



Legislative UPDATE

March 13, 2015
Number 11

Today is Bill Filing Deadline

Today is the bill filing deadline for the 2015 regular session. The numbers so far indicate that “less government” isn’t the case, and we will likely see a total bills filed number on par with recent sessions.

As is always the case, hundreds of bills are city-related and would do great harm to cities. Given the fact that so many bills were filed in the days leading up to the deadline, it will likely take three editions of the *Legislative Update* before those filed by the deadline are all summarized.

In addition, some bill summaries will, of necessity, be brief. Future editions of the update will expand on the most important bills if and when they progress through the legislative process.

Oil and Gas Industry Goes Nuclear Against Homeowners

Three bills have been introduced in the Texas Legislature to exempt oil and gas industry activities from most local rules that protect the health, safety, and property rights of Texans.

The League suspected that the industry would not be satisfied with legislation prohibiting fracking bans, like the one that voters approved in Denton. And now it’s clear they have gotten greedy and see an opportunity to pursue a “scorched earth” strategy to wipe out nearly every city regulation.

H.B. 40 and H.B. 2855, both by Rep. Drew Darby (R – San Angelo), and S.B. 1165 by Troy Fraser (R – Horseshoe Bay), would expressly preempt most regulation of oil and gas operations by cities and all other political subdivisions.

If these bills pass, a city could have drilling operations right next to homes, day care centers, churches, or hospitals. Industry groups have claimed that these bills don't restrict city authority over siting; they are wrong.

Many Texas cities have adopted setback requirements to create a buffer zone between drilling rigs and homes, schools, parks, and hospitals. The League surveyed city ordinances in the Barnett Shale area in North Texas last year and found that 67 cities required buffer zones ranging from 300 feet to 1,500 feet between a well and residences. If city setback ordinances are nullified, homeowners can be robbed of their property values overnight without any compensation or recourse, amounting to a state government sanctioned taking of their property rights.

The proposed bills would not only reverse the results of a city election and interfere with pending litigation in the City of Denton, they would also preempt local ordinances in numerous cities across the state. They would make it more difficult for homeowners and local citizens to voice their concerns by requiring that local land use decisions be handled in Austin.

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take their time to travel to Austin to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during the legislative session.

- Chris Fails, Mayor, Hollywood Park
- Steve Adler, Mayor, Austin
- Angela Raiborn, Mayor, Rusk
- Evalyn Moore, Mayor, Richmond
- Vincent Morales, Mayor, Rosenberg
- Ed Van Eenoo, Deputy Chief Financial Officer, Austin
- Michael Cosentino, City Attorney, San Marcos
- Jessica Anderson, Police Lieutenant, Houston
- Chris Caso, Senior Assistant City Attorney, Dallas
- Randy Smith, Police Department, San Antonio
- Azel Carter, Police Department, Pasadena

Significant Committee Actions

S.B. 273 (Campbell), Relating to certain offenses relating to carrying concealed handguns on property owned or leased by a governmental entity. Reported from the Senate State Affairs Committee.

S.B. 318 (Hinojosa), Relating to the amount the Texas Military Preparedness Commission may grant to local governmental entities for certain purposes. Reported from the Senate Veteran Affairs/Military Installations Committee.

City-Related Bills Filed This Week

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

Property Tax

H.B. 2292 (Parker) – Property Tax Appraisal: would authorize reasonable attorney’s fees of any amount for a property owner who prevails in an appeal of the appraisal review board’s denial of a property tax exemption relating to cemeteries, disabled veterans, nonprofit community business organizations, historic sites, and other miscellaneous exemptions.

H.B. 2305 (Canales) – Property Tax Exemption: would provide that, for property tax purposes, a “nonprofit community business organization” includes a Type A and Type B economic development corporation.

H.B. 2306 (Canales) – Property Tax Exemption: would limit the additional tax imposed on land appraised for property tax purposes as open-space land if a change in use of the land occurs to an amount equal to the difference between the taxes imposed on the land for each of the two years preceding the year in which the change of use occurs and the tax that would have been imposed had the land been taxed on the basis of market value in each of those years.

H.B. 2336 (Flynn) – Property Tax Appraisal: would prohibit a chief appraiser from collecting, considering, or using information regarding the owner of the residence homestead or the value of the residence homestead when making the determination of the appraised value of the homestead, unless the information is: (1) readily available to the general public; or (2) voluntarily provided to the chief appraiser by the owner of the residence homestead.

H.B. 2337 (Gonzales) – Property Tax Appraisal: would provide that the county assessor-collector is not eligible to serve on the appraisal district board of directors.

H.B. 2367 (C. Turner) – Property Tax Collection: would provide that the interest rate during a period of deferred collection of taxes on the residence homestead of an elderly or disabled

individual is the five-year Constant Maturity Treasury Rate reported by the Federal Reserve as of January 1 of the year in which the deferral or abatement was obtained.

H.B. 2378 (Dutton) – Tax Preferences: would: (1) require a select commission on periodic tax preferences review all state and local “tax preferences” and develop a review schedule under which each tax preferences are reviewed once during each six-year period; (2) require the commission to file final report on the reviews of tax preferences to the governor and the presiding officers of the Senate Finance Committee and the House Ways and Means committee not later than September 1 of each even-numbered year; (3) provide that a tax preference included in a final report expires on the second anniversary of the date the final report is filed, unless reauthorized by law; and (4) provide that each tax preference enacted by the legislature that becomes law on or after September 1, 2016, expires six years after the date it takes effect, unless the legislature provides an earlier or later expiration date. (See **H.J.R. 107**, below.)

H.B. 2399 (Bohac) – Property Tax Delinquency: would limit the collection of certain penalties and interest relating to the deferral or abatement of the collection of property taxes on residence homesteads that are manufactured homes treated as personal property.

H.B. 2480 (Murphy) – Property Tax Appraisal: would make changes to the contents of a notice of appraised value sent to a property owner by the chief appraiser, including requiring the following: (1) the tax rate adopted in the preceding year by each taxing unit taxing the property; (2) an estimate of the tax savings for the current year resulting from each partial exemption calculated on the basis of the tax rate adopted in the preceding year by each taxing unit taxing the property; (3) an estimate of the tax savings resulting from the application of a senior or disabled tax freeze in the current tax year calculated on the basis of the tax rate adopted by the applicable taxing unit in the preceding year; (4) the deadlines for filing a notice of protest with the appraisal review board; and (5) an explanation of the method for estimating the taxes that may be imposed by each taxing unit based on the value of the property for the current year and the tax rate adopted in the preceding year by each taxing unit taxing the property in the notice.

H.B. 2591 (Phillips) – Property Tax Appraisal: would modify the method for appraising certain dealer’s heavy equipment inventory by minimizing the opportunity to tie the appraised value of the inventory to the lease or rental price.

H.B. 2662 (Coleman) – Property Tax Appraisal: would repeal the state law prohibiting the chief appraiser from excluding from consideration the value of other residential property in the same neighborhood as a residence homestead being appraised because the other property: (1) was sold at a foreclosure sale conducted in any of the three years preceding the tax year in which the residence homestead is being appraised and was comparable at the time of sale; or (2) has a market value that has declined because of a declining economy.

H.B. 2663 (Coleman) – Property Tax Exemption: would, among other things: (1) provide a 100 percent property tax exemption for property owned by an organization for the purpose of constructing or rehabilitating low-income housing and rented to individuals or families whose median income is not more than 60 percent of the area’s median family income or the statewide

family income; and (2) provide that an organization seeking an exemption under (1), above, that is located in a county with a population of at least 1.8 million need not receive approval of the exemption by the governing body of a taxing unit in which the property is located.

H.B. 2670 (Paul) – Property Tax Notice: would allow a city or county to provide the required property tax rate notice not later than the later of September 1 or the 30th day after the date the certified appraisal roll is received by the taxing unit. (Note: This is a TML priority bill.) (Companion bill is **S.B. 884** by **Hinojosa**.)

H.B. 2746 (Smith) – Property Tax Exemption: would, for purposes of the property tax exemption for pollution control property: (1) provide that the circumstances in which property is considered to be used, constructed, acquired, or installed wholly or partly to meet or exceed environmental regulations include circumstances in which: (a) the property is used as part of a voluntary project to meet or exceed a goal or standard set by an environmental regulation; or (b) the property is used to meet or exceed an environmental regulation that has been adopted but does not apply to the property because of the date the property is installed, the manner in which the property is used, or the fact that the installation of the property reduces or prevents pollution in a manner that prevents the regulation from applying to the property; (2) provide that for property to qualify for a property tax exemption, the control of air, water, or land pollution resulting from the use of the property must result from the use of the property by the person seeking the exemption and not from the characteristics of the goods produced or services provided by the person or the use of those goods or services by another person; (3) provide that the following facilities, devices, and methods are for the control of air, water, or land pollution: (a) steam turbine systems enhanced to accommodate steam from heat recovery systems; and (b) property used or installed to capture and sequester carbon dioxide from an anthropogenic source to comply with a regulation by a federal or state environmental protection agency or a political subdivision of the state; and (4) provide that a chief appraiser may evaluate whether the pollution control property facilitates an increase in production of goods at the facility and may take additional income from the facilitation into account if using the income method of appraisal to determine the property's market value.

H.J.R. 107 (Dutton) – Tax Preferences: would amend the Texas Constitution to require the periodic review of state and local tax preferences. (See **H.B. 2378**, above.)

S.B. 974 (Zaffirini) – Property Tax Appraisal: would exempt properties located in counties with populations of less than 25,000 from the additional tax imposed if the use of land appraised for property tax purposes as open-space land is changed.

S.B. 1069 (West) – Property Tax Exemption: would make permanent the property tax exemption for landfill-generated gas conversion facilities. (Companion bill is **H.B. 994** by **Anchia**.)

