



Legislative UPDATE

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Revenue Cap Committee’s Math: “Worse than Meaningless”

On January 30, the Dallas Morning News ran an [article](#) written by Data and Enterprise Reporter David McSwane. The article points out the misleading arguments used by proponents of revenue caps.

Specifically, the article picked apart the often-cited “apples to oranges” claim that local property taxes have increased three times faster than median household income. Readers of the *Legislative Update* know that the League has [taken exception](#) to the use of this comparison since the Senate Selection Committee on Property Tax Reform and Relief was holding public hearings last year.

For his article, McSwane interviewed independent economists and fiscal analysts. They called the committee’s comparison “fallacious” and “worse than meaningless.” The article also includes a true “apples to apples” comparison using federal data showing that median household income has actually outpaced the median property tax bill in Texas. The article is a must-read for city officials.

In response, Senator Paul Bettencourt (R – Houston), who chaired the committee, wrote a [letter](#) to the editor of the Dallas Morning News complaining about the article. (Bettencourt is also the author of S.B. 2, this session’s revenue cap bill.) Interestingly, Senator Bettencourt did not defend the “apples-to-oranges” comparison, but instead used property tax data from two counties to argue that property taxes are increasing across the state.

The Dallas Morning News responded with a second [article](#), this time from its editorial board, defending its earlier article. The board accuses Senator Bettencourt of playing “fast and loose” with the numbers, and encouraging readers to oppose S.B. 2. City officials should continue to let their legislators know of their opposition to S.B. 2.

Speaker Names House Committees

Speaker of the House Joe Straus issued House committee assignments yesterday. A full list is available [here](#).

Texas Supreme Court: Attorney-Client Privilege Trumps Public Information Act

On February 3, the Texas Supreme court delivered its opinion in [Paxton v. City of Dallas](#). The court held that missing the ten-day deadline in the Public Information Act to request an attorney general ruling does not waive the attorney-client privilege.

The dispute centers on whether the City of Dallas had to disclose certain attorney-client-privileged communications. Specifically, the issue in the case is whether the policy supporting the attorney-client privilege is a “compelling reason” to withhold the city’s attorney-client-privileged communications when the city asked for an attorney general ruling after the deadlines in Texas Government Code Section 552.301.

The attorney general has historically limited the “compelling reason” standard to: (1) information a governmental body is prohibited by law from disclosing (i.e., mandatory exceptions); and (2) information that could jeopardize third parties if disclosed. The Texas Supreme Court rejected that interpretation, concluding that the standard “requires an assessment of the relative importance of a reason for withholding information in relation to the presumption of openness” (i.e., a balancing test). A reason to withhold information will only be “compelling” when it is of such a pressing nature that it outweighs the interests favoring public disclosure.

In determining the attorney-client privilege is a compelling reason to withhold information, the court acknowledged that public officials’ access to candid legal advice serves the public interest:

The notion that “sound legal advice or advocacy serves public ends” is not rationally debatable. After all, the government conducts its business on behalf of the public (residents, voters, taxpayers, and ratepayers), and a fully informed servant is a more capable servant. The attorney-client privilege “encourag[es] government officials formulating policies in the public’s interest to consult with counsel in conducting that public business.” The privilege also protects the public fisc when the government is participating in litigation, negotiating billion-dollar contracts, and performing regulatory acts under complex regulatory schemes. . . . [P]eople are best served when government officials . . . operate in an atmosphere that encourages them “to seek out and receive fully informed legal advice.”

This opinion insures that governmental entities are not left legally vulnerable under the Public Information Act. It is an important win for the City of Dallas and governmental bodies across the State of Texas.

TCEQ Seeks Stakeholder Input on Revisions to Water Rights Application Forms

The Texas Commission on Environmental Quality Water Availability Division has completed revisions to the water rights permitting application documents. The new application consists of three parts:

1. **Administrative Information Report:** Required information about applicants that is required for all applications.
2. **Technical Information Report:** Asks applicants a series of questions about their request for a new or amended water right and directs the applicant to attached technical worksheets depending on the request.
3. **Instructions:** Provides information to applicants about how to complete the reports and worksheets including background information, citations, and examples.

These revised application documents are for new and amended water rights and for bed and banks authorizations. TCEQ staff is seeking comments and suggestions on the draft revised documents by March 8, 2017. Comments may be submitted by email to wras@tceq.texas.gov. (Subject line should be “Comments on Draft Revised Application Documents.”)

May 2017 Election Law Calendar

The Texas Municipal Clerks Association (TMCA), a Texas Municipal League affiliate, prepares an outstanding election calendar for the May election. The TMCA calendar is [now available online](#). The League’s legal staff remains available to answer election-related questions.

Officer-Involved Incident Reporting

[Legislation passed in 2015](#) mandates that, not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a report to the office of the attorney general and, if the agency maintains an Internet website, post a copy of the report on the agency’s website.

The same legislation requires an agency to report incidents in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and causes injury or death to the officer.

All city police departments that have experienced an officer incident are required to make the reports. The attorney general has a [web page](#) with reporting forms and additional information.

Reminder: Be Sure to Check Committee and Floor Actions

In this issue (and in the weeks ahead), readers will find summaries of “Significant Floor Actions.” Future issues will have those and “Significant Committee Actions” as well. These sections of the update are extremely important because they indicate important city-related bills that have momentum. You are encouraged to read these sections carefully and to contact TML staff if you have questions or concerns.

Significant Floor Actions

S.B. 4 (Perry), relating to the enforcement by certain governmental entities of state and federal laws governing immigration and to the duties of law enforcement agencies concerning certain arrested persons. Passed the Senate. As passed, the bill would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would provide that:

1. A state criminal justice agency, county, or city that releases from custody a person who is the subject of an immigration detainer request issued by U.S. Immigration and Customs Enforcement (ICE) is liable for damages resulting from a felony committed by the person in this state within 10 years following the person’s release if: (a) the agency, county, or city: (i) did not detain the person as requested; and (ii) had probable cause to believe that the person is not a citizen and is subject to removal from the United States; (b) the person was not a citizen of the United States at the time of release; and (c) the attorney general has petitioned the chief justice of the supreme court to convene a special three-judge district court to hear an action brought against a city or county;
2. An immigration detainer request under (1), above is presumed to be valid, regardless of whether the detainer is written or verbal;
3. Sovereign immunity of this state and governmental immunity of a county and municipality to suit is waived and abolished to the extent of liability created by the bill;
4. A state criminal justice agency, county, or city is not liable for damages under (1), above, for damages incurred after ICE subsequently detains the person;
5. a peace officer may not stop a motor vehicle or conduct a search of a business or residence solely to enforce a federal law relating to immigration, unless the officer is acting: (a) at the request of, and providing assistance to, an appropriate federal law enforcement officer; or (2) under the terms of an agreement between the law enforcement agency employing the officer and the federal government under which the agency receives delegated authority to enforce federal law relating to immigrants or immigration;
6. a peace officer may arrest an undocumented person only if the officer is acting to preserve the peace under his or her basic authority to enforce laws;
7. a law enforcement agency that has custody of a person subject to an immigration detainer issued by ICE shall: (a) provide to the judge or magistrate authorized to grant or deny the

