

## City-Related Bills Filed

### Property Tax

**H.B. 128 (Goldman) – Property Tax Exemption:** would exempt from property taxes a mineral interest that has a taxable value of less than \$2,000 (Note: current law exempts from property taxes a mineral interest that has a taxable value of less than \$500).

**H.B. 133 (Simpson) – Property Tax Exemption:** would repeal the additional property taxes imposed as a result of certain changes in the use of open-space land appraised as agricultural land.

**H.B. 275 (Ashby) – Property Tax Exemption:** would exempt eggs from property taxes as a “farm product.”

**H.B. 276 (Ashby) – Property Tax:** would provide that land owned by a deployed member of the armed services remains eligible for appraisal as qualified open-space land, even if the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area, if the service member intends to use the land in that manner upon returning to the property.

**H.B. 286 (Canales) – Property Tax Exemption:** would provide that the penalty owed by a disabled veteran to a taxing unit or appraisal district for delinquent property taxes is lower under certain circumstances.

**H.B. 365 (Elkins) – Revenue Cap:** 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). (Companion bill is **S.B. 182** by **Bettencourt**.)

**H.B. 376 (Simmons) – Property Tax:** would provide that a property owner who conveys land appraised as agricultural property to a person who changes the use of the land may be subject to additional taxes if the owner reacquires the land within five years and no longer uses it for agriculture.

**H.B. 432 (Munoz) – 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 **H.J.R. 51**, below.)

**H.B. 490 (E. Rodriguez) – Property Tax Exemption:** would authorize a city that adopts or has adopted a local option residence homestead property tax exemption to establish a dollar-amount ceiling on the application of such exemption. (See **H.J.R. 57**, below.)

**H.B. 590 (Elkins) – Tax Exemption:** would, among other things, authorize institutions of higher education to create research technology corporations that would be exempt from both property taxes and sales and use taxes. (See **H.J.R. 51**, below.)

**H.B. 591 (Ashby) – Property Tax:** would provide that land owned by a deployed member of the armed services remains eligible for appraisal as qualified open-space land, even if the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area, if the service member intends to use the land in that manner upon returning to the property.

**H.B. 660 (Raymond) – 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 **H.J.R. 66**, below.)

**H.B. 683 (Sheets) – Property Tax Exemption:** would provide a property tax exemption for the residence homestead of a disabled veteran who receives at least 80 percent disability compensation from the United States Department of Veterans Affairs due to a service-connected disability and has a rating of at least 80 percent disabled or of individual unemployability. (See **H.J.R. 67**, below.)

**H.B. 706 (Farrar) – Property Tax Exemption:** would provide that once a person claims a property tax exemption for the amount of appraised value of the person's property that arises from the installation of solar or wind-powered energy device, the exemption need not be claimed in subsequent years.

**H.B. 806 (Lozano) – Property Tax Exemption:** would provide that a person does not have to include a copy of the person's driver's license or state-issued personal identification certificate in an application for a residence homestead exemption if the person is unable to obtain a driver's license or personal identification certificate due to a sincerely held religious belief.

**H.B. 957 (Bohac) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.J.R. 71**, below.)

**H.B. 992 (D. Bonnen) – 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 **H.J.R. 75**, below.)

**H.B. 994 (Anchia) – Property Tax Exemption:** would make permanent the property tax exemption for landfill-generated gas conversion facilities.

**H.B. 1003 (Y. Davis) – Tax Exemptions:** would: (1) require the Sunset Advisory Commission to evaluate various tax exemptions, including property tax and sales tax exemptions, that are not

explicitly provided by the Texas Constitution; (2) require the Sunset Advisory Commission to present its evaluation and recommendations on retaining or repealing exemptions to the legislature; and (3) provide that a tax exemption is repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

**H.B. 1022 (Moody) – Property Tax Exemption:** would provide, for purposes of the residence homestead property tax exemption, that a residence homestead includes a property occupied by an property owner’s surviving spouse who has a life estate in the property.

**H.B. 1028 (Farias) – Property Tax Exemption:** would provide that an organization that provides affordable housing for female veterans and their dependents is entitled to a property tax exemption for improved or unimproved real property owned by the organization.

**H.B. 1086 (Isaac) – Property Tax:** would modify the verbal motion to adopt an ordinance setting a property tax rate that exceeds the effective tax rate to read as follows: “I move that a tax rate of (specify tax rate) be adopted, which exceeds the effective tax rate by (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent.”

**H.B. 1193 (Isaac) – Property Tax Exemption:** would authorize the governing body of a taxing unit to take official action to exempt from property taxes the portion of the appraised value of property that is attributable to the installation of a rainwater harvesting system.

**H.B. 1271 (Farias) – Property Tax Exemption:** would exempt from property taxation a veteran or current service member for the period during which the individual participates in a veteran’s court program. (See **H.J.R. 84**, below.)

**H.B. 1276 (Murphy) – Property Tax Exemption:** would exempt from property taxation the real property owned by a person that is leased to a charter school if: (1) the real property is used exclusively by the school for education functions; (2) the real property is reasonably necessary for the operation of the school; (3) the property owner certifies by affidavit to the school that the rent for the lease of the real property will be reduced by a commensurate amount; (4) the property owner provides the school with a disclosure document stating the amount by which the taxes on the real property are reduced due to the exemption and the method to be implemented to ensure that the rent charged reflects the reduction; and (5) the rent charged for the lease of the real property reflects the reduction in the amount of property taxes due to the exemption through a monthly or annual credit against the rent.

**H.B. 1328 (C. Turner) – Property Tax Exemption:** would provide that the owner of real property is entitled to a credit against the taxes imposed in a tax year on the property by each taxing unit that taxes the property if: (1) the property is used as a group home or an intermediated care facility for persons with developmental, physical, or intellectual disabilities under certain circumstances; and (2) the credit would be related to the amount of the costs incurred by the property owner in maintaining, operating, and making improvements to the property during the preceding year. (See **H.J.R. 87**, below.)

**H.B. 1374 (T. King) – Heavy Equipment Appraisal:** would modify the method for appraising certain dealer’s heavy equipment inventory by minimizing the ability to tie the appraised value of the inventory to the lease or rental price.

**H.B. 1463 (Raymond) – Property Tax Exemption:** would require a chief appraiser to take certain steps prior to cancelling a residence homestead property tax exemption received by an individual over 65 years of age, including: (1) providing written notice to the individual receiving the exemption, which must include a form in which the individual may indicate whether the individual is qualified to receive the exemption; (2) cancelling exemption if the chief appraiser doesn’t receive a response to the mailed notice within 60 days, so long as a reasonable effort is made to locate the individual and determine whether the individual is qualified to receive the exemption.

**H.B. 1464 (Raymond) – Property Tax Exemption:** would: (1) require the comptroller’s application form for land to be appraised based upon agricultural use to include a space for the claimant to state the claimant’s date of birth; and (2) require a chief appraiser to take certain steps prior to making a determination that land owned by an individual 65 years of age or older has been diverted to a nonagricultural use, including: (a) written notice to the property owner stating that the chief appraiser believes the land may have been diverted to a nonagricultural use, which must include a form in which the owner indicates whether the owner remains entitled to have the land designated for agricultural; and (b) determining the land has been diverted to a nonagricultural use if the chief appraiser doesn’t receive a response to the mailed notice within 60 days, so long as a reasonable effort is made to locate the individual and determine whether the individual is entitled to have the land designated for agricultural use.

**H.B. 1513 (Fletcher) – Property Tax Appraisal:** would: (1) authorize land to qualify as “open-space land” for property tax purposes if the land is currently devoted principally to agricultural use or to the production of timber for the preceding year; (2) provide that “agricultural use” includes the use of land to raise or keep bees for pollination or for the production of human food or other tangible products having a commercial value, provided that the land used is not less than two or more than 20 acres; and (3) limit the additional tax imposed on land appraised for property tax purposes as open-space land if a change in use of the land occurs.

**H.B. 1518 (Sylvester Turner) – Property Tax Exemption:** would: (1) authorize the governing body of a taxing unit to adopt an exemption from taxation of either a percentage of the appraised value of an individual’s residence homestead or a portion, expressed as a dollar amount, of the appraised value of an individual’s residence homestead, but not both; (2) provide that the governing body of a taxing unit that adopts the exemption must do so before July 1 of the tax year in which the exemption applies; and (3) provide that if a governing body adopts an exemption of a portion, expressed as a dollar amount, of the appraised value of a residence homestead, the amount of the exemption in a tax year may not be less than \$5,000. (See **H.J.R. 17**, below.)

**H.B. 1537 (Dutton) – Property Tax Collection:** would require the Sunset Advisory Commission to review the authority of governing bodies of taxing units to contract with

attorneys to represent the taxing units in the enforcement of the collection of delinquent property taxes.

**H.B. 1565 (J. White) – Property Tax Appraisal:** would, under certain circumstances, require a chief appraiser to provide a person applying for a qualified timber land appraisal a comprehensive list of the public and private entities that provide professional forest management services to owners of land located in the appraisal district.

**H.B. 1589 (Villalba) – Property Tax Appraisal:** would, among other things: (1) clarify that a property owner who is entitled to a tax refund from a taxing unit due to a correction that decreases the property owner's tax liability is not required to apply for a refund in order to receive the refund; and (2) require a taxing unit participating in an appraisal district to deliver a property tax refund to a specified person instead of to the property owner. (Companion bill is **S.B. 683** by **Hancock**.)

**H.B. 1675 (Bohac) – Freeport Property Tax Exemption:** would extend from 175 to 365 the number of days by which Freeport goods must be transported outside the state in order to be exempt from property taxation. (Note: Cities that have enacted the Freeport incentive should carefully consider if this extension would be beneficial or harmful to their economic development efforts and tax revenues.) (See **H.J.R. 20**, below.)

**H.B. 1772 (Lozano) – Property Tax Exemption:** would authorize the governing body of a taxing unit to approve a property tax exemption of the mineral interests owned by nonprofit corporations organized for the exclusive purpose of generating income for certain charitable nonprofit corporations. (See **H.J.R. 23**, below.)

**H.J.R. 17 (Sylvester Turner) – Property Tax Exemption:** would amend the Texas Constitution to authorize the governing body of a political subdivision to exempt from property taxation a portion, expressed as a dollar amount not less than \$5,000, of the market value of the residence homestead of a married or unmarried adult, including one living alone. (See **H.B. 1518**, above.)

**H.J.R. 20 (Bohac) – Freeport Property Tax Exemption:** would amend the Texas Constitution to extend from 175 to 365 the number of days by which Freeport goods must be transported outside the state in order to be exempt from property taxation. (See **H.B. 1675**, above.)

**H.J.R. 23 (Lozano) – Property Tax Exemption:** would amend the Texas Constitution to authorize the governing body of a taxing unit to approve a property tax exemption of the mineral interests owned by nonprofit corporations organized for the exclusive purpose of generating income for certain charitable nonprofit corporations. (See **H.B. 1772**, above.)

**H.J.R. 25 (Bohac) – Freeport Property Tax Exemption:** would amend the Texas Constitution to extend from 175 to 365 the number of days by which Freeport goods must be transported outside the state in order to be exempt from property taxation. (See **H.B. 1675**, above.)

**H.J.R. 51 (Munoz) – 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 **H.B. 432**, above.)

**H.J.R. 57 (E. Rodriguez) – Property Tax Exemption:** would amend the Texas Constitution to authorize a city that adopts or has adopted a local option residence homestead property tax exemption to take official action before July 1<sup>st</sup> to establish a dollar-amount ceiling on the application of such exemption. (See **H.B. 490**, above.)

**H.J.R. 64 (Munoz) – Tax Exemption:** would amend the Texas Constitution to authorize institutions of higher education to create research technology corporations that would be exempt from both property taxes and sales and use taxes. (See **H.B. 590**, above.)

**H.J.R. 66 (Raymond) – 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 **H.B. 660**, above.)

**H.J.R. 67 (Sheets) – Property Tax Exemption:** would amend the Texas Constitution to provide a property tax exemption for the residence homestead of a disabled veteran who receives at least 80 percent disability compensation from the United States Department of Veterans Affairs due to a service-connected disability and has a rating of at least 80 percent disabled or of individual unemployability. (See **H.B. 683**, above.)

**H.J.R. 71 (Bohac) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.B. 957**, above.)

**H.J.R. 75 (D. Bonnen) – 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 **H.B. 992**, above.)

**H.J.R. 84 (Farias) – Property Tax Exemption:** would amend the Texas Constitution to exempt from property taxation a veteran or current service member for the period during which the individual participates in a veteran's court program. (See **H.B. 1271**, above.)

**H.J.R. 85 (Murphy) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxation any real property that is leased for use as a charter school for educational purposes. (See **H.B. 1276**, above.)

**H.J.R. 87 (C. Turner) – Property Tax Exemption:** would amend the Texas Constitution to allow the legislature to provide for a credit against the ad valorem taxes imposed on property used to provide housing to persons with disabilities based on the costs the owner of the property incurs to maintain, operate, or make improvements to the property. (See **H.B. 1328**, above.)

**H.J.R. 88 (Guillen) – Property Tax Exemption:** would amend the Texas Constitution to authorize the governing body of a political subdivision to exempt from property taxes the real and tangible personal property of a business during the first ten years the business operates in this state if: (1) the business first begins operating in the state on or after January 1, 2016; and (2) the property is located in a county with a population of 250,000 or less.

**S.B. 1 (Nelson) – Property Tax Exemption:** would, among other things: (1) entitle a person to an exemption from taxation by a school district of a portion of the appraised value of the person’s residence homestead equal to 25 percent of the median market value in the current tax year of all residence homesteads in the state; (2) require the Legislative Budget Board to determine the median market value in a given tax year of all residence homesteads in the state as of September 30 and publish that value in the Texas Register; and (3) require additional state aid to school districts to make up for any loss in revenue resulting from an increase in the homestead exemption and application of an additional limitation on tax increases. (**Note:** S.B. 1, an important tax relief bill that has broad support, directly affects city property tax in only one way: the bill would prohibit the governing body of a taxing unit (including a city) that has adopted a local-option residence homestead exemption from reducing the amount of or repealing the exemption until December 31, 2024.) (See **S.J.R. 1**, below.)

**S.B. 50 (Zaffirini) – Property Tax:** would authorize the attachment of a property tax lien on personal property, regardless of whether the personal property is located within the boundaries of the taxing unit in whose favor the lien attaches.

**S.B. 71 (Ellis) – Property Tax:** provides that a person is entitled to an designated appraisal of recreational, park, or scenic land for property tax purposes only if the land is restricted and use of the land is available to the public without a fee or for a nominal fee.

**S.B. 156 (Nichols) – Appraisal Cap:** would: (1) reduce the property tax appraisal cap on homesteads from ten percent to five percent; (2) authorize a county commissioners court to call an election to increase the homestead appraisal cap for all taxing jurisdictions in the county back to some percentage between six and ten; and (3) prohibit a subsequent election from occurring for ten years after such an election is held. (See **S.J.R. 14**, below.)

**S.B. 182 (Bettencourt) – Revenue Cap:** 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).

**S.B. 279 (Watson) – Property Tax Exemption:** would: (1) authorize any city council to take action to adopt a flat-dollar amount residence homestead property tax exemption of at least \$5,000, unless a larger amount is specified by the council, before July 1<sup>st</sup> of any given year; (2) provide that a \$5,000 residence homestead property tax exemption automatically goes into effect in any city that: (a) does not take official action to opt-out of the flat-dollar amount exemption prior to July 1<sup>st</sup> of any given year; and (b) has not already adopted a percentage-based residence homestead property tax exemption under current law; (3) provide that in any city where the city council has ceased to offer a percentage-based residence homestead property tax exemption and instead adopted a flat-dollar amount property tax exemption, an individual may elect to rescind entitlement to the new flat-dollar amount exemption to continue to receive the percentage exemption that was previously available by filing written notice with the chief appraiser before July 15; (4) provide that the amount of the exemption available to an individual under (3), above, is the dollar amount of the exemption that the individual received in the last tax year the percentage-based residence homestead property tax exemption was in place; and (5) provide that an individual who makes an election to receive the amount of a previous residence homestead property tax exemption under (3), above, may rescind that election by filing written notice with the chief appraiser, but once rescinded, may not elect to reinstate entitlement to the amount of the percentage-based exemption. (See **S.J.R. 20**, below.)

**S.B. 280 (Watson) – Property Tax Appraisal:** would: (1) provide that, in a property tax protest based on unequal appraisal, the appraised value of the property in question in comparison to other properties is to be determined: (a) using comparable properties located in the same appraisal district; (b) based on the similarity of the properties with regard to specified statutory characteristics, like square footage, property age, and property condition, among other things; (c) by calculating adjustments in accordance with generally accepted appraisal standards; and (d) based on the calculation of the appraised value of each comparable property as shown in the appraisal records submitted to the appraisal review board by the chief appraiser; and (2) require a district court to grant relief on the ground that a property is appraised unequally if the appraised value of the property exceeds by ten percent the median appraised value of a reasonable number of comparable properties in the appraisal district based on the standards in (1), above.

**S.B. 281 (Watson) – Property Tax Appraisal:** would require a property owner who submits evidence by affidavit in a property tax protest based on the determination of appraised value of a property or unequal appraisal of a property, to state in the affidavit the property owner’s opinion of the appraised or market value of the property at issue and attach evidence that supports the statement.

**S.B. 282 (Watson) – Property Tax Exemption:** would exempt from property taxation property acquired by a charitable organization to provide low-income housing for up to 10 years after the organization acquires the property (current law exempts for five years after acquisition).

**S.B. 362 (Estes) – Property Tax Exemption:** would repeal the additional property taxes imposed as a result of certain changes in the use of open-space land appraised as agricultural land. (Companion bill is **H.B. 133** by **Simpson**.)



**S.B. 516 (Bettencourt) – Freeport Property Tax Exemption:** would extend from 175 to 365 the number of days by which freeport goods must be transported outside the state in order to be exempt from property taxation. (See **S.J.R. 29**, below.)

**S.B. 545 (L. Taylor) – Property Tax Exemption:** would exempt from property taxation the real property owned by a person that is leased to a charter school if: (1) the real property is used exclusively by the school for education functions; (2) the real property is reasonably necessary for the operation of the school; (3) the property owner certifies by affidavit to the school that the rent for the lease of the real property will be reduced by a commensurate amount; (4) the property owner provides the school with a disclosure document stating the amount by which the taxes on the real property are reduced due to the exemption and the method to be implemented to ensure that the rent charged reflects the reduction; and (5) the rent charged for the lease of the real property reflects the reduction in the amount of property taxes due to the exemption through a monthly or annual credit against the rent. (Companion bill is **H.B. 1276** by **Murphy**.)

**S.B. 593 (Watson) – Property Tax Appraisal:** would, among other things, provide that if an appraisal district makes a written settlement offer to a property owner on or before the 45<sup>th</sup> day before the date the trial began, the amount by which the property owner’s tax liability is reduced as a result of the property tax determination suit is computed by subtracting the property owner’s tax liability resulting from the court’s final determination of the suit from the property owner’s tax liability that would have resulted had the property owner accepted the most recent settlement offer.

**S.B. 624 (Hinojosa) – 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.

**S.B. 676 (Creighton) – Property Tax Appraisal:** would prohibit the chief appraiser from using the income method of appraisal to determine the market value of commercial real property.

**S.B. 683 (Hancock) – Property Tax Appraisal:** this bill is identical to **H.B. 1589**, above.

**S.B. 732 (Nichols) – Property Tax Exemption:** would exempt eggs from property taxes as a “farm product.” (Companion bill is **H.B. 275** by **Ashby**.)

**S.B. 744 (Zaffirini) – Property Tax:** would modify the verbal motion to adopt an ordinance setting a property tax rate that exceeds the effective tax rate to read as follows: “I move that a tax rate of (specify tax rate) be adopted, which exceeds the effective tax rate by (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent.” (Companion bill is **H.B. 1086** by **Isaac**.)

**S.J.R. 1 (Nelson) – Property Tax Exemption:** would amend the Texas Constitution to: (1) entitle a person to an exemption from taxation by a school district of a portion of the appraised

value of the person's residence homestead equal to 25 percent of the median market value in the current tax year of all residence homesteads in the state; (2) prohibit the governing body of a political subdivision (including a city) that adopted a local-option residence homestead exemption from reducing the amount of or repealing the exemption. (See **S.B. 1**, above.)

**S.J.R. 14 (Nichols) – Appraisal Cap:** would amend the Texas Constitution to permit the legislature to: (1) reduce the property tax appraisal cap on homesteads from ten percent to five percent; and (2) authorize a county commissioners court to call an election to increase the homestead appraisal cap for all taxing jurisdictions in the county back to some percentage between six and ten. (See **S.B. 156**, above.)

**S.J.R. 20 (Watson) – Property Tax Exemption:** would amend the Texas Constitution to (1) authorize any city council to take action to adopt a flat-dollar amount residence homestead property tax exemption of at least \$5,000, unless a larger amount is specified by the council, before July 1<sup>st</sup> of any given year; (2) provide that a \$5,000 residence homestead property tax exemption automatically goes into effect in any city that: (a) does not take official action to opt-out of the flat-dollar amount exemption prior to July 1<sup>st</sup> of any given year; and (b) has not already adopted a percentage-based residence homestead property tax exemption under current law; (3) provide that in any city where the city council has ceased to offer a percentage-based residence homestead property tax exemption and instead adopted a flat-dollar amount property tax exemption, an individual may elect to rescind entitlement to the new flat-dollar amount exemption to continue to receive the percentage exemption that was previously available by filing written notice with the chief appraiser before July 15; (4) provide that the amount of the exemption available to an individual under (3), above, is the dollar amount of the exemption that the individual received in the last tax year the percentage-based residence homestead property tax exemption was in place; and (5) provide that an individual who makes an election to receive the amount of a previous residence homestead property tax exemption under (3), above, may rescind that election by filing written notice with the chief appraiser, but once rescinded, may not elect to reinstate entitlement to the amount of the percentage-based exemption. (See **S.B. 279**, above.)

**S.J.R. 29 (Bettencourt) – Freeport Property Tax Exemption:** would amend the Texas Constitution to extend from 175 to 365 the number of days by which freeport goods must be transported outside the state in order to be exempt from property taxation. (See **S.B. 516**, below.)

**S.J.R. 30 (L. Taylor) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxation any real property that is leased for use as a charter school for educational purposes. (See **S.B. 545**, above.)

### **Sales Tax**

**H.B. 79 (Guillen) – Sales Tax Exemption:** would, among other things, exempt from sales and use taxes the sale to, or storage, use, or other consumption by, a new business of a taxable item that will be directly used or consumed by the business during the first ten years of the business's operation.

**H.B. 82 (Guillen) – Sales Tax:** would repeal the state law prohibiting the state comptroller from crediting to the Parks and Wildlife Department or the Texas Historical Commission any amount of taxes imposed on the sale of sporting goods in excess of the amounts appropriated to the department or commission, respectively. (See **H.J.R. 33**, below.)

**H.B. 85 (Craddick) – Sales Tax Exemption:** would exempt from sales and use taxes telecommunications services exclusively provided or used for the navigation of farm and ranch machinery and equipment. (Companion bill is **S.B. 140** by **Perry**.)

**H.B. 157 (Larson) – Sales Tax:** would: (1) allow a city to hold an election to impose a dedicated sales and use tax for sports and venue districts, crime control and prevention districts, economic development corporations, property tax relief, or street maintenance at any rate that is an increment of at least one-eighth of one percent and that would not result in a combined rate that exceeds the maximum local sales and use tax rate of two percent; and (2) allow a city to hold an election to impose its general sales and use tax at any rate that is an increment of at least one-eighth of one percent and that would not result in a combined rate that exceeded the maximum local sales and use tax rate of two percent.

**H.B. 158 (Larson) – Sales Tax:** would repeal the state law prohibiting the state comptroller from crediting to the Parks and Wildlife Department or the Texas Historical Commission any amount of taxes imposed on the sale of sporting goods in excess of the amounts appropriated to the department or commission, respectively. (See **H.J.R. 39**, below.)

**H.B. 206 (Leach) – Sales Tax Exemption:** would exempt from sales and use taxes firearms and hunting supplies if the sale takes place during a period beginning at 12:01 a.m. on the Friday before the last full weekend in August and ending at 12 midnight on the following Sunday.

**H.B. 337 (Gonzalez) – Sales Tax Exemption:** would exempt from sales and use taxes the sale, use, or consumption of a book or magazine that is written for educational, instructional, or pedagogical purposes and is purchased by a full-time or part-time college student who receives financial assistance.

**H.B. 351 (Giddings) – Sales Tax Exemption:** would exempt certain school art supplies from sales and use tax during limited periods of time.

**H.B. 491 (Hernandez Luna) – Sales Tax Exemption:** would exempt the sale, use, or consumption of college textbooks from sales taxes during two seven-day periods, one beginning in August and one beginning in January. (Companion bill is **S.B. 232** by **Schwertner**.)

**H.B. 633 (G. Bonnen) – Sales Tax Exemption:** would exempt various veterinary items from sales and use taxes.

**H.B. 641 (Canales) – Sales Tax:** would exempt the sale, use, or consumption of college textbooks from sales taxes during two, seven-day periods, one beginning in August and one beginning in January. (Companion bill is **S.B. 232** by **Schwertner**.)

**H.B. 712 (Springer) – Sales Tax Exemption:** would exempt from sales and use taxes the sale of a firearm or firearm supplies if the sale takes place during the last full weekend before dove hunting season begins.

**H.B. 728 (Lucio) – Sales Tax Exemption:** would exempt from sales and use taxes books purchased by full-time or part-time college students if the purchase takes place during specified time frames prior to each semester.

**H.B. 849 (Paddie) – Sales Tax Exemption:** would exempt firearms and hunting supplies from sales and use taxes if the sale takes place during the last week in August or the last week in October.

**H.B. 1078 (Paul) – Sales Tax:** would repeal the state law prohibiting the state comptroller from crediting to the Parks and Wildlife Department or the Texas Historical Commission any amount of taxes imposed on the sale of sporting goods in excess of the amounts appropriated to the department or commission, respectively.

**H.B. 1087 (Bohac) – Sales Tax Exemption:** would: (1) exempt from sales and use taxes the sale of an article of clothing, footwear, school supply, or school backpack that costs less than \$200 and is sold during certain timeframes (current law sets exemption amount at an item less than \$100); and (2) exempt the sale or storage, use, or other consumption of an e-reader, personal computer, or tablet computer from sales and use taxes if the device is purchased during a specified weekend preceding the beginning of the school year and not purchased over the Internet. (Companion bill is **S.B. 426** by **Ellis**.)

**H.B. 1201 (R. Miller) – Sales Tax Exemption:** would exempt from sales and use taxes a taxable item sold, leased, or rented within the boundaries of a United States military installation to a person who is a member of the United States armed forces on active duty if the sale, lease, or rental is made by a seller physically located at the installation.

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

**H.B. 1625 (Faircloth) – Sales Tax Exemption:** would exempt LED light bulbs from the sales and use tax.

**H.B. 1737 (Fallon) – Sales Tax Exemption:** would exempt from sales and use taxes the sale of a firearm or hunting supplies if the sale takes place on March 2<sup>nd</sup>.

**H.B. 1841 (G. Bonnen) – Sales Tax Exemption:** would provide that a service performed on behalf of an insured by a person licensed as a public insurance adjuster is not subject to sales taxes.

**H.B. 1871 (G. Bonnen) – Sales Tax Allocation:** would: (1) require the comptroller to send additional information to a city when a city reports that a person has collected or reported taxes incorrectly, including a description of the action the comptroller is taking to collect the

delinquent tax, and either: (a) the date and periods covered by the most recent audit of the person by the comptroller or a statement that the comptroller has not conducted an audit of the person; (b) a certification that the person is obligated for the municipal tax, the periods for which the person is obligated, the amount of the tax due, and a statement as to whether the tax due has been credited to the city's account; or (c) a statement authorizing a person employed by or designated by the city to perform the duties assigned to the comptroller regarding investigations and audits; (2) authorize a city that disagrees with a determination made by the comptroller to petition the comptroller for a redetermination; (3) authorize the comptroller to set and collect from the city or other governmental entity reasonable fees to cover the expense of compiling and providing information or providing access to the administrative appeals process; and (4) provide that a city that submits a report to the comptroller preserves the right to receive from the comptroller any tax due to the city and collected by the comptroller from the person that is the subject of the report for the four years preceding the date the comptroller receives the report from the city and for each subsequent reporting period until the comptroller has fulfilled the comptroller's duties.

**H.J.R. 33 (Guillen) – Sales Tax:** would amend the Texas Constitution to provide that, for each state fiscal year, the net revenue received from the collection of any state taxes imposed on the sale, storage, or use of sporting goods is automatically appropriated when received to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, and is allocated between those agencies as provided by general law. (See **H.B. 82**, above.)

**H.J.R. 39 (Larson) – Sales Tax:** would amend the Texas Constitution to provide that, for each state fiscal year, the net revenue received from the collection of any state taxes imposed on the sale, storage, or use of sporting goods is automatically appropriated when received to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, and is allocated between those agencies as provided by general law. (See **H.B. 158**, above.)

**S.B. 140 (Perry) – Sales Tax Exemption:** this bill is the same as **H.B. 85**, above.

**S.B. 157 (Zaffirini) – Sales Tax Exemption:** would exempt from sales and use taxes books purchased by college students receiving funding under certain financial assistance programs if the purchase takes place during specified time frames prior to each semester.

**S.B. 228 (Creighton) – Sales Tax Exemption:** would exempt firearms and hunting supplies from sales and use taxes during the last full weekend in August. (Companion bill is **H.B. 206** by **Leach**.)

**S.B. 232 (Schwertner) – Sales Tax:** would exempt the sale, use, or consumption of college textbooks from sales taxes during two, seven-day periods, one beginning in August and one beginning in January.