S.B. 1084 (Ellis) – Property Tax Appraisal: would: (1) provide that a district court may grant relief on the ground that a property is appraised unequally if the appraised value of the property exceeds the median appraised value of a reasonable number of comparable properties

appropriately adjusted and: (a) the property qualified as a residence homestead for the relevant tax year; or (b) the appraised value of the property as determined by the order of the appraisal review board is \$1 million or less; (2) provide that a district court may grant relief on the ground that a property is appraised unequally if the appraisal ratio of the property exceeds by at least ten percent the median level of appraisal of a reasonable and representative sample of comparable properties in the appraisal district; (3) provide that if a property owner is entitled to relief under multiple grounds due to unequal appraisal, the court shall order the property's appraised value changed to the value that in the judgment of the court best reflects the level of appraisal of other property in the appraisal district; (4) require a person making a determination that property is comparable to another property to base the determination on the similarity of the properties with regard to location, square footage of the lot and improvements, property age, property condition, property access, amenities, views, income, operating expenses, occupancy, and the existence of easements, deed restrictions, or other legal burdens affecting marketability; (5) require the comptroller to establish standards for the development and calibration of adjustments for industrial, petrochemical refining and processing, and utility properties and other unique properties; and (6) provide that an appraisal district, appraisal review board, or a chief appraiser that prevails in an appeal for unequal appraisal may be awarded reasonable attorney's fees not to exceed \$15,000.

Sales Tax

H.B. 2294 (Bohac) – Sales Tax Exemption: would impose audit, assessment, and collection procedures relating to the comptroller's granting of a sales and use tax exemption for general aviation aircraft.

H.B. 2313 (Bohac) – Sales Tax Exemption: would exempt the sale of tangible personal property through certain vending machines from sales and use taxes.

H.B. 2492 (Darby) – Sales Tax Exemption: would exempt the sale of a WaterSense product from sales and use taxes if the sale takes place on Memorial Day weekend.

H.B. 2507 (Kacal) – Sales Tax Exemption: would exempt certain equipment used for digital audio broadcasting from sales and use taxes. (Companion bill is **S.B. 1030** by **Seliger**.)

H.B. 2527 (Guillen) – Sales Tax Exemption: would characterize the lease or rental of reusable tangible personal property to a caterer as a "sale for resale" if the caterer uses the property in a sale of a taxable item, thereby exempting the tangible personal property from sales taxes.

H.B. 2603 (D. Bonnen) – Sales Tax Exemption: would exempt the sale of a gun safety device from sales and use taxes if the sales price is less than \$2,500 and the sale takes place on a specific weekend in July.

H.B. 2691 (T. King) – Sales Tax Exemption: would, among other things, exempt from sales and use taxes: (1) the sale, use, or other consumption of alternative base fluids used in connection with an energized fracturing operation in an oil or gas well; and (2) tangible personal

property specifically used to process, reuse, or recycle alternative base fluids that will be used in energized fracturing work performed at an oil or gas well.

H.B. 2693 (Paul) – Sales Tax Exemption: would exempt the sale of emergency preparedness items from sales and use taxes if the sale takes place during a three-day window each April.

H.B. 2694 (Button) – Sales Tax Exemption: would exempt the sale of tangible personal property by a small business retailer from sales and use taxes if: (1) the sales price of the item is not more than \$5,000; and (2) the item is sold on the first Saturday after Thanksgiving.

H.B. 2712 (Geren) – Sales Tax Exemption: would exempt certain tangible personal property necessary and essential to the operation of a qualified large data center project from sales and use taxes for 20 years.

S.B. 1009 (Eltife) – Sales Tax Refund: would increase the maximum state sales tax refund available to a cable television service, Internet access service, or telecommunications service from not more than \$50 million for the calendar year to not more than \$150 million for the calendar year. (Companion bill is **H.B. 2199** by **Parker**.)

S.B. 1030 (Seliger) – Sales Tax Exemption: would exempt certain equipment used for digital audio broadcasting from sales and use taxes. (Companion bill is **H.B. 2507** by **Kacal**.)

S.B. 1104 (Hancock) – Sales Tax Exemption: would exempt certain tangible personal property necessary and essential to the operation of a qualified large data center project from sales and use taxes for 20 years.

Purchasing

H.B. 2487 (Smithee) – School District Facilities: would apply to an independent school district and a city located wholly or partially in the boundaries of a county in which the district is located, and would provide that the district may contract to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility, stadium, or other athletic facility owned by, on the property of, or under the control of the city. (Companion bill is **S.B. 810** by **Seliger**.)

H.B. 2634 (Kuempel) – Construction Manager-At-Risk: would provide that: (1) a governmental entity's architect or engineer for a project, or an entity related to the governmental entity's architect or engineer, may not serve, alone or in combination with another person, as the construction manager-at-risk; (2) for purposes of the bill, an entity is related to the governmental entity's architect or engineer if the entity is a sole proprietorship, corporation, partnership, limited liability company, or other entity that is a subsidiary, parent corporation, or partner or has any other relationship in which the governmental entity's architect or engineer has an ownership interest, or is subject to common ownership or control, or is party to an agreement by which it will receive any proceeds of the construction manager-at-risk's payments from the governmental entity.

S.B. 1052 (Zaffirini) – Economically Disadvantaged Person: would add a person with any disability covered by the federal Americans with Disabilities Act to the list of historically underutilized businesses.

S.B. 1081 (Creighton) – Consolidated Insurance Programs: would provide that: (1) an insurer or the insurer’s agent shall timely provide information to a contractor or potential contractor of a construction project that is covered under or that may be covered under an insurance policy under a consolidated insurance program; (2) the state’s insurance commissioner shall adopt rules establishing requirements governing the provision of the information. (Companion bill is **H.B. 1206** by **Huberty**.)

Elections

H.B. 2354 (Farney) – Uniform Election Date: would provide that, with certain exceptions, every general or special election in the state shall be held on the second Saturday in May in an odd-number year or the first Saturday in May in an even-numbered year.

H.B. 2366 (Goldman) – Early Voting: would provide that the early voting clerk shall deliver the early voting precinct list to the voter register, who shall enter beside each person’s name “early voting voter” on the list of early voting voters.

H.B. 2382 (Reynolds) – Elections: would: (1) allow a federal postcard application to be submitted in person to the early voting clerk for the election precinct of the applicant’s residence; and (2) provide that an application for a federal postcard ballot is considered to be submitted at the time it is received by the early voting clerk who receives the initial in-person delivery, regardless of whether the clerk was required to forward the application to the appropriate clerk.

H.B. 2383 (Reynolds) – Elections: would allow a person to submit a one-time request for an early voting ballot for each election in which the county clerk serves as early voting clerk, to be effective until: (1) the county clerk receives notice that the voter has submitted a change in registration information; or (2) the voter is no longer eligible for early voting by mail due to an absence from the person’s county of residence.

H.B. 2384 (Reynolds) – Elections: would allow a person to submit an application to vote an early ballot by mail at any time in the year preceding the date of the election for which a ballot is requested.

H.B. 2385 (Reynolds) – Elections: would provide that: (1) an application for a ballot to be voted by mail may indicate a change of residence address; (2) if a voter includes a change of residence address in the voter’s application, the early voting clerk shall notify the appropriate voter registrars of the change.

H.B. 2386 (Reynolds) – Early Voting by Mail: would: (1) provide that a qualified voter who is the permanent caretaker of a person who has certain disabilities is eligible for early voting by

mail if the voter's presence is necessary to protect the life or safety of the person with the disability; and (2) authorize the secretary of state to adopt rules to implement (1), above.

H.B. 2387 (Reynolds) – Early Voting by Mail: would provide that a qualified voter is eligible for early voting by mail if the voter's occupational status causes hardship for the voter that prevents the voter from appearing at the polling place on election day without causing a disruption in the operation of the voter's employer.

H.B. 2388 (Reynolds) – Elections: would require an application for a ballot to be voted by mail to be submitted on or after the 60th day before election day and before 5 p.m. on the 11th day before election day.

H.B. 2721 (Blanco) – Elections: would require the notice of early voting for an election to: (1) be posted on the website of the authority ordering the election, if the authority maintains a website; and (2) for a primary election or general election, be forwarded by the authority ordering the election to the secretary of state to be posted on the secretary of state's Internet website.

H.B. 2724 (Blanco) – Elections: would: (1) provide that a voter may submit to an early voting clerk an electronic transmission of a scanned application for voting by mail containing an original signature; and (2) require the early voting clerk to designate an e-mail address for receipt of an application.

H.B. 2725 (Goldman) – Elections: would provide that early voting by personal appearance at each permanent or temporary branch polling place shall be conducted on the same days and during the same hours as voting is conducted at the main early voting polling place.

H.B. 2900 (Goldman) – Voting Standards: would provide that a voting system may not be used in an election unless the system operates safely, efficiently, and accurately and complies with the voting system standards adopted by the Election Assistance Commission.

H.J.R. 108 (Reynolds) – District Boundaries: would, during the period beginning on the general primary election day and ending on the following general election day, prohibit a county or political subdivision whose officers are selected from candidates nominated at a primary election from: (1) abolishing or declaring dormant any office; or (2) changing the boundaries of a district from which an officer is elected.

S.B. 975 (Campbell) – Uniform Election Dates: would provide that, with certain exceptions, every general or special election in the state, including city elections, shall be held on the first Tuesday after the first Monday in November. (Companion bill is **H.B. 361** by **Springer**.)

S.B. 982 (Bettencourt) – Elections: would provide that, for the purposes of voting, a person 70 years of age or older may use an expired form of proper photo identification if the identification is otherwise valid.

S.B. 984 (Bettencourt) – Residence of Registered Voter: would: (1) provide that a person’s residence, for purposes of registering to vote, is established at the first residence address in the following list that is applicable to the person: (a) the address stated on the person’s driver’s license; (b) the address stated on the person’s personal identification; (c) the address stated on a license to carry a concealed handgun; (d) the address where the person receives mail; (e) the address the person claims as a homestead; or (f) the registration address of a vehicle the person owns; (2) authorize a person who has no address to establish residence by executing an affidavit and filing it with the secretary of state; and (3) except from the provisions in (1) and (2), above, a member of the armed forces and a person enrolled as a full time student at an institution of higher education. (Companion bill is **H.B. 1096** by **Murphy**.)

S.B. 985 (Bettencourt) – Elections: would provide that a voter who does not provide acceptable identification at the polling place or whose name is not on the list of registered voters for the precinct may be accepted for provisional voting only. (Companion bill is **H.B. 1177** by **R. Miller**.)

