPS) if the agency: (a) receives notice of a missing senior citizen or person with Alzheimer’s disease; (b) verifies that, at the time the senior citizen or person with

Alzheimer's disease is reported missing: (i) the person reported missing is 65 years of age or older and has an impaired mental condition or is a person with Alzheimer's disease; and (ii) the person's location is unknown; and (c) determines that the person's disappearance poses a credible threat to the person's health and safety; (3) the local law enforcement agency shall: (a) require the family or legal guardian of the missing senior citizen or person with Alzheimer's disease to provide documentation of the person's age and condition to verify the person's status as described in (2)(b), above; and (b) as soon as practicable, determine whether the person's disappearance poses a credible threat to the person's health and safety for purpose of (2)(c), above.

H.B. 2645 (S. Thompson) – Sex Trafficking Prevention Policy: would provide that a school district may collaborate with local law enforcement and outside consultants with expertise in the prevention of sexual abuse and sex trafficking to create a policy addressing sexual abuse, sex trafficking, and other maltreatment of children.

H.B. 2693 (Cain) – Fire Department Applications: would remove the stipulation that a volunteer fire department or a fire department operated by an emergency services district can only obtain the criminal history record of a person required to be certified by the Texas Commission on Fire Protection.

H.B. 2702 (Coleman) – Sandra Bland Act: in memory of Sandra Bland, this bill is a product of the House Committee on County Affairs' interim hearings discussing the circumstances and policies that led to her death. This bill would:

1. require a peace officer to make a good faith effort to divert a person suffering a mental health crisis or substance abuse to a proper treatment center in the officer's jurisdiction;
2. require a person who is arrested without a warrant and detained in jail on a misdemeanor to be released on personal bond;
3. provide that the Judicial Commission shall adopt reasonable rules establishing minimum standards for jails regarding use of force, prevention of sexual assault, management of intoxicated inmates, and continuity of medication;
4. reduce the timeframe an officer has to complete a training program that includes implicit bias from not later than the second anniversary to not later than the first anniversary of the date the officer is licensed;
5. require training on de-escalation techniques;
6. prohibit an officer from conducting a search based solely on a person's consent to the search;
7. prohibit an officer from making a stop for an alleged violation of a traffic law or ordinance as a pretext for investigating a violation of another penal law;
8. require that information regarding the complaint process for reporting racial profiling of a law enforcement agency be provided on each ticket, citation, or warning issued by an officer;
9. require a law enforcement agency to review data collected on motor vehicle stops to determine whether the number of vehicles driven by a member of a particular race or ethnicity is disproportionate to the population of that race or ethnicity in the city;

10. provide that the police chief must annually review the data collected on racial profiling to determine if there is an agency-wide or individual racial profiling problem and certify to TCOLE that the review was completed;
11. provide that a law enforcement agency must provide appropriate counseling and training to any officer found to have engaged in racial profiling;
12. require a law enforcement agency to adopt and implement a detailed written policy regarding the administration of a motor vehicle stop;
13. prohibit an officer from arresting a driver during a motor vehicle stop for a traffic violation to conduct a search incident to arrest unless the officer has probable cause to believe that the driver has committed an offense more serious than a class C misdemeanor;
14. require an officer to issue a citation to a person charged with a fine only misdemeanor, that is not an alcohol-related offense, instead of taking the person before a magistrate;
15. require an officer who stops a motor vehicle for a fine only misdemeanor to promptly notify the person that the alleged violation is a misdemeanor punishable by fine only and the officer may not arrest a person solely on the basis of that offense;
16. provide that the complaint process in chapter 614 of the Government Code applies to cities covered by a meet and confer or collective bargaining agreement;
17. require a law enforcement agency to adopt and implement standard procedures for processing a complaint filed by a member of the public;
18. provide that citations issued by police officers must include the e-mail address, telephone number, internet address, and physical location where a complaint can be filed by a member of the public against a peace officer; and
19. provide procedures for investigation and disciplinary action based on the complaint against the officer.

H.B. 2712 (Uresti) – Firearm Buyback Program: would provide that: (1) a firearm buyback program is a program under which a local law enforcement agency seeks to reduce violence or crime in the community by offering a payment as an incentive for each firearm surrendered to the agency; (2) a person who surrenders a firearm is not subject to prosecution for the possession of the firearm; (3) a local law enforcement agency shall pay \$100 to the surrendering person for each firearm surrendered; (4) a local law enforcement agency that receives a firearm surrendered under this program may not dispose of the firearm before the 30th day after the date the firearm was surrendered; (5) a local law enforcement agency shall return the firearm to the owner of the firearm if the owner: (a) shows documentation that the owner lawfully owns the firearm; (b) attests that the owner did not authorize the surrender of the firearm; and (c) remits to the agency reimbursement for the \$100 paid to person who surrendered the firearm; (6) a local law enforcement agency: (a) may retain a surrendered firearm as evidence of an offense other than possession of a firearm; or (b) shall destroyed a firearm not retained for evidence; (7) a local law enforcement agency may monthly submit to the comptroller an invoice for amounts paid for firearms surrendered on a form adopted by the comptroller and the comptroller shall reimburse the local law enforcement agency not later than the fifth working day after the date the comptroller receives the invoice.

H.B. 2727 (Lucio) – Recovery of Personal Property: would: (1) amend the state law that allows a person access to a residence or former residence to retrieve personal property and allow

access based on danger of family violence; and (2) provide that, if a justice of the peace finds that application for a writ of entry to property establishes that the current occupant poses a clear and present danger of family violence to the applicant or the applicant's dependents, the justice may waive the requirements for a bond, notice, and hearing, and grant the applicant a temporary ex parte writ authorizing the applicant to enter the residence accompanied by a peace officer to retrieve the property listed in the application. (Companion bill is **S.B. 920** by **Whitmire**.)