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

8. a law enforcement agency shall presume an immigration detainer request is based on probable cause and is otherwise valid, regardless of whether the detainer request is written or verbal; and
9. if a criminal defendant is in the U.S. illegally and is to be confined to jail by a court judgment, the judge shall issue an order requiring the defendant to serve the last seven days in federal custody to ensure seamless transition to federal custody.

The bill would prohibit certain city actions by providing that:

1. a "local entity" is defined to include, among others, a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney (but would exempt schools and hospitals, but not hospital peace officers, as well as a peace officer employed or contracted by a religious organization during service to the religious organization);
2. a local entity shall not adopt, enforce, or endorse a policy or consistent action under which the entity prohibits or discourages the enforcement of immigration laws;
3. a local entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney from doing any of the following: (a) inquiring into the immigration status of a person under a lawful detention or under arrest; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest: (i) sending the information to or requesting or receiving the information from Citizenship and Immigration Services or ICE, including information regarding a person's place of birth; (ii) maintaining the information; or (iii) exchanging the information with another local entity or a federal or state governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or (d) permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws;
4. a local entity or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, religion, or national origin while enforcing immigration laws except to the extent permitted by the United States or Texas Constitutions;
5. an elected official of a city, or one who is appointed by the governing body of a city, who violates (1), above, commits a Class A misdemeanor;
6. a local entity that violates the requirements above is subject to a civil penalty up to \$1,500 for the first violation and up to \$25,500 for each subsequent violation that shall be credited to the state's Crime Victims Compensation Fund;
7. each law enforcement agency that is subject to the requirements above of this may adopt a written policy requiring the agency to perform community outreach activities to educate the public that a person employed by or otherwise under the direction or control of the agency may not inquire into the immigration status of a detained person if the detention

- occurred solely because the person: (a) is a victim of or witness to a criminal offense; or (b) is reporting a criminal offense; and
8. a policy adopted under (6), above, must include outreach to victims of certain victims of family violence and sexual assault.

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

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws.
2. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general shall, not later than the 10th day after the date of the determination, provide written notification to the entity that: (a) the complaint has been filed; (b) the attorney general has determined that the complaint is valid; (c) the attorney general is authorized to file an action to enjoin the violation if the entity does not come into compliance on or before the 90th day after the date the notification is provided; and (d) the entity will be denied state grant funds for the state fiscal year following the year in which a final judicial determination is made.
3. not later than the 30th day after the day a local entity receives written notification of a complaint, the local entity shall provide the attorney general with a copy of: (a) the entity's written policies related to immigration enforcement actions; (b) each immigration detainer received by the entity from the Department of Homeland Security; and (c) each response sent by the entity for a detainer;
4. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief and may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs;
5. a local entity may not receive state grant funds beginning with the state fiscal year following the year in which a final judicial determination is made if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws (the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to a city);
6. a city that has its grant funding withheld can petition the court after one year to get it back;
7. state grant funds for the provision of wearable body protective gear used for law enforcement purposes may not be denied under the bill; and
8. the attorney general shall develop and maintain a database listing each local entity for which a final judicial determination has been made and post that on its website.

Finally, the bill would provide that not later than January 1, 2018, each local law enforcement agency shall: (a) formalize in writing any unwritten, informal policies relating to the enforcement

of immigration laws; and (b) update the agency's policies to be consistent with the bill and to include provisions prohibiting an agency officer or employee from preventing agency personnel from taking immigration enforcement actions described by the bill.

S.B. 14 (V. Taylor), relating to ethics. Passed the Senate. As passed, the bill would – among many other things – provide that a person may not qualify for elected office if the person is required to be a registered as a lobbyist.

City-Related Bills Filed

Property Tax

H.B. 1471 (Murr) – Property Appraisal: would authorize land used for local predation management activities to be appraised for property tax purposes as qualified open-space land.

H.B. 1473 (Bohac) – Property Tax Exemption: would, among other things: (1) provide that an individual is entitled to an exemption from taxation of the total appraised value of the individual's residence homestead if: (a) the individual is 80 years of age or older; and (b) the individual has received an exemption under this section for the residence homestead for at least the preceding ten years; and (2) provide that the surviving spouse of an individual who qualified for an exemption under (1) is entitled to an exemption from taxation of the total appraised value of the same property to which the deceased spouse's exemption applied if: (a) the deceased spouse died in a year in which the deceased spouse qualified for the exemption; (b) the surviving spouse was 55 years of age or older when the deceased spouse died; and (c) the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse. (See **H.J.R. 64**, below.)

H.B. 1513 (Isaac) – Property Tax Exemption: would exempt from property taxation property acquired by a charitable organization to provide low-income housing for up to 10 years after the organization acquires the property (current law exempts for five years after acquisition).

H.B. 1548 (Dutton) – Property Tax Exemption: would provide that a person is entitled to an exemption from taxation by a school district of improved and unimproved real property, any part of which is located within a one-mile radius of the center of a campus of that school district that the person owns for the purpose of building low-income and moderate-income housing. (See **H.J.R. 66**, below.)

H.B. 1564 (Miller) – Property Tax Deferral: would provide that an elderly or disabled individual must obtain the written consent of the holder of a mortgage on property the individual owns and occupies as a residence homestead before filing an affidavit for property tax deferral if: (1) the mortgage balance is equal to at least 60 percent of the appraised value of the property; or (2) a default has occurred with respect to the obligation secured by the mortgage for a reason other than nonpayment of the taxes for which the person is seeking the deferral or abatement.

H.B. 1582 (T. King) – Property Tax Appraisal: would amend the population threshold above which the appraisal review board members must be appointed by the local administrative district judge from counties with populations of 120,000 or more to counties with populations of 350,000 or more.