S.B. 990 (Ellis) – Voting Rights: would, among other things: (1) authorize a person who is at least 16 years of age to apply for registration to vote; (2) require the issuance of a receipt from a person receiving an application to register to vote, if the application is submitted in person; (3) allow volunteer deputy registrars to serve throughout the state; (4) authorize the secretary of state to order a person to correct their conduct if the person is performing official functions in the administration of the electoral process in a manner that violates the Election Code; (5) make it a state jail felony for an election officer to remove the name of an eligible voter from the list of registered votes or the poll list for the precinct, refuse to accept for voting a person whose acceptance is required, or prevent the deposit in the ballot box of a marked and properly folded ballot; (6) allow a voter or the authority ordering the election to choose an interpreter for the voter and establish different qualifications to serve as an interpreter, depending on who chooses the interpreter; (7) make it a Class B misdemeanor to knowingly deceive another person regarding the time, place, or manner of conduction an election or the qualifications for voter eligibility; (8) authorize a suspected violation of (7), above, to be reported to the secretary of state via the voting rights hotline (or otherwise) and require the secretary of state to report the matter to the attorney general if there is reasonable cause to believe a criminal offense has been committed; (9) authorize initiation of a civil action for a violation of (7), above; (10) require two voter registrars to be present at each polling place while the polls are open; (11) establish procedures to register a person to vote at a polling place and allow such person to vote if accepted for registration; (12) allow any qualified voter to vote early by mail; (13) provide that a qualified voter participating in the address confidentiality program is eligible for early voting by mail only if the voter submitted a registration application by personal delivery; (14) change certain provisions related to early voting and voting by mail and qualifications to vote a late ballot; and (15) make every day on which an election, including a primary election, is held throughout the state a state holiday.

S.B. 1015 (Bettencourt) – Elections: would: (1) require a person selected to provide assistance to a voter to be a registered voter of the county in which the election is being held; (2) require a person selected to provide assistance to a voter to provide photo identification to an election

officer; and (3) provide that a person who is not an election officer commits a Class C misdemeanor if the person offers to assist a voter and before developing the intent to make the offer of assistance the voter was not known to the person.

S.B. 1034 (Rodriguez) – Elections: would provide that, when a voter cancels an application for a ballot to be by mail, the cancellation does not extend to certain subsequent elections in which the county clerk serves as early voting clerk.

S.B. 1050 (Rodriguez) – Elections: would: (1) require the secretary of state to adopt rules and procedures to allow the official administering an election to immediately suspend and replace an election judge or clerk who fails to comply with state law; and (2) require the adopted rules to include a process for review and reinstatement of a suspended election judge or clerk if the election judge or clerk is not finally convicted of an offense in connection with the violation.

S.B. 1073 (Zaffirini) – Elections: would, among other things: (1) require a candidate's application for a place on the ballot to include: (a) a mailing address and any available email address at which the candidate receives correspondence relating to the candidate's campaign; and (b) the candidate's campaign website address, if maintained by the candidate; and (2) require the authority with whom an application for a place on the ballot is filed to inform the candidate that the candidate's mailing address, e-mail address, and website address will be posted by the secretary of state on the secretary's publicly viewable website.

S.B. 1115 (Campbell) – Elections: would: (1) expand the duration of the pilot program allowing certain military voters on active duty overseas to cast a ballot electronically to September 1, 2017; and (2) require the secretary of state to select a number of willing counties to participate in the program. (Companion bill is **H.B. 1646** by **J. White**.)

Open Government

H.B. 2310 (Leach) – Requests for Public Information: would require a city that maintains an Internet website to prominently display and maintain on the main page a link that allows a person to submit an electronic request for information.

H.B. 2374 (Dutton) – Public Information: would: (1) allow information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime to be withheld from public disclosure if: (a) the release of the information would unduly interfere with the detection, investigation, or prosecution of crime; or (b) the information relates to an ongoing investigation or conduct that remains subject to prosecution and the matter is not considered closed; and (2) allow an internal record or notation of a law enforcement agency or prosecutor to be withheld from public disclosure if: (a) release would unduly interfere with law enforcement or prosecution; or (b) the record or notation relates to an ongoing investigation or conduct that remains subject to prosecution and the matter is not considered closed.

H.B. 2518 (Coleman) – Closed Meetings: would authorize a closed meeting to discuss or deliberate commercial or financial information that a governmental body has received from a

another governmental entity relating to a business that seeks to locate, stay, or expand in or near the territory and with which the governmental body providing the financial information is conducting economic development negotiations.

H.B. 2633 (Hernandez) – Motor Vehicle Accident Information: would: (1) authorize the release of information about a motor vehicle accident to a person directly concerned in the traffic accident or having proper interest therein, including: (a) the driver(s) involved in the accident; (b) the employer, parent, or legal guardian of the driver(s) involved in the accident; (c) the authorized representative of a person involved in the traffic accident; (d) any person involved in the traffic accident; (e) the owner(s) of the vehicle(s) or property damaged in the traffic accident; and (f) a person who may sue because of death resulting from the accident; (2) make information in a police dispatch report concerning a motor vehicle accident confidential; (3) allow the release of information described in (2), above, to be released to: (a) the Department of Public Safety (DPS), (b) an agency of the U.S., this state, or a local government of this state that uses the information for prevention purposes; (c) the law enforcement agency that employs the officer who investigated the accident and sent the report to DPS; (d) the court in which a case involving a person in the accident is pending if the report is subpoenaed; and (e) any person directly concerned in the traffic accident or having proper interest therein, including those listed in (1), above.

H.B. 2700 (S. Thompson) – Bulk Criminal History Record Information: would: (1) require a clerk of a municipal court (among others) that receives a bulk criminal history record information (CHRI) request concerning Class A or Class B or felony offenses for which a final judgment has been rendered to deny the request and provide the requestor with instructions for submitting the request to the Department of Public Safety; and (2) require a clerk of a municipal court (among others) that grants a bulk CHRI request concerning Class C offenses for which a final judgment has been rendered or offenses that are pending final disposition to: (a) maintain a record of the name and contact information of the requestor and the most recent date CHRI was provided to the requestor; and (b) publish the record on the clerk’s website or, if no website, prominently display the record in a public area of the clerk’s place of business.

H.B. 2715 (Keffer) – Utility Information: would make confidential a contract between an electric utility and a municipally owned utility.

S.B. 1087 (Kolkhorst) – Public Information: would: (1) define “custodian” to mean a public officer or employee who: (a) by law, ordinance, or policy is in charge of an office that creates or receives a local government record; or (b) in the transaction of official business, creates or receives public information that the officer or employee has not provided to the records management officer or officer for public information (PIO); (2) require that a PIO obtain information from a custodian who has access to public information being requested from the governmental body; (3) provide that a current or former officer or employee of the city does not have a personal or property right to the city’s public information and must surrender that information upon request or demand by the custodian or PIO; (4) authorize a requestor, custodian, or PIO to sue in district court for an injunction or mandamus to compel a current or former officer or employee to surrender or return public information; (5) require a governmental

body, custodian, or PIO to obtain possession, custody, or control of public information from a current or former officer or employee in order to produce public information for inspection or copying, and provide that the governmental body, custodian, or PIO may be included in a suit under (4), above, for failure to do so; (6) authorize a requestor or the attorney general to file suit for writ of mandamus to compel a PIO to make information available for public inspection if the PIO fails to request an attorney general decision when required, fails to promptly supply public information, or fails to promptly supply information as directed by the attorney general; (7) provide that a custodian commits an offense if, with criminal negligence, the custodian fails or refuses to give access to, or permit or provide copying of, public information to a requestor; and (8) provide certain affirmative defenses in regard to an offense described in (7), above. (Note: This bill would overrule the recent court of appeals opinion in *El Paso v. Abbott*, which concluded that the Public Information Act doesn't force a city employee or official to turn over public information in his or her possession.) (Companion bill is **H.B. 1764** by **Hunter**.)

Other Finance and Administration

H.B. 7 (Darby) – Dedicated Revenue: would clarify the uses of certain state dedicated accounts by allowing: (1) money in the volunteer fire department assistance fund to be appropriated for contributions to the Texas Emergency Services Retirement System; (2) the Department of Public Safety to use money appropriated to the department to award grants to local law enforcement agencies for training on incident-based reporting systems to be used for reporting information and statistics concerning criminal offenses; and (3) the Commission on State Emergency Communications to suspend the 9-1-1 services fee during any state fiscal biennium for which the unencumbered balance of the 9-1-1 services fee account is sufficient to pay for all appropriations from that account.

H.B. 2297 (Smith) – Alcoholic Beverage Commission: would: (1) require the Texas Alcoholic Beverage Commission (TABC) to expedite the processing of applications for licenses, permits and certificates by using electronic means, and authorize TABC to charge a reasonable fee to applicants choosing to apply for licenses, permits, and certificates electronically; and (2) provide that electronic signatures on TABC records, documents, and applications have the same force and effect as a manual signature. (Companion bill is **S.B. 700** by **Eltife**.)

H.B. 2303 (Kuempel) – Off-Highway Vehicles: would include the driving of off-highway vehicles in the recreational use statute for tort liability purposes.

H.B. 2375 (Dutton) – Tort Liability: would expand city tort liability for injuries caused by negligence by providing that a waiver of governmental immunity includes any acts of negligence (Current law waives immunity solely for acts of negligence involving a condition or use of personal or real property.)

H.B. 2379 (Bohac) – Roadside Assistance Liability: would protect a first responder, including a police officer, fire fighter, and certain volunteer fire fighters, from liability arising from the good faith provision of roadside assistance, unless the liability is caused by the gross negligence, recklessness, or intentional misconduct of the responder.

H.B. 2436 (Phillips) – Airports: would: (1) authorize an employee of an airport security force to be commissioned as a peace officer, subject to certain provisions related to other law enforcement officers; (2) require a local government airport operator to establish a program to collect complaints regarding passenger security screenings and submit an analysis of the complaints to the Texas Department of Transportation and the director of the governor’s Texas homeland security office; and (3) require that no later than January 1, 2016, a local government airport operator apply to the federal government to participate in the security screening opt-out program and submit confirmation of such application to the Texas Department of Transportation and the director of the governor’s Texas homeland security office.

