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## **TML's Legislative Webinar Series: Don't Forget to Register!**

The Texas Municipal League's *Legislative Series: Three Webinars and a Workshop* is the best and quickest way to get an update on what's happening in Austin, and to help protect your authority to govern your city as you see fit, without state interference.

The first webinar, "Legislative Status Report: Keep Your Finger on the Pulse," is scheduled for 10:30 a.m., Friday, March 13. In this one-hour webinar, the League's legislative staff will brief you on the first two months of the 84th Legislative Session, and tell you what bills and issues need your city's attention.

Many of the bills filed would, if enacted, limit the ability of Texas cities to carry out vital functions and provide essential services to residents. Learn which committees have the most important city-related bills, and how your city or town can participate in the League's efforts to protect municipal authority.

Please go to [www.tml.org](http://www.tml.org) and click "Training" for more information on the legislative series.

## **Revenue Caps: Keep the Pressure On**

Last week, dozens of city officials cleared their schedules to travel to Austin to testify before the Senate Finance Committee against S.B. 182, the harmful revenue cap bill. Then, on Monday, the bill's author "pulled" his bill from the agenda, explaining the bill's fiscal note needed some work.

Any delay of a harmful idea is cautious good news. But city officials should not read too much into this action – S.B. 182 can still be set for hearing again at any time. As a reminder, the bill would: (1) lower the property tax rollback rate from eight percent to four percent, with an exception for a city located in an area declared a disaster area by the governor or president of the United States during the current tax year; and (2) provide that a city must hold a ratification election to adopt a tax rate that exceeds the four-percent rollback rate (as opposed to current law, which only requires an election if a petition is received from the citizens).

City officials should continue to contact their senators about this bad bill, which, if passed, would punish cities for building and maintaining the infrastructure that makes Texas great.

The League has prepared [talking points](#) about the harmful effects of revenue caps and a model [resolution](#) opposing this idea.

## **Interim Legislative Report Releases Continue**

Legislative committees are given items to study during the interim, and each committee then reports its recommendations on those items. The previous editions of the *Legislative Update* summarized several reports that had been released. Like in previous editions of the *Legislative Update*, the League has prepared the following brief summaries of reports issued by city-related committees. A few more reports may be issued in the coming weeks. If so, they will be summarized, as well.

### **Senate Committee on Criminal Justice**

*Charge:* Study the value ladder of charges for theft and related offenses within the Texas Penal Code and recommend any necessary updates and proposed legislative reforms.

*Recommendations:* The legislature should:

- Design a value ladder that takes into account the inflation rates since 1993, adjusting the threshold upward for the dividing amounts among the current misdemeanors and felonies.
- Create the standard value ladder in the Penal Code in a separate section from theft, so that in the future it may be reviewed and adjusted in that single section.
- Amend all sections of the Penal Code, and any other Texas statute that deals with theft and/or property loss, to reference the value ladder for classification of offenses and available punishments.

*Charge:* Evaluate the approximately 1,500 non-traditional criminal offenses that are found outside of the Penal Code. Study the feasibility of streamlining those offenses and examine ambiguities in the law. Analyze whether and to what extent some of the non-traditional criminal offenses should be eliminated.

*Recommendation:* The legislature should support the enactment of a Texas Punishment and Sentencing Commission to thoroughly examine non-traditional criminal offenses, consolidating those that meet the required elements for a criminal act into the Penal Code, while altering those that do not meet the elements to be considered a crime to that of an administrative action or civil penalty.

## **TBPE Issues Advisory Opinion:** **Engineering Requirements for Utility and Telephone Projects**

At its February 2015 Board meeting, the Texas Board of Professional Engineers (TBPE) approved Policy Advisory Opinion (PAO) Number 37, which concerns utility and telephone company exemptions and requirements for providing engineering plans for construction in cities. This PAO was developed with input and guidance from municipal stakeholders, including review by several cities and League staff.

The Texas Engineering Practice Act (TEPA) has specific exemptions from engineering licensure for certain employees of utility and telephone companies regarding work done on their systems and on their property. Notwithstanding these exemptions, the TBPE's PAO concludes that a professional engineer is still required on certain projects.

For example, the TBPE determined that utility and telephone companies are not exempt from having an engineer do the civil engineering work on a utility project in a city's right-of-way on a utility project. In addition, the TBPE clarified that cities can impose extra engineering requirements on projects in their jurisdictions, including utility and telephone projects.

The full text of PAO Number 37, along with frequently asked questions, is available at:

<http://engineers.texas.gov/policy.htm>.

City officials can always contact the TBPE with questions concerning the opinion or any other engineering-related issue.

## **FCC Decides Municipal Broadband Petitions and Net Neutrality**

Last week, the Federal Communications Commission (FCC) voted on two widely-publicized proceedings: (1) petitions by two cities, by the City of Chattanooga, Tennessee's Utility and the City of Wilson, North Carolina, to federally preempt a state law prohibiting municipal broadband networks; and (2) the issue of "net neutrality." In a 3-2 vote, the FCC supported the Chattanooga and Wilson petitions, and thus preempted Tennessee's state laws restricting municipal broadband networks. In a second 3-2 vote, the FCC adopted a new "Open Internet Order," which is designed to provide fairness in the use of the Internet.

## **Municipal Broadband**

The FCC adopted a Memorandum Opinion and Order holding that laws in North Carolina and Tennessee prohibiting cities from providing Internet service are barriers to broadband deployment, investment and competition, and conflict with the FCC's mandate to promote these goals. The FCC voted to allow Chattanooga and Wilson to expand broadband service outside their current footprints in response to numerous requests from neighboring unserved and underserved communities. The commissioners who voted to adopt the holding stated that it underscored the importance of broadband as a necessity for local growth and opportunity. They highlighted the value of municipal broadband in meeting these goals, particularly in areas where service was not provided by industry.

National League of Cities Executive Director Clarence Anthony said in response to the decision: "Today's vote underscores the critical role of local government in providing broadband services that are integral to a strong, 21st century economy that benefits residents and strengthens communities. Chattanooga and Wilson are examples of the successful role local government can play to ensure that high-speed, affordable broadband is available to our cities' residents. While their petitions to the FCC apply only to their individual municipal broadband initiatives, today's ruling sets a precedent that acknowledges the need for local flexibility to meet individual community needs. Each community is different, and local government must have the flexibility and authority to make the best choices for their residents."

*(Editor's note: Texas law does not prohibit cities from providing broadband service.)*

## **Net Neutrality (Open Internet)**

In the second proceeding, the FCC voted to regulate Internet service under Title II of the Telecommunications Act, which will treat the Internet as a public utility. The new rules approved by the FCC prohibit the blocking of content or the dividing of the Internet into "fast lanes" for companies who pay for prioritization and "slow lanes" for others. (This concept is also known as "net neutrality.") More information about the ruling is available in the [FCC's press release](#).

*\*Edited article reprinted with permission from the National League of Cities*

## **TML Names Legislators of the Month for February**

Representative Dennis Bonnen (R – Angleton) and Senator Robert Nichols (R – Jacksonville) are the TML Legislators of the Month for February 2015. Representative Bonnen represents House District 25, which includes the cities of Angleton, Clute, Lake Jackson, and Bay City. Senator Nichols represents Senate District 3, which includes the cities of Lufkin, Jacksonville, Athens, Nacogdoches, and Orange.

First elected to the Texas House in 1996, Representative Bonnen serves as the chairman of the powerful House Committee on Ways and Means and serves on the House Committee on Natural Resources. This session, Representative Bonnen has filed H.B. 1953, which would modify the

deadline for publication of the *Notice of Proposed Property Tax Rate* from September 1 of each year to before the later of September 1 or the 30<sup>th</sup> day after the date the certified appraisal roll is received by the tax unit.

Senator Nichols was elected to the Texas Senate in 2006 and serves as the Chairman of the Senate Transportation Committee and also serves on the Senate Finance, Natural Resources and Economic Development, and Intergovernmental Relations Committees. Prior to his election to the Texas Senate, he served on the city council and as mayor in the City of Jacksonville. Senator Nichols has filed S.B. 5 and S.J.R. 5, which would constitutionally dedicate a portion of the existing motor vehicle sales tax to transportation funding.

The bills mentioned above are among the League's highest priorities this session. We hope city leaders across Texas, and particularly those in Representative Bonnen's and Senator Nichols' districts, will express their appreciation to these outstanding leaders.

### **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.

- Sean Mannix, Police Chief, Cedar Park

### **Significant Floor Actions**

**S.B. 5 (Nichols)**, relating to the allocation of certain motor vehicle sales tax revenue to the state highway fund and to the uses of that revenue. Passed the Senate.

**S.J.R. 5 (Nichols)**, proposing a constitutional amendment dedicating certain revenue derived from the tax imposed on the sale of motor vehicles to the state highway fund. Passed the Senate.