**S.B. 248 (Estes) – Sales Tax:** would repeal the state law prohibiting the state comptroller from crediting to the Parks and Wildlife Department or the Texas Historical Commission any amount of taxes imposed on the sale of sporting goods in excess of the amounts appropriated to the department or commission, respectively. (See **S.J.R. 18**, below.)

**S.B. 426 (Ellis) – Sales Tax Exemption:** would: (1) exempt from sales and use taxes the sale of an article of clothing, footwear, school supply, or school backpack that costs less than \$200 and is sold during certain timeframes (current law sets exemption amount at an item less than \$100); and (2) exempt the sale or storage, use, or other consumption of an e-reader, personal computer, or tablet computer from sales and use taxes if the device is purchased during a specified weekend preceding the beginning of the school year and not purchased over the Internet. (Companion bill is **H.B. 1087** by **Bohac**.)

**S.B. 608 (Hancock) – Sales Tax Exemption:** would exempt certain tangible personal property related to medical data centers from the sales and use tax.

**S.B. 693 (West) – Street Maintenance Sales Tax:** would, among other things, authorize street maintenance sales tax revenue to be used for city sidewalks.

**S.J.R. 18 (Estes) – Sales Tax:** would amend the Texas Constitution to provide that, for each state fiscal year, the net revenue received from the collection of any state taxes imposed on the sale, storage, or use of sporting goods is automatically appropriated when received to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, and is allocated between those agencies as provided by general law. (See **S.B. 248**, above.)

### **Purchasing**

**H.B. 208 (Leach) – Construction Procurement:** would provide that the same state laws related to the design and construction of projects, including the procurement of design and construction services, that apply to a governmental entity apply to an agency or instrumentality of the governmental entity, an economic development corporation created by the governmental entity, or an alliance, agreement, partnership, or agency created between the governmental entity and one or more other governmental entities.

**H.B. 582 (C. Turner) – State Agency Contractors:** would provide that a state agency shall require its contractors – which could include cities – to adopt and apply an employment policy under which the contractor and any subcontractor may not, because of sexual orientation or gender identity or expression, take adverse employment action against an employee.

**H.B. 689 (Walle) – Workers’ Compensation Coverage:** would: (1) require construction contractors and subcontractors to provide workers’ compensation insurance coverage for each of their employees; (2) require a contractor to provide certification of coverage of its and any subcontractor’s employees to the governmental entity; and (3) provide that, if the contractor enters into a contract with a governmental entity for a public project, the coverage must be satisfactory to the governing body of the governmental entity.

**H.B. 932 (Murphy) – Alternative Procurement:** would provide that, in relation to a construction-related project: (1) an offeror who submits a bid, proposal, or request for qualification may request the governmental entity to explain the evaluation and ranking of a submission that was not selected and that: (a) is ranked differently than a similar submission of a bid, proposal, or request for qualification by the offeror to the governmental entity during the

preceding year; (b) uses the same data that was used to develop the previous submission; and (c) is based on the same selection criteria that was used to evaluate and rank the previous submission; (2) a request made under the bill must be in writing; and (3) not later than the 30th day after the date a request is made, the governmental entity shall deliver to the offeror a written explanation of the basis of the evaluation and ranking of the submission, including an explanation of why the submission was ranked differently than the previous submission.

**H.B. 996 (Parker) – Public Work Contracts:** would provide that a governmental entity, including a city, when awarding a public work contract funded with state money, may not: (1) prohibit, require, discourage, or encourage a bidder from entering into or adhering to a collective bargaining agreement related to the project; or (2) discriminate against a person based on a person's involvement in a collective bargaining organization or agreement. (Companion bill is **S.B. 303** by **Hancock**.)

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

**H.B. 1784 (Workman) – Construction Defects:** would: (1) apply to a claim: (a) asserted by a person to recover the actual costs incurred in curing a construction defect from the person who originally designed, administered, constructed, or repaired an improvement to real property; and (b) regardless of whether the claim is asserted by a person who contracted for the construction or repair; and (2) provide that the amount of actual damages for the cost to cure a construction defect that might otherwise be awarded in a claim subject to this section is reduced by 10 percent for each anniversary of the date of substantial completion of the construction or repair that occurs before the date the action asserting the claim is filed.

**S.B. 39 (Zaffirini) – Purchase of Agricultural Products:** would: (1) allow cities that purchase agricultural products to give preference to products produced or grown in the state when the cost does not exceed 107 percent of the cost of those produced or grown outside of the state and the quality is equal; and (2) require cities to give preference to agricultural products produced or grown in Texas if the cost and quality is equal.

**S.B. 303 (Hancock) – Public Work Contracts:** would prohibit a city when awarding a public work contract funded with state money, from: (1) prohibiting, requiring, discouraging, or encouraging a bidder from entering into or adhering to a collective bargaining agreement related to the project; or (2) discriminating against a person based on a person's involvement in a collective bargaining organization or agreement.

**S.B. 506 (Perry) – Purchase of Personal Property:** would impose specific notice requirements on a governmental agency, including a city, that seeks to enter into a contract for personal property that requires an expenditure of \$25,000 or more, including: (1) a requirement that the governing body must approve the execution of the contract by majority vote before the contract be executed; (2) a requirement that the governmental agency publish notice of the agency's

intention to enter into the contract, and that the notice be published once a week for two consecutive weeks in a newspaper with general circulation in the area of the governmental agency with the date of the first publication to be before the 30<sup>th</sup> day before the date set for the approval of the contract; (3) a requirement that the notice state: (a) the time and place tentatively set for the approval of the execution of the contract; (b) the purpose and an estimate of the cost of the contract; and (c) the manner in which the amount required to be paid under the contract by the agency will be paid, whether by taxes, revenues, or a combination of funds; and (4) a requirement that the governmental agency hold an election on the question of executing the contract if petitioned by at least five percent of the qualified voters within the boundaries of the governmental agency prior to the execution of the contract.

**S.B. 598 (Rodriguez) – 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.

### **Elections**

**H.B. 111 (Martinez-Fischer) – Elections:** would provide that: (1) a person who would be eligible to vote in an election, but who is not registered, shall be accepted for voting during early voting by personal appearance for the precinct of the person’s residence if the person submits a voter registration application and presents proof of identification that establishes the person’s residence; (2) an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar; (3) for a local election held on the uniform election date in November, the timeframe for the local canvass is to be conducted between the 11<sup>th</sup> and 14<sup>th</sup> day after election day; and (4) for a local election held on the uniform election date in May, the local canvass shall be conducted not later than the 14<sup>th</sup> day after election day (current law requires the canvass occur not later than the 11<sup>th</sup> day after election day).

**H.B. 295 (Canales) – Elections:** would provide that a student identification card issued by a public or private institution of higher education, and that contains the student’s photograph, is an acceptable form of photo identification for voting.

**H.B. 303 (Canales) – Elections:** would require the secretary of state to establish methods to obtain a photograph of each registered voter for use on the voter’s registration certificate.

**H.B. 312 (Harless) – Voter Registration:** would require the secretary of state to implement a program to allow a person who has a valid driver’s license or personal identification card to complete a voter registration application on the Internet at the state’s official website.

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



**H.B. 430 (Howard) – Online Voting:** would provide that the Secretary of State shall conduct a study on the feasibility of online voting.

**H.B. 444 (Johnson) – Voter Registration:** would require the secretary of state to implement a program to allow a person to complete a voter registration application over the Internet from the state’s official website.

**H.B. 447 (Johnson) – Elections:** would provide that a student identification card issued by a public, private, or independent institution of higher education, and that contains the person’s photograph, is an acceptable form of photo identification for voting.

**H.B. 448 (Alonzo) – Elections:** would provide that a person who would be eligible to vote in an election, but who is not registered, shall be accepted for voting in the precinct of the person’s residence if, on the day the person offers to vote, the person submits a voter registration application and presents proof of identification that establishes the person’s residence.

**H.B. 484 (Capriglione) – Elections:** would provide, among other things, that in order for an individual to be an eligible candidate for city office and qualify for the office, the individual must be a registered voter in the territory from which the office is elected for six months preceding the regular filing deadline for a candidate’s application for a place on the ballot.

**H.B. 534 (Nevarez) – Elections:** would provide that an identification card issued by an agency or institution of the federal or state government and that contains a person’s photograph is an acceptable form of photo identification for voting.

**H.B. 535 (Nevarez) – Elections:** would provide that a valid identification card that contains the person’s photograph issued by a tribal organization is an acceptable form of photo identification for voting.

**H.B. 536 (Nevarez) – Elections:** would provide that, for a person who is 65 years of age or older, any legal form of identification for voting is acceptable, even if it has expired.

**H.B. 622 (Lozano) – Elections:** would: (1) require a voter with the necessary documentation but whose name is not on the precinct list of registered voters to be accepted for voting if the voter registrar verifies the voter as a registered voter and the voter presents a voter registration certificate indicating that the voter is currently registered; and (2) require a voter who is not accepted to vote under (1), above, to be accepted for provisional voting if the voter executes an affidavit stating that the person is a registered voter and eligible to vote in the election.

**H.B. 675 (G. Bonnen) – Elections:** would allow a person who is occupying a voting station to use a mobile phone to access information that was downloaded, recorded, or created on the phone before the person entered the polling place.

**H.B. 732 (Israel) – Elections:** would: (1) require the certificate on an official carrier envelope to contain a space provided for the voter’s signature that is located in a box that is at least one inch by two inches, and has the term “Signature of voter” printed in bold type; (2) require textual

material to be printed on a separate sheet accompanying the envelope, instead of on the reverse side of the envelope; and (3) require the notice of the voting rights hotline phone number to be included on an insert enclosed with the balloting materials, instead of on the official carrier envelope.

**H.B. 733 (Israel) – Elections:** would provide that the following are acceptable forms of photo identification for voting: (1) a Veteran Health Identification Card issued by the United States Department of Veterans Affairs that contains the person’s photograph; and (2) a student identification card issued by a public, private, or independent institution of higher education that contains the student’s photograph.

**H.B. 816 (Dutton) – Elections:** would make it a third degree felony for a person to knowingly or intentionally misrepresent the person’s residence to appear eligible to be a candidate for, or elected or appointed to, a public elective office in this state.

**H.B. 913 (Israel) – Elections:** would: (1) require the certificate on an official carrier envelope to contain a space provided for the voter’s signature that is located in a box that is at least one inch by two inches, and has the term “signature of voter” printed in bold type; (2) require textual material to be printed on a separate sheet accompanying the envelope, instead of on the reverse side of the envelope; (3) require the notice of the voting rights hotline phone number to be included on an insert enclosed with the balloting materials, instead of on the official carrier envelope; and (4) provide that the early voting ballot board may not reject a ballot solely on the grounds that a signature on the carrier envelope certificate is not located entirely in the space provided for the signature or across the flap of the envelope.

**H.B. 947 (Workman) – Elections:** would authorize a city council that holds its general election on the May uniform election date to take action to change the date of its general election to the November uniform election date provided the city acts to do so not later than December 31, 2016.

**H.B. 1117 (Martinez) – Elections:** would provide that any legal form of identification for voting is acceptable, regardless of whether it has expired.

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

**H.B. 1214 (Larson) – Elections:** would: (1) move the general primary election date to the fourth Tuesday in January in each even-numbered year; and (2) move the runoff primary election date to the fourth Tuesday in March following the general primary election.

**H.B. 1308 (Schofield) – Elections:** would allow a voter who is voting by mail to deliver a marked ballot in person to the early voting clerk’s office only while the polls are open on election day so long as the voter who delivers the ballot presents an acceptable form of identification.

**H.B. 1345 (S. Thompson) – Elections:** would expand the timeframe for the early voting ballot board to verify and count provisional ballots from not later than the seventh day after the election to not later than the eighth day after the election.

**H.B. 1405 (Leach) – Political Contribution and Expenditure Reports:** would: (1) require the clerk of a city with a population of 50,000 or more that maintains a website to make certain reports filed with the clerk by a candidate, officeholder, or specific-purpose committee in connection with the office of mayor or city councilmember available to the public on the city’s website not later than the fifth business day after the date the report is received (this requirement currently only applies to cities with 500,000 or more population); (2) require the city clerk to clearly state on the city’s website that reports, as described in (1), above, and filed by an independent candidate, a third-party candidate, or a specific-purpose committee for supporting or opposing an independent or third-party candidate will not be available if the candidate or committee has not yet filed a report; and (3) require that a report described in (1), above, be made available on the website until the 10th anniversary of the date the report is first made available.

**H.B. 1448 (Sheets) – Elections:** would require a ballot submitted by mail to include a voter’s thumbprint.

**H.B. 1452 (Schofield) – Elections:** would provide that: (1) an election officer is required to ask if a voter has changed residence; (2) if the voter’s address is not current because the voter has changed residence to a different county within 30 days of the date of an election, the voter may vote in the election precinct in which the voter is registered; and (3) in a joint election, if the voter’s address is not current because the voter has changed residence within the county, the voter may vote in the election precinct in which the voter is registered.

**H.B. 1499 (S. Davis) – Elections:** would provide that if notice of an election is given by publishing the notice in a newspaper, the notice may provide the address of an Internet website that lists the location of each polling place instead of stating the location of each polling place.

**H.B. 1540 (Thompson) – Elections:** would, among other things, require the early voting ballot board to deliver to the early voting clerk any early voting application for a ballot to be voted by mail for an election held on the November uniform election date.

**H.B. 1615 (Fallon) – Elections:** would provide that: (1) in an election in which the authority ordering the election has established at least five temporary branch polling places in the territory served by the early voting clerk, early voting by personal appearance at no less than 80 percent of the temporary branch polling places shall be conducted on the same days and during the same hours as voting is conducted at the main early voting polling place; (2) for all other elections, early voting by personal appearance at a temporary branch polling place may be conducted on any one or more days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch; and (3) the authority authorized to order early voting on a Saturday or Sunday may order such voting at any temporary branch polling place that is not required to conduct voting on the same days and during the same hours as voting is conducted at the main early voting polling place under (2), above.

**H.B. 1632 (Romero) – Elections:** would provide that, in accordance with rules adopted by the secretary of state, an application for a ballot to be voted by mail may be completed electronically on a device capable of capturing a voter’s signature and allowing the voter to complete an electronic form.

**H.B. 1645 (Gutierrez) – Elections:** would require counties with a population of more than 1.5 million in which more than 75 percent of the population lives in a single city to participate in the countywide polling place program.

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

**H.B. 1735 (D. Miller) – Elections:** would require the early voting clerk, on written request, to provide a list of all voters: (1) whom the early voting clerk provided with a ballot to be voted by mail in the most recent election; and (2) to whom the early voting clerk is required, as of the date of the request, to send a ballot to be voted by mail in the next election because those voters are eligible to receive mail ballots for more than one election.

**S.B. 63 (Huffines) – Term Limits:** would, among other things: (1) provide that a person is not eligible to be elected to a full or partial term in any elective office, including a city office, if on the date the term begins the person has served in that office during any part of each of eight or more calendar years; (2) provide that service in more than one elective position on a governing body is considered service in the same office; (3) authorize a person to continue to serve in an office after the end of a term as a holdover under the Texas Constitution; (4) provide that service in office before January 1, 2016, does not count for purposes of determining whether a person is disqualified from election to office under the bill; and (5) authorize a political subdivision to impose a more restrictive limit on the time or number of terms a person may serve in elective office by charter, ordinance, order, or other appropriate means. (See **S.J.R. 6**, below.)

**S.B. 83 (Ellis) – Elections:** would, among other things, provide that: (1) an election officer commits a state jail felony if the officer knowingly: (a) removes the name of an eligible voter from the list of registered voters or the poll list for the precinct; (b) refuses to accept for voting a person whose acceptance is required by law; or (c) prevents the deposit in the ballot box of a marked and properly folded ballot that was provided at the polling place to the voter who is depositing it or for whom the deposit is attempted; and (2) a person is subject to criminal and civil liability if he or she knowingly deceives another person regarding the time, place, or manner of conducting an election or the qualifications for or restrictions governing voter eligibility for an election in this state.

**S.B. 84 (Ellis) – Elections:** would: (1) require that two voter registrars be present at each polling place while the polls are open; and (2) provide for same day voter registration.

**S.B. 85 (Ellis) – Elections:** would provide that a person who is at least 16 years of age is eligible to apply to preregister to vote.

**S.B. 86 (Ellis) – Elections:** would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures.

**S.B. 120 (Campbell) – Elections:** would increase the penalty for theft of an official ballot or official carrier envelope for an election from a state jail felony to a felony of the third degree.

**S.B. 170 (Uresti) – Elections:** would provide that a student identification card issued by a public or private high school or institution of higher education that contains the person’s photograph is an acceptable form of photo identification for voting.

**S.B. 230 (Watson) – Elections:** would provide that the following are acceptable forms of photo identification for voting: (1) a student identification card issued by a public institution of higher education located in this state that contains the person’s photograph; and (2) an identification card issued by a state agency of this state that contains the person’s photograph.

**S.B. 251 (Ellis) – Elections:** would: (1) authorize an entity that orders an election to appoint a person to serve as an interpreter during the election if the person is a registered voter of the county in which the voter needing the interpreter resides or a registered voter of an adjacent county; and (2) provide that a voter may select any person other than the voter’s employer, an agent of the voter’s employer, or an officer or agent of a labor union to which the voter belongs, to serve as the voter’s own personal interpreter.

**S.B. 348 (Ellis) – Elections:** would make every day on which an election is held throughout the state a state holiday, including the day of a primary election.

**S.B. 349 (Ellis) – Elections:** would authorize the secretary of state to order a person performing official functions in the administration of the electoral process to correct any conduct that violates the Texas Election Code.

**S.B. 405 (Rodriguez) – Elections:** would provide that: (1) a person who would be eligible to vote in an election, but who is not registered, shall be accepted for voting during early voting by personal appearance for the precinct of the person’s residence if the person submits a voter registration application and presents proof of identification that establishes the person’s residence; (2) an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar; and (3) that an authority holding an election that does not include a statewide or federal election is not required to comply with (1) and (2) above.

**S.B. 406 (Rodriguez) – Elections:** among other things, would: (1) establish a Bipartisan Election Commission to study methods to reduce election fraud, increase voter turnout, and improve election practices in the state; (2) require the secretary of state and attorney general to jointly conduct election integrity training for election officers, law enforcement personnel, and prosecutors in at least four different regions of the state; and (3) make it a class B misdemeanor for a person to knowingly deceive another person regarding the time, place, or manner of

conducting an election, or the qualifications for or restrictions governing voter eligibility for an election.

**S.B. 407 (Rodriguez) – Elections:** among other things, would: (1) require an election officer who doesn't accept a voter to provide the voter with a statement signed by the election officer listing all reasons why that voter was not accepted and the circumstances under which that voter may vote a provisional ballot; (2) significantly expand the types of acceptable identification for voting to include various forms of photo and non-photo identification; (3) provide that for a local election held on the uniform election date in November, the timeframe for the local canvass is to be conducted between the 11th and 14th day after election day; and (4) provide that for a local election held on the uniform election date in May, the local canvass shall be conducted not later than the 14th day after election day (current law requires the canvass occur not later than the 11th day after election day.)

**S.B. 467 (Rodriguez) – Elections:** would: (1) expand the time period for early voting by personal appearance by seven days for city elections held on the uniform election date in May; (2) expand the time period for early voting by personal appearance by two days for city elections held on the uniform election date in November; and (3) require a city to conduct early voting by personal appearance on each Saturday and Sunday during the early voting period at the main early voting polling place.

**S.B. 535 (Watson) – Elections:** would: (1) provide that a person may not use a wireless communication device within 50 feet of a voting station (current law prohibits use of a wireless device within 100 feet of a voting station); (2) provide that if voting stations are located in a separate room from the area in which voters wait to vote or are accepted for voting, a person may not use a wireless communication device in the room in which voting stations are located and may use the device in any other area; (3) clarify that a person may not use any mechanical or electronic means to record or capture images or sound within 100 feet of a voting station; and (4) prohibit the presiding election judge from requiring a person who uses a device in violation of state law to leave the polling place.

**S.B. 555 (V. Taylor) – Candidate Qualifications:** would: (1) provide that to be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must not be required to register as a lobbyist; and (2) except from (1), above, any office for which the federal or state constitution prescribes exclusive qualification requirements.

**S.B. 733 (Fraser) – Elections:** would authorize a city council that holds its general election on the May uniform election date to take action to change the date of its general election to the November uniform election date provided the city acts to do so not later than December 31, 2016. (Companion bill is **H.B. 947** by **Workman**.)

**S.J.R. 6 (Huffines) – Term Limits:** would amend the Texas Constitution to, among other things: (1) provide that a person is not eligible to be elected to a full or partial term in any elective office, including a city office, if on the date the term begins the person has served in that office during any part of each of eight or more calendar years; (2) provide that service in more than one elective position on a governing body is considered service in the same office; (3)

authorize a person to continue to serve in an office after the end of a term as a holdover under the Texas Constitution; (4) provide that service in office before January 1, 2016 does not count for purposes of determining whether a person is disqualified from election to office under this bill; and (5) authorize a political subdivision to impose a more restrictive limit on the time or number of terms a person may serve in elective office by charter, ordinance, order, or other appropriate means. (See **S.B. 63**, above.)

### **Open Government**

**H.B. 283 (Fallon) – Open Meetings:** would: (1) require a home-rule city with a population of 50,000 or more: (a) to make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting, and make available an archived copy of such recording on the Internet; (b) to make the archived recording described in (a), above, available on an existing Internet site, which could be a publicly accessible video-sharing or social networking site; (c) to make available, in a conspicuous manner, on an Internet site that the city maintains the archived recording described in (a), above, or a link to the archived recording; (d) to make the archived recording described in (a), above, available on the Internet not later than seven days after the recording was made and maintain the archived recording on the Internet for not less than two years after the date the recording was first made available; and (e) to comply with the requirements in (b)-(d), above, unless the required recording cannot be made as the result of a catastrophe or technical breakdown, after which the city must make all reasonable efforts to make the required recording available in a timely manner; and (2) authorize a home-rule city with a population of 50,000 or more to broadcast a regularly scheduled open meeting on television.

**H.B. 558 (Burton) – Public Information Act:** would repeal the provision of the Public Information Act that provides that certain information pertaining to economic development negotiations is confidential.

**H.B. 685 (Sheets) – Public Information:** would provide that a public information officer complies with the requirement to promptly produce public information by referring a requestor to a publically accessible website maintained by the city if the requested information is identifiable and readily available on that website.

**H.B. 814 (Larson) – Meeting Notice:** would provide that: (1) a governmental body that is required by law to post notice of a meeting in a newspaper may instead post notice of the meeting on the Internet; and (2) a government body that is required by law to post notice of a meeting on the Internet is not required to post notice in a newspaper.

**H.B. 856 (Sanford) – Metropolitan Planning Organization Meetings:** would require a metropolitan planning organization to broadcast over the Internet live video and audio of each open meeting held by the policy board, and to subsequently make available through the organization's website archived video and audio for each meeting for which live video and audio was provided.

**H.B. 1019 (Flynn) – Internet Notice:** would provide that: (1) notwithstanding any other law, a governmental entity (including a city) may satisfy a requirement in another law for the governmental entity to provide publication of notice in a newspaper by publishing the notice on a newspaper’s Internet website; (2) publication of notice on a newspaper’s Internet website must be in substantially the same form as required under the general or special law requiring or authorizing the publication of notice in a newspaper by a governmental entity; (3) to meet “official newspaper” eligibility requirements, a newspaper must: (a) establish an Internet-only option for publication of notice by a governmental entity; (b) charge a reasonable fee not to exceed \$25 for the Internet publication of notice; and (c) establish an archive of the publications of notice posted on the newspaper’s Internet website that allows free public access to the current and archived publications of notice and that is searchable by keyword and county; and (4) a newspaper that publishes a notice on the newspaper’s Internet website may electronically provide to the governmental entity the bill, clipping, and verified statement containing the information required under current law.

**H.B. 1118 (Schofield) – Public Information:** would: (1) provide that it is the policy of Texas that each person whose primary residence is in the state is entitled (except as otherwise provided by law) to complete information about governmental affairs, and make relevant changes to the Public Information Act to reflect that policy; (2) give a governmental body discretion as to whether to accept or comply with a request for information from a person whose primary residence is not in the state; and (3) authorize a governmental body to ask a requestor to provide the physical address of his/her residence and, if the requestor refuses to provide the information within ten business days, allow the governmental body to treat it as a request from a person whose primary residence is not in this state.

**H.B. 1578 (Guillen) – Motor Vehicle Accident Report:** would: (1) require that a governmental entity redact the driver’s license number, date of birth, address, license plate number, and vehicle identification number before releasing a copy of a motor vehicle accident report; and (2) provide that (1), above, does not apply to information released to: (a) a person involved in the accident or that person’s legal guardian if the person is younger than 18 years; (b) a person who establishes financial responsibility for a vehicle involved in the accident; (c) an insurance company that issued a liability insurance policy covering a vehicle involved in the accident; or (d) an attorney representing a person involved in the accident.

**H.B. 1764 (Hunter) – Public Information:** would: (1) define “custodian” to mean a public officer or employee who: (a) by law, ordinance, or policy is in charge of an office that creates or receives a local government record; or (b) in the transaction of official business, creates or receives public information that the officer or employee has not provided to the records management officer or officer for public information (PIO); (2) require that a PIO obtain information from a custodian who has access to public information being requested from the governmental body; (3) provide that a current or former officer or employee of the city does not have a personal or property right to the city’s public information and must surrender that information upon request or demand by the custodian or PIO; (4) authorize a requestor, custodian, or PIO to sue in district court for an injunction or mandamus to compel a current or former officer or employee to surrender or return public information; (5) require a governmental body, custodian, or PIO to obtain possession, custody, or control of public information from a



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

**S.B. 46 (Zaffirini) – Public Information Act:** would make confidential a photograph that is taken by an appraisal district for property tax appraisal purposes and shows the interior of an improvement to property.

**S.B. 336 (V. Taylor) – Public Information:** would, among other things: (1) provide that a municipal officer has a right of access to information that is, for purposes of the Public Information Act (PIA), public information of the municipal governmental body that the municipal officer oversees; (2) provide that a municipal governmental body on request by a municipal officer who oversees the governmental body shall provide public information, including confidential information or information otherwise excepted from disclosure, to the municipal officer in accordance with the PIA; (3) provide that a municipal governmental body that provides confidential information or information otherwise excepted from required disclosure under (2), above, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right of the body to assert exceptions to required disclosure of the information in the future; (4) authorize a municipal governmental body to require a requesting municipal officer or the employees of the requesting municipal officer who will view or handle information that is confidential or otherwise excepted from disclosure to sign a confidentiality agreement that requires that: (a) the information not be disclosed outside the office of the requesting municipal officer, or within that office for purposes other than the purpose for which it was received; (b) the information be labeled as confidential; (c) the information be kept securely; or (d) the number of copies or notes taken from the information that implicate its confidential nature be controlled, with all copies or notes that are not destroyed or returned to the municipal governmental body remaining confidential and subject to the confidentiality agreement; (5) allow an individual required to sign a confidentiality agreement as described in (4), above, to seek a decision from the attorney general about whether the information is actually confidential or excepted from disclosure, and void any such agreement that is determined by the attorney general to cover information that is not confidential or otherwise excepted from disclosure; and (6) provide for the appeal of a decision of the attorney general described in (5), above, to a district court in a county in which the municipality is located if a person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

**S.B. 392 (Burton) – Meeting Notice:** would provide that: (1) a governmental body that is required by law to post notice of a meeting in a newspaper may instead post notice of the meeting on the Internet; and (2) a governmental body that is required by law to post notice of a meeting on the Internet is not required to post notice in a newspaper. (Companion bill is **H.B. 814** by **Larson**.)

**S.B. 434 (Burton) – Closed Meeting:** would repeal the statutory authorization in the Open Meetings Act for a governing body to conduct a closed meeting for deliberations regarding economic development negotiations.

### **Other Finance and Administration**

**H.B. 98 (Flynn) – Federal Actions:** would: (1) establish a joint legislative committee to review any federal action to determine whether such action is unconstitutional; (2) provide that any federal action found by the joint legislative committee to be unconstitutional be sent to the legislature for potential nullification; (3) declare any nullified unconstitutional federal action to have no legal effect in Texas; and (4) prohibit the state or a political subdivision of the state from recognizing, implementing, or enforcing a nullified unconstitutional federal action.

**H.B. 103 (Guillen) – Volunteer Fire Department Sales:** would extend law which expired on September 1, 2014 to continue to allow a volunteer fire department or emergency service organization to have up to ten tax free sales or auctions each calendar year under limited circumstances. (Companion bill is **S.B. 31** by **Zaffirini**).

**H.B. 105 (Guillen) – Volunteer Fire Department Sales:** this bill is identical to **H.B. 103**, above.

**H.B. 114 (Flynn) – Capital Appreciation Bonds:** would provide that a political subdivision may not issue capital appreciation bonds that are secured by property taxes unless: (1) the bonds have a scheduled maturity date that is not later than 20 years after the date of issuance; (2) the governing body of the political subdivision has received a written estimate of the cost of the issuance; (3) the governing body of the political subdivision has determined in writing whether any personal or financial relationship exists between the members of the governing body and any financial advisor, bond counsel, bond underwriter, or other professional associated with the bond issuance; (4) the governing body of the political subdivision posts on its website and enters into the minutes various information regarding the issuance, including: (a) the total amount of the bonds to be voted on; (b) the length of maturity of the bonds; (c) the projects to be financed with the bond proceeds; (d) the total amount of the political subdivision's outstanding bonded indebtedness at the time of the election and updated quarterly; and (e) the information provided under (2) and (3), above; (5) the total amount of capital appreciation bonds does not exceed 25 percent of the political subdivision's total outstanding bonded indebtedness; and (6) the political subdivision does not extend the maturity date of an issued capital appreciation bond.