H.B. 2465 (Smith) – Plumbers: would, among other things: (1) add harvesting of rainwater or reclaiming of water to supply a plumbing fixture or appliance, and installation of a multipurpose residential fire protection system, to the definition of “plumbing” under state law; (2) provide that a person is not required to be a licensed plumber to perform plumbing work if he is employed by a political subdivision to engage in plumbing only within the geographic boundaries of the political subdivision; (3) mandate that the Texas Board of Plumbing Examiners adopt the NFPA 13D Standard for the Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes, as published by the National Fire Protection Association, on January 1, 2015; (4) provide that a licensed engineer may design a multipurpose residential fire protection sprinkler system for installation (as opposed to only certain master plumbers in current law); (5) provide that a certified fire inspector may inspect or review plans only for the sprinkler portion of a multipurpose residential fire sprinkler installation, repair, or replacement if the certified fire inspector: (a) meets or exceeds the NFPA 1031 Standard for Professional Qualifications for Fire Inspector and Plan Examiner; and (b) is employed or appointed by a political subdivision or this state; and (6) mandate that a city with more than 5,000 inhabitants regulate by ordinance or bylaw the material, construction, alteration, and inspection of any pipe, faucet, tank, valve, water heater, or other fixture by or through which a supply of water, gas, medical gas, medical vacuum, or sewage is used or carried.

H.B. 2512 (Zedler) – Uniform Collaborative Law: would: (1) create the Uniform Collaborative Law Act, which would govern key aspects of a situation in which a lawyer represents a client solely for purposes of settlement; and (2) enact specific provisions related to governmental entities that are parties to a collaborative law process.

H.B. 2576 (Schofield) – Birth Records: would require the state, a local registrar, or a county clerk to issue without fee a certified copy of a birth record to an applicant who appears in person to obtain the record, and states that the applicant is requesting the record for purposes of obtaining an election identification certificate. (Companion bill is **S.B. 983** by **Bettencourt**.)

H.B. 2595 (Keffer) – Initiative and Referendum: would provide that: (1) notwithstanding any home rule charter provision, a city may not: (a) accept for verification, certification, or other approval a petition requesting the enactment or repeal of an ordinance or charter provision, if the proposed enactment or repeal would restrict the right of any person to use or access the person's private property for economic gain; or (b) hold an election proposed by a petition on the

proposed enactment or repeal of an ordinance or charter provision described by (1); (2) the purported enactment or repeal of an ordinance or charter provision prohibited by the bill has no effect and an election held in violation of it is void; and (3) a person whose rights are affected by a violation of the bill may sue for injunctive relief.

H.B. 2687 (Shaheen) – Official Oppression: would extend the state offenses of official oppression and misuse of official information to: (1) an officer, employee, or agent of the United States; a branch, department or agency of the United States; or another person acting under a contract with a branch, department, or agency of the United States to provide a security or law enforcement service; or (2) any other person acting under color of federal law.

H.B. 2731 (G. Bonnen) – Ambulances: would exempt a nonprofit ambulance company from motor fuel taxes for fuel used solely to provide emergency medical services.

H.B. 2734 (Capriglione) – Roofing Contractors: would provide for the voluntary certification of roofing contractors by the Texas Department of Licensing and Regulation.

S.B. 10 (Huffman) – Public Integrity Unit: would, among other things: (1) require the office of the attorney general to establish and support a public integrity unit (PIU) to investigate certain offenses: against public administration, involving insurance fraud, and involving motor fuels tax; (2) provide that the PIU described in (1), above, consists of attorneys and staff of the attorney general and one commissioned officer of the Texas Rangers division of the Department of Public Safety; (3) provide that if the PIU's initial investigation demonstrates a reasonable suspicion that an offense has occurred the matter, depending on its nature, shall be referred to either the appropriate presiding judge of the administrative judicial region containing the county where the accused resides or the appropriate venue; (4) authorize the presiding judge described in (3), above, to appoint certain individuals to prosecute an offense; and (5) require a local law enforcement agency to cooperate with the PIU by providing information (to the extent allowed by law) to the PIU.

S.B. 216 (Birdwell) – State Office of Administrative Hearings: would, among other things: (1) provide that on making a finding that a party to a contested case has defaulted under the rules of the State Office of Administrative Hearings (SOAH), an administrative law judge (ALJ) may dismiss the case and remand it to the referring agency for informal disposition by applying the agency's own rules of procedure related to default proceedings; (2) remove the requirement that only an ALJ in the natural resource conservation division of SOAH may conduct a hearing on behalf of the Texas Commission on Environmental Quality and authorize SOAH to contract with qualified individuals to serve as temporary ALJs; (3) remove the requirement that only an ALJ in the utility division of SOAH may conduct a hearing on behalf of the Public Utility Commission of Texas and authorize SOAH to contract with qualified individuals to serve as temporary ALJs; (4) remove the requirement that SOAH establish a natural resource conservation division, a utility division, and a tax division; (5) remove the requirement that an ALJ presiding over a tax hearing must have devoted at least 75 percent of the person's legal practice to Texas state law in at least 5 of the past 10 years before employment; (6) make various changes regarding how a referring state agency compensates SOAH; and (7) require the Texas Department of

Transportation and SOAH to enter a memorandum of understanding regarding the scheduling of certain hearings. (Companion bill is **H.B. 2154** by **Dutton**.)

S.B. 962 (V. Taylor) – State Agency Rulemaking: would: (1) authorize a member of the legislature to bring an action for declaratory judgment if it is alleged that a member of a governing body of a state agency or an executive official of a state agency has adopted a rule or proposed a rule without a grant of or contrary to a grant of statutory or constitutional authority; (2) provide that a district court or party to a motion described in (1), above, may request transfer to the court of appeals if the public interest requires a prompt, authoritative determination of the validity of the rule or proposed rule; and (3) prohibit the attorney general from representing a state agency, a state agency official, or a member of the legislature in a suit described in (1), above. (Companion bill is **H.B. 2816** by **Krause**.)

S.B. 983 (Bettencourt) – Birth Records: This bill is identical to **H.B. 2576**, above.

S.B. 1019 (Creighton) – Public Nuisance: would provide that a city’s prohibition against keeping property free from a condition constituting a public nuisance would not apply to undeveloped land for which: (1) a condition on that land has not been found to cause a public nuisance for at least one year; and (2) a finding of public nuisance could not have been applied to that condition when the condition first occurred. (Companion bill is **H.B. 1643** by **Riddle**.)

S.B. 1041 (Bettencourt) – Local Debt: would: (1) provide that, with respect to a proposition seeking voter approval of the issuance of bonds, the following information must be included in the proposition language: (a) the total amount of the political subdivision’s debt currently outstanding; (b) the total amount of the political subdivision’s current debt payments; (c) the total amount of taxes required to be imposed on a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, to repay the political subdivision’s current debt obligations; and (d) the estimated tax burden that would be imposed on a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, to repay the bonds to be authorized, if approved; (2) provide that with respect to a proposition that seeks voter approval of the imposition or increase of a tax, the following information would need to be included in the proposition language: (a) the estimated additional tax burden that would be imposed on a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, after the imposition or increase of the tax, if approved; and (b) a detailed description of the purposes for which the tax is to be imposed or increased, if approved; and (3) provide that with respect to a proposition that seeks voter approval of the reduction of a tax, the proposition language would need to include the estimated tax reduction for a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, if approved.

S.B. 1042 (Bettencourt) – Local Debt: would: (1) require every political subdivision to prepare an annual financial report that contains financial information for each city fund, as well as a various types of information relating to the city’s debt obligations; (2) provide that an alternative to preparing a report under (1), above, would be for the political subdivision to provide all fund

and debt information to the comptroller and have the comptroller post the information on the comptroller's official website; (3) require every political subdivision to maintain an internet website to post the financial report required by (1), above, except that a city or county with a population of 2,000 or less could post the report on a social media or other website in which the political subdivision controls the content of the posting; and (4) provide that, except in a case of a public calamity, a case in which the issuer needs to act to protect the health of the residents, a case of unforeseen damage to public equipment or property, or to comply with a state or federal regulation, a city may not issue a certificate of obligation if the voters voted down a bond proposition for the same purpose within the preceding three years.

S.B. 1064 (Garcia) – Same-Sex Marriage: would provide that the state, an agency, or a political subdivision of the state may use a same-sex marriage license or similar document recognizing or validating a same-sex marriage or a civil union for the limited purpose of verifying the identity of the person who presents the license or document to the state, agency, or political subdivision.

S.B. 1076 (Eltife) – Mixed Beverage Tax: would: (1) repeal the mixed beverage gross receipts tax; and (2) implement in its place a 14 percent sales tax on the sale of mixed beverages. The bill might reduce cities' share of the tax.

S.B. 1112 (Burton) – Affordable Care Act: would prohibit the use of any funds, personnel, or other resources of a state or local government, including a city, to implement or enforce the Affordable Care Act.

Municipal Courts

H.B. 2398 (White) – Judicial Donation Trust Fund: would: (1) grant a city the authority to establish a judicial donation trust fund as a separate account outside the municipal treasury; (2) allow a city to accept a gift, grant, donation, or other consideration from a public or private source that is designated for the judicial donation trust fund; (3) task the city council with adopting procedures necessary to receive and disburse money from the fund; and (4) allow a judge to award money from the fund to eligible children who appear before the court for a truancy or curfew violation.

H.B. 2447 (White) – Juvenile Records Committee: would create a state advisory committee, which would include municipal court judges, court clerks, peace officers, to examine and recommend revisions to any state laws pertaining to juvenile records. (Companion bill is **S.B. 645** by **Rodriguez**.)

H.B. 2632 (Dutton) – Truancy: would make truancy a civil penalty, rather than a criminal offense.

H.B. 2671 (S. Thompson) – Failure to Appear: would: (1) repeal the state law that provides for the denial of a driver's license renewal for failure to appear for a complaint or citation or failure to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by

a municipal court; and (2) repeal portions of the Driver Responsibility Program that authorize the suspension of a license for failure to pay certain surcharges.

H.B. 2747 (Landgraf) – Jurors: would disqualify a person from serving as a juror if the person is not a citizen of the United States.

S.B. 943 (Rodriguez) – Contempt of Court: would allow a municipal court to refer a child that fails to obey an order of a municipal court (under circumstances that would constitute contempt of court) to the appropriate juvenile court for delinquent conduct or conduct indicating a need for supervision.

S.B. 1040 (Rodriguez) – Capias Pro Fine: would allow a peace officer to bring a defendant before another justice court in the same county or another municipal court in the same territorial jurisdiction that has concurrent jurisdiction with the court that issued a capias pro fine instead of placing the defendant in jail.

S.B. 1056 (Hinojosa) – Driver Responsibility Program: would provide that a person is indigent for purposes of waiving surcharges under the Driver Responsibility Program if they are determined to be indigent for the purpose of appointing counsel for the offense that is the basis for the surcharge, so long as they have not been found by the court to have the ability to pay, wholly or partly, the cost of the appointed counsel. (Companion bill is **H.B. 1795** by **S. Turner**.)