### **Significant Committee Actions**

**S.B. 97 (Hinojosa)**, relating to regulation of the sale, distribution, possession, use, and advertising of vapor products. Reported from the Senate Health and Human Services 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 Veterans 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. 1884 (Pena) – Appraisal Cap:** would reduce the property tax appraisal cap on homesteads from ten to five percent, and apply the new appraisal cap to all real property. (See **H.J.R. 93**, below.)

**H.B. 1900 (E. Rodriguez) – Property Appraisal:** would relate to whether property can be considered as qualified open-space land for purposes of an appraisal, would, among other things: (1) require a chief appraiser to distinguish between the degree of intensity required for various agricultural production methods like organic, sustainable, pastured poultry, rotational grazing, and other uncommon production methods or systems; and (2) provide that the use of land for a nonprofit community garden is considered to be “agricultural use.”

**H.B. 1920 (Anchia) – Property Tax Exemption:** would provide that an applicant for a residence homestead property tax exemption need not include a copy of the applicant’s driver’s license or state-issued personal identification certificate if the applicant includes with the application an signed affidavit stating that the applicant does not have a driver’s license or state-issued personal identification certificate.

**H.B. 1932 (Burns) – Property Tax Appraisal:** would define “wildlife management” for purposes of a property tax appraisal as actively using land in specific ways in accordance with standards developed by the Parks and Wildlife Department and the comptroller.

**H.B. 1933 (Darby) – Property Tax Delinquency:** would, among other things, provide that with regard to installment payments of property taxes on a residence homestead: (1) the second of four installments must be paid before the first day of the second month after the delinquency date; (2) the third installment must be paid before the first day of the fourth month after the delinquency date; and (3) the fourth installment must be paid before the first day of the sixth month after the delinquency date. (Companion bill is **S.B. 624** by Hinojosa.)

**H.B. 1946 (G. Bonnen) – Property Tax Appraisal:** would require the chief appraiser to use specific spot prices for oil and natural gas when appraising a real property interest in oil and gas in place.

**H.B. 1953 (D. Bonnen) – 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 30<sup>th</sup> 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. 1965 (Paul) – Revenue Cap:** would: (1) lower the property tax rollback rate from eight percent to the statewide inflation rate plus one percent; and (2) provide that a city must hold a ratification election to adopt a tax rate that exceeds the inflation rate-based rollback rate (as opposed to current law, which requires an election only if a petition is received from the citizens).

**H.B. 1980 (S. Thompson) – Property Tax Exemption:** would authorize the governing body of a taxing unit other than a school district to adopt a residence homestead property tax exemption expressed as a dollar amount of not less than \$5,000. (See **H.J.R. 96**, below.)

**H.B. 2036 (Metcalf) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to three percent. (See **H.J.R. 98**, below.)

**H.B. 2041 (Bell) – Appraisal Cap:** would reduce the property tax appraisal cap on homesteads from ten to five percent, and apply the new appraisal cap to all real property. (See **H.J.R. 99**, below.)

**H.B. 2043 (Sheets) – Property Tax Exemption:** would entitle a person to a property tax exemption for a portion, expressed as a dollar amount not to exceed \$15,000, of the appraised value of real property the person owns that is reasonably necessary for and used by the person in the operation of a business that hires at least one veteran as a full time employee for at least 12 consecutive months if the exemption is adopted by: (1) the governing body of a taxing unit; or (2) the favorable vote of the majority of the qualified voters of the taxing unit at an election called by the governing body after receiving a petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the taxing unit. (See **H.J.R. 100**, below.)

**H.B. 2083 (Darby) – Property Tax Appraisal:** would require the selection of comparable properties and the application of appropriate adjustments for the determination of an appraised value of property to be based upon the application of generally accepted methods and techniques. (Companion bill is **S.B. 773** by **Hancock**.)

**H.B. 2096 (Button) – Property Tax Exemption:** would enact a number of changes that would broaden the temporary state sales and use tax exemption of certain tangible personal property related to a data center.

**H.B. 2117 (T. King) – Property Tax Appraisal:** would amend the definition of “heavy equipment” for purposes of the property taxes imposed on dealer’s heavy equipment inventory to exclude a natural gas compressor that is leased or rented to a person by a dealer or entity at less than the prevailing market value.

**H.B. 2143 (S. King) – Property Tax Exemption:** would provide that a qualified residential structure does not lose its character as a residence homestead for property tax exemption purposes if a person temporarily stops occupying the structure as a principal residence due to the person’s military service inside or outside the United States as a member of the armed forces. (Companion bill is **S.B. 833** by **Campbell**.)

**H.B. 2146 (Raymond) – Property Tax Exemption:** would, among other things: (1) require the chief appraiser to accept and approve or deny an application for a residence homestead exemption of a 100 percent or totally disabled veteran after the filing deadline if the application is filed not later than one year after the date on which the United States Department of Veterans Affairs or its successor approves the veteran’s disability application; (2) provide that if a late application is approved after approval of the appraisal records for a year for which the exemption is granted, the collector for a taxing unit must deduct from the person’s tax bill the amount of tax imposed on the property for that year and any penalties and interest relating to the tax if the tax and related penalties and interest have not been paid; (3) provide that if a late application is approved after approval of the appraisal records for a year which the exemption is granted and the person already paid the tax and related penalties and interest, the person is eligible for a refund of the tax, penalties, and interest paid.

**H.B. 2260 (Otto) – Property Tax Exemption:** would provide that, once a veteran’s organization or county fair association claims a property tax exemption as authorized by state law, the exemption need not be claimed in subsequent years. (Companion is **S.B. 918** by **Nichols**.)

**H.J.R. 93 (Pena) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to five percent, and apply the new appraisal cap to all real property. (See **H.B. 1884**, above.)

**H.J.R. 96 (S. Thompson) – Property Tax Exemption:** would amend the Texas Constitution to authorize the governing body of a taxing unit other than a school district to adopt a residence homestead property tax exemption expressed as a dollar amount of not less than \$5,000. (See **H.B. 1980**, above.)

**H.J.R. 98 (Metcalf) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on residence homesteads from ten to three percent. (See **H.B. 2036**, above.)

**H.J.R. 99 (Bell) – Appraisal Cap:** would reduce the property tax appraisal cap on homesteads from ten to five percent, and apply the new appraisal cap to all real property. (See **H.B. 2041**, above.)

**H.J.R. 100 (Sheets) – Property Tax Exemption:** would amend the Texas Constitution to allow the governing body of a political subdivision to exempt from property taxation a portion, expressed as a dollar amount, of the market value of real property that a person owns and uses to operate a business that employs one or more honorably discharged veterans of the armed services. (See **H.B. 2043**, above.)

**H.J.R. 102 (Button) – Property Tax Exemption:** would amend the Texas Constitution to allow the legislature to exempt from property taxation by one or more political subdivisions of this state a person’s inventory held for sale at retail.

**S.B. 758 (Bettencourt) – Property Tax Exemption:** would entitle the owner of tangible personal property to a property tax exemption if the property is used for manufacturing, processing, or fabricating tangible personal property for ultimate sale. (See **S.J.R. 35**, below.)

**S.B. 762 (Bettencourt) – Property Tax Exemption:** would exempt from property taxes income-producing tangible personal property having a taxable value of less than \$2,500.

**S.B. 763 (Bettencourt) – Property Tax Exemption:** would allow a business owning tangible personal property used for the production of income to qualify for a property tax exemption on the amount of the property worth \$50,000 or less. (See S.J.R. 36, below.)

**S.B. 766 (Bettencourt) – Revenue Cap:** would, among other things: (1) modify the effective tax rate calculation by eliminating the consideration of “lost property value;” (2) modify the rollback tax rate calculation by eliminating the consideration of the current debt tax rate; and (3) provide that the captured appraised value and tax increment that is paid by a taxing unit into the tax increment fund for a reinvestment zone is included in the calculation of a property tax rate.

**S.B. 773 (Hancock) – Property Tax Appraisal:** would require the selection of comparable properties and the application of appropriate adjustments for the determination of an appraised value of property to be based upon the application of generally accepted methods and techniques.

**S.B. 833 (Campbell) – Property Tax Exemption:** would provide that a qualified residential structure does not lose its character as a residence homestead for property tax exemption purposes if a person temporarily stops occupying the structure as a principal residence due to the person’s military service inside or outside the United States as a member of the armed forces. (Companion bill is **H.B. 2143** by **S. King**.)

**S.B. 849 (Bettencourt) – Property Tax Appraisal:** would: (1) entitle a property owner to appeal through binding arbitration an appraisal review board order determining a protest filed concerning the appraised or market value of property if the appraised or market value of the property is \$3 million or less; and (2) amend the amount of the arbitration deposit made payable to the comptroller depending on the appraised or market value of the property.