**H.B. 134 (Simpson) – Local Debt:** would, among other things, require a political subdivision that issues a general obligation bond to: (1) include the following amounts, with each stated as a

total amount and per capita amount for the then-current population of the political subdivision, on the ballot proposition for the general obligation bond: (a) the then-current general obligation debt of the local government; (b) the maximum amount of additional general obligation debt that would be authorized if the proposition passed; and (c) the maximum estimated cost to repay the general obligation debt that would be authorized by the proposed amendment, including principal and interest, at a stated likely interest rate; and (2) certify the then-current general obligation debt, likely interest rate for the proposed bonds, and estimated maximum repayment cost in accordance with the likely interest rate for purposes of the information required to be on the ballot proposition.

**H.B. 139 (Stickland) – Notice by Internet Posting:** would, except in regard to a notice of election, do the following: (1) require a city to provide the comptroller with an electronic copy of a notice required by law to be published in a newspaper not later than the third day before the date the city is required to first publish the notice in the newspaper; (2) require a city to determine by official action whether it will exclusively provide notice in the manner described in (1), above, or provide notice by both newspaper publication and in the manner described in (1), above; (3) provide that if a city decides to exclusively provide notice in the manner described in (1), above, the city: (a) is exempt from providing notice in a newspaper; but (b) must publish in a newspaper of general circulation in the city once a week for four consecutive weeks the Internet website at which the city’s notice may be located; (4) require the comptroller to establish and maintain a web page on the comptroller’s website to post the notices described in (1), above, not later than the third day after the date the city provides the notice to the comptroller; (5) require the comptroller to establish a system to allow a person, on request, to receive an e-mail alert for an update to a category of notices on the web page established under (4), above, and to maintain an archive on the website of notices posted on the web page; and (6) authorize the comptroller to adopt rules to implement and administer the notice by internet posting program.

**H.B. 146 (Menendez) – Credit Card Purchases:** would require a merchant, including a city, to verify the identity of an individual using photo identification if the purchase of goods or services is in an amount of more than \$200.

**H.B. 156 (Larson) – Local Debt:** would: (1) provide that a home rule city may use the unspent proceeds of bonds that have been sold and delivered for a specific purpose only for that specific purpose, including retiring the outstanding bonds; and (2) eliminate the option of a home rule city to hold an election to approve the use of the unspent proceeds for a different purpose.

**H.B. 165 (Larson) – Federal Detention and Captured Records Laws:** would: (1) provide that a person who is a public officer or employee of this state commits an offense if that person enforces or attempts to enforce a statute, rule, regulation, or order related to: (a) the detention or military custody of persons under certain federal law; and (b) the research and analysis of captured records by the federal Conflict Records Research Center; and (2) provide that a violation of (1), above, constitutes a Class B misdemeanor punishable by confinement for a term not to exceed 180 days, a fine of not more than \$5,000, or both confinement and a fine.

**H.B. 230 (Farrar) – Attorney’s Fees:** would provide that a person’s ability to recover attorney’s fees in civil cases involving a claim for rendered services, performed labor, furnished

material, freight or express overcharges, lost or damaged freight or express, killed or injured stock, a sworn account, or an oral or written contract is not applicable to the state, an agency or institution of the state, or a political subdivision of the state.

**H.B. 306 (White) – Medical Assistance:** would prohibit a governmental entity, including a city, from providing indigent medical assistance to individuals who are not lawfully present in the United States, unless mandated by federal law to do so.

**H.B. 371 (McClendon) – Payday and Auto Title Lending:** would provide that the term of a payday or auto title loan made by a credit access business to certain military personnel or their dependents may not exceed 90 days or 180 days, respectively.

**H.B. 486 (Howard) – Financial Statements:** would require the city secretary in a city with a population of 100,000 or more to remove the home address of an individual from a financial statement before posting the statement on the city’s website.

**H.B. 540 (P. King) – Initiative and Referendum:** this bill would apply only to a home rule city that has initiative and referendum provisions in the city charter. The bill would provide that: (1) before ordering an election as required by charter, the city shall submit a measure proposed by petition to enact a new ordinance or repeal an existing ordinance to the attorney general; (2) the attorney general shall, not later than the 90th day after submission: (a) determine whether any portion of the proposed measure would violate the Texas or federal constitution, a state statute, or a rule adopted as authorized by state statute; (b) determine whether passage of the measure would cause a governmental taking of private property for which the Texas or federal constitution would require compensation to be paid to the property owner; and (c) advise the city of its determinations; (3) the city may not hold an election on the proposed measure if the attorney general has determined that any portion of the proposed measure would violate the Texas or federal constitution or a state statute or rule or would cause a governmental taking of private property; and (4) to the extent that the requirements of the bill conflict with a charter provision requiring the city to order an election within a period following receipt of a petition, the bill controls and the period during which the city must order the election is extended to the extent necessary to comply with the bill.

**H.B. 649 (McClendon) – State Agency Contracts:** would: (1) compel each state agency to include a provision in its contracts for goods or services requiring a party (and any subcontractor) to the contract – which could include cities – to disclose to the state agency information concerning any formula, material, method, work product, trade secret, process, or research used or considered in the performance of the contract, regardless of whether the information is confidential by law; and (2) provide that information disclosed to a state agency under (1), above: (a) is confidential and not subject to public disclosure; (b) does not waive or affect the confidentiality of the information for purposes of state or federal law; and (c) does not waive the right to except to the required disclosure of the information in the future.

**H.B. 670 (Flynn) – Application of Foreign Law:** would: (1) prohibit a ruling or decision of a court, arbitrator, or administrative adjudicator from being based on a foreign law if the application of that law would violate a right guaranteed by the United States or Texas Constitutions; (2) void a provision of a contract providing that: (a) a foreign law is to govern a

dispute arising under the contract to the extent the application of that law would violate a right guaranteed by the United States or Texas Constitutions; and (b) the forum to resolve a dispute arising under the contract is located outside the states and territories of the United States if the foreign law that would apply in that forum would violate a right guaranteed by the United States or Texas Constitutions; and (3) prohibit a court from granting a motion for forum non conveniens to a Texas resident that commences an action in Texas if the foreign law that would be applied to the dispute in the new forum would violate a right guaranteed by the United States or Texas Constitutions.

**H.B. 696 (Hunter) – Texas Windstorm Insurance Association:** would make numerous changes relating to the operation of the Texas Windstorm Insurance Association.

**H.B. 763 (King) – State Agency Rulemaking:** would: (1) require at least 51 percent of the total number of signatures on a petition for a state agency to adopt rules to be of residents of the state of Texas; and (2) clarify the definition of interested person as a resident, business entity, governmental subdivision, or public or private organization located in the state of Texas.

**H.B. 859 (E. Rodriguez) – Animal Shelter Personnel:** would exempt from the Veterinary Licensing Act: (1) a person who is an employee, volunteer, or agent of an animal shelter who provides nonsurgical veterinary care or treatment for the animal shelter under the authorization and general supervision of a veterinarian or under a protocol approved by a veterinarian; and (2) a veterinarian who is employed by or who contracts with an animal shelter with or without pay while the veterinarian is providing services to the animal shelter.

**H.B. 870 (Smith) – Public Funds Investment Act:** would reduce the amount of Public Funds Investment Act training hours for local finance and investment officers from ten hours every two years to five hours every two years.

**H.B. 1059 (C. Turner) – Personal Financial Statements:** would change the content requirements of a personal financial statement that must be filed by certain city officers and candidates in cities with a population of 100,000 or more, including requirements related to: reporting cash gifts; the time period for which certain information must be reported; and reporting all sources of earned or unearned income, including pension and retirement income.

**H.B. 1148 (Kacal) – Public Funds Investment Act:** would exempt a city from the training requirements under the Public Funds Investment Act if the city: (1) does not invest city funds; or (2) only deposits city funds in interest-bearing deposit accounts or certificates of deposit.

**H.B. 1182 (Shaheen) – Local Debt:** would require: (1) a ballot proposition submitted for an election to authorize a political subdivision to issue bonds to state: (a) the then-current combined principal and interest required to pay all outstanding debt obligations of the political subdivision on time and in full; (b) the estimated combined principal and interest required to pay the bonds to be authorized on time and in full; and (c) if the bonds are supported by property taxes, the annual increase in property taxes attributable to the bonds to be issued that each homeowner of an average-priced home within the political subdivision may be required to pay; (2) a political subdivision to post the ballot proposition language to its website as soon as practicable after the

official ballots have been prepared and maintain the proposition on the website until the day following the election. (Companion bill is **S.B. 102** by **Hinojosa**.)

**H.B. 1246 (Koop) – Financial Statements:** would, in cities with a population of 100,000 or more, permit the city clerk or secretary to deliver the personal financial statement forms by mail, personal delivery or electronic mail (or any other means of electronic transfer) to an officer or person who is required to file the form. (Current law allows delivery by mail only.)

**H.B. 1257 (Shaheen) – Lobbying:** would: (1) prohibit a city that imposes a tax from spending public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature, except that: (a) an officer or employee of a city could provide information to the legislature upon request; and (b) an elected officer of a city could advocate for or against or otherwise attempt to influence the outcome of legislation pending before the legislature while acting as an officer of the city; (2) allow a city to spend public money in the name of the city for membership fees and dues of a nonprofit association or organization of cities only if: (a) a majority of the city council votes to approve membership; (b) the association or organization exists for the betterment of local government and the benefit of all local officials; (c) the association or organization is not affiliated with a labor organization; (d) the association or organization does not directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature; and (e) the association or organization does not directly or indirectly contribute money, services or other valuable things to a political campaign or endorse a candidate or group of candidates for public office; (3) provide that (2)(d), above, does not prevent a person from providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or a member of the legislature; (4) prohibit a city from employing in any capacity a person required to register as a lobbyist; and (5) provide that if a city, association, or organization engages in certain prohibited activities, as described above, that a taxpayer of the city may seek injunctive relief and, if the taxpayer is the prevailing party, may recover reasonable attorney's fees and costs.

**H.B. 1274 (Larson) – Animal Shelters:** would, among other things: (1) provide that, at the time a public animal shelter or pound takes possession of an animal, an agent of the shelter or pound may administer a nonprescription vaccine or medicine or a medicine that is not a controlled substance if: (a) the medicine is necessary to prevent or control a communicable disease or parasite; and (b) the medicine is administered in accordance with certain veterinarian-developed protocol; (2) provide that the law governing veterinarians applies to a veterinarian when treating an animal on behalf of or in: (a) a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals; and (b) a public or private animal pound, shelter, or humane organization; and (3) provide that certain sterilizations must be performed by a veterinarian or person who is a full-time student of veterinary medicine.

**H.B. 1283 (Simmons) – Local Debt:** would require a proposition for approval of the issuance of bonds or other debt to be submitted to the voters in an election held on the November uniform election date. (Note: this would prohibit a city from calling a bond election on the May uniform election date.)

**H.B. 1292 (E. Rodriguez) – Major Events Trust Fund:** would change the name of the Major Events Trust Fund to the Major Events Reimbursement Program.

**H.B. 1294 (Capriglione) – Personal Financial Statements:** would require the disclosure of information related to certain written contracts on a personal financial statement filed by certain city officers and candidates in cities with a population of 100,000 or more.

**H.B. 1295 (Capriglione) – 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.

**H.B. 1378 (Flynn) – Local Debt:** would: (1) require every political subdivision to prepare an annual financial report that contains financial information for each city fund, as well as a various types of information relating to the city's debt obligations; (2) provide that an alternative to preparing a report under (1), above, would be for the political subdivision to provide all fund and debt information to the comptroller and have the comptroller post the information on the comptroller's official website; (3) require every political subdivision to maintain an internet website to post the financial report required by (1), above, except that a city or county with a population of 2,000 or less could post the report on a social media or other website in which the political subdivision controls the content of the posting; and (4) provide that, except in a case of a public calamity, a case in which the issuer needs to act to protect the health of the residents, a case of unforeseen damage to public equipment or property, or to comply with a state or federal regulation, a city may not issue a certificate of obligation (CO) if the voters voted down a bond proposition for the same purpose within the preceding three years.

**H.B. 1380 (Flynn) – Local Debt:** would: (1) provide that with respect to a proposition seeking voter approval of the issuance of bonds, the following information would need to be included in the proposition language: (a) the total amount of the political subdivision's debt currently outstanding; (b) the total amount of the political subdivision's current debt payments; (c) the total amount of the political subdivision's current debt obligations per capita; and (d) the estimated tax burden per capita of the bonds to be authorized, if approved; (2) provide that with respect to a proposition that seeks voter approval of the imposition or increase of a tax, the following information would need to be included in the proposition language: (a) the estimated tax burden per capita of the imposition or increase of a tax, if approved; and (b) a detailed description of the purposes for which the tax is to be imposed or increased, if approved; and (3) provide that with respect to a proposition that seeks voter approval of the reduction of a tax, the proposition language would need to include the estimated tax reduction per capita of the imposition or increase of a tax, if approved.

**H.B. 1385 (Raymond) – Eight Liners:** would: (1) authorize a commissioners court to order, on proper petition, a local option election to legalize or prohibit the operation of eight-

liners in the county, a city, or a justice precinct; and (2) authorize the imposition of a fee on eight-liner owners and provide for the allocation of the fee revenue as follows: (a) 30 percent to the state's general revenue fund; and (b) 70 percent to a city in which the eight-liner is located. (See **H.J.R. 92**, below.)

**H.B. 1396 (Workman) – Statutory Construction:** would provide that, except for a criminal offense or penalty under the Penal Code, a statute or rule that creates or defines a criminal offense or penalty shall be strictly construed against the government and in favor of the actor if any part of the statute or rule is susceptible to more than one objectively reasonable interpretation.

**H.B. 1399 (Goldman) – Local Debt:** (1) provide that, except in a case of grave public necessity to meet an unusual and unforeseen condition, a city may not issue a certificate of obligation (CO) if the voters voted down a bond proposition for the same purpose within the preceding three years; (2) extend the timeframe to publish newspaper notice of intention to issue a CO from 30 to 45 days before the passage of the ordinance; (3) require a city issuing a CO to maintain an Internet website, and to continuously post notice of intention to issue a CO on its website for 45 days before the passage of the CO issuance ordinance; (4) require that the notice of intention to issue a CO include the following information: (a) the then-current principal of all outstanding debt obligations of the issuer, stated as a total amount and as a per capita amount; (b) the then current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full, stated as a total amount and as a per capita amount; (c) the principal of the COs to be authorized, stated as a total amount and as a per capita amount; (d) the estimated combined principal and interest required to pay the COs to be authorized on time and in full, stated as a total amount and as a per capita amount; (e) the estimated rate of interest for the COs to be authorized; (f) the maturity date of the COs to be authorized; and (g) a specific statement of the process by which a petition may be submitted requesting an election on the issuance of the COs; (5) change the threshold number of voters needed to petition to force an election on the issuance of a CO from five percent of the qualified voters of the issuer to five percent of the total number of voters that voted in the most recent gubernatorial general election in the city; and (6) make COs issued for personal or professional services subject to the notice requirements. (Companion bill is **S.B. 310** by **Campbell**.)

**H.B. 1400 (R. Anderson) – Public Funds Investment Act:** would reduce the amount of Public Funds Investment Act training hours for local finance and investment officers from ten hours every two years to six hours every two years.

**H.B. 1406 (Sheets) – Governmental Immunity:** would provide that, for property acquired by a political subdivision that was bid off to the political subdivision under a tax sale or conveyed to the political subdivision owed the largest amount of delinquent property taxes, the Texas Tort Claims Act does not apply to a claim arising: (1) after the date the land was acquired and before the date the land is sold, conveyed, or exchanged by the political subdivision; and (2) from the condition of the land, a premises defect on the land, or an action committed by a person on the land, other than an agent or employee of the political subdivision. (Companion bill is **S.B. 450** by **Schwertner**.)



**H.B. 1436 (Smithee) – Dangerous Dogs:** would: (1) require an animal control authority to notify the owner of a dog in writing that the dog is determined to be dangerous; (2) give the owner of a dog that is declared dangerous by an animal control authority the right to request a jury trial on the issue; (3) preempt state law or municipal ordinance that would not allow for a jury trial as described in (2), above; (4) allow an appeal to county court or county court at law of a municipal court or justice court order regarding a dangerous dog; and (5) require a dog owner who utilizes the appeal process referenced in (4), above, to post a bond in the amount of the cost to house the animal during the appeal.

**H.B. 1488 (Sheets) – Roofing Contractors:** would provide: (1) that a person may voluntarily register with the Department of Insurance as a roofing contractor; and (2) a roofing contractor shall comply with local ordinances and regulations relating to roofing services.

**H.B. 1522 (Farrar) – Discrimination:** would: (1) provide, with certain exceptions, that a person commits a discriminatory practice in violation of law if the person, because of sexual orientation or gender identity or expression of an individual, denies the individual full and equal accommodation in a place of public accommodation or otherwise discriminates against or segregates the individual based on sexual orientation or gender identity or expression; and (2) authorize a person aggrieved because of a violation of law described in (1), above, to file a civil action in district court.

**H.B. 1554 (Shaheen) – Local Debt:** would: (1) require the comptroller to prepare a report of local government operations every five years that includes for each local government in the state: (a) a variety of financial data including information on the total revenue and expenditures in the previous fiscal year, as well as information on local debt issued; (b) the authority establishing the local government and the local government's ability to tax; (c) the local government's method of governance; and (d) the year and method by which the local government was established; and (2) require a local government to comply with a request from the comptroller for information related to the report.

**H.B. 1558 (Parker) – Overnight Shelters:** would: (1) prohibit a city from adopting an ordinance, or enforcing an existing ordinance, that prohibits a church from providing overnight shelter for children 17 years of age and younger; (2) provide that a city ordinance or regulation that relates to the safe and sanitary operation of a homeless shelter for children applies to a church that provides overnight shelter for children; and (3) authorize a city to adopt or enforce an ordinance establishing limits on the number of nights a child may use an overnight shelter provided by a church or on the number of children that can be housed in the shelter per night.

**H.B. 1626 (Johnson) – Banking Development Districts:** would: (1) allow a local government, in conjunction with a financial institution, to submit an application to the finance commission for the designation of a banking development district; (2) authorize the finance commission to approve an application establishing a banking development district; (3) authorize the governing body of a local government in which a banking development district has been designated to adopt a resolution designating a financial institution located in the district as a banking district depository, and authorize the local government to deposit funds with a banking district depository; and (4) authorize the governing body of a local government to enter into a tax

abatement agreement with a financial institution that owns property within a banking development district.

**H.B. 1630 (Romero) – Settlement:** would prohibit a city or other governmental entity from agreeing to a liability settlement if the settlement: (1) is more than \$30,000; and (2) a settlement condition includes that a party cannot disclose the reason for the settlement or facts related to the settlement.

**H.B. 1647 (Murphy) – Local Debt:** would: (1) require a political subdivision (except for a political subdivision with fewer than 250 registered voters) on the date the governing body adopts a bond election order, to prepare a separate voter information document for each proposed issuance of bonds secured by property taxes before the proposition is submitted to the voters for the election; (2) require the voter information document to state: (a) the language that will appear on the ballot; (b) the purpose for which the bonds are to be authorized; (c) the taxes sufficient to pay the annual principal and interest of the bonds to be authorized; (d) the maximum rate of interest for the bonds to be authorized; (e) the maturity date of the bonds to be authorized or that the bonds to be issued mature over a specified number of years for the bonds to mature; (f) the following information as a total amount and a per capita amount: (i) the principal of the bonds to be authorized; (ii) the estimated interest for the bonds to be authorized; (iii) the estimated combined principal and interest required to pay the bonds to be authorized on time and in full; (iv) the principal of all outstanding bonded debt of the political subdivision secured by and payable from property taxes; (v) the estimated remaining interest of all outstanding bonds of the political subdivision secured by and payable from property taxes; and (vi) the estimated combined principal and interest required to pay all outstanding bonds of the political subdivision secured by and payable from property taxes; (g) the debt service property tax rate as it currently exists and the estimated rate if the bonds are issued, as well as the estimated percentage increase in the rate if the bonds are issued; (h) the amount of the debt service property tax levy of the political subdivision per residence based on the current average residential property value in the political subdivision as it currently exists and the estimated rate if the bonds are issued, as well as the estimated percentage increase in the rate if the bonds are issued; (i) the address where a person may submit a public information request; and (j) any other information that the political subdivision considers relevant or necessary to explain the values that are required to be included in the voter information document; (3) require a political subdivision to provide notice of the voter information document not later than the 21<sup>st</sup> day before the date of the bond election by: (a) publishing the document in the newspaper and posting the document on the bulletin board used for meeting notices; (b) posting the document on the political subdivision's Internet website until the first day after the date of the bond election; and (c) making the document available to any person under the Public Information Act; (4) require the Texas Ethics Commission to provide guidelines for political subdivisions regarding how to provide additional information on a voter information document without violating electioneering and political advertising laws; and (5) require a political subdivision to maintain an Internet website to comply with the requirement to post a voter information document.

**H.B. 1654 (M. White) – United Nations Agenda 21:** would prohibit governmental entities, including cities, from entering into agreements or contracts with, accepting money from, or granting money or financial aid to a nongovernmental or intergovernmental organization

accredited by the United Nations to implement a policy that originated in the Agenda 21 plan adopted by members of the United Nations. (Companion bill is **S.B. 445** by **Hall**.)

**H.B. 1681 (Bohac) – County Real Property Records:** would authorize the county clerk to require a person to present photo identification in order to file in the real property records of the county.

**H.B. 1690 (P. King) – Offenses Against Public Administration:** would, among other things: (1) require the chief justice of the Texas Supreme Court to appoint, for a two-year term, a special prosecutor to prosecute offenses against public administration; (2) require a local law enforcement agency to cooperate with the special prosecutor described in (1), above, by providing information requested by the prosecutor and as allowed by law; and (3) authorize the Texas Rangers to investigate certain offenses against public administration.

**H.B. 1750 (Shaheen) – Capital Appreciation Bonds:** would prohibit a county, city, special district, school district, junior college district, or other political subdivision from issuing capital appreciation bonds that are secured by property taxes, unless the capital appreciation bonds are being issued as refunding bonds or for the purpose of financing transportation projects.

**H.B. 1751 (Simpson) – Federal Law:** would: (1) provide that the state legislature, by a two-thirds vote of all members, may find that a federal law violates Article I, Texas Constitution; and (2) prohibit a city from executing or enforcing a provision, penalty, or sanction provided by federal law that the legislature has found to violate Article I, Texas Constitution.

**H.B. 1754 (Pickett) – Economic Development:** would authorize a city that has entered into an economic development agreement with an entity under Local Government Code Chapter 380 to transfer to the entity real property or an interest in real property, if the entity agrees to use the property in a manner that primarily promotes a public purpose of the city relating to economic development. (Companion bill is **S.B. 583** by **Rodriguez**.)

**H.B. 1761 (Guillen) – Border Security:** would: (1) provide that the Border Security Advisory Council (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 of cities in which state appropriations for purposes related to security at the border are spent (or their designees); 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.

**H.B. 1766 (Hunter) – Libel Action:** would provide that the publication by a newspaper or other periodical of allegations made by a third party regarding matters of public concern (regardless of the truth or falsity of the allegations) is privileged and is not a ground for a libel action, so long as it was not republished with actual malice after it had ceased to be of public concern. (Companion bill is **S.B. 627** by **Huffman**.)

**H.B. 1853 (Button) – Eviction:** would: (1) authorize a city to provide, without charge to the owner of personal property removed from a rental unit as the result of eviction, a portable, closed container into which the removed personal property shall be placed by the officer executing a writ of possession; and (2) authorize a city to remove the container described in (1), above, and dispose of the contents by any lawful means if the owner does not recover the personal property within a reasonable time after the time the property is placed in the container.

**H.B. 1860 (Hunter) – Major Events Security Grant Program:** would create a grant program to provide money to cities and counties for security at major events that: (1) are held annually; (2) have a total economic impact on the local economy of more than \$300 million; and (3) serve a state purpose or a public purpose of the development and diversification of the economy, the elimination of unemployment or underemployment, or the development or expansion of commerce.

**H.J.R. 40 (Alvarado) – Gambling:** would amend the Texas Constitution to provide that the legislature shall establish a state gaming commission and may authorize and provide for regulation of the conduct of one or more types of gaming, including casino gaming, at – among other locations – cities with a population of at least 675,000.

**H.J.R. 55 (Villalba) – Freedom of Religion:** would amend the Texas constitution to provide that government may not “burden in any way” a person’s free exercise of religion, unless the burden is: (1) necessary to further a compelling governmental interest; and (2) the least restrictive means of furthering that interest.

**H.J.R. 65 (Riddle) – Protection of Religious Speech:** would propose a constitutional amendment that would prohibit a governmental entity, including a city, from: (1) controlling or interfering with any political speech expressed by a religious leader in a house of worship; or (2) controlling or interfering a student's voluntary expression of a religious viewpoint at a school event or graduation ceremony.

**H.J.R. 92 (Raymond) – Eight Liners:** would amend the Texas Constitution to give the legislature the authority to: (1) allow a local option election by a city, county, or justice precinct on whether to allow eight liners; (2) impose a fee on eight liners; and (3) allow a city or other political subdivision to impose a fee on eight liners. (See **H.B. 1385**, above.)

**S.B. 31 (Zaffirini) – Volunteer Fire Department Sales:** this bill is identical to **H.B. 103**, above.

**S.B. 48 (Zaffirini) – Major Events Trust Fund:** would add the following entities as “site selection organizations” for purposes of the Major Events Trust Fund: (1) ESPN; and (2) any other entity that selects a site to conduct an authorized event.

**S.B. 102 (Hinojosa) – Local Debt:** would require: (1) a ballot proposition submitted for an election to authorize a political subdivision to issue bonds to state: (a) the then-current combined principal and interest required to pay all outstanding debt obligations of the political subdivision on time and in full; (b) the estimated combined principal and interest required to pay the bonds to be authorized on time and in full; and (c) if the bonds are supported by property taxes, the annual

increase in property taxes attributable to the bonds to be issued that each homeowner of an average-priced home within the political subdivision may be required to pay; (2) a political subdivision to post the ballot proposition language to its website as soon as practicable after the official ballots have been prepared and maintain the proposition on the website until the day following the election.

**S.B. 103 (Hinojosa) – Capital Appreciation Bonds:** would prohibit a county, city, special district, school district, junior college district, or other political subdivision from issuing capital appreciation bonds that are secured by property taxes, unless the capital appreciation bonds are being issued for the purpose of financing transportation projects.

**S.B. 185 (Perry) – Immigration:** would: (1) apply to a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney; (2) prohibit those in (1), above, from adopting a rule, order, ordinance, or policy that prohibits the enforcement of laws of this state or federal law relating to immigrants or immigration, including the federal Immigration and Nationality Act; (3) forbid those in (1), above, from prohibiting a person employed by or otherwise under the direction or control of the entity from doing the following: (a) inquiring into the immigration status of a person lawfully detained for the investigation of a criminal offense or arrested; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person lawfully detained for the investigation of a criminal offense or arrested: (i) sending the information to or requesting or receiving the information from United States Citizenship and Immigration Services or United States Immigration and Customs Enforcement, including information regarding a person's place of birth; (ii) maintaining the information; or (iii) exchanging the information with another federal, state, or local governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable and necessary, including providing enforcement assistance; and (d) permitting a federal immigration officer to enter and conduct enforcement activities at a city or county jail to enforce federal immigration laws; (4) prohibit those in (1), above, from considering race, color, language, or national origin while enforcing the laws described in (2), above, except to the extent permitted by the United States Constitution or the Texas Constitution; (5) make an entity in (1), above, ineligible for the receipt of state grant funds for the following year in which a final judicial determination is made that the entity intentionally prohibited the enforcement of the laws described in (2), above; (6) authorize a citizen residing in the jurisdiction of those in (1), above, to file a complaint with the attorney general if the citizen offers evidence to support an allegation that the entity has adopted a rule, order, ordinance, or policy under which the entity prohibits the enforcement of the laws described in (2), above, or that the entity, by consistent action, prohibits the enforcement of those laws; (7) provide that, if the attorney general determines that a citizen complaint filed under (6), above, is valid, the attorney general may file a petition for a writ of mandamus or other equitable relief in a district court in Travis County or the county in which the principal office of the entity is located to compel the entity to comply with (2), above, and allow the attorney general to recover reasonable expenses incurred in obtaining such relief including court costs, attorney's fees, investigative costs, witness fees, and deposition costs; and (8) provide that an appeal of a suit described in (7), above, is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure.

**S.B. 219 (Schwertner) – Health and Human Services Commission:** This 2,200 page bill reorganizes the Health and Human Services Commission and other agencies related to the commission. Of interest to cities, the bill would: (1) repeal the local advisory committee related to strategic planning for the Health and Human Services Commission; and (2) change funding, occupational titles, and administrative hearings for emergency medical personnel.

**S.B. 302 (Hinojosa) – Texas Windstorm Insurance Association:** would make numerous changes relating to the operation of the Texas Windstorm Insurance Association.

**S.B. 309 (Campbell) – Local Debt:** among other things, would: (1) require the comptroller to create an Internet database, known as the Political Subdivision Public Information Warehouse, that contains information regarding all active political subdivisions in the state that are authorized to impose an ad valorem or sales and use tax to issue bonds, notes, or other obligations; (2) require the warehouse database to include the following information: (a) the name of the political subdivision; (b) the rate of any sales and use tax the political subdivision imposes; (c) various property tax rates for the most recent tax year; (d) the total amount of the political subdivision's debt, including the principal, interest, and year in which the debt would be paid; (e) the political subdivision's Internet website address, or if the political subdivision does not operate a website, contact information to enable a member of the public to obtain information from the political subdivision; and (f) the Internet website address for the appraisal district in each county in which a political subdivision has territory; (3) authorize, but not require, the warehouse database to include the following information: (a) information describing the political subdivision's boundaries; (b) the political subdivision's current budget; (c) each current check registry published by the political subdivision's governing body; and (d) any other current financial audit or annual report published by the political subdivision's governing body; (4) authorize the comptroller to consult with the appropriate person from each political subdivision to obtain the information necessary to operate and update the warehouse database; (5) require the governing body of a political subdivision that publishes the check registry on its website to provide a link to the webpage containing the information to the comptroller; (6) require the comptroller to update tax rate information at least annually; (7) require a political subdivision to transmit records and other information to the comptroller annually in a form and in the manner prescribed by the comptroller, for purposes of operating the Political Subdivision Public Information Warehouse; (8) require a political subdivision to transmit to the comptroller: (a) its most recently adopted annual budget; (b) its most recently adopted annual financial report; and (c) the address of the Internet website maintained by the political subdivision, if any.