H.B. 2735 (Bohac) – First Responders' License to Carry: would provide that: (1) a license to carry a handgun shall have a designation for an on-duty first responder to carry a handgun, if the license holder received that designation under the bill; (2) define "first responder" to mean a public safety employee or volunteer whose duties include responding rapidly to an emergency, including fire protection personnel (including volunteer firefighters) and emergency medical services personnel (including emergency medical services volunteers); (3) a first responder is eligible for an on-duty first responder designation on their license to carry a handgun if the first responder submits a form to the Department of Public Safety stating that he or she is a first responder and has successfully completed a course created by the bill; (4) DPS by rule shall establish minimum standards for a training course for a license holder seeking an on-duty first responder designation, to be taken at the license holder's expense, which must: (a) be administered by a qualified handgun instructor; (b) include not less than 40 hours of instruction; (c) provide classroom training in: (i) de-escalation techniques; (ii) tactical thinking relating to cover for and concealment of the license holder; (iii) methods to conceal a handgun and methods to ensure the secure carrying of an openly carried handgun; and (iv) consequences of improper use of a handgun; (d) provide field instruction in the use of handguns, including: (i) instinctive or reactive shooting; (ii) tactical shooting; (iii) shooting while moving; and (iv) shooting in low light conditions; and (e) require physical demonstrations of proficiency in techniques learned in training; (5) a license holder who becomes ineligible for the first responder designation because the license holder is no longer employed or volunteering as a first responder promptly shall notify DPS, and not later than the 30th day after the date of receipt of the notice, DPS shall issue a license without the designation; (6) DPS by rule shall approve devices to enable a first responder to secure a handgun if the first responder, while on duty, is required to enter a location where carrying the handgun is prohibited by federal law or otherwise; (7) a governmental entity that employs or otherwise supervises first responders may not adopt a rule or regulation that prohibits a first responder who holds a license bearing a designation under the bill from: (a) carrying a handgun while on duty; or (b) storing a handgun on the premises of or in a vehicle owned or operated by the governmental entity if the handgun is secured with a device approved by DPS; (8) the bill "does not create a cause of action or liability;" (9) a governmental entity that employs or otherwise supervises first responders is not liable in a civil action arising from the discharge of a handgun by a first responder who is licensed to carry a handgun; (10) the discharge of a handgun by a first responder who is licensed to carry a handgun is outside the course and scope of the first responder's duties; (11) the bill may not be construed to waive the immunity from suit or liability of a governmental entity that employs or otherwise supervises first responders; and (12) first responders with a designation under the bill are allowed to carry a handgun essentially anywhere while on duty.

H.B. 2820 (Pickett) – Texas Peace Officers' Memorial Ceremony Committee: would provide that the Texas Peace Officers' Memorial Ceremony Committee is established to plan,

oversee, and facilitate annual ceremonies recognizing and honoring peace officers who were killed in the line of duty.

H.B. 2872 (Burns) – Arrest or Citation of a Child: would provide that: (1) a warrant may be issued for the arrest of a person for a Class C misdemeanor committed while the person was in a disciplinary alternative education program; (2) a citation can be issued to a child if the child is alleged to have committed the offense while the child was in a disciplinary alternative education programs; and (3) if a child is alleged to have committed a school offense: (a) a peace officer, law enforcement officer, or school resource officer may issue a citation to the child if the issuance of the citation is authorized by section (2); or (b) the school may file a complaint against the child with a criminal court, if the child fails to comply with or complete graduated sanctions or if the school district has not elected to adopt a system of graduated sanctions.

H.B. 2892 (Smithee) – Guardianships: would impose numerous requirements on a peace officer who detains or arrests a ward of the state. (Companion bill is **S.B. 1096** by **Zaffrini**.)

H.B. 2908 (Hunter) – Offense Against Peace Officer: would: (1) increase the punishment for an offense committed against a person because of bias or prejudice on the basis of the person's service as a peace officer; (2) provide for an education campaign regarding the importance of peace officers in the community; and (3) increase the punishment for certain unlawful restraint, assault, terroristic threat, and intoxication assault offenses committed against a peace officer.

H.B. 2913 (Miller) – Emergency Detention: would: (1) allow a local mental health authority that determines a person under emergency detention should be transported to an appropriate mental health facility before the detention expires may request a peace officer to provide the transportation; (2) require a peace officer, on receipt from the officer's supervisor of a notice of a request in (1), to immediately transport the detained person to the appropriate mental health facility along with notification of emergency detention.

H.B. 2940 (Dutton) – Possession of Marihuana: would, among other things, provide that a peace officer shall issue a citation in lieu of arrest for certain misdemeanor of possession of marihuana offenses and provide certain procedures that must be followed.

H.B. 2979 (Klick) – Handicapped Parking: would provide that, in lieu of imposing a fine, a municipal court may order a person who has not previously been convicted of parking in a space designated for persons with disabilities to: (1) perform community service at a nonprofit organization that serves persons with disabilities; (2) perform any community service that may sensitize the person to the needs of and obstacles faced by persons with disabilities; or (3) attend education classes on disability awareness and accessible parking.

H.B. 2991 (Phillips) – TCOLE Files: would make certain complaint and investigatory files of the Texas Commission on Law Enforcement confidential.