**S.B. 884 (Hinojosa) – Property Tax Notice:** this bill is identical to **H.B. 1953**, above. (Note: This is a TML priority bill.)

**H.B. 910 (Zaffirini) – Property Tax Exemption:** would provide a complete residence homestead property tax exemption for the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect, but only if the surviving spouse has not remarried since the death of the disabled veteran. (See **S.J.R. 40**, below.)

**S.B. 918 (Nichols) – Property Tax Exemption:** this bill is identical to **H.B. 2260**, above.

**S.J.R. 35 (Bettencourt) – Property Tax Exemption:** would amend the Texas Constitution to entitle the owner of tangible personal property to a property tax exemption if the property is used for manufacturing, processing, or fabricating tangible personal property for ultimate sale. (See **S.B. 758**, above.)

**S.J.R. 36 (Bettencourt) – Property Tax Exemption:** would amend the Texas Constitution to allow a business owning tangible personal property used for the production of income to qualify for a property tax exemption on the amount of the property worth \$50,000 or less. (See **S.B. 763**, above.)

**S.J.R. 40 (Zaffirini) – Property Tax Exemption:** would amend the Texas Constitution to permit the legislature to provide a complete residence homestead property tax exemption for the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect, but only if the surviving spouse has not remarried since the death of the disabled veteran. (See **S.B. 910**, above.)

### **Sales Tax**

**H.B. 2113 (Murphy) – Fireworks Sales Tax:** would: (1) repeal the state fireworks tax; and (2) provide that a portion of the revenue generated from the state sales taxes collected on the sale of retail fireworks shall be deposited to the credit of the rural volunteer fire department insurance fund. (Companion bill is **S.B. 761** by **Creighton**.)

**H.B. 2199 (Parker) – 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.

**H.B. 2228 (Darby) – Sales Tax Refund:** would establish a state sales tax refund program for certain hotels and restaurants that complete renovation projects.

**S.B. 755 (V. Taylor) – Sales Tax Exemption:** would characterize the sale of a computer program to a provider of Internet hosting who acquires the computer program for the purpose of selling the right to use the computer program to an unrelated user of Internet hosting services as a “sale for resale,” thereby exempting the program from sales taxes.

**S.B. 761 (Creighton) – Fireworks Sales Tax:** this bill is identical to **H.B. 2113**, above.

**S.B. 798 (Estes) – Sales Tax Exemption:** would expand the types of aircraft personal property and repair services that are exempt from sales and use taxes. (Companion bill is **H.B. 1458** by **Bohac**.)

**S.B. 904 (Hinojosa) – Sales Tax Exemption:** would exempt the sale of an emergency preparation item from sales and use taxes if the sale taxes place during a three-day window each April.

## **Purchasing**

**H.B. 1991 (Blanco) – Public Private Partnerships:** would amend the current public/private partnership statute to define a “qualifying project” to include any improvements necessary or desirable to real property owned by a governmental entity or to real property owned by another person, including a contracting person, that is made available or is to be made available for public use. (Companion bill is **S.B. 598** by **Rodriguez**.)

**H.B. 2001 (Anderson) – Purchasing Cooperatives:** would provide that: (1) an interlocal contract between a governmental entity and a purchasing cooperative may not be used to purchase materials or services from a person who provided consulting services to the cooperative on the contract, including providing specifications for bids on the contract; and (2) the prohibition under (1), above, does not prevent a governmental entity from contracting with a person that provided only technical assistance in the development of the interlocal contract.

**H.B. 2049 (Darby) – Professional Services Indemnity:** would provide that: (1) if a contract for engineering or architectural services to which a governmental agency is a party contains an indemnification covenant or promise authorized by current law (e.g., one relating to negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier), the covenant or promise may not provide for a duty to defend but may provide that the governmental agency may seek the reimbursement of reasonable attorney’s fees after a final adjudication of liability; (2) a contract for engineering or architectural services to which a governmental agency is a party must require a licensed engineer or registered architect to perform services: (a) with the professional skill and care ordinarily provided by engineers or architects practicing in the same or similar locality and under the same or similar circumstances; and (b) as expeditiously as is prudent considering the ordinary professional skill and care of an engineer or architect and the orderly progress of the project; and (3) in a contract for engineering or architectural services to which a governmental agency is a party, a provision establishing a different standard of care than a standard described by (2), above, is void and unenforceable. (Companion bill is **S.B. 799** by **Eltife**.)

**S.B. 799 (Eltife) – Professional Services Indemnity:** this bill is identical to **H.B. 2049**, above.

**S.B. 810 (Seliger) – 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.

## **Elections**

**H.B. 1910 (Howard) – Elections:** would require the secretary of state to conduct a study of the reasons for the rejection of early voting by mail ballots.

**H.B. 1927 (G. Bonnen) – Elections:** would, among other things: (1) provide that the application to vote early by mail in more than one election may be submitted for elections in which the county clerk does not serve as early voting clerk; and (2) require an early voting clerk who receives an application to vote early by mail to enter the information in the registry for applications that is maintained by the county clerk.

**H.B. 1978 (R. Miller) – Elections:** would require a candidate’s application for a place on the ballot to be sworn to before a notary public.

**H.B. 2028 (R. Miller) – Elections:** would provide that the cancellation of an application for a ballot to be voted by mail is effective for a single ballot only and does not cancel the application with respect to a subsequent election, including a subsequent election to which the same application applies.

**H.B. 2027 (G. Bonnen) – Elections:** would provide that the county election precincts are the election precincts for any election held on a uniform election date.

**H.B. 2098 (R. Miller) – Elections:** would: (1) provide that an early voting ballot application must include a copy of one form of acceptable photo identification if the applicant applying for ballot to be voted by mail for the first time; and (2) provide that, for a person who is 65 years of age or older, an expired driver’s license or personal identification card issued by the Department of Public Safety is an acceptable form of photo identification for purposes of applying for a ballot to be voted by mail.

**H.B. 2124 (Klick) – Elections:** would authorize the secretary of state to adopt rules governing the use of electronic poll lists, signature rosters, or any other form used in connection with the acceptance of voters at polling places.

**H.B. 2125 (Klick) – Elections:** would prohibit the use of regular paper ballots at any polling place if an electronic voting system is used in the election.

**H.B. 2158 (Paul) – Elections:** would: (1) allow a marked ballot voted by mail to arrive at the address on the carrier envelope not later than 5 p.m. on the day after election day, if the carrier envelope was placed for delivery before election day; and (2) provide that if the deadline for the arrival of a ballot voted by mail falls on a Saturday, Sunday, or legal state or national holiday, the deadline is extended to the next regular business day.

**H.B. 2160 (Paul) – Election Clerk:** would make the email address and personal phone number of an election clerk or judge, as collected by the election entity, confidential.

**H.B. 2163 (R. Miller) – Elections:** would, with regard to an early voting ballot voted by mail, authorize the early voting ballot board to: (1) compare signatures on the ballot application and carrier envelope certificate with any two or more signatures of the voter made within the preceding six years and on file with the general custodian of election records or voter registrar to determine if the signatures are those of the same person; and (2) compare the signatures with any

two or more signatures of the voter made before the preceding six years and on file with the general custodian of election records or voter registrar to confirm that the signatures are those of the same person, so long as the board does not use the signatures to determine that the signatures are not those of the same person.

**H.B. 2226 (J. Rodriguez) – Vote by Mail Application:** would: (1) provide that the officially prescribed application form for an early voting ballot must include, among other things, a space for entering an applicant’s electronic mail address; (2) require the early voting clerk, before rejecting an application for a ballot to be voted by mail, to make a reasonable effort to contact the applicant by electronic mail, at any address provided on the application, to ask questions about the application; (3) provide that if the early voting clerk does not receive a response before the fourth day after the date the clerk tries to contact an applicant as described in (2), above, the clerk may reject the application; and (4) authorize an applicant for an application for a ballot to be voted by mail to make clerical corrections to the application by electronic mail.

**H.B. 2264 (R. Miller) – Elections:** would require that a marked ballot voted by mail that arrives after the time the polls are required to close on election day be counted if: (1) balloting materials are sent by the early voting clerk after the deadline prescribed by law; and (2) the ballot arrives at the address on the carrier envelope not later than the fifth day after the date of the election, unless that date falls on a Saturday, Sunday, or legal state or national holiday, the deadline is extended to the next regular business day.

### **Open Government**

**H.B. 2134 (Burkett) – Public Information Request:** would provide that if a request for public information is sent by electronic mail, the request may be considered to have been withdrawn if a request from the city for clarification, discussion, or additional information is sent by electronic mail to the address from which the request was sent (or another electronic mail address provided by the requestor) and a response is not received within the period established by state law.