**S.B. 310 (Campbell) – Local Debt:** (1) provide that, except in a case of grave public necessity to meet an unusual and unforeseen condition, a city may not issue a certificate of obligation (CO) if the voters voted down a bond proposition for the same purpose within the preceding three years; (2) extend the timeframe to publish newspaper notice of intention to issue a CO from 30 to 45 days before the passage of the ordinance; (3) require a city issuing a CO to maintain an Internet website, and to continuously post notice of intention to issue a CO on its website for 45 days before the passage of the CO issuance ordinance; (4) require that the notice of intention to issue a CO include the following information: (a) the then-current principal of all outstanding debt obligations of the issuer, stated as a total amount and as a per capita amount; (b) the then-current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full, stated as a total amount and as a per capita amount; (c) the principal of

the COs to be authorized, stated as a total amount and as a per capita amount; (d) the estimated combined principal and interest required to pay the COs to be authorized on time and in full, stated as a total amount and as a per capita amount; (e) the estimated rate of interest for the COs to be authorized; (f) the maturity date of the COs to be authorized; and (g) a specific statement of the process by which a petition may be submitted requesting an election on the issuance of the COs; (5) change the threshold number of voters needed to petition to force an election on the issuance of a CO from five percent of the qualified voters of the issuer to five percent of the total number of voters that voted in the most recent gubernatorial general election in the city; and (6) make COs issued for personal or professional services subject to the notice requirements.

**S.B. 328 (Hinojosa) – Local Debt:** would require each state and local proposition on the ballot to be assigned a unique number that corresponds to the order in which it is placed on the ballot, with municipal propositions being placed behind counties and school districts but above certain special districts.

**S.B. 343 (Huffines) – Conformity of Local and State Law:** would: (1) provide that where the state has passed a general statute or rule regulating a subject, a local government shall restrict its jurisdiction and the passage of its ordinances, rules, and regulations to and be in conformity with the state statute or rule on the same subject, unless the local government is otherwise expressly authorized by statute; and (2) prohibit a local government from implementing an ordinance, rule, or regulation that conflicts with or is more stringent than a state statute or rule regardless of when the state statute or rule takes effect, unless expressly authorized by state statute.

**S.B. 399 (Campbell) – Local Debt:** would require a proposition in an election to issue local debt to state: (1) the purpose for which the debt obligations are to be authorized; (2) the principal amount of the debt obligations to be authorized; (3) that taxes sufficient to pay the annual principal and interest of the debt obligations may be imposed; (4) the estimated tax rate if the debt obligations are authorized or the maximum interest rate of the debt obligations or any series of the debt obligations, based on the market conditions at the time of the election order; (5) the maximum maturity date of the debt obligations to be authorized or that the debt obligations may be issued to mature over a specified number of years not to exceed 40; (6) the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the beginning of the fiscal year in which the election is ordered; and (7) the ad valorem debt service tax rate for the political subdivision at the time the election is ordered.

**S.B. 445 (Hall) – United Nations Agenda 21:** would prohibit governmental entities, including cities, from entering into agreements or contracts with, accepting money from, or granting money or financial aid to a nongovernmental or intergovernmental organization accredited by the United Nations to implement a policy that originated in the Agenda 21 plan adopted by members of the United Nations.

**S.B. 450 (Schwertner) – Governmental Immunity:** would provide that, for property acquired by a political subdivision that was bid off to the political subdivision under a tax sale or conveyed to the political subdivision owed the largest amount of delinquent property taxes, the Texas Tort Claims Act does not apply to a claim arising: (1) after the date the land was acquired and before the date the land is sold, conveyed, or exchanged by the political subdivision; and (2)

from the condition of the land, a premises defect on the land, or an action committed by a person on the land, other than an agent or employee of the political subdivision.

**S.B. 573 (Campbell) – Capital Appreciation Bonds:** would provide that the total amount of capital appreciation bonds issued by a political subdivision that are secured by ad valorem taxes, except for refunding bonds and capital appreciation bonds for financing transportation projects, may not exceed 25 percent of the political subdivision’s total outstanding bonded indebtedness at the time of the issuance, including the amount of principal and interest to be paid on the outstanding bonds until maturity.

**S.B. 583 (Rodriguez) – Economic Development:** would authorize a city that has entered into an economic development agreement with an entity under Local Government Code Chapter 380 to transfer to the entity real property or an interest in real property, if the entity agrees to use the property in a manner that primarily promotes a public purpose of the city relating to economic development.

**S.B. 619 (Burton) – Local Debt:** would require the proposition submitted for an election to authorize a political subdivision to issue bonds supported by property taxes to: (1) distinctly state the annual increase in property taxes attributable to the bonds to be issued that each homeowner of an average-priced home within the political subdivision may be required to pay; and (2) certain additional information if the bonds to be issued are capital appreciation bonds.

**S.B. 633 (Fraser) – Events Trust Funds:** would: (1) transfer administration of the Pan American Games Trust Fund, Olympic Games Trust Fund, Major Events Trust Fund, Motor Sports Racing Trust Fund, and Events Trust Fund for sporting and non-sporting events from the comptroller to the office of the governor; and (2) eliminate the Special Events Trust Fund.

**S.B. 634 (Taylor) – Anticorruption Task Force:** would establish a task force to examine the adequacy of state law, rules, and procedures governing unethical and unlawful misconduct by public officials.

**S.B. 651 (V. Taylor) – Major Events Trust Fund:** would: (1) require the state auditor to conduct an audit of the Major Events Trust Fund; and (2) provide that the state auditor is entitled to access all of the books, accounts, reports, vouchers, or other records of a city or other entity receiving a disbursement from the fund.

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

**S.B. 710 (Burton) – Liberty Cities:** would, among other things: (1) create a new type of city called a “Liberty City,” which would be in addition to the current types of A, B, and C general law and home rule cities; (2) allow incorporation as or conversion to a Liberty City; (3) provide that a Liberty City is bound by a “bill of rights” as stated in the bill; (4) provide that a Libery



City may not: (a) annex unless the annexation is voter-approved; (b) impose a property tax; (c) issue debt in most circumstances; (d) enact zoning or prepare a comprehensive plan; and (5) mandate that the budget for a Liberty City be a zero-based budget.

**S.B. 711 (Burton) – Lobbying:** would: (1) prohibit a city council from spending public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature; (2) except from the prohibition in (1), above: (a) an officer or employee of a city providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or member; or (b) an elected officer of a city advocating for or against or otherwise influencing or attempting to influence the outcome of legislation while acting as an officer of the city; (3) allow a city council to spend, in the name of the city, public money for membership fees and dues of a nonprofit state association or organization of similarly situated political subdivisions only if: (a) a majority of the city council votes to approve membership in the association or organization; (b) the association or organization exists for the betterment of local government and the benefit of all local officials; (c) the association or organization is not affiliated with a labor organization; (d) neither the association or organization nor an employee of the same directly or indirectly influences or attempts to influence the outcome of legislation pending before the legislature; and (e) the association or organization does not directly or indirectly contribute money, services, or other valuable things to a political campaign or endorse a candidate or group of candidates for public office; (4) provide that (3)(d), above, does not prevent a person from providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or member; (5) prohibit a city from employing in any capacity a person required to register as a lobbyist; and (6) provide that if a city engages in an activity prohibited by (1) or (5), above, or an association or organization engages in an activity prohibited by (3)(d)-(e), above, a taxpayer that pays fees or dues to the association or organization is entitled to appropriate injunctive relief and may recover reasonable attorney’s fees and costs if successful in seeking such relief.

**S.B. 716 (Hall) – Financial Statements:** would, in cities with a population of 100,000 or more, permit the city clerk or secretary to deliver the personal financial statement forms by mail, personal delivery or electronic mail (or any other means of electronic transfer) to an officer or person who is required to file the form. (Current law allows delivery by mail.) (Companion bill is **H.B. 1246** by **Koop**.)

**S.B. 736 (V. Taylor) – Financial Statements:** would change the content requirements of a personal financial statement that must be filed by certain city officers and candidates in cities with a population of 100,000 or more in regard to the information that must be disclosed about certain contracts.

**S.J.R. 5 (Campbell) – Health Insurance:** would amend the Texas Constitution to: (1) give each person in this state the right to choose to purchase or decline health coverage without penalty or sanction; (2) prohibit a city, state agency, or other government entity from requiring health coverage through imposition of a penalty; and (3) preserve the right of contract between a health carrier and an individual or group.

**S.J.R. 10 (Campbell) – Freedom of Religion:** would amend the Texas constitution to provide that: (1) government may not “burden” an individual’s or religious organization’s freedom of religion; (2) the right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be burdened unless the government proves it has a compelling governmental interest and has used the least restrictive means to further that interest; and (3) a burden for purposes of (1) and (2), above, includes indirect burdens such as withholding benefits, assessing penalties, or denying access to facilities or programs.

**S.J.R. 31 (Ellis) – Gambling:** would amend the Texas Constitution to authorize certain forms of gambling and provide that a city would be entitled to a small portion of a gaming tax on casinos located within the city.

### **Municipal Courts**

**H.B. 53 (McClendon) – Age of Criminal Responsibility:** would provide that, for purposes of criminal prosecution, a defendant is treated as a juvenile if he or she is 10 years of age or older, and under 18 years of age. (Note: current law provides that a defendant retains juvenile status only if he or she is under 17 years old.)

**H.B. 69 (McClendon) – Juveniles:** would create the juvenile court jurisdiction task force and charge it with: (1) evaluating a proposal that would define an offender who is 17 years of age or younger as a child who is under the jurisdiction of a juvenile court; and (2) developing an implementation plan that includes legislative, administrative, and funding changes necessary to implement the proposal.

**H.B. 93 (White) – Failure to Attend School:** would remove municipal court jurisdiction over the offense of failure to attend school.

**H.B. 95 (Fletcher) – Criminal Procedure:** would: (1) allow a prosecutor to designate one person who is an officer or employee of a party that is not a natural person to serve as the state’s courtroom representative during a criminal proceeding; and (2) if a law enforcement officer is designated, provide that he or she may not wear a law enforcement uniform or badge while serving as the representative.

**H.B. 107 (White) – Failure to Attend School:** would lower the fine amount for failure to attend school to a maximum of \$20.

**H.B. 110 (White) – Failure to Attend School:** would prohibit a court from punishing an individual by confinement in jail or detention in a juvenile detention facility if the individual is found to be in contempt of court during a failure to attend school proceeding.

**H.B. 121 (Fletcher) – Payment of Fine and Court Costs:** would allow a peace officer making an arrest to inform the arrestee of the possibility of making an immediate payment to the officer of the fine and court costs owed on a Class C misdemeanor in lieu of arrest.

**H.B. 207 (Leach) – Voyeurism:** would create a class C misdemeanor for the offense of voyeurism.

**H.B. 234 (Farrar) – Cruelty to Animals:** would allow a municipal court that finds an animal's owner has cruelly treated the animal to order the owner to pay the city's reasonable attorney's fees and court costs.

**H.B. 263 (Miles) – Juvenile Records:** would require a juvenile court to immediately order the sealing of a juvenile's records if certain requirements are met.

**H.B. 273 (Miles) – Illegal Dumping:** would provide minimum terms of confinement for the offense of illegal dumping committed inside a city's boundaries.

**H.B. 274 (Miles) – Illegal Dumping:** would increase the maximum fine for violation of an illegal dumping ordinance from \$2,000 to \$4,000.

**H.B. 319 (Keough) – Victim-Offender Mediation Program:** would: (1) provide a city council with the authority to establish a pretrial victim-offender mediation program for persons arrested or charged with a misdemeanor or state jail felony property offense; and (2) impose a \$15 court cost on conviction of a misdemeanor or state jail felony property offense to fund the victim-offender mediation program, of which an establishing city retains 75 percent to cover program costs.

**H.B. 326 (Wu) – Probable Cause Affidavit:** would allow a magistrate to accept a sworn affidavit provided to support the issuance of a search warrant by telephone or by electronic communication.

**H.B. 329 (Wu) – Order of Nondisclosure:** would provide a procedure for an individual to receive an order of nondisclosure for a class C misdemeanor other than a traffic offense.

**H.B. 330 (Wu) – Age of Criminal Responsibility:** would: (1) define a child to be a person between 10 and 17; (2) raise the age for criminal responsibility for sexual abuse from 17 to 18, when the victim is younger than 14; (3) raise the age for criminal responsibility for sending sexually explicit communications from 17 to 18; (4) raise the age of criminal responsibility for certain traffic offenses from 17 to 18; (5) prohibit a court from issuing a capias pro fine until an individual reaches 18; (6) raises the age a municipal court can hold a defendant in contempt from 17 to 18; (7) prohibit a law enforcement officer for taking an individual into custody for an offense alleged to occur before the individual's 18<sup>th</sup> birthday; and (8) prohibit a municipal court for issuing a warrant to an individual that committed an offense when the individual was under the age of 18.

**H.B. 348 (Dutton) – Official Oppression:** would: (1) provide that the intentional or knowing suppression of evidence favorable to a defendant and material to the defendant's guilt or punishment in a criminal trial is a third degree felony; and (2) provide that there is no statute of limitation on the prosecution of an offense described in (1), above.

**H.B. 378 (White) – Failure to Attend School:** would repeal the offenses of failure to attend school and parent contributing to nonattendance.

**H.B. 538 (Spitzer) – Jurisdiction:** would: (1) provide that a municipal court has jurisdiction over a fine-only offense committed on the entire width of a segment of highway or street abutting property located in a city; and (2) expand a peace officer's jurisdiction in accordance with the court's jurisdiction described in (1), above.

**H.B. 559 (Anchia) – Magistrates:** would require a magistrate to inform an arrestee that, if the person is not a citizen of the United States, a plea of guilty or no contest for the offense charged may affect the person's immigration or residency status and may result in deportation. (Companion bill is **S.B. 268** by **Watson**.)

**H.B. 629 (G. Bonnen) – Jurors:** would permit a challenge for cause to a potential juror who cannot read or write in English.

**H.B. 642 (Canales) – Drug Education Program:** would allow a municipal court judge to require a defendant on deferred adjudication of a class C misdemeanor to participate in a drug education program approved by the Department of State Health Services.

**H.B. 697 (White) – Failure to Attend School:** would require a municipal court judge to waive or reduce a fine, fee, or court cost imposed for Failure to Attend School if the court finds that payment would cause financial hardship.

**H.B. 749 (Dutton) – Dismissal of Cases:** would require a municipal court judge to dismiss a case with prejudice if the police officer fails to appear when the case is called for trial; would also prohibit a municipal court judge from continuing a case for the sole reason that the officer fails to appear.

**H.B. 803 (Wu) – Misdemeanor Complaints:** would provide that only a peace officer or prosecutor may file a complaint in municipal court if a defendant pleads not guilty or fails to appear for a fine only misdemeanor or parking offense.

**H.B. 828 (Zedler) – Application of Foreign Law:** would: (1) define a "foreign or international law or doctrine" to mean a law, rule, legal code or principle of a jurisdiction outside the legal traditions of the states and territories of the United States that do not have a binding effect on this state or the United States; (2) prohibit a ruling or decision of a court, arbitrator, or administrative adjudicator from being based on a foreign or international law or doctrine; (3) except from the prohibition in (2), above, the recognition of a document that: (a) is issued or certified by a governmental entity within the territorial jurisdiction of the United States; or (b) is issued or certified by a foreign court or governmental entity for the purpose of determining a person's identification, enforcing a business contract or arrangement that lists this state as a venue for disposition, or providing expository evidence for the purpose of recognizing the adoption of a child; and (4) require a court to uphold and apply the United States Constitution, the Texas Constitution, federal laws, and Texas laws, including the church autonomy doctrine, which in

part requires courts to refrain from involvement in religious doctrinal interpretation or application.

**H.B. 866 (Thompson) – Juror Service:** would exempt from jury service the primary caretaker of a person who is unable to care for himself or herself.

**H.B. 1005 (Davis) – Juror Polling:** would allow the judge to assign each juror an identification number to use in place of the juror's name when the state or the defendant request that the jury be polled after delivering a verdict.

**H.B. 1024 (Dutton) – Offense Reports:** would require an offense report prepared in the investigation of a criminal case to be signed by each peace officer who contributes information to the report.

**H.B. 1069 (Rodriguez) – Court Interpreters:** would: (1) allow a person who holds an interpreter's license issued by another jurisdiction to obtain a comparable certificate without taking an examination; and (2) provide administrative penalties for failure to obtain a certification license from the Department of Assistive and Rehabilitative Services.

**H.B. 1166 (Burkett) – Probable Cause Affidavit:** would allow a magistrate to: (1) accept a sworn affidavit provided to support the issuance of a search warrant by telephone or electronic communication; and (2) receive other documentation in support of the issuance of a warrant by fax, email, or other electronic means. (This bill is similar to **H.B. 326** by **Wu**.)

**H.B. 1205 (Dutton) – Age of Criminal Responsibility:** would: (1) define a child to be a person between 10 and 17; (2) raise the age for criminal responsibility for sexual abuse from 17 to 18, when the victim is younger than 14; (3) raise the age for criminal responsibility for sending sexually explicit communications from 17 to 18; (4) raise the age of criminal responsibility for certain traffic offenses from 17 to 18; (5) prohibit a court from issuing a *capias pro fine* until an individual reaches 18; (6) raises the age a municipal court can hold a defendant in contempt from 17 to 18; (7) prohibit a law enforcement officer for taking an individual into custody for an offense alleged to occur before the individual's 18<sup>th</sup> birthday; and (8) prohibit a municipal court for issuing a warrant to an individual that committed an offense when the individual was under the age of 18. (This bill is identical to **H.B. 330** by **Wu**.)

**H.B. 1230 (Anderson) – Overweight Vehicles:** would provide a municipal court with jurisdiction over any offense involving the operation of an overweight vehicle. (Note: current law provides that a municipal court has jurisdiction of an offense in which the fine does not exceed \$500.)

**H.B. 1232 (Walle) – Age of Criminal Responsibility:** would provide that, for purposes of criminal prosecution, a defendant is treated as a juvenile if he or she is 10 years of age or older, and under 18 years of age. (Note: current law provides that a defendant retains juvenile status only if he or she is under 17 years old.) (This bill is identical to **H.B. 53** by **McClendon**.)

**H.B. 1264 (Wu) – 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 of term of community supervision; or (3) until the defendant is acquitted or the indictment of information is dismissed with prejudice.

**H.B. 1359 (Wu) – Juvenile Admonishment:** would require a municipal court to inform a defendant younger than 18 years of age of the potential consequences a criminal record may have on the defendant, including on the defendant's college applications, military service, and employment prospects, before accepting a defendant's plea. (This bill is identical to **H.B. 1365** by **Guillen** and **S.B. 560** by **Lucio**.)

**H.B. 1365 (Guillen) – Juvenile Admonishment:** this bill is identical to **H.B. 1359**, above.

**H.B. 1386 (Raymond) – Municipal Court:** would remove the limitation in current law that municipal court cases may have only one attorney conducting the prosecution or defense.

**H.B. 1425 (Fletcher) – Court Cost:** would authorize a \$75 fee to be assessed upon conviction of any offense to pay for the services of a peace officer who has executed or processed an arrest warrant, *capias*, or *capias pro fine*.

**H.B. 1490 (Huberty) – Truancy Prevention:** would: (1) require a school district to adopt a progressive truancy intervention system for students who violate compulsory attendance requirements; and (2) require a peace officer to refer a student to a juvenile court if the progressive truancy interventions fail to meaningfully address the student's conduct. (Note: previously a peace officer could file a complaint against the student in a municipal court.)

**H.B. 1594 (Murr) – Contempt of Court:** would allow a municipal court to order that a child be confined for a period not to exceed 24 hours for contempt of court.

**H.B. 1564 (White) – Judicial Donation Trust Fund:** would: (1) grant a city the authority to establish a judicial donation trust fund as a separate account outside the municipal treasury; (2) allow a city to accept a gift, grant, donation, or other consideration from a public or private source that is designated for the judicial donation trust fund; (3) task the city council with adopting procedures necessary to receive and disburse money from the fund; and (4) allow a judge to award money from the fund to eligible children who appear before the court for a truancy or curfew violation.

**H.B. 1567 (Turner) – Driving While License Invalid:** would allow a person to rebut the presumption of actual notice of license suspension by presenting evidence that the person moved to a new residence address before the notice was mailed.

**H.B. 1753 (White) – Failure to Attend School:** would allow a municipal court to dismiss a charge against a defendant alleging the defendant committed the offense of failure to attend school, if the court finds that a dismissal would be in the interest of justice because: (1) there is a low likelihood or recidivism by the defendant; or (2) sufficient justification exists for the failure to attend school.

**S.B. 104 (Hinojosa) – Age of Criminal Responsibility:** this bill is identical to **H.B. 53**, above.

**S.B. 106 (Whitmire) – Failure to Attend School:** would: (1) require a municipal court to dismiss a complaint against an individual for failure to attend school if the individual takes a high school equivalency examination administered by the State Board of Education and presents the certificate to the court; (2) provide school districts with additional truancy prevention measures; and (3) lower the maximum fine amount for a failure to attend school violation.

**S.B. 108 (Whitmire) – Failure to Attend School:** would: (1) require a municipal court to dismiss a complaint against an individual if the individual presents to the court proof that the individual has obtained a high school diploma or equivalency certificate; (2) allow an individual convicted of a failure to attend school violation to apply to the court to have his or her record expunged; and (3) require a municipal court to expunge an individual's records for the offense after receiving an application.

**S.B. 285 (West) – Failure to Attend School:** would: (1) repeal the offense of failure to attend school; (2) require a school district to refer a student who misses school 10 or more days within a six-month period or on three or more days within a four-week period to juvenile court; (3) allow a school district to file a complaint against a student's parent for the offense of parent contributing to non attendance; and (4) create a class C misdemeanor for a parent failing to attend a hearing sentencing their child in a truancy case.

**S.B. 377 (Rodriguez) – Prostitution:** would provide that the offense of knowingly offering to engage, agreeing to engage, or engaging in sexual conduct for a fee is a Class C misdemeanor, unless the actor has been previously convicted of the offense.

**S.B. 560 (Lucio) – Juvenile Admonishment:** this bill is identical to **H.B. 1359** and **H.B. 1365**, above.

**S.B. 563 (Hinojosa) – Order of Nondisclosure:** would provide a procedure for an individual to receive an order of nondisclosure for a Class C misdemeanor, other than a traffic offense.

**S.B. 631 (Campbell) – Jurisdiction:** would allow a city with a population of 1.325 million or more to enter into an agreement with a contiguous city to provide concurrent jurisdiction for all criminal cases arising from state law offenses.

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

**S.B. 715 (Hall) – Probable Cause Affidavit:** would: (1) allow a magistrate to accept a sworn affidavit provided to support the issuance of a search warrant by telephone or electronic communication; and (2) allow a magistrate to accept other documentation in support of the issuance of a warrant by fax, e-mail, or other electronic means. (Companion bill is **H.B. 1166** by **Burkett**.)

**S.B. 740 (West) – Court Costs:** would limit court costs assessed against a defendant to once per single criminal action, even if the defendant is convicted of two or more offenses or of multiple counts of the same offense.

**S.B. 741 (West) – School Offense:** would: (1) require a municipal court to dismiss a complaint made by a school district that is not sworn to, accompanied by a statement from a school employee, and accompanied by a statement by a victim of the alleged conduct; and (2) create an affirmative defense to prosecution of an offense if the actor was at least 10 years old but younger than 15 years of age and did not have sufficient capacity to understand that the conduct engaged in was wrong.

### **Community and Economic Development**

**H.B. 81 (Guillen) – E-Cigarettes:** would include nicotine products, such as electronic cigarettes, in the existing state regulations that govern the sale, distribution, possession, use, and advertising of cigarettes and other tobacco products.

**H.B. 91 (Flynn) – Raw Milk:** would: (1) authorize the sale of raw milk by a raw milk permit holder at their business, a consumer's residence, or a farmers' market under certain circumstances; and (2) prohibit a local health authority from mandating a specific method for complying with temperature requirements for milk.

**H.B. 132 (Flynn) – Agriculture:** would provide that: (1) a city may not adopt regulations that interfere with a person's right to engage in agriculture; and (2) the attorney general may bring an action in a district court in the name of the state to obtain a temporary or permanent injunction against a city adopting a regulation in violation of the bill.

**H.B. 143 (Menendez) – Alcoholic Beverages:** would provide that a city council may enact regulations prohibiting the possession of an open container or the consumption of an alcoholic beverage on a public street, public alley, or public sidewalk within 300 feet of the property line of a station, platform, bus stop, bus shelter, or other place designated as a place of entry to or exit from a public transportation passenger vehicle.

**H.B. 148 (Menendez) – Alcoholic Beverages/Sexually Oriented Businesses:** would create a new "public consumption" alcoholic beverage permit to be administered by the Texas Alcoholic Beverage Commission and authorize various regulations for an establishment holding such a permit.

**H.B. 170 (Alvarado) – E-Cigarettes:** would: (1) include vapor products, such as electronic cigarettes, in the existing state regulations that govern the sale, distribution, possession, use, and advertising of cigarettes and other tobacco products; (2) impose on vapor products the same fire safety standards that are applicable to cigarettes; (3) require schools to prohibit vapor products; and (4) make it a criminal offense to operate a vapor product in certain public places including a library, museum, hospital, transit system bus, intrastate bus, plane, or train.



**H.B. 292 (Stephenson) – Economic Development Corporations:** would authorize a Type A or Type B economic development corporation (EDC) to use corporate revenues on primary job training facilities at a public technical college or high school located in the city limits of an EDC's authorizing city, or at a public junior college with a service area that includes any portion of the city limits of an EDC's authorizing city if: (1) the city council of the EDC's authorizing city adopts a resolution authorizing the EDC to finance the project; or (2) the city council of the EDC's authorizing city orders an election on the issue after receiving a petition signed by at least 10 percent of the number of voters that participated in the last general election held in the city.

**H.B. 342 (Dutton) – Building Permit Fees:** would abolish a building permit fee on the tenth anniversary after the date the fee is adopted (or reauthorized) unless the city council holds a public hearing on the reauthorization of the fee and reauthorizes the fee by a majority vote of the city council.

**H.B. 359 (Springer) – Disannexation:** would provide that if a city fails or refuses to disannex an area pursuant to a petition alleging failure to provide services, a district court shall enter an order disannexing the area if the court finds that a valid petition was filed with the city and that the city failed to perform its obligations in accordance with the service plan or the state law governing provision of services. (Note: This bill would overturn a Supreme Court of Texas decision in favor of the City of Bryan.)

**H.B. 411 (C. Turner) – Payday and Auto Title Lending:** would prohibit a credit access business from making a telemarketing call to a consumer, regardless of whether the consumer's name and telephone number are on the Texas no-call list.

**H.B. 539 (P. King) – Regulation of Oil or Natural Gas:** would provide that a city with authority to adopt an oil or gas measure may not adopt one unless the city complies with the numerous and complex requirements of the bill, including submitting various information to the state related to the alleged costs of the measure to the state and remitting payment to the state for its alleged losses as determined by a state agency.

**H.B. 555 (Springer) – Annexation:** would provide that a city may not annex an area if the width of the area at the widest point exceeds the length of the area at the longest point, unless the boundaries of the city are contiguous to the area on at least two sides or the area abuts or is contiguous to another jurisdictional boundary.

**H.B. 665 (K. King) – Annexation:** would provide that a general law city may not annex an area in which 50 percent or more of the property in the area to be annexed is primarily used for a commercial or industrial purpose unless the city: (1) is otherwise authorized to annex the area; and (2) obtains the written consent of the owners of a majority of the property in the area to be annexed.

**H.B. 738 (Larson) – Rental Housing:** would prohibit a city or county from adopting or enforcing an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person who has the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because of

the person's lawful source of income to pay rent, including a federal housing choice voucher. (Companion bill is **S.B. 267** by **Perry**.)

**H.B. 745 (Bohac) – Property Owners' Association:** would: (1) authorize a property owners' association (POA) to install a solar-powered light-emitting diode stop sign on a road, highway, or street in the POA's jurisdiction if the POA receives the consent of the governing body of the political subdivision that maintains the road, highway, or street and the POA pays for the installation of the sign; and (2) require a property owners' association that installs a sign described in (1), above, to maintain the sign.

**H.B. 907 (Phillips) – Halfway Houses:** would, among other things: (1) authorize a city to adopt an ordinance regulating a halfway house independently operated by a private entity, including regulations that: (a) restrict a halfway house to a particular area or prohibit a halfway house from locating within a certain distance of a school, place of worship, residential neighborhood, or other specified land use that is inconsistent with the operation of a halfway house; (b) restrict the density of halfway houses; and (c) require the owner or operator to obtain or renew a license or permit on a periodic basis and pay a related fee; (2) provide that a district court has jurisdiction of a suit that arises from the denial, suspension, or revocation of a license or permit issued by a city under (1)(c), above; (3) require an applicant for a license or permit under (1)(c), above, for a location not previously licensed or permitted to, not later than the 60th day before the date the application is filed: (a) publish in a newspaper of general circulation in the city a notice of the applicant's intent to establish a halfway house in the city, the name and business address of the applicant, and the proposed location of the halfway house; and (b) prominently post an outdoor sign at the location stating that a halfway house is intended to be located on the premises and providing the name and business address of the applicant; (4) authorize a city to inspect a halfway house for compliance with regulations adopted under (1), above, and sue in the district court for an injunction to prohibit a violation of such regulations; and (5) provide that a person commits a class A misdemeanor for violating regulations adopted under (1), above.