H.B. 3007 (Swanson) – Secure Weapons Storage in Public Buildings: would 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 would violate Chapter 46, Penal Code, or other law or the political subdivision in control of the building, by sign or otherwise, prohibits firearms, handguns, knives, or other weapons on the premises or part of the premises. The bill would: (1) provide that, for such a building, the political subdivision must provide temporary secure weapon storage directly outside or immediately inside the entrance to the building; and (2) mandate many requirements for the lockers.

H.B. 3033 (Blanco) – Veterans: would allow a city to commission and employ as a peace officer a legal permanent resident of the United States who is an honorably discharged veteran.

H.B. 3042 (Meyer) – Fallen Law Enforcement Officer Day: would provide that July 7 is Fallen Law Enforcement Officer Day in recognition of the ultimate sacrifice made by Texas law enforcement officers killed in the line of duty. (Companion bill is **S.B. 798** by **Huffines**).

H.B. 3050 (P. King) – Driver’s License: would provide that, as an alternative to including a police officer’s actual place of residence on a driver’s license, the police officer can request to include an address that is in the: (1) city or county of the peace officer’s residence; or (2) county of the peace officer’s place of employment.

H.B. 3051 (P. King) – Traffic Stops: would revise the categories of “race or ethnicity” for purposes of recording traffic stops to include the following categories: (1) Alaska native or American Indian, (2) Asian or Pacific Islander, (3) black, (4) white, and (5) Hispanic or Latino.

H.B. 3127 (Smithee) – Custodial Interrogations: would: (1) require a law enforcement agency to make an electronic recording of any custodial interrogation that is of a person suspected of committing or charged with a felony; and (2) provide that no oral or written statement of an accused made as a result of a custodial interrogation is admissible without an electronic recording, unless good cause can be shown for the lack of recording.

H.B. 3134 (Smithee) – Custodial Interrogations: would: (1) require a law enforcement agency of a city to make a complete and contemporaneous electronic recording of any custodial interrogation that occurs in a place of detention (including a city police department) and is of a person suspected of committing or charged with the commission of a felony offense, unless good causes exists that makes recording infeasible; (2) require the state’s attorney to provide a copy of a recording in (1) to the defendant not later than the 60th day before trial; and (3) provide that evidence of compliance or noncompliance with (1) is relevant and admissible before the trier of fact and may be considered in determining the admissibility of a defendant’s statement, and may be considered in evaluating the prosecution’s evidence relating to and resulting from the interrogation.

H.B. 3223 (Goldman) – Police Vehicles: would: (1) provide that a city that sells or transfers a marked police patrol car or other law enforcement vehicle to the public is liability for damages proximately caused by the use of the vehicle during the commission of a crime and a civil penalty of \$1,000; and (2) prohibit a city from selling or transferring a marked patrol car without first removing any equipment or insignia that could mislead a person to believe that the vehicle is a law enforcement vehicle.

H.B. 3224 (Perez) – Elderly Financial Abuse: would provide that (1) if an agent or investment adviser representative has a good faith belief that financial abuse of an elderly person has occurred or is occurring, the agent or investment adviser representative shall immediately notify the dealer or investment advisor, as appropriate, for whom the agent or investment advisor representative is providing services; (2) the dealer or investment advisor shall make a report notifying the adult protective service and the appropriate local law enforcement agency with jurisdiction over the city or county in which the elderly person resides of the suspected financial abuse for purposes of investigating and determining whether an offense of exploitation of elderly individual or other law has occurred; and (3) information that is confidential may be disclosed to a law enforcement agency in connection with the reporting or notification or an investigation of suspected financial abuse of the elderly person to whom the information pertains.

H.B. 3228 (E. Rodriguez) – Tuition Exemption: would provide an exemption of tuition and fees at public institutions of higher education for certain certified or licensed paramedics.

H.B. 3238 (Nevarez) – Drones: would provide that: (1) a political subdivision may not adopt or enforce any ordinance, order, or other similar measure regarding the ownership or operation of an unmanned aircraft; and (2) a political subdivision may adopt and enforce an ordinance, order, or other similar measure if it holds a public hearing and obtains Federal Aviation Administration approval, regarding only: (a) the political subdivision’s use of an unmanned aircraft; or (b) the use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision.

H.B. 3239 (Fallon) – Bulletproof Vests: would require the governor’s criminal justice division to establish and administer a grant program to provide financial assistance to a law enforcement agency seeking to equip its peace officers with bulletproof vests.

H.B. 3242 (Springer) – License to Carry: would allow a person (other than a peace officer) who is employed by the state or a political subdivision and required by his or her employment to have firearms training to obtain a license to carry a handgun without taking the proficiency training required for others seeking a license.

S.B. 1138 (Whitmire) – Blue Alert System: would create a blue alert system designed to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer. (Companion bill is **H.B. 2189** by **Krause**.)

S.B. 1163 (Garcia) – Evidence Testing Grant Program: would provide that the criminal justice division of the governor’s office shall establish and administer a grant program and shall disperse funds to assist law enforcement agencies in testing evidence collected in relation to a sexual assault or other sex offense. (Same as **H.B. 1729** by **Neave**.)

S.B. 1186 (West) – Mental Health Certification: would require each city police department to have the following percentage of officers who are mental health assignment certified: (1) at least one-fourth of the department’s officers who are engage in traffic duty or are primary responders who respond directly to calls for assistance from the public; and (2) at least one-fourth of the department’s officers who are on duty during a shift.

S.B. 1187 (West) – No Insurance Citations: would prohibit a police officer from issuing a citation for operating a motor vehicle without financial responsibility, unless the officer attempts to verify through the verification program that financial responsibility has been established for the vehicle.

S.B. 1188 (West) – License to Carry: would provide that a person with a license to carry and who receives notice may not go with a handgun on the premises of a recreation center owned by the government, unless the license holder is a participant in an event conducted at the center and a handgun is used in the event.