**H.B. 2152 (Fletcher) – Military Service Member Information:** would: (1) make information that relates to the military service of a service member ordered to state active duty, including the service member’s name, orders, and location of deployment, confidential until the member is relieved from duty; and (2) except from public disclosure information relating to the home address, phone number, emergency contact, social security number, or family members of a current or former member of the Texas military forces.

### **Other Finance and Administration**

**H.B. 1911 (Leach) – Discrimination:** would: (1) prohibit a city from adopting or enforcing an order, ordinance, or other measure that prohibits a practice that is not unlawful under state law; (2) provide that an order or ordinance adopted by a city that violates the prohibition in (1), above, is null and void and that prohibitions in state law on discrimination preempt any city ordinance; and (3) provide that the prohibition in (1), above, does not restrict a city from adopting a non-binding resolution expressing the intent of the city to recognize and encourage

the protection and non-discrimination of certain classes of people not otherwise protected under state law.

**H.B. 1950 (Springer) – Local Events Trust Fund:** would prohibit an endorsing city or county from receiving money from a local events trust fund if the city or county received money from a local events trust fund to fund another event held in the same calendar year.

**H.B. 1999 (Elkins) – Sunset Advisory Commission:** would: (1) provide that sunset advisory commission reports can include only recommendations that relate to the day-to-day operations of each state agency; and (2) prohibit a sunset report from containing recommendations about a state agency's subject matter, deliberative process, licensing authority, rulemaking authority, and the authority to impose penalty and enforcement provisions.

**H.B. 2008 (Darby) – Emergency Medical Funding:** would remove the equalization surcharge, a state charge placed on landlines and mobile devices, as a source of funding for use in county and regional emergency medical services, designated trauma facilities, and trauma care systems. (This bill is related to **H.B. 2004** by **Darby**, which would use the equalization surcharge funds for emergency telemedicine.)

**H.B. 2030 (Muñoz) – 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 bill is **H.B. 1761** by **Guillen**.)

**H.B. 2099 – Capital Appreciation Bonds:** would, with regard to all capital appreciation bonds other than those issued to finance transportation infrastructure projects, provide that: (1) a political subdivision may not issue capital appreciation bonds unless the bonds were approved at an election held on the November uniform election date and the ballot proposition includes certain basic information about capital appreciation bonds; (2) a political subdivision may not issue capital appreciation bonds in an amount that would cause its capital appreciation bond debt to exceed 25 percent of the political subdivision's total outstanding bonded indebtedness; (3) a political subdivision may not issue capital appreciation bonds with a scheduled maturity date more than 25 years after the date of issuance; (4) a political subdivision may not issue capital appreciation bonds unless the bond agreement allows early repayment of the bonds by the political subdivision without penalties or additional fees; (5) a political subdivision may use proceeds from the issuance of capital appreciation bonds only to purchase assets, including real estate and new construction, that have an expected use that extends beyond the bonds' maturity date; (6) a political subdivision may not use proceeds from capital appreciation bonds for: (a) renovations to existing structures; (b) technology purchases, including computers; or (c) school

buses or other vehicles; and (7) a political subdivision that has outstanding capital appreciation bond debt shall post certain debt information prominently on the political subdivision's internet website for each outstanding issuance of capital appreciation bonds.

**H.B. 2116 (Villalba) – Asset Forfeiture:** would: (1) limit the expenditure of criminal asset forfeiture funds to those uses listed in statute, including public awareness and education programs and services; and (2) require that each law enforcement agency or prosecutor that uses such proceeds publish a quarterly report on its website showing how criminal asset forfeiture proceeds or property were used.

**H.B. 2154 (Dutton) – 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 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.

**H.B. 2164 (J. White) – Unfunded Mandates:** would: (1) establish an unfunded mandates interagency work group to be responsible for publishing an advisory list of mandates for which the legislature has not provided reimbursement; (2) except from the list of mandates described in (1), above, a mandate: (a) approved by the voters of the state in a general election; (b) affecting employee pensions and benefits; or (c) imposed by the legislature or a state agency to comply with a requirement of the Texas Constitution, federal law, or a court order or to maximize the receipt of federal funds; and (3) provide that a political subdivision is only required to comply with a mandate for which the legislature has provided reimbursement and may act in reliance on the advisory list described in (1), above, for determining whether compliance is required. (Companion bill is **S.B. 883** by **Eltife**.)

**H.B. 2184 (R. Miller) – Electric Utility Liability:** would expand the protection from premises liability for recreational uses to any electric utility that has an agreement with a city to allow individuals on its premises for recreational purposes.

**H.B. 2187 (Smith) – Metal Recycling:** would: (1) add "lead material" as a regulated material and commercial grade lead batteries or lead-acid batteries as a regulated metal for purposes of

regulations applicable to metal recycling entities; (2) except a telecommunications provider, a cable service provider, and a video service provider from certain requirements applicable to metal recycling entities; (3) require a person attempting to sell regulated material to a metal recycling entity to certify that the person has not previously been convicted of certain offenses, and require that a record be kept of such certification; (4) provide that a metal recycling entity may only pay for a purchase of regulated material by check, money order, or direct deposit and impose certain requirements on the entity when paying in these various forms; (5) prohibit a metal recycling entity from entering into more than one transaction for the purchase of regulated materials from the same seller in a business day; (6) prohibit a person from selling or attempting to sell regulated material to a metal recycling entity if the person has previously been convicted of certain offenses; (7) authorize the Public Safety Commission to impose an administrative penalty on a person who violates certain metal recycling reporting requirements; and (8) prohibit all cities from adopting or enforcing a rule, charter, or ordinance that imposes standards that limit the use of cash by a metal recycling entity in a manner more restrictive than provided in certain state regulations regarding metal recycling entities (current law provides that cities may have more restrictive requirements if they were adopted before January 1, 2011).

**H.B. 2201 (Phillips) – General Law City Vacancies:** would, for a general law Type A city: (1) create an automatic vacancy in office for any member of a governing body who moves his or her place of residence outside the city limits; (2) reduce the vote requirement to appoint an individual to the governing body from a majority of the remaining members to a majority of members present and voting; and (3) prohibit a member who has resigned from the governing body from voting to fill a vacancy on the governing body by special election.

**H.B. 2210 (Guillen) – Metal Recycling:** would: (1) require a person selling regulated metal to a metal recycling entity to sign a written statement provided by the metal recycling entity certifying that the person has not previously been convicted of an offense of theft of metal or another law involving the sale of metal; (2) provide that a metal recycling entity may not enter into more than one transaction for the purchase of metal from the same seller in a business day; (3) provide that a metal recycling entity may only pay a metal seller by check, money order, or direct deposit by electronic funds transfer if the sale is for less than \$25; (4) require a metal recycling entity to obtain a digital photograph or video recording of the seller's face and the metal purchased if the seller is paid by check or money order; (5) require a metal recycling entity to pay an individual by mailed check or money order if the sale is for \$25 or more; (6) repeal the provision allowing a process for a metal recycling entity to pay in cash; and (7) create a penalty for a person who violates these requirements not to exceed \$1,000 to be assessed after a contested case hearing. (Companion bill is **S.B. 513** by **L. Taylor**.)

**H.B. 2222 (Murr) – Public Integrity Unit:** would, among other things: (1) establish a committee consisting of the presiding judges of each administrative judicial region who shall have authority to organize, elect officers, and make rules necessary for the administration of a public integrity unit (PIU) to prosecute certain offenses: (a) against public administration, (b) involving insurance fraud, and (c) involving motor fuels tax; (2) provide for a director, fiscal officer, and prosecutors for the PIU described in (1), above; (3) require a local law enforcement agency to cooperate with the PIU by providing information requested by the PIU to the extent

allowed by law; and (4) provide that the appeal of a final decision of the Texas Ethics Commission may be filed in the county in which the respondent resides (current law provides for filing in either Travis County or the county in which the respondent resides).

**H.B. 2276 (Elkins) – Animal Shelter Records:** would: (1) require an animal shelter that has a policy of routinely euthanizing dogs based on the breed or size of the dog to develop a written statement of the policy and include any animal euthanized according to that policy in a record of disposition, as described in (2), below; (2) require an animal shelter to prepare and maintain monthly records regarding the intake and disposition of animals in the shelter, including: (a) the total number of animals, categorized by species, taken in by the shelter and the reason the animal was taken in; (b) the number of animals at the shelter on the last day of each month; and (c) the disposition of each animal; and (3) require an animal shelter to keep the records described in (2), above, until at least the third anniversary of the date the record was prepared, and to make the records available to the public.

**S.B. 794 (Hancock) – Debt:** would prohibit a city from issuing a public security to purchase or lease tangible personal property if the expected useful life of the property ends before the maturity date of the public security.