S.B. 1116 (West) – Delivery of Court Notice: would authorize a court or court clerk to send any notice or document using mail or electronic mail.

Community and Economic Development

H.B. 2283 (Guillen) – Boarding Homes: would: (1) except an alcohol- and drug-free recovery home from certain board home facility regulations; and (2) authorize the executive commissioner of the Health and Human Services Commission to adopt rules establishing what constitutes an alcohol- and drug-free recovery home.

H.B. 2296 (Smith) – Alcohol in Central Business District: would: (1) authorize a city to prohibit, by charter or ordinance, the possession of an open container or the public consumption of alcoholic beverages in the central business district of the city upon a finding that such activity poses a health and safety risk; (2) require a city adopting the prohibition described in (1), above, to adopt a map, plat, or diagram showing the central business district that is covered by the prohibition; and (3) prohibit a city charter or ordinance from forbidding the possession of an open container or the consumption of alcoholic beverages in motor vehicles, a building not owned or controlled by the city, residential structures, or a licensed premises located in the area of prohibition described in (2), above.

H.B. 2304 (Price) – Health and Human Services: this is the Department of Health and Human Services sunset bill. It would, among other things: (1) consolidate various health and human services agencies under the Health and Human Services Commission; and (2) eliminate many of

the committees, councils, and work groups whose purpose is to give information regarding the physical, mental, and intellectual health of certain individuals and communities. (Companion bill is **S.B. 200** by **Nelson**.)

H.B. 2329 (Gutierrez) – Gambling: would authorize certain forms of casino gambling if approved by a local option election in the county. (See **H.J.R. 105**, below.)

H.B. 2408 (Herrero) – Windstorm Insurance: would modify the composition of the board of directors of the Texas Windstorm Insurance Association.

H.B. 2441 (Harless) – Strategic Partnership Agreements: would provide that: (1) the qualified voters of a water district, any part of which is annexed for limited purposes under a strategic partnership agreement, are entitled to vote in municipal elections; and (2) a resident of such a district is not eligible to be a candidate for or to be elected to a municipal office.

H.B. 2457 (Schubert) – Eminent Domain: would, in relation tolling a property owner’s right of repurchase, provide that: (1) three of the elements in current law must be met to establish “actual progress” on a project (instead of two under current law): or (2) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than two tolling actions before the tenth anniversary of the date of acquisition of the property tolls the right to repurchase.

H.B. 2533 (Goldman) – Alcohol-Related Businesses: would repeal a state law that prohibits the holder of an alcoholic beverage license or permit to, on premises under his control, maintain or permit a radio, television, amplifier, piano, phonograph, music machine, orchestra, band, singer, speaker, entertainer, or other device or person that produces, amplifies, or projects music or other sound that is loud, vociferous, vulgar, indecent, lewd, or otherwise offensive to persons on or near the licensed premises.

H.B. 2581 (Springer) – Regulatory Takings/Oil and Gas: would make a city regulation that imposes or enforces a limitation that has the effect of preventing or prohibiting the development of an oil or gas well that has been permitted by the Texas Railroad Commission subject to the Private Real Property Rights Preservation Act, which would: (1) waive sovereign immunity to suit and liability for a regulatory taking; (2) authorize a private real property owner to bring suit to determine whether the governmental action of a city results in a taking; (3) require a city to prepare a “takings impact assessment” prior to imposing certain regulations; and (4) require a city to post 30-day’s notice of the adoption of most regulation prior to adoption. The bill would exempt a city regulation that imposes or enforces a reasonable standard established by the political subdivision for oil or gas wells relating to: (1) visual aesthetics; (2) noise abatement; or (3) hours of operation. (Companion bill is **S.B. 809** by **Taylor**.)

H.B. 2600 (E. Rodriguez) – Cottage Foods: would: (1) define a “home food processor” as someone who makes food for sale, including cottage food production; (2) require that home food processors meet certain requirements including: (a) obtaining a state permit; (b) preparing and

storing goods for sale separately from those for personal use; (c) labelling requirements; and (d) recordkeeping requirements; and (3) allow an inspector from the state, county, or public health district to inspect the area of a home food processor's home use to prepare goods for sale.

H.B. 2642 (Thompson) – Eight Liners: would expand a current law that is bracketed to one county to apply to any county and provide that the commissioners court of any county may regulate the operation of game rooms and may: (1) restrict the location of game rooms to specified areas of the county, including the unincorporated area of the county; (2) prohibit a game room location within a certain distance, prescribed by the commissioners court, of a school, regular place of religious worship, or residential neighborhood; or (3) restrict the number of game rooms that may operate in a specified area of the county.

H.B. 2669 (Galindo) – Annexation/Incorporation: would provide that a city must allow an area in the city's extraterritorial jurisdiction and targeted for annexation to instead incorporate as a general law city if certain procedures are met. (Companion bill is **S.B. 615** by **Burton**.)

H.B. 2678 (Lozano) – Economic Development: would require the office of the governor to: (1) develop and maintain a website that: (1) provides a single location for a business entity to receive information about state and local economic development incentives; and (2) allows, when feasible, the business entity to fill out and submit one application for all state and local government monetary and tax incentives for which the person may be eligible.

H.B. 2679 (Flynn) – Public Facility Corporations: would expand certain authority of a public facility corporation and provide that the corporation may: (1) exercise any powers that a nonprofit corporation may exercise, to the extent necessary or convenient to accomplish the purpose of the corporation; and (2) can grant a leasehold or other possessory interest in a public facility owned by the corporation.

H.B. 2728 (S. King) – Military Preparedness Commission Grants: would provide that certain Texas Military Preparedness Commission grants to some local governmental entities, including cities that are defense communities, must be no less than \$50,000 and no more than the lesser of: (1) 50 percent of the amount of the local government match; (2) 50 percent of the local government investment; or (3) \$5 million. (Companion bill is **S.B. 318** by **Hinojosa**.)

H.J.R. 105 (Gutierrez) – Gambling: would amend the Texas Constitution to authorize certain forms of casino gambling if approved by a local option election in the county. (See **H.B. 2329**, above.)

S.B. 200 (Nelson) – Health and Human Services Sunset Bill: this bill is identical to **H.B. 2304**, above.

S.B. 929 (Fraser) – Energy Codes: would provide that: (1) the State Energy Conservation Office shall establish the Building Energy Efficiency Advisory Committee composed of 13 members who have an interest in the adoption of energy codes, including two building code officials; (2) the committee may submit to the Texas A&M Energy Systems Laboratory and the

office: (a) comments on energy codes under consideration for adoption; and (b) recommended energy rating indexes for each climate zone in this state that may be used to measure compliance in a voluntary compliance path recognized by the International Residential Code energy efficiency provisions or the International Energy Conservation Code; (3) the office may amend or establish an energy rating index that is used to measure compliance in a voluntary compliance path of an energy code edition before adopting the edition; (4) the office may adopt an energy rating index for each climate zone in this state; (5) a local amendment may not conflict with the compliance paths established by the office; (6) the office may adopt and substitute the latest published edition of the International Residential Code energy efficiency provisions or the latest published edition of the International Energy Conservation Code, based on written findings from the Texas A&M Energy Systems Laboratory on the stringency of the editions and comments and recommendations from the Building Energy Efficiency Advisory Committee; and (7) the office may not adopt an edition more often than once every six years and shall establish by rule an effective date for an adopted edition that is not earlier than nine months after the date of adoption. (Companion bill is **H.B. 1736** by **Villalba**.)

S.B. 1047 (Hall) – Texas Enterprise Fund: would abolish the Texas Enterprise Fund and transfer the balance of the fund to the state general revenue fund.

Personnel

H.B. 2390 (Bohac) – Employee Wellness Programs: would: (1) define “employee wellness program” as an employer program that provides an incentive for employees for maintaining wellness or a healthy lifestyle; and (2) limit civil liability for an employer, including a city, for establishing, maintaining, or requiring participation in an employee wellness program unless the program discriminates on the basis of: (a) prior medical condition; (b) gender; (c) age; or (d) income level.

H.B. 2413 (Lucio) – Minimum Wage: would: (1) raise the minimum wage to \$10.10 or the federal minimum wage, whichever is higher; and (2) repeal the provision that prohibits a city from creating a higher minimum wage. (Companion bills are **H.B. 42** by **Martinez Fisher** and **S.B. 67** by **Ellis**.)

H.B. 2537 (Vo) – Unpaid Leave: would: (1) add siblings to the list of individuals for which an employee must be granted leave to care for if the employer has 50 or more employees and the person would otherwise qualify for unpaid leave under the federal Family Medical Leave Act; and (2) create a cause of action for wages and other actual monetary damages should the leave not be granted or these requirements be violated.

H.B. 2608 (Murphy) – Municipal Retirement Systems: would: (1) allow a city with a public retirement system serving only that city to change the benefits, participation, and eligibility requirements, funding source or amount, and administration of its system by ordinance; and (2) authorize the city to adopt an ordinance or resolution regarding its retirement system that would prevail over state statute in the event of a conflict.

H.B. 2636 (Farias) – Construction Contractors: would: (1) require a city’s construction contracts to mandate that a contractor: (a) provide at least a 15-minute rest break for every four hours of work its employees perform; and (b) ensure that employees do not work more than three-and-a-half hours without receiving a break; (2) require a city to develop procedures for administering the bill’s provisions; and (3) allow a city to impose an administrative penalty if a contractor violates the provisions. (Companion bill is **S.B. 154** by **Rodriguez**.)

H.B. 2680 (G. Bonnen) – Training Funds: would change the allocation of Texas Commission on Law Enforcement training funds to add the number of telecommunicators into the calculation of personnel for distribution of the funds.

S.B. 927 (Rodriguez) – Employee Classification: would: (1) for purposes of unemployment compensation, make the classification of “employee” a rebuttable presumption by the employer; and (2) create a penalty of up to \$200 for each person misclassified as an independent contractor payable by an employer, including a city.

Public Safety

H.B. 2277 (Muñoz) – Surplus Property: would: (1) authorize the Department of Public Safety (DPS) to donate or sell, at a discounted rate, directly to a local law enforcement agency a surplus law enforcement motor vehicle and other surplus equipment; and (2) provide that DPS sell equipment under (1), above, in its “as-is” condition and not make any representations or warranties as to the condition or use of the equipment.