H.B. 1591 (Bohac) – Property Tax Exemption: would provide that a Purple Heart recipient and the surviving spouse of a Purple Heart recipient are entitled to an exemption from property taxation of the total appraised value of the Purple Heart recipient’s residence homestead. (See **H.J.R. 67**, below.)

H.J.R. 64 (Bohac) – Property Tax Exemption: would amend the Texas Constitution to provide that a person, or the person’s surviving spouse under certain circumstances, is entitled to an exemption from property taxation of the total market value of the person’s residence homestead if the person is 80 years of age or older and the person has received an exemption under this section for the residence homestead for at least the preceding ten years.

H.J.R. 66 (Dutton) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxation by one or more political subdivisions property located near a public school that is owned by a person for the purpose of building low-income or moderate-income housing on the property. (See **H.B. 1548**, above.)

H.J.R. 67 (Bohac) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxation the total appraised value of the residence homestead of a Purple Heart recipient and the surviving spouse of a Purple Heart recipient. (See **H.B. 1591**, above.)

S.B. 700 (Zaffirini) – Property Tax Exemption: would: (1) provide that the production of fruits and vegetables is considered to be an “agricultural use” for purposes of appraisal of qualified open-space land; and (2) require the comptroller to establish appraisal guidelines for uncommon agricultural uses.

S.B. 717 (V. Taylor) – Property Tax Appraisal: would provide that the chief appraiser of an appraisal district that appraises property for a taxing unit that is located partly or entirely inside an area declared to be a disaster area by the governor shall reappraise all property damaged in the disaster at its market value immediately after the disaster. (Companion is **H.B. 513** by **S. Davis**.)

S.B. 730 (Bettencourt) – Property Tax Exemption: would provide that a person is entitled to a property tax exemption for the tangible personal property with a taxable value of less than \$2,500 and that is held or used for the production of income. (Companion is **H.B. 1330** by **Kuempel**.)

S.B. 731 (Bettencourt) – Property Tax Appraisal: would: (1) provide that a property owner is entitled to appeal through binding arbitration an appraisal review board order related to certain protests if the appraised market value of the property owner’s residence homestead as determined by the order is \$5 million or less; (2) provide that a property owner must file an arbitration deposit in the amount of \$1,550 if the property does not qualify as the property

owner's residence homestead and the appraised or market value, as applicable, of the property is more than \$3 million but not more than \$5 million, as determined by the order; (3) authorize a sales agent to qualify to serve as an arbitrator under certain circumstances; and (4) provide that the arbitration fee may be not more than \$1,500 if the property does not qualify as the property owner's residence homestead and the appraised or market value, as applicable, of the property is more than \$3 million but not more than \$5 million, as determined by the order.

Sales Tax

H.B. 1579 (Howard) – Sales Tax Exemption: would exempt condos from the sales tax.

S.B. 745 (Kolkhorst) – Sales Tax Exemption: would exempt from sales taxes a service performed by an employee of a temporary employment service for an employer to supplement the employer's existing work force on a temporary basis, if: (1) the service is normally performed by the employer's own employees; (2) the employer provides all supplies and equipment necessary to perform the service; (3) the employer does not rent, lease, purchase, or otherwise acquire for use the supplies and equipment described by (2) from the temporary employment service or an entity that is a member of an affiliated group of which the temporary employment service is also a member; (4) the temporary employment service is not a member of the employer's affiliated group; and (5) the employee of the temporary employment service is under the supervision of the employer to whom the employee of the temporary employment service is furnished.

Purchasing

H.B. 1541 (Simmons) – Historically Underutilized Businesses: would provide that persons with a disability as defined by the federal Americans with Disabilities Act are included in the state's list of historically underutilized businesses.

Elections

H.B. 1462 (G. Bonnen) – Temporary Branch Polling Places: would, among other things: (1) provide that, in any election, the location of a temporary branch polling place and each voting station located in the polling place shall be fixed at one place for the duration of the early voting period; and (2) provide that early voting by personal appearance at each temporary branch polling place shall be conducted on the days that voting is required to be conducted at the main early voting polling place and remain open for at least: (a) eight hours each day; or (b) three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

H.B. 1511 (Thierry) – Election Notification: would: (1) provide that the Texas Department of Transportation in cooperation with local governments shall actively manage a system of changeable message signs located on highways under the jurisdiction of the department to provide information regarding the date of an election held statewide and the associated voter registration

deadline for the election; (2) require the Texas Department of Transportation, in consultation with the secretary of state, to establish a plan to provide the information described by (1) using the system of changeable message signs; (3) require the information described by (1) to be posted on the system in English and Spanish for the following periods: (a) two days before voting begins in the election through the end of election day; and (b) two days before the deadline for voter registration through the end of the last day of voter registration for the election; and (4) provide that the plan established under (2) must also require that the information described by (1) not be posted on a changeable message sign if the posting would interfere with another safety or emergency alert.

H.B. 1576 (Schofield) – Temporary Branch Early Voting Polling Places: would provide that, in a county with a population of 400,000 or more, the location of a movable temporary branch early voting polling place may be changed only: (1) once during the early voting period; and (2) after at least half of the early voting period has concluded.

H.B. 1595 (Bohac) – Voting by Mail: would provide that the balloting materials for voting by mail shall be mailed to a voter entitled to vote by mail not later than the seventh calendar day after the later of the date the clerk accepts the voter's application for a ballot to be voted by mail or the date the ballots become available for mailing, except that if the mailing date for balloting materials is earlier than the 45th day before election day, the balloting materials shall be mailed not later than the 30th day before election day.

S.B. 690 (West) – Use of Mechanical or Electronic Device: would provide that a person may not use any mechanical or electronic means to record images or sound within 100 feet of a voting station except that a person occupying a voting station may use a mechanical or electronic device to photograph the person's completed ballot. (Companion bill is **H.B. 1360** by **Shaheen**.)

S.B. 703 (Huffines) – Temporary Branch Polling Places: would, among other things: (1) provide that a temporary branch polling place may not be located in a movable structure; (2) require the location of a temporary branch polling place to be fixed at one place for the duration of the period that voting is required to be conducted for that election; and (3) provide that if an authority holding an election for which the ballot includes a proposition seeking voter approval of the issuance of bonds or other debt establishes a temporary branch polling place located in a movable structure or location in violation of (2), the election for approval of the proposition is invalid.

Open Government

H.B. 1467 (Capriglione) – Public Information: would provide that information collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate security incidents is considered confidential under the Public Information Act.