**H.B. 946 (Workman) – Utility Towers:** would: (1) provide that a tower that is at least 50 feet but not more than 200 feet in height above ground level: (a) must be painted in equal alternating bands of aviation orange and white; (b) must have aviation orange marker balls; and (c) may not be supported by guy wires unless the wires have a seven foot safety sleeve; (2) make it a misdemeanor offense to own, operate, or erect a tower in violation of (1), above; (3) except from the requirements in (1), above: (a) a tower that supports an electric utility transmission or distribution line; (b) a facility licensed by the Federal Communication Commission or any structure with the primary purpose of supporting telecommunications equipment; (c) a wind-powered electrical generator with a rotor blade radius greater than six feet; or (d) a traffic-control signal erected or maintained by the Texas Department of Transportation; and (4) authorize the Texas Department of Transportation to adopt certain rules, including rules requiring a person who owns, operates, or erects a tower to provide notice to the department of the existence of or intent to erect a tower and to register the tower with the department.

**H.B. 1020 (Giddings) – Payday and Auto Title Lending:** this bill makes extensive modifications to the payday and auto title lender laws. It would, among other things:

1. require the consumer credit commissioner to establish and implement a database for the compilation of information relating to payday loans;
2. provide that payday and auto title lenders are subject to the same level of state regulation and oversight as other credit services organizations (i.e., currently-regulated consumer lenders that don't provide payday or auto title loans);
3. prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than in the form of a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan;
4. provide that a credit services organization may obtain or assist a consumer in obtaining a payday or auto title loan only if the loan is made by a third-party lender that is unaffiliated with the credit services organization and does not have any ownership, directors, officers, members, or employees in common with the credit services organization;
5. prohibit total charges imposed under a payday or auto title loan from exceeding the permissible interest, fee, and other charges for certain consumer loans under current law;
6. prohibit a credit access business that is subject to a city ordinance regulating payday and auto title loans from evading the city ordinance by: (a) requiring that any part of the transaction occur in a location outside the city limits; or (b) transferring the business's obligations and rights under a payday or auto title loan contract to a branch of the business or another business located outside the city limits;
7. provide that if a credit access business evades a municipal ordinance as provided by (6), above, that the contract between the business and the consumer is void and unenforceable, including any requirement that the consumer pay fees or other consideration;
8. provide that the term of an extension of consumer credit, including all renewals and refinances, obtained for a military borrower may not exceed 90 days for a payday or single-payment auto title loan or 180 days for a multiple-payment auto title loan;
9. provide that the term of an extension of consumer credit by a credit access business may not exceed 180 days;
10. provide that, at any given time, a consumer may have only one outstanding debt from a payday loan and one outstanding debt from an auto title loan;
11. provide that the proceeds of a repossessed motor vehicle that secured an auto title loan shall satisfy all outstanding and unpaid indebtedness under that extension of consumer credit;
12. provide that a local ordinance regulating a credit access business is not preempted if the ordinance is compatible with and equal to or more stringent than a requirement in the bill;
13. provide that a single-payment payday loan: (a) may not exceed 20 or 25 percent of the consumer's gross annual income depending on the income level; (b) may not have a term of less than 10 days or longer than 35 days; and (c) may not be refinanced more than three times;
14. provide that a multiple-payment payday loan: (a) may not exceed 10 or 15 percent of the consumer's gross monthly income, depending on the income level; (b) may not

- have an original term of more than 180 days if it is payable in more than 12 installments; and (c) with regard to the first installment, may not be due before the 10th day after the loan is agreed upon, and any other installment may not be due before the 14th day or after the 31st day after the date a previous installment is due;
15. provide that a single-payment auto title loan: (a) may not exceed the lesser of 70 percent of the retail value of the motor vehicle securing the debt, or the lesser of six or eight percent of the consumer's gross annual income, depending on the income level; (b) may not have a term of less than 30 days or longer than 35 days; and (c) may not be refinanced more than three times;
  16. provide that a multiple-payment auto title loan: (a) may not exceed 70 percent of the retail value of the motor vehicle securing the debt; (b) may not impose a sum of all fees, principal, interest, and other amounts that exceeds 20 or 30 percent of the consumer's gross monthly income, depending on the income level; (c) may not be payable in more than six installments; (d) may not require the first installment to be paid before the 10th day after the date the consumer enters into the loan agreement; (e) may not require subsequent installments to be due before the 28th day after the date the previous installment of the loan was due; and (f) may not have a total term of more than 180 days;
  17. require an extended payment plan that: (a) provides for payment in four substantially equal installments with respect to a single-payment payday or auto title loan; (b) provides for payment in two substantially equal installments with respect to multiple-payment payday and auto title loans; (c) has a period between installment payments that are not shorter than 10 days for a single-payment payday loan or 30 days for a multi-payment payday loan or any auto title loan; and (d) provides for the first payment to be due not before the 10th day after the date the consumer requests an extended payment plan; and
  18. require any refinance of a payday or auto title loan to meet all requirements applicable to the original loan.

(Companion bill is **S.B. 121** by **West**.)

**H.B. 1156 (Alvarado) – Economic Development:** would require the Texas Department of Information Resources to: (1) establish an electronic government project to develop an Internet website accessible through the state electronic Internet portal that provides a single location for a business entity to receive information about state and local economic development incentives and apply for those incentives, when feasible; and (2) direct, coordinate, and assist state agencies and local governments in establishing and using a common application and reporting system.

**H.B. 1203 (Murr) – Recreational Use Limited Liability:** would limit the liability of an agritourism entity involved in an agritourism activity.

**H.B. 1244 (D. Bonnen) – Windstorm Insurance:** would authorize the Texas Windstorm Insurance Association to insure certain structures that don't comply with recent building codes in certain circumstances. (Companion bill is **S.B. 498** by **Taylor**.)

**H.B. 1249 (Schaefer) – Economic Development Corporations:** would authorize, and if petitioned by at least 10 percent of the number of voters participating in the last general election in the city, require, a Type A or Type B economic development corporation to hold an election to make expenditures for general infrastructure improvements, including: (1) streets and roads; (2) water supply facilities; and (3) sewage facilities.

**H.B. 1277 (Ashby) – Annexation:** would provide that a general law city may not annex an area in which 50 percent or more of the property in the area to be annexed is primarily used for a commercial or industrial purpose unless the city: (1) is otherwise authorized to annex the area; and (2) obtains the written consent of the owners of a majority of the property in the area to be annexed. (Companion bill is **H.B. 665** by **K. King**.)

**H.B. 1418 (Bell) – Annexation:** would authorize a general law city to annex an area in its extraterritorial jurisdiction if: (1) the owner of a noncontiguous area petitions the city to be annexed; (2) a public highway or road exists that would make the area contiguous to the city; and (3) the city also annexes the highway or road as authorized by the bill to make the area contiguous.

**H.B. 1442 (Workman) – Tree or Vegetation Removal:** would provide that a city, county, or other political subdivision may not enact or enforce any ordinance, rule, or other regulation that restricts the ability of a property owner to remove a tree or vegetation on the owner's property that the owner believes poses a risk of fire to a structure on the property or adjacent property, with certain exceptions.

**H.B. 1472 (Workman) – Permit Vesting:** would provide that: (1) the attorney general may bring an action to enforce Chapter 245 of the Local Government Code (the "Permit Vesting" Statute); and (2) a city that violates that chapter is liable for actual damages and attorney's fees. (Note: Current law authorizes enforcement only through mandamus, declaratory relief, or injunction.)

**H.B. 1562 (Schofield) – Eminent Domain:** would, in relation tolling a property owner's right of repurchase: (1) eliminate the following as elements establishing "actual progress" on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner's property was acquired; or (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress. (Companion bill is **S.B. 479** by **Schwertner**.)

**H.B. 1736 (Villalba) – Energy Codes:** would provide that: (1) the State Energy Conservation Office shall establish the Building Energy Efficiency Advisory Committee composed of 13 members who have an interest in the adoption of energy codes, including two building code officials; (2) the committee may submit to the Texas A&M Energy Systems Laboratory and the office: (a) comments on energy codes under consideration for adoption; and (b) recommended energy rating indexes for each climate zone in this state that may be used to measure compliance in a voluntary compliance path recognized by the International Residential Code energy efficiency provisions or the International Energy Conservation Code; (3) the office may amend

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

**H.B. 1791 (Lozano) – 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. 1792 (Springer) – Short-Term Rental Units:** would: (1) require a residential short-term rental unit to provide a safe and ample water supply; be equipped with an approved system of sewage disposal; be kept sanitary; have any gas stove properly installed, maintained, and vented; maintain sanitary appliances; keep any food served in a sanitary condition; and be thoroughly cleaned between rental to different occupants; (2) declare a residential short-term rental unit that does not comply with certain health and safety standards to be a public health nuisance; (3) impose certain fire escape requirements on a residential short-term rental unit that has a lot area greater than 5,000 square feet; (4) define a residential short-term rental unit as a “hotel” for the purposes of certain smoke detector requirements; (5) require the owner or keeper of a residential short-term rental unit to post the daily room rate; (6) require cities in certain counties (with some exceptions) to: (a) characterize and treat a residential short-term rental unit in the same manner as a hotel for purposes of consumer protection, public health and human safety, taxation, licensing, and zoning and other land use regulations; or (b) adopt an ordinance to specifically regulate residential short-term rental units; (7) provide that before listing a residential short-term rental on its website or mobile application, a listing service must obtain an affidavit signed by the owner or tenant of the unit: (a) stating compliance with all applicable state and local laws, deed restrictions, land use covenants, or leases; (b) providing the hotel taxpayer identification number applicable to the unit; and (c) including any documents relevant to demonstrating compliance with a local city ordinance; (8) require a residential short-term rental listing service to cooperate with a governmental entity that chooses to audit or attempts to identify the owner of a unit listed on the service’s website or mobile application; and (9) create a criminal offense if a person violates certain requirements regarding a residential-short term rental.

**H.B. 1830 (Kuempel) – Eight Liners:** would provide: (1) that the current law authorizing one county to regulate “amusement redemption machines” is expanded to authorize any county to do so; and (2) for additional county regulatory authority over such machines. (Note: It is unclear whether the bill applies within a city’s limits and/or would preempt municipal regulations.)

**S.B. 80 (Ellis) – Economic Development:** 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 twelve-year

period; and (2) require the Legislative Budget Board to evaluate all state and local tax preferences and develop a report on the reviews of the tax preferences.

**S.B. 91 (Ellis) – Payday and Auto Title Lending:** would limit the annual percentage rate of a payday or auto title loan to 36 percent.

**S.B. 92 (Ellis) – Payday and Auto Title Lending:** would: (1) provide that a municipal ordinance regulating credit access businesses is not preempted by the following state law provisions; (2) provide that, if a municipal ordinance conflicts with a provision of state law, the more stringent regulation controls; (3) require the contract and other documents provided by a credit access business to be written wholly in the language in which the contract is negotiated and read in their entirety in the language in which the contract is negotiated to any consumer who cannot read; (4) require the mandatory disclosure under state law that is issued by a credit access business to a borrower to reference nonprofit agencies that provide financial education and training or cash assistance to borrowers; (5) require the mandatory disclosure and notice to be available in English and Spanish and read in their entirety in the language in which the contract is negotiated if the consumer cannot read; (6) prohibit a payday loan if the amount of cash advanced exceeds 20 percent of the borrower's gross monthly income; (7) prohibit an auto title loan if the amount of cash advanced exceeds the lesser of: (a) three percent of the borrower's gross annual income; or (b) 70 percent of the retail value of the motor vehicle; (8) require a payday or auto title loan to be payable in four or fewer installments and proceeds from each installment must be used to repay at least 25 percent of the principal amount of the debt; (9) provide that a payday or auto title loan to be paid by a single lump-sum payment may not be refinanced or renewed more than three times and proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the original debt; (10) provide that a payday or auto title loan made to a consumer on or before the seventh day after the date the consumer has paid a previous extension of consumer credit is considered a refinance or renewal of the previous debt; and (11) require a credit access business to maintain a complete set of records of all extensions of consumer credit for three years after the loan was made.

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

**S.B. 100 (Hinojosa) – State Enterprise Zones:** would, among other things, provide that a county may create an enterprise zone within a city provided the county first enters into an interlocal agreement with the city specifying which entity has jurisdiction over the zone.

**S.B. 121 (West) – Payday and Auto Title Lending:** this bill makes extensive modifications to the payday and auto title lender laws. It would, among other things:

1. require the consumer credit commissioner to establish and implement a database for the compilation of information relating to payday loans;
2. provide that payday and auto title lenders are subject to the same level of state regulation and oversight as other credit services organizations (i.e., currently-regulated consumer lenders that don't provide payday or auto title loans);

3. prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than in the form of a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan;
4. provide that a credit services organization may obtain or assist a consumer in obtaining a payday or auto title loan only if the loan is made by a third-party lender that is unaffiliated with the credit services organization and does not have any ownership, directors, officers, members, or employees in common with the credit services organization;
5. prohibit total charges imposed under a payday or auto title loan from exceeding the permissible interest, fee, and other charges for a certain consumer loans under current law;
6. prohibit a credit access business that is subject to a city ordinance regulating payday and auto title loans from evading the city ordinance by: (a) requiring that any part of the transaction occur in a location outside the city limits; or (b) transferring the business's obligations and rights under a payday or auto title loan contract to a branch of the business or another business located outside the city limits;
7. provide that if a credit access business evades a municipal ordinance as provided by (7), above, that the contract between the business and the consumer is void and unenforceable, including any requirement that the consumer pay fees or other consideration;
8. provide that the term of an extension of consumer credit, including all renewals and refinances, obtained for a military borrower may not exceed 90 days for a payday or single-payment auto title loan or 180 days for a multiple-payment auto title loan;
9. provide that the term of an extension of consumer credit by a credit access business may not exceed 180 days;
10. provide that, at any given time, a consumer may have only one outstanding debt from a payday loan and one outstanding debt from an auto title loan;
11. provide that the proceeds of a repossessed motor vehicle that secured an auto title loan shall satisfy all outstanding and unpaid indebtedness under that extension of consumer credit;
12. provide that a local ordinance regulating a credit access business is not preempted if the ordinance is compatible with and equal to or more stringent than a requirement in the bill;
13. provide that a single-payment payday loan: (a) may not exceed 20 or 25 percent of the consumer's gross annual income depending on the income level; (b) may not have a term of less than 10 days or longer than 35 days; and (c) may not be refinanced more than three times;
14. provide that a multiple-payment payday loan: (a) may not exceed 10 or 15 percent of the consumer's gross monthly income, depending on the income level; (b) may not have an original term of more than 180 days if it is payable in more than 12 installments; and (c) with regard to the first installment, may not be due before the 10<sup>th</sup> day after the loan is agreed upon, and any other installment may not be due before the 14<sup>th</sup> day or after the 31<sup>st</sup> day after the date a previous installment is due;
15. provide that a single-payment auto title loan: (a) may not exceed the lesser of 70 percent of the retail value of the motor vehicle securing the debt, or the lesser of six or eight percent of the consumer's gross annual income, depending on the income level; (b) may



not have a term of less than 30 days or longer than 35 days; and (c) may not be refinanced more than three times;

16. provide that a multiple-payment auto title loan: (a) may not exceed 70 percent of the retail value of the motor vehicle securing the debt; (b) may not impose a sum of all fees, principal, interest, and other amounts that exceeds 20 or 30 percent of the consumer's gross monthly income, depending on the income level; (c) may not be payable in more than six installments; (d) may not require the first installment to be paid before the 10<sup>th</sup> day after the date the consumer enters into the loan agreement; (e) may not require subsequent instalments to be due before the 28<sup>th</sup> day after the date the previous installment of the loan was due; and (f) may not have a total term of more than 180 days;
17. require an extended payment plan that: (a) provides for payment in four substantially equal installments with respect to a single-payment payday or auto title loan; (b) provides for payment in two substantially equal installments with respect to multiple-payment payday and auto title loans; (c) has a period between installment payments that are not shorter than 10 days for a single-payment payday loan or 30 days for a multi-payment payday loan or any auto title loan; and (d) provides for the first payment to be due not before the 10<sup>th</sup> day after the date the consumer requests an extended payment plan; and
18. require any refinance of a payday or auto title loan to meet all requirements applicable to the original loan.

**S.B. 129 (West) – Economic Development:** would, among other things, require that: (1) the Legislative Budget Board include in any fiscal note for a bill that authorizes a state or local tax preference (defined to include many economic development incentives) a statement of the purpose of the bill and a set of reasonable benchmarks to measure whether and to what degree the bill's purposes have been achieved; (2) the Legislative Budget Board evaluate whether the benchmarks have been met before the first day of the third regular legislative session after a tax preference bill becomes law and provide a report on the board's findings; and (3) the report to contain a review of whether the tax preference statute should be amended or repealed.

**S.B. 178 (Nichols) – Eminent Domain:** would: (1) prohibit a state agency, political subdivision, or a corporation created by a governmental entity from taking private property through the use of eminent domain if the taking is for a recreational purpose, including a parks and recreation system or a specific park, greenbelt, or trail; and (2) provide that the determination by the entity proposing to take the property that the taking does not involve an act or circumstance prohibited by the bill does not create a presumption with respect to whether the taking involves that act or circumstance.

**S.B. 267 (Perry) – Rental Housing:** would provide that neither a city nor a county may not adopt or enforce an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because of the person's lawful source of income to pay rent, including a federal housing choice voucher.

**S.B. 318 (Hinojosa) – Military Preparedness Commission Grants:** would provide that certain Texas Military Preparedness Commission grants to some local governmental entities, including cities that are defense communities, must be no less than \$50,000 and no more than the lesser of:

(1) 50 percent of the amount of the local government match; (2) 50 percent of the local government investment; or (3) \$5 million.

**S.B. 360 (Estes) – Regulatory Takings:** would make most city regulations 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-days notice of the adoption of most regulations prior to adoption.

The bill would also define a “taking” as: (1) a governmental action or series of actions within a 10-year period that: (a) affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the federal or state constitutions, (b) affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the cause of a reduction of at least 20 percent in the market value of the affected private real property; or (b) is the producing cause of at least a 20 percent reduction of revenue or income from the use or sale of the affected real private property, determined by comparing the revenue or income from the use or sale of the property as if the governmental action is not in effect and the revenue or income from the use or sale of the property determined as if the governmental action is in effect;

The bill would also: (1) remove numerous exceptions to the law that would otherwise exempt a city from the Act; (2) extend the statute of limitations for a claim under the Act from 180 days to two years; (3) change the current remedies in the Act to allow for a property owner to seek invalidation of the governmental regulation and money damages from the governmental entity that imposes the regulation; (4) a judgment or final decision or order under the Act shall include a fact finding that determines the monetary damages suffered by the private real property owner as a result of the taking, including, if the governmental action has ceased or has been rescinded, amended, invalidated, or repealed, the temporary or permanent economic loss sustained by the private real property owner while the governmental action was in effect; (5) require a city to give 30 days notice of any proposed ordinance or rule that could result in a taking of private real property; (6) provide that a court shall award a governmental entity that prevails in a suit or contested case filed under the Act reasonable and necessary attorneys’ fees and court costs, but only if the court determines that the private real property owner knew that the suit or contested case had no merit at the time the owner filed the suit; and (7) provide that a proposed governmental action that requires a takings impact assessment may be stayed by a court if an assessment is not prepared or if the assessment is not in compliance with guidelines developed by the attorney general under the Act.

**S.B. 427 (Ellis) – Concrete Crushing Facilities:** would require the Texas Commission on Environmental Quality by rule to prohibit the operation of a concrete crushing facility within 440 yards of certain buildings or facilities, including a place of business where employees of the business perform outdoor work near the facility or a park or other outdoor recreational facility, including a playing field.

**S.B. 456 (Burton) – Extraterritorial Jurisdiction:** would limit the extraterritorial jurisdiction for all cities to an area that is contiguous to and within one-half mile of the city’s corporate boundaries.

**S.B. 474 (Kolkhorst) – Eminent Domain:** would provide that, if the amount of damages awarded by the special commissioners is at least 10 percent greater than the amount the condemnor offered to pay before the proceedings began or if the commissioners’ award is appealed and a court awards damages in an amount that is at least 10 percent greater than the amount the condemnor offered to pay before the proceedings began, the condemnor shall pay: (1) all costs; and (2) any reasonable attorney’s fees and other professional fees incurred by the property owner in connection with the eminent domain proceeding.

**S.B. 479 (Schwertner) – Eminent Domain:** would, in relation tolling a property owner’s right of repurchase: (1) eliminate the following as elements establishing “actual progress” on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner’s property was acquired; or (b) for a governmental entity, the adoption by a majority of the entity’s governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress.

**S.B. 484 (Kolkhorst) – Economic Development:** would: (1) require a business who is a recipient of economic development funds to repay all of the value of any subsidy or incentive if the business has a federal immigration conviction for unlawful employment of undocumented workers unless the business reasonably relied on an E-Verify program; and (2) prohibit a governmental entity, including a city, from awarding an economic development incentive to a business that has been convicted and had to repay an incentive for two years after any repayment is made.

**S.B. 498 (Taylor) – Windstorm Insurance:** this bill is identical to **H.B. 1244**, above.

**S.B. 503 (Perry) – Military Preparedness Commission Grants:** would provide that the Texas Military Preparedness Commission: (1) may provide a loan or financial assistance to a defense community for an economic development project that minimizes the negative effects of a base realignment process that occurred during the year 1995 or later; and (2) the assistance may not be less than \$50,000 or more than \$5 million.

**S.B. 505 (Perry) – Utility Towers:** would: (1) provide that a tower that is at least 50 feet but not more than 200 feet in height above ground level: (a) must be painted in equal alternating bands of aviation orange and white; (b) must have aviation orange marker balls; and (c) may not be supported by guy wires unless the wires have a seven foot safety sleeve; (2) make it a misdemeanor offense to own, operate, or erect a tower in violation of (1), above; (3) except from the requirements in (1), above: (a) a tower that supports an electric utility transmission or distribution line; (b) a facility licensed by the Federal Communication Commission or any structure with the primary purpose of supporting telecommunications equipment; (c) a wind-

powered electrical generator with a rotor blade radius greater than six feet; or (d) a traffic-control signal erected or maintained by the Texas Department of Transportation; and (4) authorize the Texas Department of Transportation to adopt certain rules, including rules requiring a person who owns, operates, or erects a tower to provide notice to the department of the existence of or intent to erect a tower and to register the tower with the department. (Companion bill is **H.B. 946** by **Workman**.)

**S.B. 610 (Perry) – Recreational Use Limited Liability:** would limit the liability of an agritourism entity involved in an agritourism activity. (Companion bill is **H.B. 1203** by **Murr**).

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

**S.B. 616 (Burton) – Annexation:** would provide that, beginning September 1, 2015, a city may not annex an area (including through the use of a strategic partnership) for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area.

### **Personnel**

**H.B. 50 (Martinez) — Disease Presumption:** would provide that: (1) a firefighter or emergency medical technician (EMT) who has a heart attack or stroke while on duty is presumed to have suffered the illness or death during the course and scope of employment, which means he or she would be covered by workers' compensation for that condition; (2) a firefighter or EMT who contracts acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV), hepatitis B, or hepatitis C is presumed to have contracted the disease during the course and scope of employment, which means he or she would be covered by workers' compensation for that condition if, while on duty: (a) the firefighter or EMT was exposed to a person with these diseases who received treatment from the firefighter or EMT; or (b) the firefighter or EMT regularly responded to scenes or calls involving exposure to blood or other bodily fluids; and (3) a firefighter or EMT who contracts *methicillin-resistant staphylococcus aureus* (MRSA) resulting in illness or death is presumed to have suffered the illness or death during the course and scope of employment, which means he or she would be covered by workers' compensation for that condition if, while on duty, the firefighter or EMT was exposed to a person with MRSA who received treatment from the firefighter or EMT.

**H.B. 58 (Martinez) — Employee Leave:** would make it an unlawful employment practice to administer a policy relating to leave to care for sick children that does not include foster children.

**H.B. 60 (Martinez) – Disease Presumption:** would give former fire fighters, police officers, and EMS personnel additional time to make claims for medical benefits and compensation for diseases such as asbestosis and cancer. (Current law requires the condition to manifest itself while the person is still employed.)

**H.B. 174 (Martinez Fischer) – Minimum Wage:** would require a city, a state agency, and vendors of state agencies to adopt a living wage policy that would require a city, state agency, or vendor to pay the greater of \$10.10 per hour or the federal minimum wage.

**H.B. 187 (S. Thompson) – Employment Discrimination:** would track the language of the federal Lilly Ledbetter Fair Pay Act and would: (1) extend the statute of limitations on pay discrimination claims to include every instance an individual is paid based on a past discriminatory decision made by an employer; and (2) allow back pay and benefit damages for up to two years preceding the date of filing a complaint for pay discrimination. (Companion bill is **S.B. 65** by **Ellis**.)

**H.B. 232 (Farrar) – Breastfeeding:** would create a civil cause of action to allow a mother to sue an entity for a civil penalty, attorneys fees, and an injunction if the entity violates her right to breastfeed in a location where her and the child are otherwise authorized to be.

**H.B. 396 (McClendon) – Minimum Wage:** would: (1) raise the minimum wage for all employers with 26 employees or more; and (2) allow each city or county to adopt a minimum wage higher than the federal and state minimum wages.

**H.B. 434 (S. Thompson) – Construction Workers:** would: (1) define a “construction employer” to mean an employer who employs an individual to provide services directly related to the erection, alteration, repair, renovation, maintenance, or remodeling of a building, structure, appurtenance, road, highway, bridge, dam, levee, canal, jetty, or other improvement to or on real property, including moving, demolishing, dredging, shoring, scaffolding, drilling, blasting, or excavating real property; (2) provide that a construction employer shall properly report the employment status of each employee (i.e., employee or independent contractor) for the purposes of Texas Workforce Commission reporting; and (3) impose penalties for the failure to properly report.

**H.B. 445 (Raney) – Military Paid Leave:** would require a city, or other governmental entity, to give an employee an annual accounting of the state-mandated military paid leave time that the employee has used that year.

**H.B. 509 (Raney) – School Speed limits:** would: (1) require a city to consider the appropriate speed limit near a school, including an open-enrollment charter school, on request; (2) require a city to grant the request for a speed limit requested by a school or to provide written findings for rejecting the speed limit; (3) allow a school to appeal any rejection of a requested speed limit to a district court; and (4) empower a district court to set a speed limit based on an appeal brought by the school.

**H.B. 512 (Moody) – Workers’ Compensation:** would: (1) waive governmental immunity for claims against a public employer, including a city, that discriminates or retaliates against a first responder who has filed a workers compensation claim; and (2) cap damages at \$100,000 for each person’s claim.

**H.B. 532 (McClendon) – Employee Leave:** would: (1) require an employer, including a city, with 25 or more employees to allow an employee who is a parent or guardian to take a limited amount of unpaid time off to meet with his child’s school or attend his child’s school activities subject to reporting and other requirements; and (2) create a cause of action for disciplining an employee for using such leave.

**H.B. 548 (Johnson) – Employee Background Checks:** would prohibit a public employer, including a city, from asking about an employment applicant’s criminal history record information unless: (1) the applicant has been offered a conditional offer of employment or an interview; (2) the applicant would be working with children; or (3) a criminal history information check is required by other law.

**H.B. 589 (Burkett) – Unemployment Compensation:** would disqualify a former employee from receiving unemployment compensation if he or she applies for work but: (1) refuses a pre-employment drug screen without good cause; or (2) fails a pre-employment drug screen based on a positive result for drugs not prescribed to the individual.

**H.B. 627 (Johnson) – Employment Discrimination:** would make it an unlawful employment discrimination practice to discriminate against an individual based on the employee’s sexual orientation, gender identity, or expression.

**H.B. 630 (G. Bonnen) – E-Verify:** would: (1) require a governmental entity, including a city, to enroll in e-verify for its employees; (2) require the immediate termination of an employee responsible for verifying employment information through e-verify if they fail to comply with this requirement; and (3) create a license suspension process, including for city licenses, for businesses that knowingly employ a person not lawfully present in the United States.

**H.B. 739 (Button) – E-Verify:** would: (1) require a governmental entity, including a city, to enroll in e-verify for its employees; (2) require the immediate termination of an employee responsible for verifying employment information through e-verify if they fail to comply with this requirement; and (3) authorize the Texas Workforce Commission to adopt rules and forms for implementation of this requirement.

**H.B. 786 (Walle) – Personnel:** would: (1) require a public employer, including a city, to develop breastfeeding policies for its employees that encourage and accommodate breastfeeding; (2) require a public employer to provide breaks and a room for breastfeeding; and (3) make it an unlawful employment practice to discriminate against an individual based on the employee’s exercise of her right to breastfeed in the workplace.

**H.B. 872 (Raymond) – Peace Officer Licensure:** would require the Texas Commission on Law Enforcement to reactivate a peace officer’s license after a break in employment without the requirement to attend basic or supplemental training if the officer: (1) worked for at least 10 years in good standing before the break in employment; (2) meets current licensing standards; (3) successfully completes continuing education requirements; and (4) files an application and pays any required fees.

**H.B. 889 (Dale) – E-Verify for State Contractors:** would require any entity who contracts with the state for goods or services to enroll in e-verify for the pendency of the contract.

**H.B. 997 (Y. Davis) – E-Verify:** would: (1) require an employer, including a city, that voluntarily uses E-Verify to: (a) ensure that an employee is trained in the use of E-Verify before allowing an employee to use it; (b) follow certain procedures to obtain information about E-Verify; and (c) post notices related to the use of E-Verify in the workplace; (2) create a penalty for an employer who does not follow proper E-Verify procedures in voluntarily using E-Verify; and (3) make it an unlawful employment practice if an employer makes an employment decision with E-Verify without following the above procedures regarding the E-Verify Program.