H.B. 2279 (Walle) – Peace Officer Training: would require a peace officer, as part of the officer’s minimum curriculum requirements, to receive training on dealing with children, adolescents, and teenagers, either: (1) within two years of licensure; or (2) when the officer applies for an intermediate proficiency certificate.

H.B. 2285 (Walle) – School Citations: would require each school district to compile a report for the Texas Education Agency on incidents related to class C citations and police arrests made of students in the previous year.

H.B. 2298 (Pickett) – Peace Officers: would provide that an establishment serving the public may not prohibit or otherwise restrict a peace officer or special investigator from carrying on its premises a weapon that the peace officer or special investigator is otherwise authorized to carry, regardless of whether the peace officer or special investigator is engaged in the actual discharge of his or her duties while carrying the weapon.

H.B. 2300 (Riddle) – Warrants: would eliminate telegraph transmission as a method to forward a warrant of arrest.

H.B. 2320 (Pena) – Vehicle Stops: would require a peace officer who stops a car on a highway where the speed limit is 55 m.p.h. or above to try to direct the car to a road with less than 55 m.p.h. speed limit or another safe area.

H.B. 2321 (Longoria) – E-Cigarettes: would include vapor products, such as electronic cigarettes, in the existing state regulations that govern the sale, distribution, possession, use, and advertising of cigarettes and other tobacco products. (Companion bill is **S.B. 97** by **Hinojosa**.)

H.B. 2347 (M. Martinez) – Traffic Signals: would allow an operator of a motorcycle or bicycle facing a steady red signal at a traffic-actuated electric traffic-control signal to proceed if the signal fails to register the motorcycle or bicycle after two cycles of the signal. (Companion bill is **S.B. 334** by **Watson**.)

H.B. 2357 (Gutierrez) – Police Investigations: would: (1) require each police department to adopt a detailed, written procedure on officer-involved deaths that: (a) requires three investigators for an officer-involved death investigation, two of whom must be from a department other than the department from which the officer or officers involved are members; (b) if traffic related, requires the use of a crash reconstruction unit from a different police department; (c) allows the police department to do an internal investigation so long as it does not interfere with the other investigation; and (d) requires the investigation team to report to the law enforcement review board on the officer-involved death at the conclusion of its investigation; (2) require the law enforcement review board, as soon as practicable after receiving the report from the investigation team to review the report and recommend whether: (a) further investigation is needed; (b) prosecution is needed and report the need for prosecution to the county felony prosecutor; and (c) disciplinary measures are needed and report the need for discipline to the police chief and the Texas Commission on Law Enforcement; (3) require the Office of the Attorney General to post the report on its website with redactions as needed; and (4) create a law enforcement review board consisting of certain listed attorneys, judges, sheriffs, and criminal justice experts, to review officer-involved deaths.

H.B. 2358 (Lucio) – Disasters and Emergencies: would: (1) provide that an out-of-state business entity whose transaction of business in Texas is limited to the performance of disaster- or emergency-related work during a disaster response period is not required to: (a) register with the secretary of state; (b) file a tax report with or pay taxes or fees to the state or a political subdivision of the state; (c) pay ad valorem or use tax on equipment used only during the disaster response period and that is removed from the state following the response period; (d) comply with any state or local business licensing or registration requirements; or (e) comply with any state or local occupational licensing requirements or related fees; (2) provide that an out-of-state employee whose only employment in the state is for the performance of disaster- or emergency-related work during a disaster response period is not required to: (a) file a tax report with or pay taxes or fees to the state or a political subdivision; or (b) comply with any state or local occupational licensing requirements or related fees; (3) provide that an entity or employee described in (1) and (2), above, is (unless otherwise exempt) subject to a transaction tax or fee, including motor fuels tax, sales or use tax, hotel occupancy tax, and motor vehicle rental tax; (4) require an entity or employee described in (1) and (2), above, to provide certain information to the secretary of state upon request by the secretary of state; (5) exclude an entity or employee from the exemptions in (1) and (2), above, if the entity or employee remain in Texas after the disaster response period; (6) provide that an entity or employee described in (1) and (2), above, is

not engaged in business in this state for purposes of the Limited Sales, Excise, and Use Tax Act; and (7) provide that an entity or employee described in (1) and (2), above, is not a “taxable entity” for purposes of certain franchise tax.

H.B. 2376 (S. Turner) – Disaster Recovery Fund: would: (1) create a disaster recovery fund that would be used to offer grants for a state agency, city, or volunteer fire department that participates in disaster recovery to help pay for recovery costs for: (a) a nonfederal match required for a FEMA project; (b) a disaster recovery project to remedy the damage and direct loss due to a disaster; or (c) a reimbursement of the entity for disaster recovery related activities; (2) require the Division of Emergency Management to develop and implement rules, procedures, and an application process for request and receipt of the grants; and (3) require an entity that receives a grant to reimburse the fund if it later receives reimbursement from the federal government, an insurer, or another source.

H.B. 2405 (Nevarez) – Firearms: would provide that the public safety director of the Department of Public Safety shall adopt rules regarding the content, size, and other characteristics of signs to be posted on a building or other property where the property owner seeks to prohibit a license holder from carrying a handgun under the so-called “30.06” provision. The bill would also provide that the rules must require the sign to: (1) contain a pictogram that shows, on a white background, a handgun drawn in black ink within a red circle and a diagonal red line across the handgun; (2) contain language that must include the following: “Section 30.06, Penal Code”; (3) be a readable and conspicuous size but not larger than 8.5 inches by 11 inches; (4) be posted at each exterior entrance that is open to the public; (5) be posted in a conspicuous manner clearly visible to the public; (6) not be obstructed or altered in any way; and (7) be immediately replaced by the property owner if the sign becomes illegible.

H.B. 2426 (Kuempel) – Fire Extinguishers: would provide that: (1) state law relating to fire extinguisher inspections has uniform force and effect throughout this state; (2) a city or county may not adopt or enforce an ordinance, order, or rule inconsistent with state law; and (3) an inconsistent ordinance, order, or rule is void and has no effect.

H.B. 2437 (Hughes) – Emergency Services Fee: would provide that the Commission on State Emergency Communications, which operates the 9-1-1 system outside of certain home rule cities, shall suspend its fees on telephone service for the duration of any state fiscal biennium for which the unencumbered balance of the 9-1-1 services fee account is enough to pay for all of the appropriations from that account.

H.B. 2442 (Zedler) – Red Light Cameras: would provide that, if the owner of a motor vehicle is delinquent in the payment of a civil penalty imposed in connection with a photographic traffic signal, the county assessor-collector or the Texas Department of Motor Vehicles may not refuse to register the motor vehicle alleged to have been involved in the violation.

H.B. 2445 (J. White) – Firearms: would: (1) repeal the offense of displaying a firearm or other deadly weapon in a public place in a manner calculated to alarm; (2) allow a person previously convicted of that crime to serve as a nurses aid.

H.B. 2459 (M. Martinez) – 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 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), above, is a misdemeanor offense; and (6) provide that it is a defense to prosecution for (1)-(4), above, that the unprotected road user was acting in violation of the law.

H.B. 2470 (E. Rodriguez) – Fertilizer: would require: (1) an ammonium nitrate facility that meets certain criteria to carry public liability insurance in an amount set by the Texas Department of Insurance; and (2) the department and certain other state agencies to determine the risk associated with ammonium nitrate facilities and to set an appropriate amount of liability coverage for bodily injury and property damage based on the risk exposure.

H.B. 2486 (Keffer) – Recovery of Personal Property: would: (1) authorize a person to apply to a justice court for an order authorizing entry into their residence or former residence, accompanied by a peace officer, to retrieve their personal property; (2) require a peace officer acting under an order described in (1), above, to: (a) accompany and assist the applicant in making authorized entry and retrieving certain personal property; (b) provide the current occupant of the residence a copy of the court order if the occupant is home at the time of entry; and (c) inventory the property retrieved by the applicant and provide the inventory to certain persons; (3) authorize a peace officer to use reasonable force and limit the officer's liability when assisting a person described in (1), above; and (4) provide that it is a misdemeanor offense to interfere with a peace officer acting under an order described in (1), above. (Companion bill is **S.B. 739** by **Hinojosa**.)

H.B. 2497 (Martinez) – Emergency Medical Services Personnel: would: (1) adopt the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ("REPLICA") to allow EMS personnel to work in different states if: (a) the personnel is licensed using certain national exams; (b) the work in a different state is needed for transportation of a patient; or (c) the work is needed due to a declaration of an emergency or disaster; (2) expedite the licensure of certain former or current military personnel who have certain national certification for EMS; and (3) join the interstate commission that oversees the compact. (Companion bill is **H.B. 2498** by **Zerwas**.)

H.B. 2498 (Zerwas) – Emergency Medical Services Personnel: this bill is identical to **H.B. 2497**, above.

H.B. 2510 (Price) – Department of State Health Services: this is the Department of State Health Services sunset bill. It would: (1) require emergency medical services providers to: (a)

maintain a permanent place of business in the state; (b) have adequate equipment as determined by the Department of State Health Services (department); and (c) have someone within the provider organization take a jurisprudence exam regarding the laws regulating emergency medical services; (2) require that the department: (a) conduct a comprehensive inventory of the roles, responsibilities, and capacity for public health services for state agencies, public health regions, and local health departments; and (b) create a matrix of public health duties of each entity with information provided by each entity, including a local health authority; (3) transfer licensing of code enforcement officers to the Department of Licensing and Regulation (TDLR); (4) repeal provisions related to code enforcement officer complaints, hearings, and fees; (5) transfer sanitarian licensing from the department to TDLR; (5) lessen state regulation of rendering establishments and the transportation of dead animals; (6) change the licensing procedure for food handlers by making the education and training programs comply with the American National Standards Institute and the Conference for Food Protection rather than state education and training; and (7) transfer various other occupational licensing from the Department of State Health Services to the Department of Licensing and Regulation and the Medical Board. (Companion bill is **S.B. 202** by **Nelson**.)

H.B. 2513 (Kacal) – 9-1-1 System: would: (1) require the Commission on State Emergency Communications to develop minimum performance standards for 9-1-1 service to be followed in regional plans, including a requirement that regional plans provide for automatic location identification and automatic tier two facility identification; (2) require an emergency communication district to provide automatic tier two facility identification as part of the 9-1-1 system; and (3) require the Department of State Health Services to provide the address or location of each facility that is required to file a tier two form to the applicable regional planning commission or emergency communication district.