H.B. 1541 (Shaheen) – Legal Notices: would provide that a political subdivision may satisfy a requirement to provide notice by newspaper publication by posting: (1) on its Internet website; or (2) on a social media website, provided that: (a) the political subdivision controls the content of

the posting; and (b) the notice is easily found by searching the name of the political subdivision on the Internet.

H.B. 1596 (Lozano) – Legal Notices: would provide that the proposed budget of a political subdivision must include a line item indicating expenditures for required newspaper notices that allows as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year. (Companion Bill is **S.B. 622** by **Burton**.)

Other Finance and Administration

H.B. 997 (Capriglione) – Land Conveyance: would provide that: (1) a city must provide the governor with advance notice of proposed conveyance of land owned by the city to the United States; (2) the notice must be sent to the governor not later than the 30th day before the date of either published notice required for the sale or exchange of land by a city or offer of the land if published notice is not required; (3) a city shall submit a formal request for approval to the governor and can conduct the sale or exchange of land unless the governor send written notice disapproving of the sale or lease of land; and (4) city shall provide certain information on the conveyance of public land to the United States to the General Land Office for them to post on its website.

H.B. 1295 (Capriglione) – City Contracts: would amend vendor disclosure requirements adopted during the 2015 legislative session and reported on Form 1295 to:

1. clarify that the term “business entity” means an entity doing business with a governmental entity or state agency and excludes the United States, a federal agency, a state agency, or another governmental entity;
2. define the term “contract” to mean a binding agreement between a governmental entity and business entity effective on the earlier of the date the governing body votes to approve the contract or the date the governmental entity becomes bound under the contract, and provide that the term includes an amendment to or an extension or renewal of the contract;
3. define the term “controlling interest” to mean: (a) an ownership or participating interest in a business entity represented by a unit, percentage, share, stock, or other acknowledgment of ownership or participating interest in an amount that exceeds five percent of the total ownership or participating interest in the business entity; (b) membership on the board of directors or other governing body of a business entity, provided the composition of the board or governing body does not exceed 10 members; or (c) service as an officer of a business entity that has not more than four officers or service as one of the four highest ranking officers of a business entity with more than four officers, excluding an officer of a publicly held business entity or its wholly owned subsidiary;
4. define the term “interested party” to mean a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts or who is an intermediary;

5. define the term “intermediary” to mean a person who actively participates in facilitating or negotiating a contract, including a broker, adviser, attorney, or agent for or representative of a business entity, and who: (a) receives compensation from the business entity for the person's participation; (b) communicates directly regarding the contract with the governmental entity or state agency for the business entity; and (c) is not an employee of the business entity or of a person with a controlling interest in the business entity; or an interested party with a controlling interest in the business entity;
6. define the term “signed” to include the use of any symbol executed or adopted by a person that is evidence of present intent to authenticate a writing, including an electronic signature;
7. define the term “value” to mean, with respect to a contract, the amount of consideration received or to be received by a business entity from a governmental entity or state agency under the contract;
8. clarify that the disclosure requirement applies only to contracts of a governmental entity that require the expenditure of the governmental entity’s money;
9. except from the disclosure requirement contracts with a publicly traded business entity; certain contracts related to a state of disaster declared by the governor; a contract necessary to prevent unforeseen, imminent damage to public machinery, equipment, or other property; a contract related to a subsequent sale of a municipal bond after the initial bond sale; a contract with a federally insured financial institution; a contract with an electric utility and certain gas utilities; a contract for an insurance policy regulated by the Texas Department of Insurance; an interlocal agreement; and a contract related to a public security;
10. provide that the disclosure form be a written, unsworn declaration subscribed by the authorized agent of the business entity as true under penalty of perjury and allow the form to be executed using an electronic signature;
11. require a governmental entity to acknowledge receipt of a Form 1295 to the Texas Ethics Commission (commission) not later than the 30th day after the date the parties become bound under a contract for which a disclosure of interested parties is filed or the date a modified disclosure of interested parties is filed;
12. provide that a business entity that fails to submit the disclosure of interested parties is liable for a civil penalty of \$500 for the first day the violation occurs and \$100 for each additional day the violation occurs, not to exceed the lesser of the total amount prescribed by rule or \$10,000;
13. require that a governmental entity immediately notify the commission if a business entity fails to submit a disclosure on or before the 30th day the disclosure is due, require the commission to immediately provide written notice of the violation and civil penalty to the business entity, and provide that if the business entity fails to submit the disclosure on or before the 10th day after the date the notice is provided, the business entity is liable to the state for the civil penalty; and
14. authorize the attorney general, at the request of the commission, to sue to collect a civil penalty imposed in (13) and allow the recovery of reasonable expenses, including investigation and court costs, reasonable attorney’s fees, witness fees, and other expenses.

H.B. 1375 (S. Davis) – Zoos and Aquariums: would exempt from the Veterinary Licensing Act a licensed health care professional who, without compensation and under direct supervision of a veterinarian, provides treatment or care to an animal owned by or in possession, control, or custody of an entity accredited by the Association of Zoos and Aquariums. (Companion bill is **S.B. 721** by Perry.)

H.B. 1377 (S. Davis) – Personal Financial Statements: would change the content requirements of a personal financial statement that must be filed by certain city officers and candidates in cities with a population of 100,000 or more in regard to disclosures about stocks in non-publicly traded and publicly traded corporations.

H.B. 1380 (S. Davis) – Texas Ethics Commission: would: (1) authorize the Texas Ethics Commission (commission) to disclose to a law enforcement agency confidential information in a sworn complaint or at issue in a preliminary review hearing to the extent the disclosure is necessary to protect the public interest and for the recipient to perform a duty or function in addition to the commission's duties and functions; (2) provide that confidential information under (1) remains confidential and, require the law enforcement agency to take appropriate measures to maintain that confidentiality; and (3) provide that a person commits a Class C misdemeanor if confidential information in (2) is disclosed.

H.B. 1381 (S. Davis) – Personal Financial Statements: would, in regard to personal financial statement forms that must be filed by certain city officers and candidates in cities with a population of 100,000 or more, authorize the Texas Ethics Commission to adopt rules related to the time in which the city clerk or secretary must deliver the form to city officers.

H.B. 1463 (Smithee) – Americans with Disabilities Act: would: (1) require a person seeking a claim for relief under the Americans with Disability Act (ADA) to first notify the respondent of the intent to file the claim; (2) give a respondent who has received a notice in (1) the right to correct the alleged violation, and provide for related notice and judicial proceedings regarding the corrections; and (3) prohibit a person from providing a notice of intent to file an ADA claim in bad faith and authorize the attorney general to enforce this prohibition through injunctive and other relief such as civil penalties and restitution.