**H.B. 1090 (Herrero) – Juror Exemption:** would give an exemption for jury duty to any individual who is a paid police officer, paid fire fighter, police chief, or fire chief.

**H.B. 1094 (Geren) – Death Benefits:** would extend the time that a remarried spouse of a first responder who died in the course and scope of employment may receive workers' compensation death benefits from two years from remarriage to life.

**H.B. 1137 (Israel) – Whistleblower:** would expand the definition of “appropriate law enforcement authority” for purposes of whistleblower retaliation claims to include a supervisor, officer, or other manager of the governmental entity. (This bill is likely a reaction to a recent series of cases narrowly construing the term “appropriate law enforcement authority.”)

**H.B. 1243 (Fletcher) – Civil Service:** would amend Chapter 143 of the Local Government Code to provide that if a civil service commission or a hearing examiner orders that a suspended firefighter or police officer be restored to the position or class of service from which the person was suspended, the firefighter or police officer is entitled to immediate reinstatement to the position or class of service from which the person was suspended, notwithstanding any action filed in a court by the city or department head challenging the commission's decision.

**H.B. 1278 (Hughes) – Death Benefits:** would increase the amount of state death benefits given to the families of public safety employees killed in the line of duty. (Companion bill is **S.B. 436** by **Lucio**).

**H.B. 1281 (Rodriguez) – Pregnancy Accommodation:** would, for an employee or applicant for employment who has a known limitation related to pregnancy, childbirth, or a related medical condition: (1) make it an unlawful employment practice for an employer, including a city, to: (a) fail or refuse to make a reasonable accommodation for an individual described above, unless the employer proves that the accommodation would be an undue hardship; (b) take retaliatory personnel action or discriminate against an employee because the employee requests, uses, or complains about an accommodation; (c) deny an employment opportunity to an individual because of a limitation due to pregnancy, childbirth, or another related condition; (d) require an individual described to accept an accommodation that the individual chooses not to accept; or (e) require an individual to take leave under leave law or a personnel policy if it was possible to provide another reasonable accommodation to the employee; (2) require an employer to: (a) engage in a timely, good faith, and interactive process with the described individual to determine

an effective reasonable workplace accommodation including listed accommodations related to time off, modifying equipment, light duty, providing room to express breast milk, or modifying the individual's job duties, among others; and (b) provide notice of these accommodation requirements; (3) not require an employer to: (a) create new position, unless the employer does so as an accommodation for other classes of employees; (b) change another employee's job position unless the employer does so as an accommodation for another class of employees; (4) require an employer who uses an undue hardship defense to avoid accommodating an individual, to prove that an undue hardship exists; (5) require the Texas Workforce Commission to develop training to inform employers and employees about their respective rights and duties under this section; and (6) not diminish the employment protection for pregnancy, childbirth, or a medical condition related to pregnancy or childbirth provided under any other law.

**H.B. 1355 (Shaheen) – Religious Targeting:** would provide that: (1) an elected officer of a city may be removed from office under the city's removal procedures for the use of the office to threaten, punish, or intimidate an individual based on the individual's religious beliefs; and (2) add religious targeting to the offense of official misconduct.

**H.B. 1381 (Moody) – Injured Public Safety Employee Discharge:** would: (1) prohibit a governmental entity, including a city, from discharging a fire fighter or peace officer who was injured on the job before the employee reaches maximum medical improvement; (2) provide for damages and reinstatement for an employee discharged in violation of the above provision; and (3) place the burden of proof on the peace officer or fire fighter in the case of a suit under this provision.

**H.B. 1388 (Bohac) – Disease Presumption:** would provide that: (1) a firefighter or emergency medical technician (EMT) who has a heart attack or stroke while on duty is presumed to have suffered the illness or death during the course and scope of employment, which means he or she would be covered by workers' compensation for that condition; and (2) a rebuttal made by a government employer regarding disease presumption must include a detailed statement of the evidence used to determine that the disease in question was not caused by the individual's employment.

**H.B. 1390 (S. Thompson) – Workers' Compensation:** would: (1) waive governmental immunity for a city or other governmental entity that discriminates against an employee based on a workers' compensation claim; and (2) limit the damages that an employee could receive under this type of suit to the damages allowed under the Tort Claims Act.

**H.B. 1515 (Canales) – Employment Discrimination:** would: (1) prohibit an employer, including a city, from: (a) directly or indirectly requiring or requesting access to a credit report or other credit information as a condition of employment; (b) using or accepting an employee's or applicant's credit report or other credit information; (c) discharging, disciplining, or discriminating against an employee or applicant based on the employee's or applicant's credit report or other credit information or because the employee or applicant refuses to release the information to the employer; (d) discriminating against an employee or applicant who opposes a violation of these requirements by filing a charge or otherwise participating in a charge related to



these requirements; (2) create an administrative penalty for violation of these requirements; and (3) create a civil cause of action for damages and equitable relief related to these requirements.

**H.B. 1524 (Farrar) – Employment Notices:** would require the state agencies responsible for unemployment compensation and workers’ compensation to provide all notices in the two languages most commonly spoken in this state.

**H.B. 1538 (Meyer) – Retirement Benefits:** would: (1) make an elected individual ineligible for a public retirement annuity if: (a) they are convicted of a felony or class A or B misdemeanor related to the performance of their public service; and (b) a judge makes a finding that they are ineligible; (2) prohibit a conviction from affecting the annuity of an alternate payee; (3) require the governing body of a public retirement system to create rules to implement the bill’s requirements; and (4) make the system resume full payments if an individual is later determined not guilty or innocent of the crime that lead to the ineligibility. (Companion bill is **S.B. 110** by **V. Taylor**.)

**H.B. 1553 (Shaheen) – E-Verify:** would: (1) require a political subdivision, including a city, to enroll and use the E-Verify program; and (2) eliminate state funding for any political subdivision who does not enroll and use E-Verify.

**H.B. 1582 (Simpson) – Elected Official Compensation:** would require a governmental entity, including a city, to post online or post physically where public notices are kept if the city has no website, information about the amount of compensation received by each current or former elected official from the entity including travel reimbursement, health care premiums, retirement benefits, and anything that is reportable to the IRS as compensation.

**H.B. 1590 (S. Thompson) – Minimum Wage:** would: (1) make the minimum wage in Texas \$8.25 or the federal minimum wage, whichever is greater; and (2) repeal the prohibition on a city setting a minimum wage by ordinance or charter that is higher than the state or federal mandate.

**H.B. 1620 (Galindo) – Emergency Volunteers:** would: (1) prohibit an employer, who has 50 or more employees, including a city, from disciplining an employee who is absent or late to work because they are a volunteer emergency responder who is responding to a declared emergency; (2) only allow a volunteer emergency responder to be free from discipline under the above provision if they are absent 14 days or less in a year, unless the employer approves additional absences; (3) require a volunteer emergency responder to provide notice, when able, and proof of response to an emergency; (4) allow an employer to require the responder to use accrued leave time or lessen an employee's wages who is absence due to an emergency response; and (5) creates a civil action for damages and reinstatement based on the above provisions. (Companion bill is **S.B. 612** by **Burton**.)

**H.B. 1666 (Bonnen) – Liability for Training:** would protect a person from liability for damages caused by: (1) certain fire training exercises; and (2) certain emergency training exercises so long as the person does not engage in reckless conduct or intentional, wilful or wanton misconduct.

**H.B. 1707 (Stephenson) – Emergency Services Retirement System:** would allow a governmental entity, including a city, to use wire transfer or an ACH debit for deposits to the Texas Emergency Services Retirement System.

**H.B. 1720 (Deshotel) – Employee Background Checks:** would prohibit an employer, including a city, from: (1) asking about an employment applicant’s criminal history record information unless: (a) the applicant has been offered a conditional offer of employment or an interview; or (b) a criminal history information check is required by other law; and (2) considering any criminal history information regarding an offense that occurred more than seven years before the employment decision.

**H.B. 1740 (S. Thompson) – Rabies:** would exempt a veterinarian employed by a city and administering the city’s rabies control program from having to establish a veterinarian-client-patient relationship before administering or supervising the administration of a rabies vaccine.

**H.B. 1749 (Elkins) – Union Dues:** would: (1) provide for certain union wage deductions from fire personnel pay for a membership organization where the fire fighter requests the deduction in writing and the receiver is a bona fide employee association named by the fire fighter; (2) prohibit a city from withholding union or labor organization dues from an employee’s paycheck except in the case of certain peace officer and fire personnel deductions to certain bona fide employee associations; and (3) prohibit a trade union from entering the premises of another trade union without permission.

**H.B. 1777 (Giddings) – Employment:** would: (1) make it an illegal employment practice for an employer, including a city, to: (a) require or request that an employee or applicant give their user name, password, or other access to their personal electronic accounts, such as an e-mail or a social networking site account; (b) use an employee’s or applicant’s user name or password or accesses the employee’s or applicants personal online account; and (2) allow an employer to: (a) monitor or access electronic accounts or equipment that are employer-owned; or (b) access information about an employee or applicant on the Internet that is open to the public.

**H.B. 1790 (Marquez) – Civil Service:** would provide that a co-worker of a civil service fire fighter or peace officer may work in place of that person any time such a fire fighter or peace officer is using the temporary disability provisions of the state civil service act, rather than solely when the officer or fire fighter meets the definition of “injured.”

**S.B. 65 (Ellis) – Employment Discrimination:** this bill is identical to **H.B. 187**, above.

**S.B. 68 (Ellis) – Minimum Wage:** would require an employer to pay the higher of the federal minimum wage or a minimum wage set by a city or county for services rendered within the city or county.

**S.B. 110 (V. Taylor) – Retirement Benefits:** would: (1) make an elected individual ineligible for a public retirement annuity if: (a) they are convicted of a felony or class A or B misdemeanor related to the performance of their public service; and (b) a judge makes a finding that they are ineligible; (2) prohibit a conviction from affecting the annuity of an alternate payee; (3) require

the governing body of a public retirement system to create rules to implement the bill's requirements; and (4) make the system resume full payments if an individual is later determined not guilty or innocent of the crime that lead to the ineligibility.

**S.B. 123 (West) – Minimum Wage:** would allow a city or county to adopt a minimum wage that is higher than federal minimum wage and is enforceable within the city limits or the unincorporated areas of the county.

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

**S.B. 155 (Rodriguez) – Workers' Compensation:** would: (1) require construction contractors and subcontractors to provide workers' compensation insurance coverage for each of their employees; (2) require a contractor to provide certification of coverage of its employees and any subcontractor's employees to the governmental entity; and (3) provide that, if the contractor enters into a contract with a governmental entity for a public project, the coverage must be satisfactory to the governing body of the governmental entity.

**S.B. 368 (Garcia) – Union Representation:** would provide that: (1) a public employee, on request, has the right to be represented by a labor organization in a disciplinary proceeding initiated against the employee by the public employer of the employee, including an investigatory interview conducted by the employer that the employee reasonably believes may result in disciplinary action, if the interview: (a) is not to convey work instructions, training, or correcting work techniques; or (b) is not for investigation of a possible disciplinary action; (2) a public employer, including a city: (a) shall grant the request for representation and delay the interview until the representative arrives and has had an opportunity to consult privately with the employee; or (b) deny the request and end the interview immediately; or offer the employee the choice of continuing the interview unrepresented or accepting any disciplinary action determined by the employer without an interview; (3) a public employer, including a city, who grants a public employee's request for representation, must provide the employee reasonable time to obtain representation; (4) an employer, including a city, does not have to allow representation if the employer has already decided the disciplinary action against the employee and the purpose of the interview is just to inform the employee of the disciplinary action to be taken; and (5) an employer is not required to inform an employee of his or her right to representation.

**S.B. 376 (Rodriguez) – Employee Background Checks:** would prohibit an employer, including a city, from asking about an employment applicant's criminal history record information unless: (1) the applicant has been first offered a conditional offer of employment or an interview; or (2) a criminal history information check is required by other law.

**S.B. 401 (Schwertner) – E-Verify for State Contractors:** would require any entity that contracts with the state for goods or services (including a city) to enroll in E-Verify for the pendency of the contract. (Companion bill is **H.B. 889** by Dale.)

**S.B. 436 (Lucio) – Death Benefits:** would increase the amount of state death benefits given to the families of public safety employees killed in the line of duty.

**S.B. 612 (Burton) – Emergency Volunteers:** would: (1) prohibit an employer, who has 50 or more employees, including a city, from disciplining an employee who is absent or late to work because he or she is a volunteer emergency responder who is responding to a declared emergency; (2) only allow a volunteer emergency responder to be protected from discipline under the above provision if the employee is absent 14 days or less in a year, unless the employer approves additional absences; (3) require a volunteer emergency responder to provide notice, when able, and proof of response to an emergency related to absence from work; (4) allow an employer to require the responder to use accrued leave time or lessen an employee's wages who is absence due to an emergency response; and (5) create a civil action for damages and reinstatement based on the above provisions.

**S.B. 664 (V. Taylor) – 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 these provisions.

**S.B. 666 (Eltife) – Workers' Compensation:** would provide that, unless the general contractor and subcontractor have entered into a written agreement providing otherwise, a subcontractor and the subcontractor's employees are not employees of the general contractor for purposes of this subtitle if the subcontractor: (1) is operating as an independent contractor; and (2) has entered into a written agreement with the general contractor that evidences a relationship in which the subcontractor assumes the responsibilities of an employer for the performance of work. (Note: This bill would codify the holding of a 2009 Texas Supreme Court opinion in *Entergy Gulf States, Inc. v. Summers*.)

**S.B. 727 (Watson) – Employee Leave:** would: (1) require an employer, including a city, to give an employee paid time off to obtain an election identification certificate if: (a) the person is eligible to vote or registered to vote; (b) the person does not have a form of identification necessary to vote; and (c) the employee takes 8 hours or less of leave within a shift to obtain the certificate; (2) create a cause of action for retaliation for an employee who is suspended or terminated for taking time off to obtain an election identification certificate; (3) require an employer, including a city, to post a conspicuous sign about an employee's rights under this section; and (4) require an employee to: (a) present documentation about the employee's absence from work; and (b) give the employer at least 24 hours notice of the need for time off.

**S.B. 728 (Watson) – Employment Discrimination:** would expand the offense of unlawfully prohibiting an employee from voting to include: (1) refusing to allow an employee to be absent to vote during early voting; or (2) threatening an employee for early voting.

## **Public Safety**

**H.B. 64 (Lucio) – Cell Phone Ban:** would: (1) require driver education training to include information on the effect of using a wireless communication device or engaging in other actions that may distract a driver; (2) increase the penalty for a person younger than 18 years of age who uses a wireless communications device while driving in certain circumstances; (3) prohibit a driver from using a wireless communication device to read, write, or send a text message while operating a motor vehicle unless the vehicle is stopped and is outside a lane of travel, with certain exceptions; (4) prohibit the assignment of points under the Driver Responsibility Program when a person is convicted of texting while driving; and (5) provide that the bill does not preempt a local ordinance, rule, or regulation adopted by a political subdivision relating to the use of a portable wireless communication device by the operator of a motor vehicle that is consistent with or more stringent than the provisions of the bill. (Companion bill is **S.B. 25** by **Zaffirini**.)

**H.B. 65 (McClendon) – Disease Control Pilot Programs:** would create county-funded pilot programs for the prevention of communicable diseases, including the distribution of syringes.

**H.B. 68 (Alonzo) – Texas Resident Driver’s Permit:** would create a Texas resident driver’s permit, provisional Texas resident driver’s permit, and Texas resident driver’s instruction permit.

**H.B. 72 (Goldman) – Law Enforcement Vehicles:** would prohibit a city from selling or transferring a marked patrol car or other law enforcement motor vehicle to the public unless the city first removes equipment or insignia that could mislead a reasonable person to believe the vehicle is a law enforcement motor vehicle.

**H.B. 80 (Craddick) – Cell Phone Ban:** this bill is identical to **H.B. 64**, above.

**H.B. 92 (J. White) – Illegal Knife:** would delete a bowie knife from the definition of “illegal knife” for purposes of certain Texas Penal Code provisions, including provisions related to possessing, carrying, and transferring illegal knives.

**H.B. 106 (Flynn) – Open Carry:** would provide that a concealed handgun licensee may carry a concealed or unconcealed handgun.

**H.B. 137 (Stickland) – State Grants:** would prohibit a state agency from giving any funds to a police organization that is involved in lobbying the legislature or other listed political activity.

**H.B. 141 (Menendez) – Cell Phone Ban:** this bill is identical to **H.B. 64** and **H.B. 80**, above.

**H.B. 142 (Stickland) – Red Light Cameras:** would: (1) prohibit all automated traffic enforcement, including red light cameras; (2) eliminate the state trauma account funded by the state’s portion of red light camera fines; and (3) allow a current contract between a city and its red light camera administration company to continue so long as the contract existed as of June 1, 2015.

**H.B. 154 (Johnson) – Peace Officers:** would: (1) prohibit a peace officer from asking the nationality or immigration status of a witness or victim of a criminal offense except: (a) as necessary to investigate the offense; or (b) to provide information about federal visas for individuals providing assistance to law enforcement; and (2) not prevent a peace officer from conducting a separate investigation of any other alleged criminal offense. (Companion bill is **S.B. 160** by **Rodriguez**.)

**H.B. 164 (White) – Open Carry:** would provide, among other things, that a concealed handgun licensee may also carry an unconcealed handgun.

**H.B. 172 (Stickland) – Weapons:** Would prohibit a city from regulating the transfer, private ownership, keeping, transportation, licensing, or registration of electric stun guns, knives, personal defense sprays, or related supplies (Note: Cities are prohibited by current law from regulating those aspects of firearms.)

**H.B. 176 (Kleinschmidt) – Gun Rights:** Would enact the “Second Amendment Preservation Act” and make certain findings related to the Second Amendment to the U.S. Constitution as they relate to federal gun control measures. The bill would also enact a new penalty provision in Texas law titled “Protection of Right to Keep and Bear Arms,” which would provide that: (1) a federal law, including a statute, an executive, administrative, or court order, or a rule, that infringes on a law-abiding citizen's right to keep and bear arms under the Second Amendment to the United States or Texas Constitution is invalid and not enforceable in this state; (2) a federal law that infringes on a law-abiding citizen's right to keep and bear arms includes a law that: (a) imposes a tax, fee, or stamp on a firearm, firearm accessory, or firearm ammunition that is not common to all other goods and services and may be reasonably expected to create a chilling effect on the purchase or ownership of those items by a law-abiding citizen; (b) requires the registration or tracking of a firearm, firearm accessory, or firearm ammunition or the owners of those items that may be reasonably expected to create a chilling effect on the purchase or ownership of those items by a law-abiding citizen; (c) prohibits the possession, ownership, use, or transfer of a firearm, firearm accessory, or firearm ammunition by a law-abiding citizen; and (d) orders the confiscation of a firearm, firearm accessory, or firearm ammunition from a law-abiding citizen; (3) each state court and law enforcement agency of this state shall protect a law-abiding citizen's right to keep and bear arms; (4) a government agency or an employee or an official of a government agency may not enforce a federal law described by (2), above; (5) a person who knowingly violates (4), above, is liable to a law-abiding citizen whose right to keep and bear arms was infringed by the person, including by means of declaratory relief, injunctive relief, compensation for pecuniary and nonpecuniary losses, and reasonable attorney's fees, court costs, and other reasonable expenses required in bringing the action; (6) a person may not bring an action to assert a claim unless, 60 days before bringing the action, the claimant gives notice to the person who violated the bill; (7) a claimant may, within the 60-day notice period, bring an action for declaratory or injunctive relief and associated attorney's fees, court costs, and other reasonable expenses, if: (a) infringement on the claimant's right to keep and bear arms is imminent; and (b) the claimant was not informed and did not otherwise have knowledge of the enforcement action in time to reasonably provide the notice; (8) a claimant must bring an action to assert a claim for damages under this chapter not later than one year after the date the claimant knew or should have known of the infringement on the claimant's right to keep and bear arms;

and (9) sovereign and governmental immunity to suit and from liability is waived and abolished to the extent of liability created by the bill, and the affirmative defense of official immunity is not available to an employee or official sued under the bill.

**H.B. 195 (Stickland) – Open Carry:** would provide that: (1) a person may carry any firearm in Texas, including a concealed or unconcealed handgun, without a concealed handgun license; and (2) a law enforcement officer may not disarm a “law abiding” person without probable cause of imminent threat.

**H.B. 198 (Huberty) – Concealed Handguns:** would authorize a school board member or superintendent who possesses a concealed handgun license to carry a concealed handgun into the meeting of their school board.

**H.B. 214 (Harless) – Cell Phone Ban:** this bill is identical to **H.B. 64**, above.

**H.B. 216 (J. White) – Concealed Handguns:** would reduce the eligible age to obtain a concealed handgun license from 21 years old to 18 years old.

**H.B. 225 (Guillen) – Drug Possession:** would create a defense to prosecution for drug possession crimes, if the individual: (1) requested emergency medical assistance in response to the possible controlled substance overdose of another person; (2) was the first person to make a request for medical assistance; (3) remained on the scene until the medical assistance arrived; and (4) cooperated with medical assistance and law enforcement personnel.

**H.B. 226 (Guillen) – Concealed Handguns:** would provide that: (1) a state agency or a political subdivision of the state may not provide notice that a concealed handgun licensee is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are actually prohibited from carrying a handgun on the premises; (2) a state agency or a political subdivision of the state that improperly posts notice is liable for a civil penalty; (3) a citizen of this state or a person licensed to carry a concealed handgun may file a complaint with the attorney general that a state agency or political subdivision has improperly posted notice; (3) before a suit may be brought against a state agency or a political subdivision of the state for improperly posting notice, the attorney general must investigate the complaint to determine whether legal action is warranted; (4) if legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that gives the agency or political subdivision 15 days from receipt of the notice to remove the sign and cure the violation to avoid the penalty; (5) if the attorney general determines that legal action is warranted and that the state agency or political subdivision has not cured the violation within the 15-day period, the attorney general or the appropriate county or district attorney may sue to collect the civil penalty, and the attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief; and (6) a state agency or political subdivision may only prohibit a concealed handgun licensee from carrying in a meeting room where a governmental body that is subject to the Open Meetings Act is meeting.

**H.B. 229 (Guillen) – Surplus Property:** would require the Public Safety Commission to establish a procedure for the disposition of surplus motor vehicles and other law enforcement

equipment that authorizes the Department of Public Safety to directly transfer surplus property to a city or county law enforcement agency at a price or for other agreed consideration.

**H.B. 235 (Farrar) – Animal Cruelty:** would: (1) require the Texas Department of Public Safety to establish and maintain a database of persons convicted or receiving deferred adjudication for a cruelty to animal offense; (2) establish a procedure to provide local law enforcement or animal control officers with information on whether an individual is required to register; and (3) provide penalties for an individual who is required to register and fails to do so.

**H.B. 237 (Springer) – Volunteer Fire Training:** would prohibit a state agency from requiring a license or certification for a volunteer fire fighter or a member of an industrial emergency response team who is not a full-time paid employee.

**H.B. 248 (Leach) – Asset Forfeiture:** would raise the state’s burden of proof from “preponderance of the evidence” to “clear and convincing” in certain criminal asset forfeiture proceedings.

**H.B. 249 (Leach) – Asset Forfeiture Audits:** would: (1) require that the annual audit form prepared by a law enforcement agency in regard to property forfeited under criminal asset forfeiture proceedings include, for each seizure of proceeds or property: (a) the specific criminal offense on which the seizure was based; and (b) if charges were brought in connection with the offense, the disposition of those charges; and (2) require, not later than February 1 of each year, the attorney general to publish a report summarizing the results of criminal asset forfeiture audits.

**H.B. 265 (Miles) – Official Oppression:** would increase the penalty prescribed for official oppression when the public official involved in the oppression is a peace officer who knowingly causes bodily injury to another.

**H.B. 266 (Miles) – Improper Sexual Activity:** would, among other things, provide for enhanced penalties when peace officers and correctional facility personnel engage in improper sexual activity with a juvenile in the custody of the Texas Juvenile Justice Department or other state financed correctional facility.

**H.B. 278 (Ashby) – Concealed Handguns:** would authorize most prosecuting attorneys, including municipal attorneys, to carry a concealed or unconcealed handgun essentially anywhere.

**H.B. 289 (Estes) – Volunteer Fire Fighter Training:** would prohibit a state agency from requiring a license or certification for a volunteer fire fighter who is not a full-time paid employee or on an industrial emergency response team. (Companion bill is **H.B. 237** by **Springer**.)

**H.B. 291 (Huberty) – Open Carry:** would provide that a concealed handgun licensee may carry a concealed or unconcealed handgun. (This bill is identical to **H.B. 106** by **Flynn**.)



**H.B. 308 (Springer) – Concealed Handguns:** would, among other things, expand the places where a concealed handgun licensee can carry a concealed handgun to include bars; high school, collegiate, and professional sporting events; jails; hospitals; amusement parks; places of religious worship; and meetings of governmental entities.

**H.B. 324 (Dutton) – Body Cavity Search:** would: (1) define “body cavity search” to mean an inspection that is conducted of a person’s anal or vaginal cavity in any manner; and (2) prohibit a peace officer from conducting such a search of a person arrested or detained during the investigation of a criminal offense, unless a magistrate has issued a search warrant authorizing that search.

**H.B. 325 (Wu) – Marihuana:** would, with some exceptions, provide that the possession of .35 ounces or less of marihuana is a class C misdemeanor.

**H.B. 349 (Kleinschmidt) – Criminal History Record Information:** would: (1) require the Department of Public Safety (DPS) to maintain the electronic fingerprint record of each person who is the subject of a criminal history record information (CHRI) request; and (2) allow a person who is the subject of a CHRI request to authorize DPS to forward updated CHRI, including information received from the Federal Bureau of Investigation, to a person entitled to receive such information.

**H.B. 353 (K. King) – Concealed Handguns:** would provide that emergency services personnel engaged in providing emergency services in a county with a population of 50,000 or less may carry a concealed handgun while on duty.

**H.B. 368 Villalba – Family Violence:** would require a peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence to take certain video recordings or photographs in relation to the suspect and any possible victim (provided a camera is provided to the officer by the employing law enforcement agency).

**H.B. 381 (Burkett) – Burglary of a Vehicle:** would reduce the punishment that may be ordered by the judge for certain burglary of a vehicle offenses.

**H.B. 383 (McClendon) – Unprotected Road User:** would: (1) create offenses and penalties for certain actions taken by an operator of a motor vehicle in relation to an “unprotected road user,” such as a pedestrian, utility worker, or bicyclist; and (2) require that certain high-risk vehicles be equipped with a mirror in certain circumstances.

**H.B. 384 (Spitzer) – Sex Offender Residency Restrictions:** would permit a general law city to prohibit a registered sex offender from going in, on, or within a specified distance of a child safety zone within the city. (Note: Home rule cities already possess this power under current law.)

**H.B. 403 (Dutton) – Drug Offenses:** would reduce the penalty for certain offenders for possession of a small amount of certain controlled substances.

**H.B. 413 (Goldman) – Gun Rights:** would enact the “Second Amendment Preservation Act” and make certain findings related to the Second Amendment to the U.S. Constitution as they relate to federal gun control measures. The bill would also enact a new penalty provision in Texas law titled “Protection of Right to Keep and Bear Arms,” which would provide that: (1) a federal law, including a statute, an executive, administrative, or court order, or a rule, that infringes on a law-abiding citizen's right to keep and bear arms under the Second Amendment to the United States or Texas Constitution is invalid and not enforceable in this state; (2) a federal law that infringes on a law-abiding citizen’s right to keep and bear arms includes a law that: (a) imposes a tax, fee, or stamp on a firearm, firearm accessory, or firearm ammunition that is not common to all other goods and services and may be reasonably expected to create a chilling effect on the purchase or ownership of those items by a law-abiding citizen; (b) requires the registration or tracking of a firearm, firearm accessory, or firearm ammunition or the owners of those items that may be reasonably expected to create a chilling effect on the purchase or ownership of those items by a law-abiding citizen; (c) prohibits the possession, ownership, use, or transfer of a firearm, firearm accessory, or firearm ammunition by a law-abiding citizen; and (d) orders the confiscation of a firearm, firearm accessory, or firearm ammunition from a law-abiding citizen; (3) each state court and law enforcement agency of this state shall protect a law-abiding citizen's right to keep and bear arms; (4) a government agency or an employee or an official of a government agency may not enforce a federal law described by (2), above; (5) a person who knowingly violates (4), above, is liable to a law-abiding citizen whose right to keep and bear arms was infringed by the person, including by means of declaratory relief, injunctive relief, compensation for pecuniary and nonpecuniary losses, and reasonable attorney's fees, court costs, and other reasonable expenses required in bringing the action; (6) a person may not bring an action to assert a claim unless, 60 days before bringing the action, the claimant gives notice to the person who violated the bill; (7) a claimant may, within the 60-day notice period, bring an action for declaratory or injunctive relief and associated attorney's fees, court costs, and other reasonable expenses, if: (a) infringement on the claimant's right to keep and bear arms is imminent; and (b) the claimant was not informed and did not otherwise have knowledge of the enforcement action in time to reasonably provide the notice; (8) a claimant must bring an action to assert a claim for damages under this chapter not later than one year after the date the claimant knew or should have known of the infringement on the claimant’s right to keep and bear arms; and (9) sovereign and governmental immunity to suit and from liability is waived and abolished to the extent of liability created by the bill, and the affirmative defense of official immunity is not available to an employee or official sued under the bill. (Companion bill is **H.B. 176** by **Kleinschmidt**.)

**H.B. 414 (Dutton) – Drug Offenses:** would reduce to a class C misdemeanor the penalty for possession of one ounce or less of marijuana or a synthetic cannabinoid.