**S.B. 852 (Kolkhorst) – City Contracts:** would, among other things: (1) prohibit a city from entering into a contract with a person unless the person submits a disclosure of interested parties (i.e., people who will benefit financially from the contract) if the contract: (a) requires an action or vote by the city council before the contract may be signed; or (b) the contract has a value of at least \$1 million; (2) require that the disclosure described in (1), above, be on a form prescribed by the Texas Ethics Commission and include certain information; and (3) require a city, not later than 30 days after receiving a disclosure described in (1), above, to submit a copy of the disclosure to the Texas Ethics Commission. (Companion bill is **H.B. 1295** by **Capriglione**.)

**S.B. 868 (Ellis) – Tax Preferences:** would: (1) require the comptroller to identify all state and local tax preferences and present a schedule to the Legislative Budget Board every odd-numbered year under which each tax preference is reviewed once during each six-year period; (2) require the Legislative Budget Board to evaluate all state and local tax preferences and make recommendations for continuing, repealing, or amending each preference; and (3) provide that each tax preference enacted by the legislature that becomes law after September 1, 2016 expires six years after the date it takes effect, unless the legislature provides an earlier or later expiration date. (See **S.J.R. 38**, below.)

**S.B. 883 (Eltife) – Unfunded Mandates:** this bill is identical to **H.B. 2164**, above.

**S.J.R. 38 (Ellis) – Tax Preferences:** would amend the Texas Constitution to: (1) require the legislature to implement the necessary procedures for the periodic review of state and local tax preferences; and (2) provide that each tax preference enacted by the legislature that becomes law after September 1, 2016 expires six years after the date it takes effect, unless the legislature provides an earlier or later expiration date. (See **S.B. 868**, above.)

## **Municipal Courts**

**H.B. 1888 (Capriglione) – Commercial Driver’s License:** would increase the maximum penalty for the offense of driving a commercial motor vehicle without a commercial driver’s license from \$500 to \$1,000.

**S.B. 850 (V. Taylor) – Criminal Defense:** would add a public duty justification as a defense to criminal activity if the activity was engaged in under order by a member of the Texas military forces. (Companion bill is **H.B. 1017** by **Flynn**.)

**S.B. 873 (Rodriguez) – 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.

## **Community and Economic Development**

**H.B. 1949 (Springer) – Annexation:** would provide that a city that proposes to annex any portion of a county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road.

**H.B. 1990 (Kuempel) – Industrialized Housing/Buildings:** would provide that: (1) industrialized housing does not include a residential structure that exceeds four stories or 60 feet in height; and (2) an industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include a commercial structure that exceeds four stories or 60 feet in height

**H.B. 1995 (Deshotel) – Property Tax Abatement:** would authorize the parties to a property tax abatement agreement to modify the agreement to extend the abatement period for a period not to exceed ten years from the date the modified agreement is executed if: (1) the area in which the property is located is declared to be a disaster area by the governor; (2) the property owner sustains a casualty loss to the property as a result of the disaster; and (3) the casualty loss prevents the owner of the property from complying with the original tax abatement agreement.

**H.B. 2035 (Raymond) – Alcohol-Related Businesses:** would authorize a city to regulate, in a manner otherwise provided by law, the location of an establishment that derives 50 percent or more of its gross revenue from the on-premise sale of alcohol and is located in a city not more than 50 miles from an international border.

**H.B. 2047 (Ashby) – Alcohol-Related Businesses:** would authorize a public school district to petition the city council in which the district is located to adopt a 1,000-foot zone around a school in which alcohol may not be sold (current law only authorizes a district in a city with a population of 900,000 or more to petition the city council).

**H.B. 2166 (Flynn) – Payday Lenders:** would impose additional requirements on payday and auto title loans. More specifically, the bill would provide that:

1. The proceeds given to a consumer in connection with a deferred presentment transaction extended to the consumer may not exceed: (a) 35 percent of the consumer’s gross monthly income for a single payment transaction; and (b) 25 percent of the consumer’s gross monthly income for a scheduled payment on a multiple payment transaction.
2. In determining a consumer’s gross monthly income under (1), above, a credit access business may utilize payroll documents, checks, bank statements and reports from nationally or regionally recognized credit and data reporting companies, and may rely on the representations of a consumer to form a reasonable belief about the consumer’s gross monthly income.
3. The term of a single payment transaction may not exceed 30 days.
4. A consumer who is unable to fully repay the fourth refinance of an initial single payment deferred presentment transaction may elect to repay the loan by means of an extended payment plan provided the consumer is not otherwise in default of such loan.
5. For the purposes of (4), above, a “refinance” means any transaction a credit access business assists a consumer in obtaining that extends the repayment period of a then-outstanding deferred presentment transaction beyond its original term. (A refinance under the bill includes both a traditional refinance that is evidenced by new written loan documents with new disclosures that satisfy and replace the prior loan documents, as well as a renewal of a single-payment transaction in which the term of the transaction is extended for an additional identical period, and includes the terms “renewal” and “rollover.”)
6. At every licensed location, a credit access business must notify a consumer of the consumer’s right to an extended payment plan by posting the following notice in at least 12-point bold type in a conspicuous location visible to the general public, and on the first page of a contract: “If you are unable to repay your transaction when due, you may be eligible for an extended payment plan. You are eligible for an extended payment plan if you have refinanced your initial transaction four times. You are eligible for an extended payment plan at least once in any 12 month period. If you meet the requirements for an extended payment plan, we will offer you a plan before the due date of your existing transaction. To accept our offer of an extended payment plan, you must sign a written agreement that describes the terms of the plan before the due date of your exiting transaction.”
7. The proceeds given to a consumer in connection with a motor vehicle title loan given to the consumer may not exceed the lesser of: (a) seven percent of the consumer’s gross monthly income for a single payment loan; (b) 30 percent of the consumer’s gross monthly income for a scheduled payment on a multiple payment loan; or (c) 70 percent of the retail value of the motor vehicle.
8. The term of a single payment loan may not exceed 30 days and the term of a multiple-payment loan shall not exceed 365 days.
9. A consumer who is unable to fully repay the eighth refinance of an initial single payment motor vehicle title loan may elect to repay the loan by means of an extended payment plan provided the consumer is not otherwise in default of such loan.

10. An extended payment for a payday loan or an auto title loan shall comply with the following: (a) a credit access business must offer to assist an eligible consumer in obtaining an extended payment plan at least once every 12 months; (b) a credit access business must offer a consumer an extended payment plan before the due date of the fourth refinance of the outstanding transaction; (c) a credit access business may not charge the consumer additional fees during an extended payment plan; (d) a consumer must sign a written agreement that describes the terms of the extended payment plan; (e) an extended payment plan must allow a consumer to repay all outstanding amounts owing at the time such extended payment plan is offered in at least four substantially equal payments; and (f) a consumer may prepay an extended payment plan in full at any time without penalty.
11. If a consumer continues to make timely payments pursuant to an extended payment plan, a credit access business is prohibited from engaging in collection activities with respect to such deferred presentment transaction and obtaining, or assisting the consumer in obtaining, additional deferred presentment transactions.

**H.B. 2215 (Guillen) – Subdivision Regulations:** would: (1) with some exceptions, require that before a civil enforcement action is filed against a subdivider under certain regulations related to subdivision platting requirements in counties near the international border that the subdivider be notified in writing about the alleged violation and given 90 days to cure the violation; (2) with some exceptions, require that before a civil enforcement action is filed against a subdivider under certain regulations related to subdivision platting requirements in certain economically distressed counties that the subdivider be notified in writing about the alleged violation and given 90 days to cure the violation; and (3) with some exceptions, require that before a civil enforcement action is filed against a subdivider under certain regulations related to economically distressed areas that the subdivider be notified in writing about the alleged violation and given 90 days to cure the violation.

**H.B. 2221 (Huberty) – Annexation:** would completely rewrite the Municipal Annexation Act to severely curtail the ability of cities to annex property. Specifically, the bill would provide – among many other things – that:

1. A city may annex an area with a population of less than 200 only if the city obtains consent to annex the area through a petition signed by: (a) more than 50 percent of the registered voters of the area; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, more than 50 percent of the owners of land in the area.
2. In no case may a city annex an area with a population of less than 200 without approval of a majority of the voters voting at an election called and held for that purpose if a petition protesting the annexation is signed by a number of registered voters of the municipality equal to at least 50 percent of the number of voters who voted in the most recent municipal election and is received by the secretary of the city.
3. A city may annex an area with a population of 200 or more only if the following conditions are met, as applicable: (a) the city holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the

annexation, and a majority of the votes received at the election approve the annexation; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.