H.B. 1530 (Workman) – Newspaper Notice: would: (1) provide that a political subdivision satisfies a requirement in any other law to provide notice by publication in a newspaper by publishing the notice in any other form of media the political subdivision determines will provide sufficient public notice, including on the political subdivision's website or an Internet newspaper; and (2) require that any notice provided in (1) be published for the same period required by law for the publication of the notice in a newspaper.

H.B. 1557 (Parker) – City Fees: would: (1) require every city to establish and maintain an email notification service to which any person may electronically subscribe to receive information regarding new or increased city fees, charges, assessments, or similar payments required by the city for a privilege, service authorization, permit, license, registration, certification, filing, or other municipal action or approval; (2) provide that the e-mail notification service must: (a) allow a subscriber to request notification of each: (i) new fee proposed to be adopted by the city;

(ii) existing fee proposed to be increased by the city; (iii) proposed budget of the city that includes use of revenue from a new or increased fee; (iv) adopted budget of the city that includes use of revenue from a new or increased fee; (v) public hearing scheduled to be held at which a fee or budget described by (i) through (iv) is scheduled to be discussed; (b) include a link in the notification to any web page maintained by the city on which the fee or budget may be viewed; and (c) notify the subscriber by email not later than the day: (i) the city provides public notice of a public hearing at which a proposed new or increased fee or a proposed budget is scheduled to be discussed, for notification of a public hearing for a proposed fee or budget; (ii) the budget officer files a proposed budget with the city clerk, for notification of a proposed budget; or (iii) the governing body files an adopted budget with the city clerk, for notification of an adopted budget; (3) provide that a city's proposed budget that includes estimated revenue from a new fee or the increase of an existing fee must contain a cover page with the following statement in 18-point or larger type: "This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased fee, the dollar amount of each new fee, and the dollar amount of an percentage of increase of each increased fee); (4) provide that adoption of a budget that includes estimated revenue from a new fee or the increase of an existing fee requires a separate vote of the governing body to ratify the use of that revenue, and the vote is in addition to and separate from the vote to adopt the budget or a vote to adopt or increase the fee; (5) provide that a city's adopted budget contain a cover page that includes, if applicable, the following statement in 18-point or larger type: "This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased fee, the dollar amount of each new fee, and the dollar amount of and percentage of increase of each increased fee)." (Companion bill is **S.B. 737** by **Hancock**.)

H.B. 1571 (Paddie) – 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.

H.B. 1572 (Workman) – Tree Removal Regulations: would: (1) prohibit a city, county, or other political subdivision from enacting or enforcing an ordinance or other regulation that restricts the ability of a property owner to remove a tree or vegetation on the owner's property that the owner believes poses a risk of fire to a structure on the property or on adjacent property, including a regulation that requires the owner to file an affidavit or notice of removal; (2) except from the prohibition in (1) the enforcement of an ordinance or other regulation on property being developed under a city permit; (3) except from the prohibition in (1) the enforcement of an ordinance or other regulation that: (a) restricts the ability of a property owner to remove a tree eight inches or larger and four and a half feet above the ground, except that no restrictions may be made on the ability to remove mesquite, juniper, salt cedar, or hackberry trees; or (b) is designed to mitigate certain tree-borne diseases; (4) provide that the bill doesn't apply to a city whose extraterritorial jurisdiction is immediately adjacent to or includes all or part of a federal military installation in active use as of September 1, 2017; (5) prohibit a property owners' association from including or enforcing a provision in a dedicatory instrument that restricts the ability of a property owner to remove a tree or vegetation on the owner's property that the owner believes poses a risk of fire to a structure on the property or on adjacent property, including a regulation that requires the owner to file an affidavit or notice of removal; and (6) except from

the prohibition in (5): (a) a provision in a dedicatory instrument designed to mitigate certain tree-borne disease; and (b) an area of an owner's property that is in a specified drainage or conservation easement shown on a recorded plat.

H.B. 1587 (Lozano) – Windstorm Insurance: would modify the procedures to appeal a decision of the Texas Department of Insurance regarding the issuance of certain certificates of compliance under the Texas Windstorm Insurance Association Act.

S.B. 701 (Huffines) – Local Debt: would require an election for the issuance of bonds to be held on the November uniform election date.

S.B. 702 (Huffines) – Local Debt: would provide that an election held by a political subdivision to authorize the issuance of bonds has no effect unless at least 33 percent of the registered voters of the political subdivision vote in the election.

S.B. 721 (Perry) – Zoos and Aquariums: this bill is the same as **H.B. 1375**, above.

S.B. 737 (Hancock) – City Fees: this bill is the same as **H.B. 1557**, above.

S.B. 744 (Kolkhorst) – Tree Mitigation Fees: would: (1) require a city that imposes a tree mitigation fee (a fee for tree removal necessary for development or construction on a person's property) to allow that person to apply for a credit for tree planting to offset the amount of the fee; (2) provide that an application for a tree planting credit be in the form and manner prescribed by the city, and require that the tree must be planted on property located in the city either owned by the person or mutually agreed upon by the city and the person; and (3) require that the amount of a tree planting credit be applied in the same manner as the tree mitigation fee assessed against the person and, if the amount of the tree mitigation fee is based on the size of tree being removed, the amount of credit must be based on at least 60 percent of the projected size of the planted tree at full maturity.

S.B. 753 (Perry) – Financial Accounting and Reporting Requirements: would, among other things, repeal the state law governing financial accounting and reporting standards for the state and political subdivisions of the state.

Municipal Courts

H.B. 1436 (Wu) – Open Containers: would provide that the definition of "open container" is amended to mean a bottle, can, or other receptacle that contains any amount of alcoholic beverage other than a receptacle that is factory-sealed by the manufacturer of the alcoholic beverage.

H.B. 1441 (Wu) – Court Costs and Fines: would: (1) require a municipal court judge to permit a defendant to choose to discharge all or part of the defendant's fine or court costs by performing community service, if the judge determines that the defendant has insufficient resources or income to pay; and (2) prohibit a municipal court judge from allowing a defendant to voluntarily

discharge a fine or costs through confinement in jail, unless the amount of fine and costs that remains unpaid is \$100 or less.