**H.B. 415 (Riddle) – Open Carry:** would provide that a concealed handgun licensee may carry a concealed or unconcealed handgun. (Companion bills are **H.B. 106** by **Flynn** and **H.B. 291** by **Huberty**.)

**H.B. 417 (Pickett) – Fertilizer Facilities:** would: (1) increase reporting requirements for owners and operators of ammonium nitrate facilities, including requiring the owner or operator to: (a) file an updated “tier two” form with the Texas Commission on Environmental Quality (TCEQ) not later than the 90th day after there is a change in chemical weight range in a hazardous

chemical or extremely hazardous material or within 72 hours of beginning operation or having a reportable addition of ammonium nitrate; and (b) furnish the tier two form to the local fire chief and local emergency planning committee; (2) give the Texas commissioner of insurance, in consultation with the state fire marshal, the authority to develop standards for ammonium nitrate facilities; (3) increase the duties and authority of state and local fire marshals and fire departments by: (a) requiring the owner or operator of an ammonium nitrate storage facility to allow a state or local fire marshal to examine the facility; (b) allowing a local fire department to access an ammonium nitrate storage facility to make a pre-fire planning assessment; (c) requiring an owner or operator to correct any hazardous situations found by a fire marshal; (d) allowing a fire marshal to enforce any standards adopted by the commissioner of insurance by reporting violations to the Texas Feed and Fertilizer Control Service; (e) allowing a fire marshal or fire department to do an inspection of an ammonium nitrate facility without being certified as an inspector by the Texas Commission on Fire Protection; (4) increase the authority and duties of the TCEQ in regards to ammonium nitrate facility reporting and enforcement by: (a) requiring the TCEQ to inform the Texas Division of Emergency Management (TDEM) and the state fire marshal within 72 hours of receiving a tier two form reporting the presence of ammonium nitrate at an ammonium nitrate storage facility; (b) making the TCEQ, rather than the Texas Department of State Health Services, the repository for information regarding ammonium nitrate facilities; (c) allowing the TCEQ to enforce ammonium nitrate facility reporting requirements through Chapter 7 of the Water Code including penalties of up to \$5,000 for each violation and corrective action orders; and (5) require state agencies such as the TCEQ and the TDEM to report to local entities regarding ammonium nitrate tier two reporting.

**H.B. 422 (Krause) – Firearms:** would, among other things: (1) prohibit the state or a political subdivision of the state from contracting with or in any other manner providing assistance to a federal agency or official with respect to the enforcement of a federal statute, rule, or regulation purporting to regulate a firearm, a firearm accessory, or firearm ammunition if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under the laws of this state; and (2) provide that the attorney general shall defend any agency or political subdivision of the state if the federal government attempts to sue or prosecute it based on the bill's requirements.

**H.B. 455 (Johnson) – Body Cameras:** would provide, among other things, that: (1) a law enforcement agency in this state shall apply to the Department of Public Safety for a grant to equip officers with body cameras if the agency employs officers who: (a) are engaged in traffic or highway patrol or otherwise regularly stop or detain motor vehicles; or (b) respond to calls for assistance from the public; (2) a law enforcement agency that receives "a grant" from the department to provide body cameras to its officers or that otherwise operates a body worn camera program shall adopt a policy for the use of body cameras; (3) before a law enforcement agency may operate a body camera program, the agency must provide training to: (a) officers who will wear the body cameras; and (b) any other personnel who will come into contact with video and audio data obtained from the use of body cameras. (Companion bill is **S.B. 158** by West.)

**H.B. 460 (Bell) – Blood Specimen Warrant:** would allow a warrant issued to collect a blood specimen from a person suspected of committing an intoxication offense to be executed in a county that is contiguous to the county in which the warrant was issued.

**H.B. 461 (Canales) – Smoking:** would create a class C misdemeanor offense for smoking in a passenger vehicle when a child who is required to be secured in a child passenger safety seat system is in the vehicle.

**H.B. 472 (Stephenson) – Asset Forfeiture:** would: (1) allow law enforcement agencies to use criminal asset forfeiture funds for certain audit costs; (2) allow attorneys representing the state to use criminal asset forfeiture funds for certain witness-related and audit costs; and (3) require that a criminal asset forfeiture audit include a detailed report itemizing all seizures, indicating the specific criminal offense on which the seizure was based, and setting out the disposition of any charges, if applicable.

**H.B. 473 (Giddings) – Law Enforcement Vehicles:** would prohibit a city from selling or transferring a marked patrol car or other law enforcement motor vehicle to the public unless the city first removes equipment or insignia that could mislead a reasonable person to believe the vehicle is a law enforcement motor vehicle. (This bill is similar to **H.B. 72 by Goldman.**)

**H.B. 474 (Reynolds) – Body Cameras:** would provide, among other things, that: (1) a law enforcement agency in this state shall equip with body worn cameras all officers who are engaged in traffic or highway patrol or otherwise regularly stop or detain motor vehicles or who respond to calls for assistance from the public; (2) a law enforcement agency that is not able to equip all officers described in (1) with body worn cameras because it would cause financial hardship shall submit to the Texas Department of Public Safety an annual report that: (a) states that the agency lacks the money to equip with body worn cameras all officers who are required to wear a camera; and (b) includes both the number of cameras in use by the agency and the number of cameras required under (1); (3) a law enforcement agency is not required to equip all officers described in (1) with body worn cameras until the agency receives the necessary money; (4) each officer equipped with a body worn camera shall: (a) activate the camera when responding to calls for assistance and when performing other law enforcement activities, including traffic stops, pursuits, arrests, searches, or interrogations; and (b) if practicable, before engaging with a person who will be recorded, provide the person with verbal notice of the recording; (5) a recording created with a body worn camera and documenting an incident that is the subject of an investigation or complaint may not be deleted or destroyed before the completion of the investigation into the incident or the final disposition of the complaint regarding the incident; (6) a recording that is not required to be retained under (5) shall be deleted or destroyed as soon as practicable after the 180th day after the date the recording is made; and (6) a recording made by a body worn camera is public information.

**H.B. 479 (Bell) – Dispatch:** would transfer the regional emergency medical dispatch resource center program from the health education center at the University of Texas Medical Branch at Galveston to the Commission on State Emergency Communications.

**H.B. 488 (Guillen) – Synthetic Drugs:** would designate certain synthetic compounds to Penalty Group 2 or 2-A of the Texas Controlled Substances Act. (Companion bill is **S.B. 199** by **Perry**.)

**H.B. 507 (Moody) – Marijuana:** would make possession of less than one ounce of marijuana a civil offense; and would also make the identity of a person cited or found liable for a civil marijuana penalty confidential under the Public Information Act.

**H.B. 530 (Hernandez Luna) – Asset Forfeiture:** would: (1) allow a law enforcement agency to transfer not more than ten percent of the gross amount credited to the agency’s criminal asset forfeiture fund to a separate special fund to provide scholarships to the children of certain peace officers who are killed in the line of duty; and (2) require the attorney general to develop an annual report detailing the amount of funds forfeited, or credited after the sale of forfeited property, and post the same on the attorney general’s website.

**H.B. 533 (Ashby) – Vehicle Impoundment:** would: (1) authorize a peace officer to impound or authorize a vehicle storage facility to remove and impound a vehicle of a person who: (a) is involved in a motor vehicle accident or is stopped for an alleged violation of a local traffic ordinance, state traffic law, or any other law applicable to the operation of a vehicle on a roadway; and (b) operates a motor vehicle without establishing financial responsibility for the vehicle; (2) require a peace officer who impounds or authorizes the impoundment of a vehicle under (1), above, to instruct the operator of the vehicle as to how the owner of the vehicle may recover the motor vehicle; (3) allow a law enforcement agency or vehicle storage facility to release a vehicle impounded under (1), above, only if the owner provides: (a) sufficient evidence showing the motor vehicle was exempt from the financial responsibility requirement; or (b) sufficient evidence showing that on the applicable date the vehicle was in compliance; or (c) sufficient evidence showing financial responsibility for the vehicle has been obtained and is valid; and (d) provides a driver’s license issued to the owner of the vehicle and pays all associated fees; and (4) authorize the law enforcement agency or vehicle storage facility that impounds a vehicle under (1), above, to release the vehicle to a person who is shown as a lienholder on the vehicle’s certificate of title only if the person provides a statement from an officer of the lienholder establishing that the obligation secured by the vehicle is in default and the person pays all associated fees.

**H.B. 541 (Canales) – Custodial Interrogations:** would: (1) limit the law enforcement agencies that are qualified to conduct a custodial interrogation of an individual suspected of committing murder, capital murder, kidnapping, aggravated kidnapping, trafficking of persons, continuous trafficking of persons, continuous sexual abuse of young children, indecency with a child, improper relationship between educator and student, sexual assault, aggravated sexual assault or sexual performance by a child; (2) require a law enforcement agency qualified to conduct a custodial interrogation described in (1), above, to make an electronic recording of the interrogation when it occurs in a place of detention, including a city police station or department; (3) provide that an electronic recording described in (2), above, is only complete if the recording begins at the time the person being interrogated receives a Miranda warning and continues until the interrogation ceases; (4) exempt a recording described in (2), above, from public disclosure; and (5) excuse a law enforcement agency from making the electronic recording described in (2), above, if: (a) the accused refuses to respond to questioning or cooperate in the interrogation; (b) a statement was not made exclusively as a result of a custodial interrogation; (c) the recording

equipment malfunctions; (d) exigent public safety concerns prevent or render infeasible the making of the recording; or (e) the peace officer reasonably believes that the accused was not taken into custody for or being interrogated concerning the commission of an offense listed in (1), above.

**H.B. 543 (Dutton) – DWI:** would allow the commissioners court of a county or the governing body of a city to create a “Direct Intervention using Voluntary Education, Restitution, and Treatment (DIVERT)” program for certain first-time DWI offenders.

**H.B. 554 (Springer) – Concealed Handguns:** would provide a defense to prosecution for a concealed handgun licensee who accidentally carries a concealed handgun into the secure area of an airport. (Companion bill is **H.B. 571** by **Pickett**.)

**H.B. 563 (Dutton) – Law Enforcement:** would: (1) expand the definition of the crime of official oppression to include excessive force; and (2) make excessive force by a peace officer a third degree felony.

**H.B. 571 (Pickett) – Concealed Handguns:** this bill is identical to **H.B. 554**, above.

**H.B. 573 (J. White) – Concealed Handguns:** would allow an election judge or clerk who possesses a concealed handgun license to carry a concealed handgun on the premises of a polling place.

**H.B. 579 (Giddings) – Animal Encounter Training:** would require a peace officer to complete an animal encounter and behavior training program established by the Texas Commission on Law Enforcement: (1) not later than the second anniversary of the date the officer is licensed or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier; or (2) in any case by September 1, 2017.

**H.B. 592 (Krause) – Immigration Status of Arrestee:** would: (1) require a law enforcement agency, not later than 48 hours after a person is arrested and before the person is released on bond, to: (a) review any information available under the federal Secure Communities Program or a successor program; or (b) request information regarding the person’s immigration status from a federal immigration officer or Texas peace officer or law enforcement officer who is authorized under federal law to verify a person’s immigration status; (2) excuse a law enforcement agency from the duties described in (1), above, with respect to a person who is transferred to the custody of the agency by another law enforcement agency that has already performed those duties; and (3) require a law enforcement agency that has custody of a person subject to an immigration detainer to detain the person and provide notice of the detainer to the judge or magistrate authorized to grant or deny the person’s release on bail.

**H.B. 597 (Clardy) – Synthetic Cannabinoids:** would designate certain chemicals commonly referred to as synthetic cannabinoids as controlled substances and controlled substance analogues under the Texas Controlled Substances Act.

**H.B. 611 (Davis) – Ebola:** would add the Ebola virus to the list of communicable diseases that certain entities must report to a local health authority and the Texas Department of State Health Services.

**H.B. 636 (Springer) – Overweight Vehicles:** would, except in certain circumstances, provide that the offense of operating a vehicle at a weight heavier than the permit allows is a misdemeanor offense punishable by a fine of not more than \$25 if the vehicle is loaded primarily with agricultural products in their natural state.

**H.B. 640 (Canales) – Identification and Proof of Licensure:** would require the Texas Department of Public Safety to conduct a study regarding the use of a digital image for identification and proof of licensure purposes.

**H.B. 646 (Collier) – E-Cigarettes:** would: (1) define “vapor products” to include an electronic cigarette or another device that uses a mechanical heating element, battery, or electronic circuit to deliver vapor or any substance use to fill or refill an electronic cigarette or similar device; (2) include vapor products, such as electronic cigarettes, in the existing state regulations that govern the sale, distribution, possession, use, and advertising of cigarettes and other tobacco products; and (3) prohibit the use of an electronic cigarette or similar device in a school, elevator, theater, library, museum, hospital, bus, plane, or train except in certain designated areas.

**H.B. 647 (Isaac) – E-Cigarettes:** would add electronic cigarettes to the list of products that are regulated by the state and that may not be sold to minors.

**H.B. 693 (Gutierrez) – Temporary Visitor’s Driver’s License:** would create a temporary visitor’s driver’s license to be issued by the Texas Department of Public Safety to anyone that: (1) has resided in the state for at least a year, (2) is ineligible to obtain a social security number, and (3) is unable to present documentation authorizing the person to be in the United States.

**H.B. 695 (Springer) – Concealed Handguns:** would provide that a private hospital or nursing home may not prohibit a license holder from carrying a concealed handgun on its premises.

**H.B. 805 (Keough) – Concealed Handguns:** would allow a license holder to carry a concealed handgun on the premises of any entity that receives public money and on premises owned or leased by a governmental entity.

**H.B. 715 (Longoria) – Surplus Property:** would give the Texas Department of Public Safety discretionary authority to sell at a 30 percent discount a surplus law enforcement motor vehicle or surplus law enforcement equipment to a county or city within thirty miles of the Texas – Mexico border.

**H.B. 740 (Bohac) – Red Light Cameras:** would require that red light camera signs list the possible monetary penalties for violations in addition to the information required by current law.

**H.B. 748 (Isaac) – Liquid Propane:** would provide that: (1) a city or county may not enact or enforce an order or ordinance that prohibits, restricts, or has the effect of prohibiting or restricting a property owner from installing a liquid propane gas tank above ground on the

owner's residential property if the tank is a size reasonably necessary to meet the gas requirements of the residence; and (2) the city or county may require the owner to screen the tank from view with reasonable screening materials.

**H.B. 804 (Geren) – Vehicle Storage Facilities:** would require a vehicle storage facility, including a city vehicle storage facility, to accept cash as a form of payment.

**H.B. 823 (Wu) – Motor Carrier Safety Regulations:** would provide that an offense of certain federal motor carrier safety regulations related to brakes, tires, or load securement is a Class C misdemeanor punishable by a fine of not less than \$150 or more than \$500.

**H.B. 834 (Hernandez) – Silver Alert:** would remove the requirement that a senior citizen be domiciled in the State of Texas in order for a local law enforcement agency to notify the Texas Department of Public Safety of a missing senior citizen.

**H.B. 852 (Sanford) – Biometric Identifiers:** would create a joint interim committee to study and make recommendations regarding the storage of biometric identifiers.

**H.B. 853 (Sanford) – Identity of Child Victims:** would: (1) allow a parent or guardian of a child victim to choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning an offense against the child; (2) require the office of the attorney general to develop and distribute to all law enforcement agencies a form to record the name, address, phone number, and pseudonym of a child victim; (3) provide that a completed child victim pseudonym form is confidential and may only be disclosed to a defendant or the defendant's attorney, except on an order of a court; (4) require a law enforcement agency receiving a pseudonym form from the parent or guardian of a child victim to: (a) remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession; (b) notify the attorney for the state of the pseudonym; and (c) maintain the form in a manner that protects the confidentiality of the information contained in the form; (5) require an attorney for the state who receives notice of a pseudonym to ensure that the victim is designated by the pseudonym in all legal proceedings regarding the offense; (6) allow a court to order disclosure of a child victim's name, address, and phone number if the court finds the information is essential in the trial of a defendant or the identity of the victim is in issue; (7) prohibit a public servant or other person who has access to the identifying information of a child victim from releasing or disclosing the identifying information to any person not assisting in the investigation, prosecution, or defense of the case; (8) except from the prohibition in (7), above, the release or disclosure of a child's identifying information by the victim or parent or guardian of the victim; (9) provide that unless a disclosure of a child victim's identifying information is required or permitted by other law or by court order, a public servant or other person commits a class C misdemeanor if the person has access to the identifying information and knowingly discloses the child's name, address, or phone number to anyone who is not assisting in the investigation or prosecution of the offense or to any person other than the defendant, the defendant's attorney, or a person specified in a court order; and (10) provide that it is an affirmative defense to (9), above, that the actor is the child victim or parent or guardian of the child victim.



**H.B. 864 (Zedler) – Red Lights:** would provide that an operator of a vehicle facing a steady red signal at a traffic-actuated electric traffic-control signal may proceed if the traffic-actuated electric traffic-control signal fails to register the vehicle within a reasonable period of time, and that the right to proceed is subject to the rules applicable after stopping at a stop sign. (Companion bill is **S.B. 334** by **Watson**.)

**H.B. 876 (Phelan) – Metal Recycling:** would require a metal recycling entity to pay for a purchase of regulated material by check, mailed to the seller at the address shown on the seller's personal identification document.

**H.B. 883 (Moody) – Graffiti:** would, among other thing, lower the penalty for certain graffiti offenses from a class B misdemeanor to a class C misdemeanor.

**H.B. 892 (Klick) – Medical Marijuana:** would: (1) authorize the medical use of low-THC cannabis for the treatment of epilepsy; (2) impose regulations on related organizations and individuals; and (3) prohibit a city from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis. (Companion bill is **S.B. 339** by **Eltife**.)

**H.B. 905 (Frullo) – Knives:** would prohibit a city from adopting or enforcing a regulation relating to the transfer, private ownership, keeping, transportation, licensing, or registration of knives.

**H.B. 910 (Springer) – Concealed Handguns:** would provide that: (1) a person who is licensed to carry a handgun may openly carry a holstered handgun; and (2) a city may not prohibit such carry on most property owned or leased by a governmental entity. (Companion bill is **S.B. 346** by **Estes**.)

**H.B. 917 (Villalba) – School Marshals:** would authorize a private K-12 school to appoint a school marshal who can carry a concealed handgun on campus.

**H.B. 922 (Leach) – Open Carry:** would provide that a concealed handgun licensee may carry a concealed or unconcealed handgun.

**H.B. 936 (Murphy) -- Neighborhood Electric Vehicles:** would allow a neighborhood electric vehicle to drive on any street that has a posted speed limit of 35 miles per hour or less so long as: (1) it is driven for recreational or commercial purposes; and (2) it meets the requirements of federal law.

**H.B. 937 (Fletcher) – Concealed Handguns:** would authorize a license holder to carry a concealed handgun on the campus of an institution of higher education or private or independent institution of higher education, with certain limitations. (Companion bill is **S.B. 11** by **Birdwell**.)

**H.B. 942 (Kacal) – Fertilizer Facilities:** would: (1) increase reporting requirements for owners and operators of ammonium nitrate facilities, including requiring the owner or operator to: (a) file an updated "tier two" form with the Texas Commission on Environmental Quality (TCEQ)

not later than the 90th day after there is a change in chemical weight range in a hazardous chemical or extremely hazardous material or within 72 hours of beginning operation or having a reportable addition of ammonium nitrate; and (b) furnish the tier two form to the local fire chief and local emergency planning committee; (2) require ammonium nitrate facilities to: (a) store ammonium nitrate or ammonium nitrate material in a separate structure; and (b) separate ammonium nitrate or ammonium nitrate material from combustible or flammable material by 30 feet or more; (3) increase the duties and authority of state and local fire marshals and fire departments by: (a) requiring the owner or operator of an ammonium nitrate storage facility to allow a state or local fire marshal to examine the facility; (b) allowing a local fire department to access an ammonium nitrate storage facility to make a pre-fire planning assessment; (c) requiring an owner or operator to correct any hazardous situations found by a fire marshal; (d) allowing a fire marshal to enforce storage and spacing requirements listed above; (e) allowing a fire marshal or fire department to do an inspection of an ammonium nitrate facility without being certified as an inspector by the Texas Commission on Fire Protection for pre-planning purposes; (4) increase the authority and duties of the TCEQ in regards to ammonium nitrate facility reporting and enforcement by: (a) requiring the TCEQ to inform the Texas Division of Emergency Management (TDEM) and the state fire marshal within 72 hours of receiving a tier two form reporting the presence of ammonium nitrate at an ammonium nitrate storage facility; (b) making the TCEQ, rather than the Texas Department of State Health Services, the repository for information regarding ammonium nitrate facilities; (c) allowing the TCEQ to enforce ammonium nitrate facility reporting requirements through Chapter 7 of the Water Code including penalties of up to \$5,000 for each violation and corrective action orders; and (5) require state agencies such as the TCEQ and the TDEM to report to local entities regarding ammonium nitrate tier two reporting.

**H.B. 944 (Kacal) – Open Carry:** would provide that a concealed handgun licensee may carry a concealed or unconcealed handgun.

**H.B. 955 (C. Turner) – Child Safety Seats:** would provide that a person commits an offense if the person operates a passenger vehicle, transports a child who is younger than two years of age, and does not keep the child secured during the operation of the vehicle in a rear-facing child passenger safety seat system according to the instructions of the manufacturer of the safety seat system.

**H.B. 970 (Kacal) – E-Cigarettes:** would include nicotine products, such as electronic cigarettes, in the existing state regulations that govern the sale, distribution, possession, use, and advertising of cigarettes and other tobacco products.

**H.B. 1012 (Canales) – Felony Forfeiture Property:** would raise the burden of proof from preponderance of the evidence to clear and convincing evidence for the state to prove property is subject to felony forfeiture.

**H.B. 1025 (Dutton) – Peace Officer Training:** would require that any peace officer training or education materials, including continuing education materials, be approved by the Texas Commission on Law Enforcement.

**H.B. 1034 (Geren) – Red Light Cameras:** would prohibit a county assessor-collector and the Texas Department of Motor Vehicles from refusing to register a motor vehicle because of a delinquency in the payment of a civil penalty imposed as a result of a violation detected by a photographic traffic signal enforcement system.

**H.B. 1035 (Johnson) – Filming of Police Officers:** would: (1) in regard to the offense of interfering with a peace officer in the performance of his duty, provide that it is a defense to prosecution that the conduct engaged in by the defendant consisted only of filming, recording, photographing, documenting, or observing a peace officer so long as any lawful orders by a peace officer to change proximity or position were obeyed; (2) provide that the requirement to comply with a lawful order or direction of a peace officer does not apply to an order or direction to cease filming, recording, photographing, documenting, or observing a peace officer while the officer is engaged in the performance of official duties, but provide that an officer may give an order or direction to change the person’s proximity or position; and (3) provide that it is a third degree felony for a law enforcement officer or employee of a law enforcement agency, after taking possession or custody of another person’s audio, video, or photographic recording of police operations, to alter, destroy or conceal that recording without the written consent of the owner.

**H.B. 1036 (Johnson) – Injury or Death Caused by Police Officer:** would: (1) require that within 72 hours of an officer-involved injury or death a report of the incident be submitted to the attorney general; (2) require a law enforcement agency to conduct an internal investigation into an officer-involved injury or death and, 72 hours after the conclusion of such investigation, submit to the attorney general a copy of the agency’s file or a summary of the agency’s findings on the investigation; (3) provide that not later than five days after the receipt of the report described in (1), above, the attorney general shall post to the office’s website a copy of the report along with a summary of the agency’s findings, as described in (2), above; and (4) require the attorney general to prepare an annual report regarding officer-involved injuries or deaths.

**H.B. 1057 (J. Rodriguez) – Graffiti:** would increase the hours of community service required for certain graffiti offenses for which the defendant is placed on community supervision or probation.

**H.B. 1064 (Sheffield) – Sex Offenders:** would: (1) define “child safety zone” for purposes of the state sex offender registration program; (2) require a judge, as a condition of community supervision, to prohibit certain sex offender defendants from working or residing within or going in or within a child safety zone; (3) with certain exceptions, prohibit a person who is required to register because of a conviction or adjudication for a sexually violent offense involving a victim younger than 17 years of age and who is not enrolled as a student at a primary or secondary school from working or residing within or going in a child safety zone; (4) provide that it is a third degree felony for a defendant to fail to comply with the prohibition in (3), above; and (5) require a parole panel, as a condition of parole or mandatory supervision, to prohibit certain sex offender defendants from working or residing within or going in or within a child safety zone.

**H.B. 1082 (Fletcher) – Obstructing a Highway:** would raise the penalty for the offense of obstructing a highway from a class B to a Class A misdemeanor, if the actor used a device that is intended to hinder removal of an obstruction.

**H.B. 1099 (Johnson) – Drug Possession:** would create a defense to prosecution for drug possession crimes, if the individual: (1) requested emergency medical assistance in response to the possible controlled substance overdose of another person; (2) was the first person to make a request for medical assistance; (3) remained on the scene until the medical assistance arrived; and (4) cooperated with medical assistance and law enforcement personnel. (Companion bill is **S.B. 295** by **Schwertner**.)

**H.B. 1131 (Elkins) – Photographic Traffic Signal Enforcement System:** would: (1) prohibit the issuance of a traffic complaint, notice of violation, or other form of civil or criminal charge or citation related to an alleged violation of any state, county, or city law relating to the operation of a motor vehicle if the alleged violation was detected through the use of a photographic traffic signal enforcement system; and (2) make a city that issues a complaint, notice of violation, or other form of civil or criminal charge or citation arising from the use of a photographic traffic signal enforcement system liable for the costs, including reasonable attorney’s fees, incurred by an owner or operator of a motor vehicle who received such complaint, notice, or citation. (Companion bill is **S.B. 340** by **Huffines**.)

**H.B. 1150 (J. White) – Fireworks:** would expand the days that a retail fireworks seller may sell fireworks to individuals.

**H.B. 1168 (Rinaldi) – Resisting Arrest, Search, or Transportation:** would: (1) in regard to the offense of preventing or obstructing a peace officer from effecting an arrest, search, or transportation, provide that it is a defense to prosecution that the arrest or search was unlawful; and (2) in regard to the offense of knowingly permitting or facilitating the escape of a person in custody and the offense of escaping from custody, provide that it is a defense to prosecution that the custody was unlawful.

**H.B. 1199 (Simpson) – Synthetic Drugs:** would amend the Deceptive Trade Practices-Consumer Protection Act to provide that the term “false, misleading, or deceptive acts or practices” includes producing, selling, distributing, or promoting a synthetic substance that produces and is intended to produce an effect when consumed or ingested similar to, or in excess of, the effect of a controlled substance or controlled substance analogue.

**H.B. 1200 (Simpson) – Synthetic Drugs:** would provide for the civil liability of a person who produces, distributes, sells, or provides or aids in the production, distribution, sale, or provision of certain synthetic substances to another person.

**H.B. 1212 (Price) – Synthetic Drugs:** would, among other things: (1) authorize the commissioner of public health to designate certain consumer commodities as abusable synthetic substances, and provide that such commodities are subject to certain regulations and enforcement actions; (2) authorize the commissioner of public health to emergency schedule a substance as a controlled substance under certain circumstances; (3) provide that it is a defense to prosecution for the offense of knowingly or intentionally possessing certain controlled substances if the actor requested emergency medical assistance in response to the possible overdose of the actor or another person; and (4) provide that it is not an affirmative defense to the prosecution of certain

offenses involving the manufacture, delivery, or possession of a controlled substance analogue that the analogue was not intended for human consumption.

**H.B. 1220 (Laubenberg) – DNA Samples:** would: (1) provide that: (a) an individual has an exclusive property right in a DNA sample provided by the individual; and (b) a person may not, without the informed, written consent of an individual or an individual’s legal guardian or authorized representative, collect a DNA sample from the individual, perform a genetic test on the individual’s DNA sample, or retain the sample; (2) provide that (1), above, does not apply to a DNA sample collected for the purpose of emergency medical treatment, a law enforcement purpose, or a similar use under the laws of this state or another jurisdiction; and (3) provide that a person who violates (1), above: (a) is liable to the State of Texas for a civil penalty not to exceed the amount of any profits that are attributable to the violation, or subject to an injunction, or both; and (b) with criminal negligence, commits a Class A misdemeanor. (Companion bill is **S.B. 475** by **Kolkhorst**.)

**H.B. 1233 (Springer) – Fire Inspectors:** would: (1) allow certain entities in addition to the Texas Commission on Fire Protection to provide fire inspection training; and (2) allow individuals who are in a county of 250,000 or less to perform fire inspections regardless of state certification if: (a) they have received training from any of the listed entities; or (b) they are a member of a volunteer fire department.

**H.B. 1234 (Tinderholt) – Concealed Handguns:** would authorize a license holder to carry a concealed handgun on certain private or public school property if authorized by written regulations or authorization of the school.

**H.B. 1252 (Pickett) – Motor Vehicle Weight Enforcement:** would: (1) require the Department of Public Safety to establish by rule uniform weighing procedures for weight enforcement officers to ensure an accurate weight is obtained for a motor vehicle; (2) authorize the Department of Public Safety to revoke or rescind the authority of a weight enforcement officer who fails to comply with the rules described in (1), above; and (3) provide that it is an affirmative defense to prosecution for certain offenses related to operating an overweight vehicle if the weight enforcement officer fails to follow the rules described in (1), above, when determining the weight of the vehicle.

**H.B. 1293 (Alvarado) – Stalking Victims:** would allow the victim of certain stalking offenses to choose a pseudonym to be used instead of the victim’s name to designate the victim in all public files and records concerning the offense and require law enforcement to use that pseudonym.

**H.B. 1310 (Geren) – Animal Encounter Training:** would require a peace officer to complete a canine encounter and behavior training program established by the Texas Commission on Law Enforcement, on or after January 1, 2016: (1) during the officer’s basic training course or not later than the first anniversary of the date the officer is licensed; or (2) as a requirement for an intermediate or advanced proficiency certificate.