S.B. 1192 (Buckingham) – Silver Alert: This bill is the same as **H.B. 2639**, above.

S.B. 1201 (West) – Body Worn Camera Recordings: would: (1) require a law enforcement agency in possession of a body worn camera recording to provide a copy of the recording to the subject of the recording or the person's close family member or to respond in writing with the reasons for declining to release the recording within the later of 30 days after the recording is made or 10 days after the request is received; and (2) provide that a law enforcement agency may not assert that the requested recording is exempt under the law enforcement exception of the Public Information Act.

S.B. 1241 (Rodriguez) – Warrants or Capias: would provide that: (1) not later than the 30th day after the date the court clerk issues the warrant or capias, each municipal police department: (a) shall report to the National Crime Information Center (NCIC) each warrant or capias issued for a defendant charged with a felony who fails to appear in court when summoned; (b) may report to the NCIC each warrant or capias issued for a defendant charges with a misdemeanor other than a Class C misdemeanor who fails to appear in court when summoned; and (c) shall report to the NCIC and Texas Crime Information Center (TCIC) each warrant or capias issued for a defendant who commits family violence, sexual assault or abuse, stalking, or trafficking; (2) the procedure that a municipal police department establishes to inform officers of protective orders must require reporting to the NCIC and TCIC must include: (a) the names of persons protected by protective orders; (b) the names of persons to whom protective orders are directed; and (c) the terms of protective orders; and (3) each municipal police department shall establish procedures within the department or office that requires reporting to the NCIC and TCIC: (a) the names of persons who have been release on bond and are awaiting trial in a family violence sexual assault or abuse, stalking, or trafficking case; and (b) the conditions of bond for persons described in (3)(a).

S.B. 1242 (Rodriguez) – Protective Orders: would provide that: (1) on request by an applicant, the court may protect the mailing address of an applicant for a protective order; (2) if the applicant is not represented by an attorney, a notice of an application for a protective order must include the mailing address of the applicant; or the name and mailing address of the person designated to receive on behalf of the applicant; and (3) if a court grants a request for confidentiality, the court clerk shall maintain a confidential record of the information for use only by a law enforcement agency for purposes of entering the information into the statewide law enforcement information system maintained by Department of Public Safety.

S.B. 1274 (Rodriguez) – Unprotected Road User: would: (1) require the operator of a motor vehicle passing an unprotected road user (e.g., pedestrian, utility worker, bicyclist, or motorcyclist) to either vacate the lane in which the user is located if the highway has two or more marked lanes or to pass the user at a safe distance; (2) require the operator of a motor vehicle that is making a turn at an intersection to yield the right-of-way to an unprotected road user; (3) prohibit the operator of a motor vehicle from overtaking an unprotected road user and turning in front of the user unless the operator is clear of the user; (4) prohibit the operator of a motor vehicle from maneuvering the vehicle in a manner that intimidates, harasses, or threatens an unprotected road user; (5) provide that a violation of (1)-(4) is a misdemeanor offense; and (6) provide that it is a defense to prosecution for (1)-(4) that the unprotected road user was acting in violation of the law. (Companion bill is **H.B. 1236** by **Martinez**.)

S.B. 1282 (Huffines) – Automated Traffic Control Systems: would prohibit cities and school districts from operating an automated traffic control system to enforce compliance with posted speed limits.

S.B. 1321 (Hughes) – Automobile Burglary and Theft Prevention Authority: would credit 100 percent of the fee collected under the Automobile Burglary and Theft Prevention program to the Texas Department of Motor Vehicles (department) and provide that the fee may only be appropriated to the department for the purpose of the authority.

S.B. 1333 (Huffman) – Attempted Child Abduction: would provide that a local law enforcement agency, on receiving a report of an attempted child abduction, shall as soon as practicable, but not later than eight hours after receiving the report, provide any relevant information regarding the attempted child abduction to the state's missing children's clearinghouse. (Companion bill is **H.B. 1503** by **Frullo**.)

S.B. 1348 (Watson) – Automobile Burglary and Theft Prevention Authority: would credit the fee collected under the Automobile Burglary and Theft Prevention program to the Texas Department of Motor Vehicles (department) and provide that the fee may only be appropriated to the department for the purposes of the authority.

S.B. 1356 (Hall) – Distracted Driving: would: (1) prohibit a city from regulating or prohibiting district driving, including the use of a wireless communication device while operating a vehicle, but allow a city to enforce state law regarding distracted driving; and (2) provide that a person causing, or involved in, a collision from the operating of a moving vehicle commits an offense if the person was engaged in an activity that: (a) is not related to the operation of the motor vehicle; and (b) interferes with the driver's ability to pay attention to the road.

S.B. 1366 (Menendez) – Retirement: would provide eligibility for membership and funding of benefits for certain law enforcement, custodial, and other peace officers who are members of the Teacher Retirement System of Texas or the Employees Retirement System of Texas. (Companion bill is **H.B. 1163** by **Alonzo**.)

S.B. 1372 (Menéndez) – Electric Unicycle: would provide that: (1) an electric unicycle may not be registered for operation on a public highway; and (2) an electric unicycle is treated like a bicycle for Transportation Code purposes.