H.B. 1443 (Wu) – Notice to Appear: would add the following offenses to the Transportation Code requirement that a police officer issue a defendant a written notice to appear: (1) driving with an expired driver’s license, (2) failure to obey a traffic-control signal, (3) failure to stop at a stop sign, (4) failure to signal a lane change, and (5) operating a vehicle without insurance.

H.B. 1464 (Moody) – Court Costs: would: (1) define “indigent” as an individual who earns not more than 125 percent of the income standard established by federal poverty guidelines; and (2) require a municipal court judge to waive all court costs imposed on an indigent defendant.

H.B. 1487 (Smithee) – Municipal Court Security: would require: (1) a municipal court judge to establish a court security committee composed of: (a) the presiding municipal judge or judge’s designee; (b) a representative of a law enforcement agency or entity that provides security for the court; (c) a representative of the city; and (d) any other person that the committee determines necessary to assist the committee; (2) the committee to establish the policies and procedures necessary to provide adequate security to the municipal court; (3) the Texas Commission on Law Enforcement to develop a model court security curriculum and training program; (4) a person serving as a court security officer for a municipal court to complete the TCOLE required training; and (5) the court security officer to obtain the required court security certification within one year of beginning service as a court security officer. (Companion is **S.B. 42** by **Zaffirini**.)

H.B. 1532 (Farrar) – Self-Help Resources: would require a municipal court clerk to: (1) post on the municipal court’s Internet website a link to self-help resources and the Lawyer Referral and Information Service of the State Bar of Texas; and (2) display a sign with self-help and legal aid resources in the clerk’s office in a location frequently accessed by the public. (This bill is similar to **H.B. 1027** by **Hernandez**.)

H.B. 1588 (Lozano) – Jury Service: would provide that a person can be exempt from jury service if the person is a firefighter, including a fire chief, who is a permanent, paid employee of the fire department of a city or county or of a special district or authority firefighting services or a police officer, including a police chief, who is a permanent, paid employee of the police department of a city or county.

Community and Economic Development

H.B. 1427 (Fallon) – Zoning: would provide that a city may enforcing its zoning or other land use regulations, including a specific use permit requirement, against an electric cooperative so long as the regulation does not: (1) operate to exclude the electric cooperative from the city; or (2) directly conflict with a certification granted by the Public Utility Commission.

H.B. 1449 (Simmons) – New Construction Fees: would: (1) prohibit a political subdivision from adopting or enforcing an ordinance, order, policy or other measure that imposes, directly or

indirectly, a fee or other charge on new construction for the purposes of offsetting the cost or rent of any unit of residential housing; and (2) except from (1) a fee for granting an exemption or waiver from a zoning-related height restriction on a structure.

H.B. 1562 (Minjarez) – County Zoning Authority: would apply to a county with a population of 100,000 or more or a county that contains part of a metropolitan statistical area with a total population greater than 100,000 and, among other things: (1) provide that the commissioners court of such a county may adopt a zoning ordinance, not inconsistent with state law, that applies only to the unincorporated area of the county; and (2) an ordinance in (1) may be adopted only after a local option election in favor of the ordinance has been conducted.

S.B. 715 (Campbell) – Annexation: would completely rewrite the Municipal Annexation Act to severely curtail the ability of cities to annex property. Specifically, the bill would provide – among many other things – that:

1. A city may annex an area with a population of less than 200 only if the city obtains consent to annex the area through a petition signed by: (a) more than 50 percent of the registered voters of the area; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, more than 50 percent of the owners of land in the area.
2. In no case may a city annex an area with a population of less than 200 without approval of a majority of the voters voting at an election called and held for that purpose if a petition protesting the annexation is signed by a number of registered voters of the municipality equal to at least 50 percent of the number of voters who voted in the most recent municipal election and is received by the secretary of the city.
3. A city may annex an area with a population of 200 or more only if the following conditions are met, as applicable: (a) the city holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation, and a majority of the votes received at the election approve the annexation; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.
4. A city may annex an area if each owner of land in the area requests the annexation if: (a) the governing body of the city first negotiates and enters into a written agreement for the provision of services in the area with the owners of land in the area (the city is not required to provide a service that is not included in the agreement); and (b) the governing body of the city conducts at least two public hearings (the hearings must be conducted not less than 10 business days apart, and during the final public hearing, the governing body may adopt an ordinance annexing the area).
5. Beginning September 1, 2017, a city may not annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area, regardless of any authority granted by a home rule charter.
6. The procedures for the annexation of a special district are modified, including providing that, beginning September 1, 2017, a strategic partnership agreement may not provide for limited purpose annexation.

S.B. 723 (Miles) – Community Development Grocery Store: would establish a community development grocery store and healthy corner store revolving loan fund program. (Companion is **H.B. 1047** by **Thierry**.)

S.B. 740 (Kolkhorst) – Eminent Domain: would provide that: (1) an entity with eminent domain authority shall disclose to a property owner any new, amended, or updated appraisal report produced or acquired by or on behalf of the entity after making the initial 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 the 10th day after the date the entity receives the appraisal report or 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) an easement acquired for pipeline or electric transmission right-of-way must include detailed requirements; (4) there is 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; (5) a covenant be included 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; (6) a covenant must be included 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; (6) 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; and (7) property tax due on property that a city has occupied through eminent domain is reduced.

S.B. 741 (Kolkhorst) – Eminent Domain: would provide that: (1) a bona fide offer may include compensation to the property owner in the form of a royalty or percentage of the net profits generated from the project necessitating the acquisition; (2) special commissioners shall admit evidence on the value of any compensation that the condemning entity has offered the property owner in connection with the proposed condemnation; and (3) 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.

S.B. 742 (Kolkhorst) – 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.

S.B. 751 (Campbell) – Military Base Realignment and Closure Task Force: would provide that any information written, produced, collected, assembled, or maintained by the Military Base

Realignment and Closure Task Force is confidential and exempt from disclosure under the Public Information Act.

Personnel

H.B. 1453 (G. Bonnen) – E-verify: would: (1) require state contractors to participate in the federal electronic verification of employment authorization program (E-verify); (2) prohibit an employer from knowingly employing a person not lawfully present in the United States; (3) create a Texas Workforce Commission complaint and license suspension process, including for city licenses, for employers who violate (2); and (4) require political subdivisions, including cities, to register and participate in the E-verify program for all new employees.

H.B. 1477 (Walle) – Workers’ Compensation: would: (1) require construction contractors and subcontractors to provide workers’ compensation insurance coverage for each of their employees; (2) require a contractor to provide certification of coverage of its and any subcontractor’s employees to the governmental entity; and (3) provide that, if the contractor enters into a contract with a governmental entity for a public project, the coverage must be satisfactory to the governing body of the governmental entity.