4. A city may annex an area if each owner of land in the area requests the annexation if: (a) the governing body of the city first negotiates and enters into a written agreement for the provision of services in the area with the owners of land in the area (the city is not required to provide a service that is not included in the agreement); and (b) the governing body of the city conducts at least two public hearings (the hearings must be conducted not less than 10 business days apart, and during the final public hearing, the governing body may adopt an ordinance annexing the area).
5. Beginning September 1, 2015, a city may not annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area, regardless of any authority granted by a home rule charter.
6. The procedures for the annexation of a special district are modified, including providing that, beginning September 1, 2015, a strategic partnership agreement may not provide for limited purpose annexation.

**H.B. 2238 (Paddie) – Wind Turbines:** would authorize a city to make ordinances regarding the authorization for and development of wind turbines applicable in the extraterritorial jurisdiction. (Companion bill is **S.B. 882** by **Hinojosa**.)

**H.B. 2245 (G. Bonnen) – Texas Windstorm Insurance Association:** would make numerous changes relating to the operation of the Texas Windstorm Insurance Association. (Companion bill is **S.B. 900** by **Taylor**.)

**S.B. 802 (Eltife) – Public Entertainment Facility:** would provide that the independent concessionaire for a public entertainment facility, including a stadium, arena, amphitheater, or other venue, may allow a patron who possesses an alcoholic beverage to enter or leave a licensed or permitted premises within the facility under certain circumstances.

**S.B. 809 (Taylor) – 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.

**S.B. 882 (Hinojosa) – Wind Turbines:** this bill is identical to **H.B. 2238**, above.

**S.B. 900 (Taylor) – Texas Windstorm Insurance Association:** this bill is identical to **H.B. 2245**, above.

### **Personnel**

**H.B. 1556 (R. Miller) – Discrimination Ordinances:** would: (1) prohibit a city from adopting or enforcing an ordinance or regulation that prohibits discrimination against individuals who are not already protected by state law; and (2) apply the prohibition in (1), above, retroactively.

**H.B. 1994 (Anchia) – Civil Service Exams:** would allow a civil service city to add five points to an examination grade for an applicant who has successfully completed an approved criminal justice education program offered by a high school within the civil service city.

**H.B. 2015 (Sheets) – Employment:** would: (1) allow an employer, including a city, to terminate an employee who falsifies or misrepresents his or her military record; (2) make any employment contract void if such a falsification or misrepresentation is found; and (3) create a cause of action for wrongful termination under this section if an employee is wrongfully terminated under those provisions. (Companion bill is **S.B. 664** by **V. Taylor**.)

**H.B. 2135 (D. Miller) – Police Firearm Purchase:** would allow: (1) a city or county retired peace officer to purchase his or her firearm from the city or county if: (a) the officer was honorably retired; and (b) the firearm is not a prohibited weapon under state law; (2) a surviving spouse or child to purchase a city or county peace officer's fire arm if the officer dies, regardless of whether the officer dies on the job; (3) a city or county to charge the officer up to fair market value for the firearm; and (4) a city or county to delay the sale of the firearm if it cannot immediately be replaced.

**S.B. 856 (Rodriguez) – Discrimination:** would: (1) make it an unlawful employment practice to discriminate against an employee or applicant based on the individual's sexual orientation or gender identity; (2) provide, with certain exceptions, that a person commits a discriminatory practice in violation of law if the person, because of sexual orientation or gender identity or expression of an individual, denies the individual full and equal accommodation in a place of public accommodation or otherwise discriminates against or segregates the individual based on sexual orientation or gender identity or expression; (3) authorize a person aggrieved because of a violation of law described in (1), above, to file a civil action in district court; (4) prohibit all state contractors from discriminating against an employee or applicant based on their sexual orientation or gender identity; (5) prohibit discrimination based on sexual orientation or gender identity in the lease or sell of real property; and (6) allow a city to be involved in a proceeding regarding housing discrimination if: (a) the city has an ordinance prohibiting discrimination; and (b) the city has been certified by the federal housing agency.

### **Public Safety**

**H.B. 11 (D. Bonnen) – Department of Public Safety:** would, among things: (1) authorize the Department of Public Safety (DPS) to investigate the feasibility of establishing international

border checkpoints to prevent human trafficking and the unlawful transfer of firearms and bulk currency; (2) authorize the DPS and a local law enforcement authority to share with the federal government in the cost of staffing a checkpoint described in (1), above; (3) authorize a law enforcement agency to enter into an agreement with a corporation or private entity to provide goods and services to establish and operate a checkpoint described in (1), above; (4) require, by September 1, 2019, a local law enforcement agency to implement an incident-based reporting system that meets certain federal reporting requirements and to use the system to submit to DPS information and statistics concerning criminal offenses committed in the agency's jurisdiction; (5) limit the use of grant funds received by a local law enforcement agency from DPS if the agency fails to comply with the requirement in (4), above; (6) require the police department of the city with the largest population in the county having the largest population that borders the Texas-Mexico border to establish a South Texas Border Crime Information Center (center); and (7) require each law enforcement agency located in a county along the Texas-Mexico border to report to the center described in (6), above, information regarding criminal activity in the agency's jurisdiction and require the center to share that information with each law enforcement agency in the state. (Companion bills are **S.B. 3** by **Birdwell** and **S.B. 877** by **Birdwell**.)

**H.B. 1887 (Muñoz) – Peace Officer Training:** would create a peace officer training center in the Rio Grande Valley that would provide training and education for peace officer certification and associate degrees related to public safety.

**H.B. 1916 (Sheffield) – Peace Officers:** would: (1) authorize a campus peace officer for a state institution of higher education or public technical institute to enforce, within the officer's primary jurisdiction, all traffic laws on streets and highways, including a city traffic ordinance relating to the use of a wireless communication device while operating a motor vehicle; and (2) authorize the board of a private university or junior college to employ and commission peace officers for the purpose of enforcing on their campuses state law and city traffic ordinances relating to the use of a wireless communication device while operating a motor vehicle.

**H.B. 1917 (Dutton) – Sale of Alcohol:** would: (1) allow the Texas Alcoholic Beverage Commission, on the request of a city mayor, to extend the hours alcohol may be sold and consumed in a licensed hotel in the city during a special even that is being held in or near the city; and (2) limit the extended sale hours to a period not to exceed 72 consecutive hours.

**H.B. 1955 (Parker) – Synthetic Drugs:** would: (1) make it a crime to mislabel an abusable synthetic substance that is used by individuals to effect their perception or central nervous system; (2) allow an individual to be prosecuted under this and any other law that makes their activity illegal; (3) create a civil penalty of up to \$25,000 a day related to this activity that the attorney general, district attorney, county attorney, or city attorney could seek; (4) allow a city to keep the civil penalty if sought by the city attorney; and (5) establish that it is not a defense to prosecution or a civil penalty that the substance was labeled with "Not for Human Consumption." (Companion bill is **S.B. 461** by **Perry**.)

**H.B. 1970 (Martinez) – Disaster Identification System:** would: (1) provide for an illuminated disaster identification display system that uses colored lights to show attributes of individuals in

a disaster area including: (a) age; (b) gender; and (c) health or illness; and (2) require the Division on Emergency Management to include the illuminated disaster identification display system in its disaster planning.

**H.B. 1971 (Martinez) – Disaster Identification System:** would: (1) define nighttime triage equipment as multicolored illuminated tags that indicate attributes of individuals in a disaster area; and (2) require the Department of State Health Services to adopt rules establishing minimum requirements for resources and equipment related to nighttime triage equipment for use by emergency medical services and trauma care systems if the department determines that its use is appropriate for any emergency medical services and trauma care system.

**H.B. 1975 (Schaefer) – Asset Forfeiture:** would require the state to prove by a preponderance of the evidence that certain contraband forfeiture exceptions do not apply to property (under current law, the owner or interest holder of the property has the burden to show the property should not be forfeited.)

**H.B. 1983 (Laubenberg) – Biometric Identifiers:** would: (1) define “biometric identifier” to mean blood, hair, skin, DNA, body scan, retina/iris scan, fingerprint, voiceprint, or hand/face geometry; and (2) prohibit a governmental body from capturing or possessing a biometric identifier, as defined in (1), above, of an individual unless the governmental body has specific, explicit statutory authority to capture the identifier or the written consent of the individual or the individual’s legal guardian. (Companion bill is **S.B. 628** by **V. Taylor**.)