S.B. 1408 (Huffines) – First Responders’ License to Carry: would provide that: (1) a license to carry a handgun shall have a designation for an on-duty first responder to carry a handgun, if the license holder receives that designation under the bill; (2) define “first responder” to mean a public safety employee or volunteer whose duties include responding rapidly to an emergency, including fire protection personnel (including volunteer firefighters) and emergency medical services personnel (including emergency medical services volunteers); (3) a first responder is eligible for an on-duty first responder designation on their license to carry a handgun if the first responder submits a form to the Department of Public Safety stating that he or she is a first responder and has successfully completed a course created by the bill; (4) DPS by rule shall establish minimum standards for a training course for a license holder seeking an on-duty first responder designation, to be taken at the license holder’s expense, which must: (a) be administered by a qualified handgun instructor; (b) include not less than 40 hours of instruction; (c) provide classroom training in: (i) de-escalation techniques; (ii) tactical thinking relating to cover for and concealment of the license holder; (iii) methods to conceal a handgun and methods to ensure the secure carrying of an openly carried handgun; and (iv) consequences of improper use of a handgun; (d) provide field instruction in the use of handguns, including: (i) instinctive or reactive shooting; (ii) tactical shooting; (iii) shooting while moving; and (iv) shooting in low light conditions; and (e) require physical demonstrations of proficiency in techniques learned in training; (5) a governmental entity that employs or otherwise supervises first responders may not adopt a rule or regulation that prohibits a first responder who holds a license bearing a designation under the bill from: (a) carrying a handgun while on duty; or (b) storing a handgun on the premises of or in a vehicle owned or operated by the governmental entity if the handgun is secured with a device approved by DPS; (6) the bill “does not create a cause of action or liability;” (7) a governmental entity that employs or otherwise supervises first responders is not liable in a civil action arising from the discharge of a handgun by a first responder who is licensed to carry a handgun; (8) the discharge of a handgun by a first responder who is licensed to carry a handgun is outside the course and scope of the first responder’s duties; (9) the bill may not be construed to waive the immunity from suit or liability of a governmental entity that employs or otherwise supervises first responders; and (10) first responders with a designation under the bill are allowed to carry a handgun essentially anywhere while on duty.

Transportation

H.B. 2550 (Frullo) – Taxicabs: would require a city that regulates taxicab service to include in the ordinance that a person providing taxicab service must maintain adequate motor vehicle liability insurance as provided by the bill.

H.B. 2584 (Raymond) – Billboards: would prohibit the Texas Department of Transportation, in regulating outdoor advertising located inside a city, from including an electronic sign owned by a city in spacing distance calculations.

H.B. 2615 (Goldman) – Towing and Vehicle Storage: would authorize a person holding an incident management towing operator’s license, private property towing operator’s license, or a consent towing operator’s license to work at a vehicle storage facility, and would prohibit a person from working at a vehicle storage facility unless the person holds one of the aforementioned towing licenses or a vehicle storage facility license.

H.B. 2696 (Workman) – Traffic Signals: would provide that the Texas Department of Transportation’s manual on uniform traffic control devices and specifications must provide for the placement and maintenance of a traffic-control signal that permits an emergency vehicle to safely enter a highway in a city at a location to be determined by the city.

H.B. 2813 (Darby) – Transportation Infrastructure Fund: would: (1) make various modifications to the Transportation Reinvestment Zone statute; and (2) abolish the Transportation Infrastructure Fund. (Companion bill is **S.B. 1305** by **Nichols**.)

H.B. 2862 (S. King) – Milk Trucks: would, among other things: (1) modify weight limits for certain vehicles transporting fluid milk; and (2) provide that, unless otherwise provided by state or federal law, a county or city may not require a permit, fee, or license for the operation of certain vehicle combinations transporting fluid milk. (Companion bill is **S.B. 1383** by **Perry**.)

H.B. 3087 (Morrison) – Service Vehicle Lighting: would require certain vehicles, including some city vehicles, to have certain lighting equipment as directed by the Texas Department of Transportation when working near a highway.

H.B. 3184 (E. Thompson) – Tolls: would exempt certain vehicles exempt from paying registration fees (including government-owned, fire-fighting, and law enforcement vehicles) from paying toll fees.

H.B. 3207 (L. Gonzales) – Texas Department of Transportation: this is the Texas Department of Transportation sunset bill. Of interest to cities, the bill would – among other things – continue the department until September 1, 2029, and provide that:

1. The Statewide Transportation Plan must, among other things, contain specific and clearly defined transportation system strategies, long-term transportation goals for the state and measurable targets for each goal, and other related performance measures.
2. In selecting transportation projects, the department shall consider the transportation system strategies, goals and measurable targets, and other related performance measures.
3. The department shall prepare a long-term plan for a statewide passenger rail system and update the plan at least once every five years, and the plan shall include: (a) an analysis of short-term and long-term effects of each proposed passenger rail system on state and local road connectivity, including effects on oversize or overweight vehicles and other commercial traffic; and (b) an analysis of the effect of each proposed passenger rail system on statewide transportation planning, including the effect on future state and local road construction and road maintenance needs.
4. The department shall develop and prominently display on the department’s Internet website a dashboard that clearly communicates to the public: (a) the transportation

system strategies, goals and measurable targets, and other related performance measures established by the department and the department's progress, including trends over time, in meeting the strategies, goals and targets, and other related performance measures described by (a).

5. The department shall conduct a comprehensive analysis regarding the effect of funding allocations made to various funding categories and project selection decisions on accomplishing the goals described in the statewide transportation plan.
6. The Texas Transportation Commission by rule shall: (a) adopt a policy comprehensively explaining the department's approach to public involvement and transparency related to the unified transportation program; and (2) require the department to, at a minimum, make a report on any change to the unified transportation program available on the department's Internet website and provide the report to the commission in a public meeting, regardless of any rules adopted for public hearings and approvals.
7. The department shall conduct a review of project development activities in each district's project portfolio on a regular basis and use the review to monitor and evaluate the performance of each district, and shall, when appropriate, seek input from key stakeholders, such as local government project sponsors or metropolitan planning organizations.
8. The commission shall adopt rules governing the alignment of the department's state and federal funding forecasts, including the annual funding forecast, with the funding forecasts of metropolitan planning organizations, including the funding forecasts used for long-term planning and the 10-year transportation plan.
9. A city by ordinance may require the person in charge of a garage or repair shop where a motor vehicle is brought if the vehicle shows evidence of having been involved in an accident if the accident resulted in injury to or the death of a person or damage to the property of any one person to the apparent extent of \$1,000 or more.
10. certain provisions relating to the preparation and release of accident reports are modified.