H.B. 2516 (Keffer) – Commercial Vehicles: would allow any city peace officer to enforce commercial vehicle standards (current law only allows peace officers in selected cities to enforce such standards).

H.B. 2529 (Lucio) – Fireworks: would eliminate the authority of a home rule city to prohibit fireworks in the area that extends 5,000 feet beyond the city limits.

H.B. 2554 (M. White) – Sidewalks: would repeal the state requirement that a person walk on the left side of the roadway if there is no sidewalk available.

H.B. 2562 (Sheets) – Dogs: would enact provisions relating to the unlawful restraint of a dog, and provide that a city or county may prohibit or further regulate by ordinance the ownership, possession, restraint, confinement, or care of a dog.

H.B. 2596 (Leach) – Protective Orders: would require a law enforcement agency to enter a protective order in the statewide law enforcement information system by the third business day after the date the order is received.

H.B. 2614 (Dutton) – Peace Officer Training Committee: would create a committee of state senators and representatives to review the peace officer training programs overseen by the Texas Commission on Law Enforcement.

H.B. 2623 (Zedler) – Seized Property: would: (1) prohibit a law enforcement agency or attorney representing the state from transferring seized property to any federal law enforcement authority or federal agency and from coordinating with the authority or agency regarding seized property unless: (a) the value of the seized property exceeds \$50,000 (excluding value of controlled substance); and (b) the attorney representing the state determines that the activity giving rise to the seizure is interstate in nature and sufficiently complex to justify the transfer, or that the seized property may only be forfeited under federal law; and (2) prohibit a law enforcement agency or the Texas National Guard, when operating in a nonmilitary role, from participating, assisting, or cooperating in a forfeiture action brought by the federal government unless the value of the seized property subject to forfeiture exceed \$50,000 (excluding value of controlled substance).

H.B. 2646 (Giddings) – Disease Reporting: would: (1) allow the Department of State Health Services or a local health authority or department to release information about individuals with communicable diseases to a city whose first responders might be responding to the individual; and (2) require a local health department or authority to provide to first responders the physical address of a person who is being monitored for communicable disease.

H.B. 2651 (Moody) – Child Abuse or Neglect: would require a local law enforcement agency to conduct its own investigation upon notification by the Department of Family and Protective Services that a child who is the subject of a report of abuse or neglect has been removed from the child's home.

H.B. 2658 (Moody) – Capias Pro Fine: would allow a peace officer to bring a defendant before another court that is in the same territorial jurisdiction as, and that has concurrent jurisdiction with, the court that issued the defendant's capias pro fine. (Companion bill is **S.B. 873** by **Rodriguez**.)

H.B. 2711 (Riddle) – Mental Illness: would: (1) authorize emergency medical services personnel to transport (without the assistance of a peace officer) a person directly to an inpatient mental health facility for a preliminary exam if the personnel believe that the person is mentally ill and there is a substantial risk of serious harm if the person is not immediately restrained; (2) except from (1), above, a situation in which a person requires medical care or trauma services; and (3) require emergency medical services personnel to file an application for emergency detention after transporting a person to a facility as described in (1), above.

H.B. 2714 (Phillips) – Commercial Drivers Licenses: would: (1) provide that it is a defense to prosecution for not being able to show a commercial drivers license when stopped that the individual had a valid commercial drivers license at the time the offense occurred; (2) allow an administrative court charge of up to \$10 if a person is prosecuted for failing to have a commercial drivers license at the time of a stop but is able to prove that the individual had a

commercial drivers license at the time of the stop; (3) make it a Class C misdemeanor for the holder of a commercial drivers license to text while driving unless they are a law enforcement officer, fire fighter, or are communicating with law enforcement; and (4) make it a “serious traffic violation” for purposes of retaining a commercial drivers license to violate a state or local texting ban.

H.B. 2722 (Goldman) – Emergency Medical Services: would prohibit the use of certain emergency medical markings on a vehicle unless the vehicle is being used: (1) as an emergency medical services vehicle; or (2) for another legitimate governmental function.

H.B. 2735 (Capriglione) – Wet/Dry Status: would provide that, in a city that has held certain local option elections after January 1, 1985, the governing body of the city may adopt an ordinance authorizing the sale of beer and wine for off-premise consumption in an area annexed by the city in certain circumstances.

H.B. 2744 (Capriglione) – License Plate Readers: would authorize a law enforcement agency to use an automatic license plate reader, and require that all images and data produced from a reader be destroyed not later than the 90th day after the date of collection unless it is evidence in a criminal investigation or prosecution.

S.B. 202 (Nelson) – Department of State Health Services: this bill is identical to **H.B. 2510**, above.

S.B. 942 (Estes) – Search Warrants and Interception Devices: would: (1) authorize the issuance of a warrant to search and seize “location information” defined to mean information concerning the location of a cellphone or other wireless communication device; (2) add a definition for “global positioning system wireless device tracker system” and “international mobile subscriber identity locator” to certain provisions of the Code of Criminal Procedure and Government Code, including provisions related to: (a) a judge’s interception order; (b) a prosecutor’s application for the installation and use of such equipment; (c) a peace officer’s emergency use and installation of such equipment; and (d) a magistrate’s order to obtain access to communications; (3) authorize a judge to issue a order directing a remote computing service to furnish certain information, facilities, and assistance in intercepting communications; (4) prescribe requirements for the judicial district in which certain prosecutor applications for the installation and use of interception devices may be filed, the content of such applications, and the circumstances under which the application may be sealed; (5) authorize a district judge to issue a warrant for location information that is obtained from a cellphone or other wireless communications device by using a global positioning system wireless device tracker or an international mobile subscriber identity locator, and establish various requirements related to the issuance, application for, expiration, and sealing of such a warrant; (6) authorize a peace officer to obtain location information from a cellphone or wireless communication device without a warrant in certain circumstances; (7) authorize the issuance of an administrative subpoena by certain law enforcement officials and a search warrant by a court to a communication common carrier, provider of an electronic communication service, or a remote computing service to compel the production of certain business records; (8) include a municipal law enforcement

agency among the few who may own, possess, install, operate or monitor an international mobile subscriber identity locator; (9) provide that a person commits an offense for the unauthorized or installation use of an international mobile subscriber identity locator; and (10) require annual reporting of certain warrants and orders to the Department of Public Safety by the courts and prosecutors.

S.B. 1006 (Rodriguez) – Restraining Orders: would: (1) allow a court to issue a gun violence restraining order; (2) permit the issuance of a gun seizure warrant if there is probable cause to believe a person violated the terms of their gun violence restraining order; and (3) make the offense of violation of gun violence restraining order a Class A misdemeanor.

S.B. 1035 (Rodriguez) – Border Security: would: (1) provide that the Border Security Advisory Council must consist of various individuals, including certain local governmental entities receiving local border security grant funding from the Department of Public Safety and at least three mayors (or their designees) of cities in which state appropriations for purposes related to security at the border are spent; and (2) provide that the Council in (1), above: (a) make recommendations to the Homeland Security Council (rather than the office of governor) and publish those recommendations on the governor’s website; and (b) report on certain information, including the assessment of the performance of, reporting requirements for, and allocation of state agency funding for state border security activities. (Companion bills are **H.B. 1761** by **Guillen** and **H.B. 2030** by **Muñoz**.)

S.B. 1037 (Rodriguez) – Nonlethal Force: would: (1) require each police officer to: (a) use all reasonable means to avoid using deadly force against an unarmed suspect; and (b) use the least amount of force necessary to restrain an uncooperative suspect; (2) require a police department to adopt a use of force policy that contains: (a) guidance on the use of lethal force; (b) procedures for dealing with an armed or unarmed suspect; (c) specific restraint techniques that do not require the use of deadly force or cause bodily injury; (d) disciplinary sanctions for violations of the policy; and (e) specific examples of situations police officers may encounter; (3) require each officer to complete a training program on nonlethal and nonviolent restraint as established by the Texas Commission on Law Enforcement by 2017 and every 36 months; and (4) require the Texas Commission on Law Enforcement to: (a) create a statewide comprehensive education and training program on nonlethal and nonviolent force and restraint of at least 8 hours; and (b) add instruction in the use of nightsticks, batons, clubs, pepper spray and other weapons in its training on weapons proficiency.

S.B. 1109 (Lucio) – Emergency Response Districts: would: (1) authorize a county to create an emergency response district if it receives a petition and calls for an election to do so; (2) provide that a district can provide fire protection, emergency medical services, and related services; and (3) grant to a district the authority to levy a property tax and issue bonds.

Transportation

H.B. 20 (Simmons) – Transportation Planning: would, among other things: (1) create the Texas Department of Transportation’s state infrastructure advisory committee; (2) require the

committee to prepare a report detailing the department's collaboration with state elected officials, local governments, government trade associations, metropolitan planning organizations, regional mobility authorities, and other entities when adopting rules or formulating policies; (3) provide that the Texas Transportation Commission shall establish one or more stakeholder advisory committees to make recommendations to the commission or department before the adoption of a rule, policy, or procedure affecting the stakeholders; (4) mandate that the department work with all local transportation entities in the state to develop and adopt uniform guidelines governing the funding prioritization of the entities' transportation projects; and (5) direct the commission to establish a project selection stakeholders advisory, which would include municipal officials. (Companion bill is **H.B. 2685** by **Simmons**.) (This bill is identical to **H.B. 2685**.)