H.B. 1502 (Murphy) – Local Retirement Systems: would, among other things, provide that certain city-specific retirement plans that were created under a state statute, but are not a part of a statewide public retirement system, may adopt by ordinance or resolution provisions that prospectively supplement or supersede the operative provisions of the public retirement system. The affected systems are as follows: (1) the City of Austin Employees’ Retirement System; (2) the Austin Fire Fighters Relief and Retirement Fund; (3) the Austin Police Retirement System; (4) the Dallas Police and Fire Pension System; (5) the El Paso Firemen and Policemen’s Pension; (6) the Fort Worth Employees’ Retirement Fund; (7) the Galveston Employees’ Retirement Plan for Police; (8) the Houston Firefighters’ Relief and Retirement Fund; (9) the Houston Municipal Employees Pension System; (10) the Houston Police Officers’ Pension System; and (11) the San Antonio Fire and Police Pension Fund.

H.B. 1534 (Farrar) – Employment Classification: would: (1) provide, with certain exceptions, that a person commits a discriminatory practice in violation of law if the person, because of sexual orientation or gender identity or expression of an individual, denies the individual full and equal accommodation in a place of public accommodation or otherwise discriminates against or segregates the individual based on sexual orientation or gender identity or expression; (2) authorize a person aggrieved because of a violation of law described in (1), above, to file a civil action in district court; and (3) add sexual orientation and gender identity or expression as a protected class in existing state anti-discrimination provisions. (Companion bill is **S.B. 165** by **Rodriguez**.)

Public Safety

H.B. 1372 (Koop) – Traffic Stops: would provide that: (1) the Texas Education Commission by rule, in consultation with the Department of Public Safety, shall require that information relating to law enforcement procedures for traffic stops be included in the curriculum of each driver education course and driving safety course; and (2) the curriculum must include a demonstration of the proper actions to be taken during a traffic stop and information regarding appropriate interactions with law enforcement.

H.B. 1383 (Alvarado) – Evidence Database: would create a statewide electronic tracking system to track the location and status of each item of evidence collected in relation to a sexual assault or other sex offense case through the criminal justice process.

H.B. 1392 (S. Thompson) – Asset Forfeiture: would prohibit a law enforcement agency from using an “electronic recovery and access to data prepaid card reader” to seize from a stored value card or a depository account funds that are subject to forfeiture unless the seizure is authorized by a search or seizure warrant. (Companion bill is **S.B. 480** by **Burton**.)

H.B. 1401 (Zedler) – Red Light Cameras: would prohibit the county assessor-collector and Texas Department of Motor Vehicles from refusing to register a motor vehicle that is delinquent in the payment of a civil penalty for a red light camera offense.

H.B. 1407 (Sheffield) – Emergency Medical Services: would require the Department of State Health Services to establish an emergency medical services assistance program to provide financial and educational assistance to eligible emergency medical services providers.

H.B. 1411 (Turner) – E-Cigarettes: would: (1) impose a state-only sales and use tax on vapor products of five cents per each milliliter sold; (2) provide that the revenue from the tax be used to fund Health and Human Services Department grants for law enforcement mental health staff.

H.B. 1424 (Murphy) – Drones: would: (1) with certain exceptions, make it an offense to operate a drone over or near a corrections facility, including a municipal jail; (2) make it a crime to operate a drone over certain sports venues in certain circumstances.

H.B. 1468 (S. Thompson) – Artificial Swimming Lagoons: would: (1) add “artificial swimming lagoon” to the Health and Safety Code regulations governing swimming pools; (2) define “artificial swimming lagoon” as an artificial body of water open to the public for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a disinfection system; and (3) allow a city to require a permit and inspect an artificial swimming lagoon. (Companion bill is **S.B. 733** by **Hancock**.)

H.B. 1503 (Frullo) – Child Abductions: would provide that: (1) 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 missing children and missing person information clearinghouse (Clearinghouse); (2) information not immediately available shall be obtained by the agency and entered into the Clearinghouse as a supplement to the original entry as soon as

possible; and (3) repeals the section that gives local law enforcement eight hours to give information on an attempted child abduction.

H.B. 1510 (Isaac) – Emergency Services Districts: would: (1) provide that the Texas Commission on Fire Protection may provide: (a) to emergency services districts, technical assistance on the request of the district; (b) to fire departments in rural areas, information relating to assistance programs offered to rural volunteer firefighters; and (c) to rural homeowners, information relating to the benefits of volunteer fire departments; (2) provide that the Department of State Health Services shall serve as a resource to provide interested rural communities with: (a) general information about emergency services districts; and (b) information and training related to the establishment of an emergency services district; and (3) provide that an emergency services district shall file its annual report with the Department of State Health Services instead of the Texas Department of Rural Affairs.

H.B. 1517 (Leach) – Criminal Procedure: would provide that: (1) a prosecutor may designate one person who is an officer or employee of a party that is not a natural person to serve as the state’s courtroom representative during a criminal proceeding; and (2) if a law enforcement officer is so designated, he or she may not wear a law enforcement uniform or badge while serving as the representative.

H.B. 1535 (Farrar) – Pesticide: would require the Department of Agriculture to prohibit the application of a neonicotinoid pesticide to the right-of-way of a public road or highway.

H.B. 1546 (Oliveira) – Border Security: would provide that: (1) the Department of Public Safety (DPS), Parks and Wildlife Department and state military forces that have officers assigned to one or more counties along the Texas-Mexico border must be certified regarding appropriate training, including academy and in-service training, in various subjects, including immigration law, use of force, social and cultural sensitivity towards border communities, language and cultural awareness, best practices in community policing and civil and human rights, response to grievances, and referral of complaints and identification of and response to vulnerable populations; (2) DPS shall appoint an ombudsman for border operations-related concerns that: (a) will report to the director of DPS; (b) receive and resolve complaints from individuals and employers; and (c) assist in resolving problems with the border operations components of DPS; and (3) DPS shall develop and implement performance measures as part of the DPS’s review of its border operations and make an annual report to the legislature regarding the impact of DPS’s border operations on the protection of due process, the civil and human rights or border residents and visitors, the private property rights of landowners, and the economies of cities and counties along the Texas-Mexico border.

H.B. 1574 (Wilson) – Arrest without Warrant: would require a police officer to prepare and file an affidavit with the magistrate before an individual arrested without a warrant is taken before the magistrate (Companion bill is **S.B. 630** by **Buckingham**.)