(Companion bill is **S.B. 312** by **Nichols**.)

H.B. 3212 (Isaac) – Commercial Motor Vehicle Fines: would reduce from 110 percent to 50 percent the amount of the preceding year's fines that a city may retain for enforcement of commercial motor vehicle safety standards.

S.B. 312 (Nichols) – Texas Department of Transportation: this bill is the same as **H.B. 3207**, above.

S.B. 1244 (Rodriguez) – Speed Limits: would lower the prima facie speed limit in an urban district on a street other than an alley from 30 to 25 miles per hour. (Companion bill is **H.B. 1368** by **Israel**.)

S.B. 1305 (Nichols) – Transportation Infrastructure Fund: this bill is the same as **H.B. 2813**, above.

S.B. 1327 (Seliger) – Speed Limits: would authorize a district engineer for the Texas Department of Transportation to temporarily lower a prima facie speed limit for a highway if the engineer finds the speed limit unreasonable or unsafe because of a hazard.

S.B. 1334 (Hinojosa) – Transportation Funding: would, for purposes of allocation of state funding of public transportation, define “large urbanized area” as “an urbanized area with a population of 200,000 or more” and “small urbanized area” as “an urbanized area with a population of less than 200,000.”

S.B. 1351 (Watson) – Traffic Control Signals: this bill is the same as **H.B. 2696**, above.

S.B. 1383 (Perry) – Milk Trucks: this bill is the same as **H.B. 2862**, above.

S.J.R. 48 (Miles) – State Highway Fund: would propose an amendment to the Texas Constitution that would expand the use of the state highway fund to include public transportation, public bicycle paths, and public sidewalks.

Utilities and Environment

H.B. 2533 (Geren) – Civil Environmental Law Suits: would: (1) remove the requirement that a city must wait 121 days after a complaint is filed to determine if TCEQ will file suit, before bringing its own law suit; and (2) require a city to provide notice to the attorney general of each alleged violation and wait 90 days before initiating a suit.

H.B. 2628 (Pickett) – Texas Emissions Reduction Funding: would repeal the provision requiring \$5 of each fee collected for a vehicle title to be deposited into the Texas emission reduction plan fund. (Note: Instead, the entire fee collected would be deposited to the credit of the Texas mobility fund.)

H.B. 2654 (Stucky) – Water and Energy Savings Assessments: would provide that a county assessor-collector and other elected officials of a local government are not personally liable as a result of entering into an agreement for the collection of assessments imposed by a local government to fund water and energy savings improvements.

H.B. 2682 (Reynolds) – Emissions Reduction: would: (1) provide a definition of “clean transportation triangle” to include counties in the areas connecting the cities of Houston, San Antonio, Dallas and Fort Worth, San Antonio, Corpus Christi, and Laredo; and (2) require TCEQ to provide fueling facilities in the clean transportation triangle to enable an alternative fuel vehicle to travel in those areas.

H.B. 2771 (Phelan) – On-Site Wastewater Fee: would repeal the \$10 fee that cities collect and remit to the TCEQ for each on-site wastewater treatment permit application processed.

H.B. 2799 (Farrar) – Water Use Permit Applications: would require an applicant for certain water use and solid waste application to: (1) post a copy of the application on a publicly accessible website; (2) post any subsequent revision or supplement to the application; and (3) maintain the posting until the TCEQ takes final action on the application.

H.B. 2838 (Geren) – Small Cellular Network Deployment: this bill is sought by wireless industry vendors (“network providers”) to quickly install small cellular equipment (“network nodes”) and/or towers in a city’s rights-of-way. It would make various findings related to the deployment of cellular network nodes in the public rights-of-way and municipal authority over those rights-of-way, and – substantively – would provide that:

1. Except as provided by the bill, a city may not prohibit, regulate, or charge for the installation or collocation of network nodes in a public right-of-way.
2. A city may not directly or indirectly require, as a condition for issuing a permit required under the bill, that the applicant perform services unrelated to the installation or collocation for which the permit is sought, including in-kind contributions such as reserving fiber, conduit, or pole space for the city’s use.
3. A city may not enter into an exclusive arrangement with any person for use of the public rights-of-way for the construction, operation, marketing, or maintenance of network nodes or node support poles, and any regulations must be nondiscriminatory and competitively neutral.
4. A city can never impose a moratorium on network nodes or support poles.
5. A city may require a network provider to obtain one or more permits (up to 30 in one “batch application”) to install a network node or node support pole in a public right-of-way only if the permit: (a) is of general applicability to users of the public rights-of-way; and (b) does not apply exclusively to network nodes. (This is essentially a construction permit that can’t require more than a city would of a land-line user of the right-of-way.)
6. A 30-day “shot clock” is imposed on a city to notify a network provider that its application is complete.
7. A 150-day shot clock is imposed on a city to approve or deny a completed application for a new node support pole and a 90-day shot clock is imposed for any other application (e.g. a node to be placed on an existing pole).
8. Detailed procedures must be followed if a city denies a permit.
9. A network provider shall begin the installation for which a permit is granted not later than the 90th day after the date the permit is approved and shall complete the installation not later than the 180th day after the date the installation begins, unless a city grants a longer time.
10. A city may charge an application fee for a permit only if it requires the payment of the fee for similar types of commercial development inside the city’s territorial jurisdiction, and any fee must be cost-based and not contingent-based. (This restriction is for permits to access the right-of-way. An additional rental fee is provided for in (1), below.)
11. A city may not require a network provider to submit an application for: (a) routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; or (b) replacing or upgrading a network node or pole with a node or pole that is substantially similar in size (defined as not more than 10 percent higher than existing equipment) or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way.
12. A city that chooses to allow collocation of network nodes on municipal poles must do so in a non-discriminatory manner.
13. Subject to the bill’s provisions and to applicable federal and state law: (a) a city may continue to exercise zoning, land use, planning, and permitting authority in the city’s