**H.B. 1997 (Paddie) – 9-1-1 Service:** would: (1) require certain users of business service that provide telecommunications service, including 9-1-1 service, to end users through a publicly or privately owned telephone switch (“business service user”) to configure the system to allow a person initiating a 9-1-1 call on the system to access that service by dialing the digits 9-1-1 without an additional code, digit, prefix, postfix, or trunk-access code; (2) authorize the State Emergency Communications Commission and an emergency communication district to adopt rules to implement (1), above; (3) require a home rule city that independently operates a 9-1-1 system to assist a business service user that is within the city’s jurisdiction to comply with (1), above; and (4) require certain business service users to furnish 9-1-1 address information for each line of the multiline telephone system to the applicable governmental entity that operates a 9-1-1 system, indicating the room number or similar designation of a portion of the structure or building for each line of the multiline telephone system. (Companion bill is **S.B. 788** by **Eltife**.)

**H.B. 2020 (Martinez) – Emergency Medical Services Personnel:** would authorize a certified emergency medical technician-paramedic or a licensed paramedic, acting under the authority of a doctor, to provide health services, including advanced life support in an emergency or urgent care setting, including in an emergency room.

**H.B. 2053 (Farney) – Child Safety Check:** would require a law enforcement officer that encounters a person listed on the Texas Crime Information Center’s child safety check alert list to: (1) immediately detain all individuals in the officer’s presence that are described in the child safety check alert list and take temporary custody of the child who is the subject of a report of

child abuse or neglect; (2) immediately take into investigative detention all motor vehicles described in the child safety check alert list; (3) immediately notify the Department of Family and Protective Services of the detention; and (4) hold all persons detained at the location of the initial contact by the law enforcement officer.

**H.B. 2106 (Lucio) – Texting While Driving:** would: (1) provide that the operator of a motor vehicle commits a Class B misdemeanor offense if the operator causes or is at fault in a motor vehicle accident while operating the vehicle and using a portable wireless communication device to read or manually write or send a text-based communication; (2) except from (1), above: (a) an operator of an authorized emergency or law enforcement vehicle acting in an official capacity; and (b) an operator who is licensed by the FCC while operating a radio frequency device; and (3) provide that (1), above, does not preempt a consistent or more stringent local ordinance, rule or regulation.

**H.B. 2107 (Lucio) – Vehicle Financial Responsibility:** would: (1) require a peace officer to: (a) impound the motor vehicle of a person who operates a vehicle without establishing financial responsibility as required by state law and is involved in an accident in the vehicle; and (b) issue a person a written explanation regarding how to recover a vehicle that is impounded as described in (a), above, and issue notice of the impoundment to the last known registered owner and lienholder of record; (2) provide that a law enforcement agency that impounds a vehicle as described in (1), above, may release the vehicle to the owner if the owner establishes compliance with the financial responsibility requirements required by state law, claims the vehicle not later than the 60th day after the vehicle is impounded, and pays for the cost of impoundment; (3) authorize a law enforcement agency that impounds a vehicle as described in (1), above, to release the vehicle to the lienholder under certain circumstances, and provide that if a lienholder does not take possession of the vehicle, the lienholder forfeits any interest in the vehicle and the law enforcement agency may auction the vehicle; and (4) authorize a law enforcement agency to auction a vehicle impounded under (1), above, if the owner does not comply with the requirements in (2), above, and there is no lienholder.

**H.B. 2149 (Alvarado) – Opioid Antagonists:** would require a city that provides opioid antagonists to emergency services personnel for use in providing emergency services to provide those personnel with a course of instruction about overdose recognition and prevention and the administration of opioid antagonists.

**H.B. 2162 (Simmons) – Alarm Systems:** would: (1) define a camera systems company as a company that sells, installs, or services camera systems for private surveillance purposes; (2) define false alarm as a notification to law enforcement of criminal activity based solely on electronic information that is not verified through video or other information; (3) give a city the authority to require a permit of a person who wishes to be a camera systems company if certain conditions are met; (4) allow a city to charge a fee to a camera systems company so long as the fee goes to cover the regulation and enforcement of the permitting process and the companies; (5) allow a city to charge a permit fee for an alarm system of up to \$100 a year for non-residential alarm system locations; (6) prohibit a city from charging an annual fee for an individual to use a camera system; (7) allow a city to refuse to respond to a location if the

location has more than eight other false alarms in the preceding 12-month period; (8) change what a city may consider to be a false alarm to be any alarm that from city inspection of the interior or exterior of the premises is false, regardless of when such a response and investigation by the city is made; (9) require a city to adopt an ordinance with a fee, fine, or penalty defined as it is in state law before the city can impose or collect such a fine, fee, or penalty related to a false alarm, alarm system, or camera system; and (10) allow a property owner to use a camera system or alarm system without having to comply with any city fee or regulation if: (a) the alarm system does not send a signal to the city; and (b) the property owner pays up to a \$100 fee set by a city for each response to an alarm system.

**H.B. 2165 (Simpson) – Marihuana:** would: (1) repeal all criminal state laws related to the use, sale, and possession of marihuana; and (2) decriminalize the falsification of a drug test for marihuana.

**H.B. 2185 (Clardy) – DNA Warrants:** would provide that a warrant for DNA specimen may be executed in any county in the state.

**H.B. 2190 (Anchia) – Gun Shows:** would: (1) mandate that firearms sales at a gun show participate in the federal National Instant Criminal Background Check System; (2) create an offense for a gun show promoter who fails to comply; and (3) provide that, not later than the 30th day before the date on which a gun show is held, the gun show promoter shall provide written notice of the date, time, and place of the gun show to the local law enforcement agency of the county or municipality in which the gun show will be held.

**H.B. 2220 (Coleman) – School Resource Officers:** would authorize local mental health authorities to provide an approved mental health first aid training program to a “school resource officer,” defined to mean a peace officer who is assigned by the officer’s employing political subdivision to provide a police presence at a public school, safety or drug education to students of a public school, or othersimilar services. (Companion bill is **S.B. 133** by **Schwertner**.)

**H.B. 2246 (Villalba) – Ignition Interlock License:** would create an ignition interlock license that a person whose license has been suspended or revoked for a DWI conviction can apply for and receive.

**H.B. 2249 (D. Miller) – Emergency Response Districts:** would allow for the creation of emergency response districts by a county vote to: (1) provide services related to fire prevention and suppression, emergency medical services, and other emergency services; and (2) impose property taxes to pay for those services. (See **H.J.R. 104**, below.)

**H.B. 2263 (Hughes) – Cell Phone Warrants:** would: (1) allow a search warrant to be issued for location information; (2) define location information as information that concerns the location of a cellular telephone or other wireless communication device and is wholly or partly generated by or derived from the operation of the device; (3) allow the application and order to be sealed for 180 days or one-year if a judicial determination is made that the disclosure of identifying

information for a person who is a victim, witness, peace officer, or information would cause an adverse result; (4) require an application from a peace officer for a district judge to issue the warrant; (5) require the warrant be properly served on a communication common carrier, and electronic communications service, or a remote computing service within 90 days; (6) provide that location information may be obtained from a wireless communications device without a warrant by: (a) a private entity or a peace officer if the device is reported stolen by the owner; or (b) a peace officer if an immediate life-threatening situation exists or the device is in the possession of a felony fugitive; and (7) make information submitted to the Department of Public Safety on warrants and orders public information subject to disclosure.

**H.B. 2269 (Metcalf) – Firearms:** would, with limited exceptions, provide that a person who is an officer or employee of the United States, the state, or a political subdivision commits a Class A misdemeanor if the person, while acting under color of the person’s office or employment, intentionally or knowingly seizes a firearm as required by a federal statute, order, rule, or regulation that imposes a prohibition, restriction, or other regulation on firearms that does not exist under the laws of this state. (Companion bill is **S.B. 229** by **Creighton**.)

**S.B. 3 (Birdwell) – Department of Public Safety:** this bill is identical to **H.B. 11**, above, and **S.B. 877**, below.

**S.B. 780 (Huffman) – Intoxication Offenses:** would require a governmental entity to keep blood or urine specimens collected as part of an investigation of an alleged intoxication offense for: (1) the greater of two years or the period of the statute of limitations for the offense; (2) the duration of a defendant’s sentence or term of community supervision; or (3) until the defendant is acquitted or the indictment of information is dismissed with prejudice. (Companion is **H.B. 1264** by **Wu**.)

**S.B. 788 (Eltife) – Emergency Communication Services:** this bill is identical to **H.B. 1997**, above.

**S.B. 851 (Ellis) – Controlled Substances:** would reduce the penalty for possession of a small amount of a controlled substance from a state jail felony to a class A misdemeanor.

**S.B. 877 (Birdwell) – Department of Public Safety:** this bill is identical to **H.B. 11** and **S.B. 3**, above.

**S.B. 889 (Hinojosa) – Eyewitness Identification:** would require: (1) each police officer to comply with the police department’s state-mandated written policy regarding photograph and live line-up identification procedures; and (2) each judge to give certain jury instructions where eyewitness identification is used in a criminal case.