H.B. 2440 (Paddie) – Transportation Network Companies (e.g., Uber, Lyft): would: (1) provide that transportation network companies (company) and transportation network drivers (driver) are not common carriers, contract carriers, or motor carriers and do not provide taxicab, for-hire, or street hail service; (2) provide that a company does not own, control, operate, or manage vehicles used by drivers and is not a taxicab company or for-hire vehicle owner; (3) prohibit a person from operating a company without obtaining a permit issued by the Texas Department of Motor Vehicles (department) and paying a \$5,000 annual fee to maintain the permit; (4) give the department authority to suspend or revoke a permit; (5) require a company that charges a fare for its service to: (a) disclose to passengers the fare calculation method on the company's website or within the software application service; and (b) provide the passenger with the applicable rates and the option to receive an estimated fare before the passenger enters the driver's vehicle; (6) require the company's software application or website to display, before the passenger enters the driver's vehicle, a picture of the driver and the license plate of the vehicle; (7) require a company to transmit an electronic receipt to the passenger within a reasonable period of time following the completion of the trip listing certain items; (8) provide that while a driver is logged into a company's digital network, but not providing transportation network services, financial responsibility for the driver's vehicle must be established, and that the vehicle liability insurance policy must be an owner's or operator's policy that is issued by: (a) an insurance company authorized to write vehicle liability insurance in this state (this may be a combination of insurance policies maintained by the company or driver); or (b) a surplus lines insurer; (9) provide that during the time a driver is providing transportation network services, the company must establish financial responsibility for the driver's vehicle through a vehicle liability insurance policy that provides coverage of at least \$1 million per accident for bodily injury and property damage (this may be a combination of insurance policies maintained by the company or driver); (10) require that a driver involved in an accident while providing transportation network services provide proof that the vehicle is insured, as required by law, and notify the company of the accident; (11) require a company to: (a) implement a zero-tolerance policy that prohibits a driver from using or being under the influence of drugs or alcohol while providing service or while logged into the company's network; (b) post on its website the procedure for a passenger to report a related complaint about a driver; and (c) take certain action upon receipt of a complaint by a passenger that driver has not complied with the zero-tolerance policy; (12) impose on a company certain requirements related to drivers, including completion of a criminal background check and examination of the driver's driving record; (13) prohibit a

company from using a driver: (a) with certain driving offenses, (b) with certain criminal violations, (c) without a valid driver's license, (d) without proof of registration and financial responsibility for the vehicle used to provide services, and (e) that is younger than 19 years of age; (15) require a company to: (a) make sure each vehicle meets certain state safety and emissions requirements; (b) prohibit solicitation or acceptance of cash payments from passengers; (c) adopt a policy of nondiscrimination; and (d) keep certain trip records; (16) allow a driver to only accept rides booked through a company's digital network or software application service (i.e., no street hails); (17) require a driver to comply with laws relating to accommodation of service animals, prohibit a company from imposing additional charges to services to the disabled, and require a company to direct a passenger to alternative providers if they are unable to arrange wheelchair-accessible transportation; (18) authorize the Department of Motor Vehicles to impose a fee, not to exceed \$10,000 annually, on companies, taxicab companies, and limousine and other for-hire vehicle companies that do not provide wheel-chair-accessible service and deposit the fees into an account in the general revenue fund to provide grants to certain providers that do offer accessible service; (19) prohibit a company from disclosing a passenger's personally identifiable information to a third party unless certain requirements are met; and **(20) prohibit a city from: (a) imposing a tax on, or requiring a license for, a company or driver; or (b) subjecting a company or driver to the city's rate, entry, operational, or other requirements.**

H.B. 2592 (Phillips) – Ready Mix Concrete Trucks: would increase the maximum legal weight of certain ready-mix concrete trucks.

H.B. 2606 (K. King) – Overweight Vehicles: would: (1) create a new class of state overweight vehicle permit called a "special use vehicle;" and (2) provide that, unless otherwise provided by state or federal law: (a) a county or city may not require a permit, fee, or license for the operation of a special use vehicle in addition to a permit, fee, or license required by state law; and (b) a special use vehicle may operate on a state, county, or municipal road, including a load-zoned county road or a frontage road adjacent to a federal interstate highway, if the vehicle is permitted under the bill.

H.B. 2685 (Simmons) – Transportation Planning: this bill is identical to **H.B. 20**, above.

H.B. 2686 (Shaheen) – Transportation Funding: would: (1) allocate a portion of the state's motor vehicle sales tax to the state highway fund; and (2) prohibit spending on toll roads, mass transit, or highway beautification projects.

H.B. 2701 (Pickett) – Department of Motor Vehicles: would, among many other things, provide that a portion of certain overweight vehicle permit fees is allocated to the state highway fund.

H.B. 2736 (Capriglione) – Highway Closure: would require that a contract for an improvement to a segment of the state highway system must prohibit a contractor from temporarily closing the highway on the date that an event is scheduled to be held in a city in which the improvement is being proposed if proper notice is given.

H.B. 2737 (Capriglione) – Transportation Funding: would reallocate three-fourths of the state’s gas tax, and essentially all of the state’s liquid propane tax, to the state highway fund.

H.J.R. 114 (Shaheen) – Transportation Funding: would amend the Texas Constitution to provide that the net revenue from motor vehicle registration fees and motor fuels tax shall be used for the sole purpose of constructing and maintaining public highways, provided that one-fourth of that revenue remains allocated to public school funding.

S.B. 1043 (Nichols) – Department of Motor Vehicles: would, among many other things, provide that: (1) an operator of a vehicle operating under an overweight or oversize state permit who is required by law or rule to carry the permit in the vehicle shall, on request, provide the permit for the vehicle or a photocopy of the permit to a peace officer; and (2) if the Department of Motor Vehicles provides a permit electronically, the vehicle operator may provide a legible and accurate image of the permit displayed on a wireless communication device.

S.B. 1048 (Hall) – Transportation Funding: would prohibit the Texas Department of Transportation, a local governmental entity, or another political subdivision of this state from using money provided by the Federal Transit Administration for a mass transit passenger rail project.

S.J.R. 42 (Huffines) – Transportation Funding: would amend the Texas Constitution to provide that the net revenue from motor vehicle registration fees and motor fuels tax shall be used for the sole purpose of constructing and maintaining public highways, provided that one-fourth of that revenue remains allocated to public school funding.

Utilities and Environment

H.B. 2289 (Parker) – Electric Grid: would provide that: (1) the Electric Grid Security Advisory Committee is created; (2) not later than December 1, 2016, the committee shall prepare a report of its findings, including any recommendations for legislation resulting from the findings, and shall submit the report to the governor, the lieutenant governor, and the speaker of the house of representatives; and (3) the Energy Reliability Council of Texas shall collect and compile information related to the security of the electric grid, that information being confidential and is not subject to disclosure under the Public Information Act.

H.B. 2308 (Keffer) – Water Rights Applications: would require an applicant for a new or amended water right to submit an economic impact study that assesses how approval or denial of the new or amended water right will economically impact affected communities.

H.B. 2327 (S. Thompson) – Electric Rates: would provide that: (1) the Public Utility Commission shall undertake a study and conduct a report analyzing any periodic rate adjustment established under current law, to be available for the legislature's review by January 31, 2019; and (2) the report shall contain, among several other things, an analysis of alternative ratemaking

mechanisms adopted by other states and recommendations regarding appropriate reforms to the ratemaking process in this state to provide efficient and adequate oversight of electric utilities.

H.B. 2362 (Pena) – Draft Impact Analysis: would require the Texas Commission on Environmental Quality to incorporate a draft impact analysis describing the anticipated effects of a proposed rule into a fiscal note.

H.B. 2425 (Rodriguez) – Texas Beverage Container Recycling: would: (1) create the Texas Beverage Container Recycling Consortium, composed of one representative of a city with a population less than 10,000 and one representative of a city with a population of at least 10,000; (2) require a beverage container for sale in this state contain a specified refund value and required labeling; (3) require a distributor to collect a deposit from a retail dealer, who in turn will collect a deposit from a consumer for each beverage container; and (4) allow the Consortium to provide grants to fund water quality, waste reduction, recycling, or curbside redemption programs.

H.B. 2535 (Bell) – Excavation: would: (1) make an operator (a person that operates an underground facility) liable for damages incurred by an excavator as a result of an excavation that encounters the operator's underground facilities if: (a) the excavator reasonably relied on the operator to mark the approximate location of the underground facility as required by the Underground Facility Damage Prevention and Safety Act; (b) the operator fails to mark the approximate location of the underground facility or does not accurately mark that location; or (c) the damages to the excavator would not have occurred if the excavation had not encountered the underground facility or if the approximate location of the underground facility had been accurately marked; and (2) entitle the prevailing party in a suit for damages against an excavator or operator that occurs in relation to certain excavations to recover reasonable attorney's fees in addition to any award of damages.

H.B. 2556 (White) – Outdoor Burning: would reduce the penalty for outdoor burning of tires, insulation on electrical wire or cable, treated lumber, plastics, non-wood construction or demolition materials, furniture, carpet, or items containing natural or synthetic rubber.

H.B. 2570 (Johnson) – Climate Change: would require: (1) Texas Water Development Board to include consideration of the potential effects of climate and precipitation changes on the water supply in this state; (2) regional water planning groups to include potential effects of climate and precipitation changes in their regional water plans; and (3) the Texas state climatologist to periodically provide TWDB with climate and precipitation forecasts.

H.B. 2571 (Johnson) – Climate Change: would require state agency's strategic plans to include an analysis of expected changes in the services provided by the agency because of projected changes in weather, water availability, and climate variability, as determined by the state climatologist.

H.B. 2647 (Ashby) – Groundwater Production: would prohibit a groundwater conservation district from reducing or curtailing production below the maximum rate authorized by a permit

recorded before September 1, 2014, from a well that produces groundwater directly or indirectly used to support the operation of a power generation facility or a mine.

H.B. 2672 (Workman) – Public Utility Agencies: would expand the powers of a public utility agency to include, among other things, imposing impact fees, collecting other fees, and using eminent domain.

H.B. 2758 (Martinez) – Excavating: would amend the state’s “call before you dig” statute to provide that, for a planned excavation activity that will extend to a location that is one-quarter mile or more from the beginning point of an excavation project, each one-quarter mile portion of the planned excavation project is considered a separate excavation and the excavator shall provide a separate notification for each excavation.

S.B. 932 (Fraser) – Renewable Energy: would repeal the state’s goals for renewable energy.

S.B. 941 (Creighton) – Contested Case Hearings: would permit a court to reverse and remand a determination of standing in a contested case hearing only if the court finds that the Texas Commission on Environmental Quality: (1) failed to consider a factor required by law to be considered, (2) considered an irrelevant factor, or (3) considered only relevant factors required by law to be considered but reached an unreasonable result. (Companion bill is **H.B. 1113** by **Clardy**.)

S.B. 991 (Rodriguez) – Brackish Groundwater: would require the General Land Office and the Texas Water Development Board to jointly conduct a study regarding the use of wind and solar power to develop and desalinate brackish groundwater.

S.B. 1067 (Rodriguez) – Recyclable Materials: would require an advisory committee established by the Texas Commission on Environmental Quality to conduct a study quantifying the amount of materials currently being recycled and the economic impacts from the materials that are not being recycled.

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