boundaries, including with respect to utility poles; and (b) a city may exercise that authority to impose police-power-based regulations for the management of the public rights-of-way that apply to all persons to the extent that the regulations are reasonably necessary to protect the health, safety, and welfare of the public.

14. A network provider must indemnify a city for damages caused solely by the negligent act, error, or omission of the provider, but not for liability resulting from the negligence of the city, its officers, employees, contractors, or subcontractors.
15. A network provider shall relocate or adjust network nodes in a timely manner and without cost to the city if the city requires the relocation or adjustment to accommodate public improvements constructed on behalf of the city in a public right-of-way.
16. A network provider shall ensure that the operation of a network node does not cause any harmful radio frequency interference to a Federal Communications Commission-authorized mobile telecommunications operation of the city operating at the time the network node was initially installed or constructed, and a network provider shall take all steps reasonably necessary to remedy any harmful interference.

Additionally, with regard to the use of and rental compensation for the use of a city's rights-of-way, the bill would provide that:

1. A public right-of-way rate or fee for use of the public rights-of-way may not exceed an annual amount equal to \$1,000 multiplied by the number of node support poles (i.e., those installed by a private company dedicated to cell service) and utility poles (i.e., those that provide electric or telecommunications service), other than municipally owned utility poles, inside the municipality's corporate boundaries on which the network provider has installed a network node. (The fee is adjusted annually to reflect changes in inflation based on the consumer product index.)
2. At the city's discretion, it may charge a network provider a lower rate or fee if the lower rate or fee is: (a) nondiscriminatory; (b) related to the use of the public rights-of-way; and (c) not a prohibited gift of public property.
3. The current-law access line compensation system for right-of-way use applies to telecommunications network facilities, other than network nodes, installed by a network provider. (For purposes of calculating that fee, each network node is considered an end-use customer termination point.)
4. Subject to the approval of a permit application (if required by the city) and to any applicable building codes, a network provider is entitled, as a permitted use that is not subject to zoning review or similar approval, and is not subject to further land use approval in an area that is not zoned, to do the following in the public rights-of-way: (a) construct, modify, maintain, and operate a network node; (b) construct, modify, maintain, and operate a utility pole or network support pole; and (3) collocate on a pole with the discretionary, nondiscriminatory, and express written consent of the pole's owner.
5. A network provider shall construct and maintain its structures and facilities in a manner that does not: (a) obstruct, impede, or hinder the usual travel or public safety on a public right-of-way; (b) obstruct the legal use of a public right-of-way by other utility providers; (c) violate applicable codes; (d) violate or conflict with the city's publicly-disclosed public rights-of-way design specifications; or (e) violate the federal Americans with Disabilities Act.

6. A network provider shall ensure that each new, modified, or replacement utility pole or node support pole installed in a public right-of-way in relation to which the network provider received approval of a permit application: (a) does not exceed the greater of: (i) 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or (ii) 50 feet above ground level; and (b) is spaced at least 300 linear feet from the nearest existing pole that is capable of supporting network nodes and is located in a public right-of-way.
7. A network provider may not install a new node support pole in a public right-of-way without the city's discretionary, nondiscriminatory, and written consent if the public right-of-way is adjacent to a street or thoroughfare: (a) that is not more than 50 feet wide; and (b) both sides of which are adjacent to single-family residential lots or other multifamily residences.
8. A network provider shall ensure that the vertical height of an equipment cabinet installed as part of a network node does not exceed certain height limitations, subject to approval of the pole's owner if applicable.
9. A network provider shall, in relation to installation for which a city approved a permit application, comply with nondiscriminatory undergrounding requirements, except in relation to existing structures.
10. A city may adopt a design manual for the installation and construction of network nodes and new node support poles in the public rights-of-way that includes additional installation and construction details that do not conflict with the bill.

(Companion bill is **S.B. 1004** by **Hancock**.)

H.B. 2885 (Larson) – Return Flows: would require TCEQ to: (1) authorize the discharge, diversion, and reuse of a person's existing return flows derived from privately-owned groundwater if the groundwater is treated brackish groundwater and the person is authorized to discharge the groundwater; and (2) grant a water right or an amendment to a permit to an applicant who proposes to divert the applicant's existing return flows from treated brackish groundwater and transfer those flows to another river basin.

H.B. 2894 (Lucio) – Desalination: would entitle an existing water right holder that begins using desalinated seawater to expedited consideration of their application for an amendment to the water right, provided that certain conditions are met.

H.B. 2910 (Flynn) – Electric Rates: would provide that the Public Utility Commission shall initiate an inquiry concerning the rates of an investor owned electric utility in the ERCOT region if those rates exceed a certain amount.