### **Transportation**

**H.B. 1889 (Metcalf) – Railways:** would: (1) define, for purposes of certain electric railway provisions, define “interurban electric railway company” to include a railway operated by overhead catenary wires that is capable of operating at speeds greater than 100 miles per hour;

and (2) provide that a corporation chartered for the purpose of constructing, acquiring, maintaining, or operating lines of electric railway between cities in this state for the transportation of freight and/or passengers may not construct an electric railway on or across a street, alley, square, or property of a city unless the construction is approved by the city council.

**H.B. 1977 (Schaefer) – Towing:** would: (1) repeal the requirement for state licenses for non-consent, consent, and private property tow truck drivers, and for some vehicle storage facility operators; but (2) leave intact the requirement that each of these trucks and businesses receive a permit from the state.

**H.J.R. 94 (Burkett) – Transportation Funding:** would amend the Texas Constitution to provide that the legislature may, by a two-thirds vote of the members present in each house, appropriate amounts from the economic stabilization fund to: (1) retire state debt; (2) pay costs associated with a state of disaster declared by the governor; or (3) pay nonrecurring costs of infrastructure projects.

**S.B. 906 (Hinojosa) – Transportation Funding:** would increase from \$10 to \$20 the amount of the optional county vehicle registration fee used to fund a county's road and bridge fund.

### Utilities and Environment

**H.B. 1902 (Howard) – Graywater:** would allow the Texas Commission on Environmental Quality to adopt and implement minimum standards for additional domestic uses and reuses of graywater.

**H.B. 1919 (Phillips) – Invasive Species:** would provide that the Parks and Wildlife Code provision criminalizing placing exotic harmful or potentially harmful fish and shellfish in public water of the state does not apply to cities or municipally owned utilities.

**H.B. 1939 (Rinaldi) – Plastic Bags:** would: (1) allow a business that sells an item to a customer to provide to the customer a bag or other container made from any material; (2) invalidate an ordinance or regulation adopted by a city purporting to: (a) restrict or prohibit a business from, (b) require a business to charge a customer for, or (c) tax or impose penalties on a business for providing to a customer a bag or other container made from any material; and (3) prohibit a city from enacting a zoning ordinance that would prohibit, restrict, or assess a fee or deposit on the use of provision by a business of a bag to a customer at the point of sale.

**H.B. 1972 (Keffer) – Water Wells:** would require a groundwater conservation district to provide an exemption from the requirement to obtain a permit for a water well used to supply water for drilling operations to establish the production of a well after the production-casing string has been set, cemented, and pressure-tested.

**H.B. 2031 (Lucio) – Marine Seawater Desalination:** would: (1) require the Texas Commission on Environmental Quality to, without a hearing issue a permit to use the bed and banks of any natural flowing stream to convey marine seawater; (2) allow a water supply entity to use for any

beneficial purpose state water that consists of marine seawater; (3) grant political subdivisions the right to divert marine seawater from the Gulf of Mexico if the political subdivision has a defined territory that extends into the Gulf of Mexico; (4) require a political subdivision to obtain the approval of the General Land Office and School Land Board before construction of any desalination intake or return may commence; (5) provide an expedited and streamlined permitting process for marine seawater desalination; and (6) require the Texas Commission on Environmental Quality to adopt rules to allow water treated by a desalination facility to be used as public drinking water.

**H.B. 2051 (Crownover) – Sanitary Sewer Overflows:** would: (1) exempt a city from notifying the Texas Commission on Environmental Quality (TCEQ) of an accidental discharge or spill of 1,000 gallons or less from a wastewater treatment facility or collection facility if the discharge or spill does not reach waters of the state; and (2) require the city to submit a summary of accidental discharges and spills that occurred during the preceding month to TCEQ.

**H.B. 2073 (Isaac) – Administrative Hearings:** would provide that in an administrative hearing held by the Texas Commission on Environmental Quality involving a contested case in which a Type A general law city seeks approval for any action related to a water or sewer utility improvement, another city is not an “affected person” if: (1) the other city’s limits or extraterritorial jurisdiction is at least two miles from any part of the water or sewer utility improvement that is at issue; or (2) the other city has permitted wastewater discharge under a less stringent standard than the standard sought by the Type A general law city.

**H.B. 2077 (Keffer) – Utility Facilities:** would provide immunity to a city for an employee who causes damage to an underground facility in the course of routine maintenance on a public road right-of-way. (Companion bill is **S.B. 865** by **Birdwell**.)

**H.B. 2078 (Anchia) – Global Climate Change:** would create the State Global Climate Change Commission, which would include a representative of the municipal electricity sector.

**H.B. 2080 (Anchia) – Greenhouse Gas Emissions:** would: (1) require that the state meet the federally established greenhouse gas emissions limit established by the Environmental Protection Agency; (2) require the Texas Commission on Environmental Quality (TCEQ) to prepare a plan to meet the emissions reduction requirements; (3) require that the plan minimizes costs and maximizes benefits for the economy of the state and results in net savings for consumers or businesses in the state; (4) require TCEQ to consult with the Public Utility Commission in designing emissions reduction measures and implementing the plan to ensure that electricity and natural gas providers are not required to meet duplicative or inconsistent regulatory requirements; and (5) allow revenue from the state gas severance and oil taxes to be appropriated to cover costs of implementing the plan and providing funding for projects that will provide long-term reductions in greenhouse gas emissions.

**H.B. 2132 (Craddick) – Water Wells:** would exempt a well used to supply water for operations related to oil and gas exploration from a groundwater conservation district’s permit requirements.

**H.B. 2179 (Lucio) – Groundwater Conservation District Permitting:** would: (1) require a hearing on a permit or permit amendment issued by a groundwater conservation district to be a public hearing; and (2) provide that an administrative law judge who conducts a contested case hearing shall consider applicable district rules in conducting the hearing.

**H.B. 2191 (Anchia) – Railroad Commission Enforcement:** would provide that the Texas Railroad Commission shall post on the commission's website comprehensive, searchable information regarding the commission's enforcement of oil and gas rules, orders, licenses, permits, and certificates issued, including information regarding: (1) complaints filed; (2) inspections conducted; (3) violations found to have occurred; and (4) enforcement actions taken, including penalties assessed and collected.

**H.B. 2230 (Larson) – Injection Wells:** would allow the Texas Commission on Environmental Quality to authorize by individual permit, general permit, or by rule a Class V injection well for the injection of nonhazardous brine from a desalination operation or nonhazardous drinking water treatment residuals into a Class II injection well that is also permitted by the railroad commission.

**H.B. 2256 (Keffer) – Gas Utility Rates:** would transfer of functions relating to the rates and services of gas utilities and propane distribution system retailers from the Railroad Commission of Texas to the Public Utility Commission of Texas.

**S.B. 774 (Fraser) – Periodic Electric Rate Adjustments:** would provide that: (1) the Public Utility Commission shall undertake a study and conduct a report analyzing periodic rate adjustments by investor owned electric utilities by January 2019; and (2) the study shall include 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.

**S.B. 775 (Fraser) – Natural Gas Energy Credits:** would eliminate the jurisdiction of the Public Utility Commission over a municipally owned electric utility's compliance with the state's natural gas energy credits program.

**S.B. 776 (Fraser) – MOU Transmission Lines:** would provide that, with certain exceptions, a municipally owned electric utility may not directly or indirectly construct, install, operate, or extend a transmission facility outside of its certificated service area unless the municipally owned utility first obtains from the Public Utility Commission a certificate that states that the public convenience and necessity requires or will require the transmission facility.

**S.B. 854 (Zaffirini) – Groundwater Conservation Districts:** would: (1) require a groundwater conservation district to renew an operating permit without a hearing if the permit holder is not requesting a change related to the renewal that would require a permit amendment under district rules; and (2) provide that if the holder of an operating permit requests a change to the permit, the original permit will remain in effect until the later of the conclusion of the permit amendment

or renewal process or the final settlement on whether the change requires a permit amendment. (Companion bill is **H.B. 1856** by **Isaac**.)

**S.B. 865 (Birdwell) – Utility Facilities:** this bill is identical to **H.B. 2077**, above.

**S.B. 879 (Nelson) – Solid Waste Facilities:** would require the Texas Commission on Environmental Quality: (1) to mail a copy of a permit application for a solid waste facility to each city in whose city limits or extraterritorial jurisdiction the solid waste facility is located or with a boundary located nor more than one mile from the facility; and (2) would allow TCEQ to deny or amend an application based on the comments and recommendations from these cities. (Companion bill is **H.B. 1284** by **Simmons**.)

**S.B. 912 (Eltife) – Sanitary Sewer Overflows:** this bill is identical to **H.B. 2051**, above.

**S.B. 922 (Watson) – County Air Quality Fee:** would allow an affected county in which a fee is not collected for a state-funded air quality program to adopt a county air quality fee to be assessed on motor vehicle registration.

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