H.B. 1598 (Martinez) – Disaster Identification System: would: (1) in an area subject to a declaration of a state of disaster, allow a person to use an illuminated display to communicate with disaster relief personnel whether the person is healthy or in need of medical assistance; (2)

require a person who elects to participate in the disaster identification system to affix to each individual and domesticated animal in the person's household an illuminated display, the color of which correlates to the person's age, disability, and whether it is a person or animal; (3) authorize disaster relief personnel to patrol a designated disaster area by air or ground at night to locate persons with activated illuminated displays; and (4) allow the use of a disaster identification system to be included in the state emergency management plan.

S.B. 733 (Hancock) – Artificial Swimming Lagoons: this bill is the same as **H.B. 1468**, above.

Transportation

H.B. 100 (Paddie) – Transportation Network Companies: would preempt a city's authority to regulate transportation network companies (TNCs). Specifically, the bill would provide that:

1. TNC drivers are not common, contract, or motor carriers;
2. the regulation of TNCs is an exclusive power and function of the State of Texas;
3. a city is prohibited from, in relation to a TNC: (a) imposing a tax; (b) requiring an additional license of permit; (c) setting rates; (d) imposing operational or entry requirements, or (e) imposing other requirements;
4. an airport owner or operator may impose regulations on a TNC;
5. a person may not operate a TNC without a permit;
6. the permit shall be issued by the Texas Department of Licensing and Regulation for a fee of \$5,000;
7. TNCs and their drivers must have state-mandated insurance coverage;
8. passengers may consent to sharing a digitally prearranged ride;
9. a TNC must disclose to passengers the fare calculation method and provide an option to receive an estimated fare;
10. a TNC must provide the driver's first name and picture, the make, model, and license plate number of the driver's vehicle before a passenger enters a vehicle;
11. a driver is prohibited from receiving payment other than through the digital network;
12. a receipt must be provided to the passenger;
13. a TNC must implement an intoxicating substance policy that prohibits a driver from any amount of intoxication;
14. certain requirements on driver eligibility and vehicles are mandated;
15. a TNC must conduct a local, state, and national criminal background check that includes the use of: (a) a commercial multistate and multijurisdiction criminal records locator, and (b) the national sex offender registry database;
16. a TNC must obtain and review a potential driver's driving record;
17. an individual is prohibited from operating as a driver on the company's digital network, if the individual: (a) has been convicted of more than three moving violations in the last three years; (b) has been convicted of fleeing or attempting to elude a police officer, reckless driving, or driving without a valid driver's license in the last three years; or (c) has been convicted of driving while intoxicated, fraud, theft, or terrorism in the last seven years;

18. a driver logged in to a digital network is prohibited from soliciting or providing rides other than through the digital network;
19. a TNC must adopt a nondiscrimination policy; and
20. any records disclosed to a public entity by a TNC are not subject to disclosure under the Public Information Act.

H.B. 1518 (Leach) – Transportation Funding: would provide that the legislature may not appropriate money deposited to the credit of the state highway fund to construct, maintain, or acquire rights-of-way for a toll project or system. (See **H.J.R. 65**, below.)(Companion bill is **S.B. 639** by **Huffines**.)

H.J.R. 65 (Leach) – Transportation Funding: would amend the Texas Constitution to provide that the state may not issue bonds or use vehicle registration or gas tax revenue to pay for the construction of toll roads. (See **H.B. 1518**, above.)(Companion bill is **S.J.R. 35** by **Huffines**.)

S.B. 684 (Seliger) – Utility and All-Terrain Vehicles: would authorize a local authority to allow and regulate the operation of a utility vehicle and an all-terrain vehicle on all or part of a public roadway in the jurisdiction of the authority.

Utilities and Environment

H.B. 1475 (Y. Davis) – Electric Service: would, among other things, provide that: (1) a person who is not a customer of a retail electric provider at an address may not discontinue the service provided by the retail electric provider at that address and initiate service with a different retail electric provider at that address unless the customer for that address consents; (2) a person who violates (1) commits a Class C misdemeanor; and (3) a retail electric provider may not initiate service for a customer at an address unless it has determined that no other retail electric provider is currently providing service for a different customer at that address.

H.B. 1493 (M. Gonzalez) – Pipelines: would require a person seeking to construct a pipeline in a city or a city’s extraterritorial jurisdiction to hold at least one public meeting in the city before beginning construction.

H.B. 1519 (M. Gonzalez) – Natural Gas Pipelines: would provide that a person seeking to construct a natural gas pipeline may not begin construction of the pipeline unless the person first performs an analysis to identify and assess potential impacts on the natural and human environment that could result from the construction and operation of the pipeline and submits the analysis to the Texas Railroad Commission in writing.

H.B. 1536 (Farrar) – Stormwater: would require the Texas Commission on Environmental Quality to study the installation and use of green stormwater infrastructure in Texas.

H.B. 1573 (Price) – Water Loss Audits: would require the Texas Water Development Board to implement rules requiring city water loss audits to be completed by a person trained to conduct water loss audits

H.B. 1584 (T. King) – Solid Waste Collection: would authorize a county to regulate solid waste collection, handling, storage, and disposal in the extraterritorial jurisdiction of a city, regardless of whether the city consents to the regulation.

S.B. 735 (Hancock) – Electric Rate Adjustments: would, among other things, provide that the Public Utility Commission shall adopt rules establishing rate adjustments, on a periodic basis determined by the commission, to reflect changed transmission cost for: (1) depreciation; (2) plant retirement; and (3) other factors that reduce rates.

S.B. 746 (Kolkhorst) – Grease Trap Waste: would prohibit the Texas Commission on Environmental Quality from issuing a permit, registration, or other authorization for land application of grit or grease trap waste. (Note: This would not apply to a permit issue to an entity for the disposal of grit or grease trap waste at a municipal solid waste landfill.)

S.B. 747 (Kolkhorst) – Commercial Surface Disposal Facility: would prohibit the Railroad Commission from approving an application for a facility that provides surface disposal of oil field fluids or oil and gas waste, if any part of the site of the facility is located less than five miles from the corporate boundaries of a city.

S.B. 758 (Menendez) – Bill Payment Assistance: would remove the requirement that an individual must have been threatened with disconnection of service for nonpayment of bills in order to qualify for utility bill payment assistance funded from the first lien against the revenue of a city owned utility. (Note: this bill applies to cities with a population of more than one million but less than two million.)

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