H.B. 2932 (Anchia) – Railroad Commission Fines: would: (1) increase the daily maximum penalty that can be imposed by the Texas Railroad Commission from \$10,000 to \$25,000; and (2) provide that the commission's penalty guidelines must provide for different penalties for different violations based on the seriousness of the violation and any hazard to the health or safety of the public resulting from the violation.

H.B. 2943 (Larson) – State Water Pollution Control Fund: would: (1) provide that persons for projects eligible for assistance under Section 603(c) of the Federal Water Pollution Control Act are eligible for state funding administered through the Water Development Board; and (2) allow the TWDB to use the revolving fund for loans for a term not to exceed the lesser of 30 years or the projected useful life.

H.B. 2948 (Larson) – Interregional Water Planning Council: would require the Texas Water Development Board to appoint an interregional planning council consisting of one member from each regional water planning group to improve coordination among the regional water planning groups.

H.B. 2958 (E. Thompson) – Municipal Solid Waste: would impose a temporary moratorium (until September 1, 2019) on municipal solid waste facilities and mandate that TCEQ conduct a study on the safety and regulation of such facilities.

H.B. 3004 (Isaac) – Wastewater Discharge Permits: would require the Texas Commission on Environmental Quality to dismiss a city’s protest of a wastewater discharge permit if the city is subject to less stringent wastewater treatment requirements than the requirements established by the permit.

H.B. 3028 (Burns) – Groundwater Ownership: would provide: (1) a definition of “fair share” as a reasonable quantification, based on the best available science, of the amount of groundwater in place beneath each tract of land overlying an aquifer, subdivision of an aquifer, or geologic formation that may be produced; (2) that groundwater ownership and rights entitle a person to be afforded a fair share of groundwater when the right to drill a well and produce groundwater is regulated by groundwater conservation districts.

H.B. 3037 (Workman) – Groundwater Management Areas: would provide that the Texas Water Development Board and Texas Commission on Environmental Quality shall designate groundwater management areas so that each major and minor aquifer is assigned to a groundwater management area designated solely for that aquifer.

H.B. 3073 (E. Rodriguez) – Electric Utilities: would provide for financing programs for certain low income customers of investor owned electric utilities.

H.B. 3090 (Cyrier) – Outdoor Burning: would allow a peace officer to enforce rules and provisions prohibiting outdoor burning of waste.

H.B. 3116 (Allen) – Solid Waste Permits: would require a solid waste facility permit application to contain a certification from the applicant that the applicant mailed an explanation of the site’s proposed operations and a questionnaire seeking community comments to each resident living one mile or less from the site and each community organization, nonprofit organization, or civic club located two miles or less from the site.

H.B. 3153 (Sheffield) – Water Fluoridation: would provide that an owner, agent, manager, operator, or other person in charge of a public water supply system that furnishes for public or

private use drinking water containing added fluoride may not reduce the amount of fluoride in the water or terminate the fluoridation of the water unless they provide written notice to the customers of the system and the Texas Commission on Environmental Quality at least 60 days before the reduction or termination.

H.B. 3175 (Reynolds) – Energy Efficiency: would provide, among other things, that the Public Utility Commission by rule shall establish a grant program through which electric utilities, municipally owned utilities, and electric cooperatives may receive money from the greenhouse gas emissions fee account.

H.B. 3177 (Lucio) – Contested Cases: would add an additional allowance for the executive director of TCEQ to act on an application or request if the matter has become uncontested before parties are named because each person who requested a contested case hearing has withdrawn the request or agreed in writing to the action to be taken by the executive director.

H.B. 3200 (Murr) – Aggregate Production Operations: would: (1) provide for the regulation of aggregate productions by the Texas Commission on Environmental Quality that are first required to be registered on or after January 1, 2016, occupy at least 10 acres, and are located inside a city’s extraterritorial jurisdiction (ETJ); and (2) require a city with an aggregation production in its ETJ as described in (1) to consider and possibly approve amendments to a reclamation plan under certain circumstances.

H.B. 3240 (Springer) – Gas Pipelines: would provide that an investor-owned gas utility that inspects, constructs, or repairs a gas pipeline owned or operated by a governmental unit or an institution of higher education is not liable to a claimant for personal injury, property damage, or death arising from the performance of the inspection, construction, or repair if, at the time of the personal injury, property damage, or death, the gas utility was providing services or materials at the request of the governmental unit or institution of higher education in response to an emergency, and the personal injury, property damage, or death was not caused by the gas utility’s willful misconduct.

H.J.R. 101 (Workman) – Water Funding: would propose an amendment to the Texas Constitution that would provide – with certain exceptions – that, in each state fiscal year, the comptroller shall deposit to the credit of a separate account in the Texas Water Development Fund II \$1 billion of the net revenue derived from the state sales and use tax that exceeds the first \$30.5 billion of that revenue coming into the treasury in that state fiscal year.

S.B. 1229 (Menendez) – Solid Waste Service: this bill is the same as **H.B. 2763**, above.

S.B. 1392 (Perry) – Groundwater Conservation Districts: would: (1) add a definition of “common reservoir” to the Water Code; (2) require groundwater conservation districts to act jointly with other groundwater conservation districts to manage groundwater; (3) allow groundwater production limits based on the amount of land owned by a landowner; and (4) repeal the Water Code provision providing that groundwater ownership and rights do not entitle a landowner to the right to capture a specific amount of groundwater below the surface of a landowner’s land.

S.B. 1416 (Pery) – Texas Water Development Board Financial Assistance: would provide: (1) a definition of “iron and steel products;” and (2) that a contract for a water project may allow the use of iron and steel products that are not produced in the United States, so long as the use is incidental or *de minimis*. (Companion bill is **H.B. 2204** by **Kacal**.)

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