**H.B. 1323 (Gutierrez) – Synthetic Drugs:** would authorize a city attorney, among others, to institute an action in district court to collect a civil penalty from a person who, in the course of business, sells or delivers an abusable synthetic substance.

**H.B. 1338 (Naishtat) – Brain Injury Training:** would require the Department of Public Safety to create and maintain a peace officer and first responder training program on handling individuals with brain injuries.

**H.B. 1352 (C. Turner) – Cell Phone Ban:** would: (1) with some exceptions, prohibit the use of a wireless communication device: (a) to send text-based communications while operating a motor vehicle when a minor is present; (b) while operating a passenger bus with a minor passenger present; (c) while operating a motor vehicle in a school crossing zone or on certain school property; and (d) by a person under 18 years of age while operating a motor vehicle; and (2) provide that a city ordinance, rule, or regulation that is consistent with or more stringent than a prohibition in (1), above, is not preempted.

**H.B. 1369 (Dutton) – Peace Officer Misconduct:** would: (1) create a special prosecution division of the office of the attorney general to be responsible for prosecuting “peace officer misconduct,” defined to include any criminal offense committed by a peace officer acting under authority of the city; (2) provide that not later than 48 hours after the receipt of an allegation of peace officer misconduct, a law enforcement agency employing the officer must report the allegation to the special prosecution division of the office of the attorney general; and (3) require that a law enforcement agency submitting a report under (2), above, cooperate with the attorney general’s office in any investigation and resulting prosecution arising from the report.

**H.B. 1417 (Elkins) – Peace Officer Identification Cards:** would: (1) require a law enforcement agency that issues an identification card to a peace officer, reserve law enforcement officer, or honorably retired peace officer to issue a duplicate card if the card is lost or stolen, and provide that the agency may require the officer to submit an affidavit stating that the identification card was lost or stolen; and (2) repeal certain statutory provisions related to identification cards for retired peace officers.

**H.B. 1424 (Lozano) – Synthetic Drugs:** would: (1) designate certain synthetic compounds to Penalty Group 2 or 2-A of the Texas Controlled Substances Act; and (2) increase the penalties for certain persons convicted of the manufacture, delivery, or possession of controlled substances.

**H.B. 1437 (S. Turner) – EMS and Trauma Facilities:** would: (1) abolish the regional trauma account administered by the Health and Human Services Commission; and (2) transfer the red light camera revenue that formerly went to the regional trauma account described in (1), above, to the designated trauma facility and emergency medical services account administered by the Department of State Health Services.

**H.B. 1450 (Workman) – Border Security:** would create the Texas Border Security Division, which among other things would: (1) assist and collaborate with law enforcement in investigating crime or terrorism; and (2) assist and collaborate with law enforcement, including a

city police department, to interdict, investigate, and prosecute criminal activity in the border region or in a county with border-related criminal activity.

**H.B. 1481 (Murphy) – Drones:** would: (1) prohibit the use of a drone over certain energy facilities or pipelines; and (2) allow the use of a drone over such facilities and pipelines if operated by the government, including a city, or by a person under contract with a law enforcement agency.

**H.B. 1496 (S. Davis) – DNA Specimens:** would provide that a search warrant may be issued to search for and seize a DNA specimen obtained through a buccal swab or otherwise.

**H.B. 1530 (Peña) – Offenses Against Property or Public Administration:** would alter the punishment for various offenses, including criminal mischief, interference with railroad property, graffiti, theft, theft of service, organized retail theft, trademark counterfeiting, false statement to obtain property or credit in the provision of certain services, hindering secured creditors, fraudulent transfer of a motor vehicle, credit card transaction record laundering, illegal recruitment of an athlete, misapplication of fiduciary property or property of financial institution, securing execution of document by deception, breach of computer security, unauthorized use of telecommunications service, theft of telecommunications service, money laundering, insurance fraud, Medicaid fraud, and abuse of official capacity. (Companion bill is **S.B. 393** by **Burton**.)

**H.B. 1547 (Kuempel) – EMS and Trauma Care:** would establish a catastrophic emergency medical services account as a dedicated account in the general revenue fund not to exceed \$2 million and to be funded out of certain unexpended reserve funds for extraordinary emergencies.

**H.B. 1557 (Alonzo) – Emergency Response:** would require the State Division of Emergency Management to establish and operate a search and rescue task force in each disaster region to assist in search, rescue, and recovery efforts before, during, and after a natural or man-made disaster.

**H.B. 1573 (J. White) – Juvenile Justice Information System:** would allow the Texas Department of Public Safety (DPS) to disseminate information in the juvenile justice information system to a district court, the Department of Family and Protective Services, and, in some instances, a noncriminal justice agency to which the DPS may grant access to adult criminal history record information. (Companion bill is **S.B. 409** by **Rodriguez**.)

**H.B. 1595 (Murr) – Testing of Confined Persons:** would require testing of an incarcerated person for a communicable disease if the person's bodily fluids come into contact with a peace officer, magistrate, or employee of a correctional facility where the person is confined.

**H.B. 1627 (Coleman) – Deadly Force:** would provide that a person may only use deadly force if he or she is unable to retreat from a threat, except when in the person's own home.

**H.B. 1649 (S. Turner) – Firearms:** would allow a person to store firearms and ammunition on the campus of an institution of higher education in a locked, privately-owned vehicle, regardless of whether the person holds a concealed handgun license.

**H.B. 1651 (S. Turner) – Open Carry:** would provide that a concealed handgun licensee may carry a concealed or unconcealed handgun.

**H.B. 1703 (Dukes) – Pawnshops:** would: (1) require the state to create an online database of pawn shop goods to be accessible to law enforcement officials; (2) require pawnshops to register goods on the state database; (3) provide a penalty for pawnshops who fail to use the online database; and (4) create a statutory two week hold period for items acquired by a pawn broker.

**H.B. 1710 (Bohac) – Red Light Cameras:** would: (1) require a city to submit to its voters the question of repealing an ordinance establishing red light cameras if the city council receives a petition requesting the election signed by 10 percent of the registered voters; (2) prohibit a city from adopting another red light camera ordinance if a majority of the votes cast at an election described in (1), above, favor repealing the ordinance; and (3) prohibit an election described in (1), above, from being held more often than every two years.

**H.B. 1721 (Koop) – Illegal Parking:** would: (1) allow a peace officer who charges a person with committing a Class A or B misdemeanor offense for illegally stopping or parking in a disabled parking space to issue a citation to the person instead of taking the person before a magistrate; and (2) authorize a city to declare the violation of an ordinance related to illegally parking or stopping a vehicle in a disabled parking space to be a civil offense.

**H.B. 1733 (Smithee) – Transportation Network Services:** would: (1) define transportation network company as an entity operating in Texas that provides prearranged transportation network services for compensation through an online-enabled application or platform that connects a passenger with a participating driver; (2) require a transportation network company to provide written disclosure of the company's insurance policy to drivers; (3) require the insurance coverage to satisfy the Motor Vehicle Liability Insurance Act and include uninsured motorist and personal injury protection coverage; and (4) require that the company's insurance cover each participating driver beginning at the time the driver accepts a ride request on the company's application and ending at the later of: (a) the time the driver completes the transaction on the application or (b) the time the passenger is no longer occupying the driver's vehicle.

**H.B. 1758 (Zedler) – Public Employee Information:** would: (1) make it a crime for a person to post the address of a public servant, or a relative of a public servant, online with the intent to cause harm or threaten harm to the individual or their family; and (2) make it a second degree felony if an individual posts the address information online and it results in the bodily injury of the public servant or a member of his or her family.

**H.B. 1778 (Capriglione) – Immigration Status of Arrestee:** would: (1) require a law enforcement agency that has custody of a person, not later than 48 hours after a person is arrested and before the person is released on bond, to verify the person's immigration status; (2) require a law enforcement agency to notify certain judges or magistrates and the United State Immigration and Customs Enforcement if the information obtained under (1), above, indicates the person is not a citizen or not lawfully present; (3) except a law enforcement agency from the duties in (1) and (2), above, with respect to a person who is transferred to the custody of the agency by



another law enforcement agency if the transferring agency performed those duties before transferring custody of the person.

**H.B. 1800 (Walle) – Dangerous Dogs:** would: (1) define “aggressive dog” as a dog that: (a) makes an unprovoked attack and causes serious bodily injury to a person while on the property where the dog is kept; (b) leads a person to reasonably believe there will be an unprovoked attack by the dog on the property where the dog is kept; (c) interferes with a person’s freedom of movement in a public right-of-way; (d) a peace officer reasonably believes has a dangerous disposition and is likely to injure a person or pet; (e) is in a group of dogs that displays the attributes above; (2) define “public nuisance dog” as a dog that has substantially interfered with the right to enjoyment or life or property of a person other than the dog’s owner by: (a) barking or howling; (b) repeated defecation on another’s property; (c) damaging another’s property; (d) attacked a pet; (e) has run at large; or (f) is part of a group of dogs of which one has run at large; (3) require an owner of a “public nuisance dog”, within 30 days of learning that the dog is a “public nuisance dog”, to: (a) abate the nuisance activity of the dog; (b) comply with a city or county ordinance regarding a “public nuisance dog”; (4) prohibit an animal control authority from seizing a “public nuisance dog” unless the dog is running at large; (5) require the owner of an “aggressive dog” to: (a) register the dog with local animal control authority; (b) restrain the dog at all times by leash or in a secure enclosure; (c) comply with a city ordinance or county order related to an “aggressive dog”; (6) create a system where a dog may be determined to be “aggressive” or a “public nuisance dog” through a justice, county, or municipal court proceeding the same as those done for dangerous dogs; (7) remove the cap for registration fees related to dangerous, aggressive, or public nuisance dogs; (8) allow a city to microchip a dog rather than tag it; and (9) allow a city or county to exempt the city or county from the requirements on “public nuisance dogs” if the city or county determines that local regulations adequately provide for the abatement of “public nuisance dogs”. (Companion bill is **S.B. 708 by Garcia**).

**H.B. 1808 (Giddings) – Criminal Offense Reporting:** would, among other things: (1) require the Texas Department of Public Safety (DPS) to develop a plan for implementing and expanding the use of an incident-based reporting system by local law enforcement agencies to report information and statistics concerning criminal offenses committed in this state; (2) require that the plan described in (1), above, contain input from law enforcement agencies and law enforcement associations; contain measures to track the progress and success of certain incident-based reporting by local law enforcement agencies; and examine the feasibility and desirability of developing a records management system for local law enforcement agencies; and (3) authorize the DPS to use money appropriated to it from the law enforcement officer standards and education fund account to award grants to local law enforcement agencies for training on incident-based reporting systems.

**H.B. 1840 (Reynolds) – Police Investigation:** would: (1) require the attorney general’s office to appoint a special prosecutor to investigate officer-involved injuries or deaths; and (2) require a police department, including a city police department, to: (a) report an officer-involved injury or death to the attorney general’s office; and (b) cooperate with the special prosecutor.

**H.B. 1872 (Murphy) – Sex Offenders:** would permit a general law city to prohibit a registered sex offender from going in, on, or within a specified distance of a child safety zone within the city.

**H.B. 1877 (Springer) – Disclosure of Visual Material:** would create civil and criminal liability for the disclosure of certain intimate visual material on the internet.

**H.J.R. 56 (J. White) – Gun Rights:** would amend the Texas constitution to provide that the legislature may not regulate the wearing of arms in any way, even if the regulation is designed to prevent crime.

**H.J.R. 61 (Ashby) – Hunting:** would amend the Texas Constitution to provide that the people have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing. (Note: this bill would likely eliminate a city’s ability to regulate the discharge of firearms.)

**S.B. 11 (Birdwell) – Concealed Handguns:** this bill is identical to **H.B. 937**, above.

**S.B. 17 (Estes) – Concealed Handguns:** would provide that: (1) a person who is licensed to carry a handgun may openly carry a holstered handgun; and (2) a city may not prohibit such carry on most property owned or leased by a governmental entity.

**S.B. 25 (Zaffirini) – Cell Phone Ban:** this bill is identical to **H.B. 64** and **H.B. 214**, above.

**S.B. 87 (Ellis) – Statewide Smoking Ban:** would: (1) prohibit smoking in most public places, in places of employment, and in seating areas at outdoor events; (2) preempt a city ordinance that prohibits smoking to a lesser degree; (3) provide that a city ordinance that prohibits or restricts smoking to a greater degree is not preempted; (4) require the Texas Department of State Health Services to annually request other government agencies, including cities, to establish local operating procedures to comply with the bill; and (5) require a city as an employer or an owner of a public place to post a no smoking sign at each entrance of the public place or place of employment.

**S.B. 93 (Ellis) – Driver Responsibility Program:** would, among other things, repeal the driver responsibility program.

**S.B. 95 (Hinojosa) – Asset Forfeiture:** would raise the state’s burden of proof from “preponderance of the evidence” to “clear and convincing” in certain criminal asset forfeiture proceedings.

**S.B. 131 (West) – Handling of Evidence:** would: (1) require a law enforcement agency in possession of physical evidence, not later than the 60th day after the date on which a conviction is final in a misdemeanor case, to file with the court or any magistrate a motion requesting the authority to dispose of the evidence; and (2) with certain exceptions, prohibit a city from

appointing or employing a person to act as an evidence technician unless the person has completed an accredited training program consisting of at least eight hours of training.

**S.B. 133 (Schwertner) – 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 other similar services.

**S.B. 158 (West) – Body Cameras:** would provide, among other things, that: (1) a law enforcement agency in this state shall apply to the Department of Public Safety for a grant to equip officers with body cameras if the agency employs officers who: (a) are engaged in traffic or highway patrol or otherwise regularly stop or detain motor vehicles; or (b) respond to calls for assistance from the public; (2) a law enforcement agency that receives “a grant” from the department to provide body cameras to its officers or that otherwise operates a body worn camera program shall adopt a policy for the use of body cameras; (3) before a law enforcement agency may operate a body camera program, the agency must provide training to: (a) officers who will wear the body cameras; and (b) any other personnel who will come into contact with video and audio data obtained from the use of body cameras.

**S.B. 160 (Rodriguez) – Nationality or Immigration Inquiries:** would: (1) allow a peace officer to inquire as to the nationality or immigration status of a victim of or witness to an offense only if the inquiry is necessary to investigate the offense or provide information about federal visas that protect individuals providing assistance to law enforcement; and (2) clarify that (1), above, does not prevent an officer from: (a) conducting a separate investigation of any other alleged criminal offense; or (b) inquiring as to the nationality or immigration status of a victim or witness if the officer has probable cause to believe the person has engaged in specific conduct constituting a separate criminal offense. (Companion bill is **H.B. 154** by **Johnson**.)

**S.B. 172 (Huffman) – Bath Salts:** would modify the Texas Controlled Substances Act by: (1) adding certain chemicals related to hallucinogenic bath salts to existing penalty groups; and (2) changing the penalty group for other chemicals found commonly in hallucinogenic bath salts.

**S.B. 173 (Huffman) – Synthetic Marijuana:** would modify the Texas Controlled Substances Act by: (1) changing the penalty group for some synthetic cannabis chemicals; and (2) adding additional synthetic cannabis chemicals to the Act.

**S.B. 181 (Ellis) – Electronic Recording of Interrogations:** would, among other things: (1) require a police department to make an audio or audiovisual electronic recording of custodial interrogations of persons suspected of or charged with certain offenses; (2) set out good cause reasons that make electronic recording infeasible; (3) require preservation of the electronic recording for a specified time; (4) require a prosecutor to provide a defendant with a copy of the recording; and (5) exempt the electronic recording from release under the Texas Public Information Act, except when it must be released under the law enforcement exception.

**S.B. 199 (Perry) – Synthetic Drugs:** would modify the Texas Controlled Substances Act by adding certain chemicals commonly found in bath salts and synthetic marijuana.

**S.B. 229 (Creighton) – 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.

**S.B. 257 (Ellis) – Firearms:** would provide that: (1) a law enforcement agency that receives a report of a lost or stolen firearm shall provide a copy of the report to the Department of Public Safety; (2) the department shall analyze information received under the bill and shall make the analysis available to any local law enforcement agency, political subdivision, or state agency to the extent the analysis is reasonably necessary or useful to the agency or subdivision in carrying out duties imposed by law on the agency or subdivision; and (3) a person commits an offense if he or she fails to report the loss or theft of a firearm to law enforcement.

**S.B. 259 (Ellis) – Firearms:** would require a criminal background check for essentially any transfer of a firearm.

**S.B. 273 (Campbell) – Concealed Handguns:** would provide that: (1) a state agency or a political subdivision of the state may not provide notice that a concealed handgun licensee is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are actually prohibited from carrying a handgun on the premises; (2) a state agency or a political subdivision of the state that improperly posts notice is liable for a civil penalty; (3) a citizen of this state or a person licensed to carry a concealed handgun may file a complaint with the attorney general that a state agency or political subdivision has improperly posted notice; (3) before a suit may be brought against a state agency or a political subdivision of the state for improperly posting notice, the attorney general must investigate the complaint to determine whether legal action is warranted; (4) if legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that gives the agency or political subdivision 15 days from receipt of the notice to remove the sign and cure the violation to avoid the penalty; (5) if the attorney general determines that legal action is warranted and that the state agency or political subdivision has not cured the violation within the 15-day period, the attorney general or the appropriate county or district attorney may sue to collect the civil penalty, and the attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief; and (6) a state agency or political subdivision may only prohibit a concealed handgun licensee from carrying in a meeting room where a governmental body that is subject to the Open Meetings Act is meeting. (Companion bill is **H.B. 226** by **Guillen**.)

**S.B. 301 (Taylor) – School Marshals:** would authorize a private K-12 school to appoint a school marshal who can carry a concealed handgun on campus.

**S.B. 311 (Campbell) – Concealed Handguns:** would provide that a concealed handgun licensee may carry a concealed handgun on the premises of a polling place, hospital, or place of religious worship, at a racetrack, or in an amusement park.

**S.B. 334 (Watson) – Red Lights:** this bill is identical to **H.B. 864**, above.

**S.B. 338 (Ellis) – Criminal Investigations:** would disqualify district and county attorneys from representing the state when a peace officer in an attorney's district is the subject of a felony criminal investigation involving alleged criminal conduct while acting in his or her official capacity.

**S.B. 339 (Eltife) – Medical Marijuana:** this bill is identical to **H.B. 892**, above.

**S.B. 340 (Huffines) – Red Light Cameras:** would: (1) prohibit a city from issuing a traffic complaint, notice of violation, or other civil or criminal charge or citation if the evidence for the charge comes from a red light camera or other automated radar or video device; (2) make a city liable for attorneys fees or other costs if the city issues a complaint or charge described above; and (3) remove all city authority to have any programs or contracts related to red light cameras.

**S.B. 342 (Huffines) – Handguns:** would provide: (1) for the open and concealed carrying of handguns without a license; (2) that a person may not carry a handgun into a meeting of as governmental entity; and (3) that a peace officer who is acting in the lawful discharge of the officer's official duties may disarm a person in possession of a handgun at any time the officer has probable cause to believe that the person poses an imminent threat to himself or herself, the officer, or another individual.

**S.B. 346 (Estes) – Concealed Handguns:** this bill is identical to **H.B. 910**, above.

**S.B. 355 (Nelson) – Communicable Disease:** would: (1) allow a peace officer, without a warrant, to take an individual ill with, exposed to, or carrying a communicable disease into custody if the officer has reason to believe that the individual is not complying with a written control order the department of health or a health authority has issued to that individual; (2) require a peace officer to immediately notify the health authority that issued the control order of the individual's detention; and (3) only allow an individual apprehended to be detained for 48 hours.

**S.B. 359 (West) – Emergency Detention:** would: (1) authorize a peace officer to take a person into custody who has been admitted to a mental health facility, a hospital or hospital emergency room, or emergency medical care facility; (2) authorize a mental health facility, a hospital or hospital emergency room, or emergency medical care facility to detain a person who voluntarily requests treatment from the facility or who lacks the capacity to consent to treatment if: (a) the person expresses a desire or attempts to leave before the exam or treatment is complete; and (b) a physician at the facility believes that the person has a mental illness and there is a substantial risk of serious harm to the person or others unless the person is immediately restrained, and there is insufficient time to file an application for emergency detention; and (3) require a facility to

release a person detained under (2), above, after four hours unless the facility arranges for a peace officer to take the person into custody or an order of protective custody is issued.

**S.B. 366 (Garcia) – Automotive Wrecking and Salvage Yards:** would increase the maximum civil penalty for a person who operates an automotive wrecking and salvage yard in violation of state law from \$1,000 to \$5,000.

**S.B. 393 (Burton) – Offenses Against Property or Public Administration:** would alter the punishment for various offenses, including criminal mischief, interference with railroad property, graffiti, theft, theft of service, organized retail theft, trademark counterfeiting, false statement to obtain property or credit in the provision of certain services, hindering secured creditors, fraudulent transfer of a motor vehicle, credit card transaction record laundering, illegal recruitment of an athlete, misapplication of fiduciary property or property of financial institution, securing execution of document by deception, breach of computer security, unauthorized use of telecommunications service, theft of telecommunications service, money laundering, insurance fraud, Medicaid fraud, and abuse of official capacity.

**S.B. 411 (Ellis) – Grand Jury Proceedings:** would: (1) require that a grand jury proceeding must be recorded either by a stenographer or by use of an electronic device if: (a) the person who is suspected or accused was employed as a peace officer at the time of the offense with which the person is suspected or accused; and (b) the offense with which the person is suspected or accused is said to have been committed during the course and scope of the person's duties as a peace officer; and (2) provide that if the grand jury finds no bill of indictment the record described in (1), above, must be made public. (This bill is identical to **H.B. 865** by **Dutton**.)

**S.B. 417 (West) – Drug Court Program:** would expand the eligibility of persons to participate in a drug court program by removing the restriction that offenses cannot involved carrying, possessing, or using a firearm, the use of force against another person, or the death or serious bodily injury to another.

**S.B. 419 (Ellis) – Controlled Substances:** would provide, in regard to a state jail felony offense for possession of a substance in Penalty Group 1, that a usable quantity is more than 0.02 grams but less than one gram.

**S.B. 437 (Creighton) – Metal Recycling:** would require a metal recycling entity to pay for a purchase of regulated material by check, mailed to the seller at the address shown on the seller's personal identification document. (Companion bill is **H.B. 876** by **Phelan**.)

**S.B. 438 (Hall) – Firearms:** would provide that:

1. Neither the state or a political subdivision of the state (including a city) may use public funds to enforce a federal statute, order, rule, or regulation or an international law purporting to regulate a firearm, a firearm accessory, or firearm ammunition, or the carrying of those items, if the federal statute, order, rule, or regulation or international law imposes a prohibition, restriction, or other regulation, such as a capacity, size, or configuration limitation, that does not exist under the laws of this state.

2. Neither the state or a political subdivision of the state may receive state grant funds if the entity adopts a rule, order, ordinance, or policy under which the entity requires the enforcement of any federal statute, order, rule, or regulation or an international law or, by consistent actions, requires the enforcement of any federal statute, order, rule, or regulation or an international law prohibited by the bill.
3. State grant funds for the entity shall be denied for the fiscal year following the year in which a final judicial determination in an action brought under the bill is made that the entity has intentionally required the enforcement of any federal statute, order, rule, or regulation or an international law prohibited by the bill.
4. Any citizen may file a complaint with the attorney general if the citizen offers evidence to support an allegation that an entity has adopted a rule, order, ordinance, or policy under which the entity requires the enforcement of any federal statute, order, rule, or regulation or an international law prohibited by the bill.
5. If the attorney general determines that a complaint against an entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Travis County or in a county in which the principal office of the entity is located to compel the entity to comply.
6. The attorney general may recover reasonable expenses incurred in obtaining relief under the bill, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.
7. The attorney general shall defend any entity, including a city, that the federal government attempts to sue or prosecute for an action or omission consistent with the requirements of the bill.

**S.B. 439 (Hall) – Firearms:** would authorize any person to carry a firearm on the property or in the car or boat of another with that person's consent.

**S.B. 442 (Watson) – Motorcycles:** would allow a motorcycles rider to "split lanes" under certain circumstances.

**S.B. 461 (Perry) – 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 collect; (4) allow a city to keep the civil penalty if collected by the city; 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."

**S.B. 475 (Kolkhorst) – DNA Sample:** this bill is identical to **H.B. 1220**, above.

**S.B. 476 (Kolkhorst) – Firearms:** would: (1) define "certification" to mean the process by which a chief law enforcement officer, including a city police chief, provides the certification of identity (via fingerprints and photograph) required on a federal application to make a firearm or transfer a firearm; (2) with some exceptions, require a chief law enforcement officer to provide certification, as defined in (1), above, not later than 15 days after receipt of a request for certification; (3) require a chief law enforcement officer who is unable to provide certification,

as defined in (1), above, to provide the person who requested the certification a written notification of and reason for the denial; (4) authorize a person who requested certification, as defined in (1), above, to appeal a chief law enforcement officer's denial of a request for certification to the district court in the county in which the person resides; (5) provide that an appeal described in (4), above, is by trial de novo and require a court that finds no substantial evidence to support the officer's denial to order the chief law enforcement officer to issue the certification and award court costs and reasonable attorney's fees to the person requesting the certification; and (5) provide that a chief law enforcement officer who, in good faith, provides a certification as defined in (1), above, is immune from civil or criminal liability resulting from the certification. (Companion bill is **H.B. 1179** by **Geren**.)

**S.B. 513 (Taylor) – 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) repeal language specifically preempting city and county regulation of types of payment for metal sales; (4) 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; (5) 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; (6) require a metal recycling entity to pay an individual by mailed check or money order if the sale is for \$25 or more; (7) repeal the provision allowing a process for a metal recycling entity to pay in cash; and (8) create a penalty for a person who violates these requirements not to exceed \$1,000 to be assessed after a contested case hearing.

**S.B. 528 (Hughes) – Fertilizer Facilities:** would: (1) increase reporting requirements for owners and operators of ammonium nitrate facilities, including requiring the owner or operator to: (a) file an updated "tier two" form with the Texas Commission on Environmental Quality (TCEQ) not later than the 90th day after there is a change in chemical weight range in a hazardous chemical or extremely hazardous material or within 72 hours of beginning operation or having a reportable addition of ammonium nitrate; and (b) furnish the tier two form to the local fire chief and local emergency planning committee; (2) require ammonium nitrate facilities to: (a) store ammonium nitrate or ammonium nitrate material in a separate structure; and (b) separate ammonium nitrate or ammonium nitrate material from combustible for flammable material by 30 feet or more; (3) increase the duties and authority of state and local fire marshals and fire departments by: (a) requiring the owner or operator of an ammonium nitrate storage facility to allow a state or local fire marshal to examine the facility; (b) allowing a local fire department to access an ammonium nitrate storage facility to make a pre-fire planning assessment; (c) requiring an owner or operator to correct any hazardous situations found by a fire marshal; (d) allowing a fire marshal to enforce storage and spacing requirements listed above; (e) allowing a fire marshal or fire department to do an inspection of an ammonium nitrate facility without being certified as an inspector by the Texas Commission on Fire Protection for pre-planning purposes; (4) increase the authority and duties of the TCEQ in regards to ammonium nitrate facility reporting and enforcement by: (a) requiring the TCEQ to inform the Texas Division of Emergency Management (TDEM) and the state fire marshal within 72 hours of



receiving a tier two form reporting the presence of ammonium nitrate at an ammonium nitrate storage facility; (b) making the TCEQ, rather than the Texas Department of State Health Services, the repository for information regarding ammonium nitrate facilities; (c) allowing the TCEQ to enforce ammonium nitrate facility reporting requirements through Chapter 7 of the Water Code including penalties of up to \$5,000 for each violation and corrective action orders; and (5) require state agencies such as the TCEQ and the TDEM to report to local entities regarding ammonium nitrate tier two reporting. (Companion bill is **H.B. 942** by **Kacal**.)

**S.B. 538 (Schwertner) – Communicable Disease:** would: (1) allow the governor by executive order or proclamation to declare a state of infectious disease emergency; (2) provide that such an executive order or proclamation gives the commissioner of state health services authority for all state and local public health policy decisions, procedure, and disease controls measures necessary to contain the infectious disease emergency; (3) allow a peace officer, without a warrant, to take an individual ill with, exposed to, or carrying a communicable disease into custody if the officer has reason to believe that the individual is not complying with a written control order the department of health or a health authority has issued to that individual; (4) require a peace officer to immediately notify the health authority that issued the control order of the individual's detention; (5) only allow an individual apprehended to be detained for 48 hours; (6) create the Task Force on Infectious Disease Preparedness and Response, as an advisory panel to the governor; (7) require the Texas Department of Health to establish a stockpile of personal protective equipment to support responses to infectious disease emergencies in the state; (8) require the Texas Department of Transportation and the Texas Commission on Environmental Quality to develop procedures to dispose of medical waste; and (9) allow a crematory to cremate human remains without receipt of a cremation authorization form if the Department of State Health Services certifies that the person was infected with a communicable disease and burial of the body would pose a public health risk.

**S.B. 582 (Kolkhorst) – Farmers Market Regulation:** would: (1) require that any food demonstration at a farmers market be supervised by an individual who has completed a food handler training program; (2) prohibit a local health jurisdiction from charging a fee for a food service worker certificate; and (3) approve the food handler training provided by the American National Standards Institute.

**S.B. 621 (Estes) – Filming of Peace Officer:** would: (1) in regard to the offense of assault, provide that it is a defense to prosecution that the conduct engaged in by the defendant consisted only of filming, recording, photographing, documenting, or observing a peace officer; (2) in regard to the offense of interference with a peace officer performing a duty, provide that it is a defense to prosecution that the conduct engaged in by the defendant consisted only of filming, recording, photographing, documenting, or observing a peace officer; (3) provide that the requirement to comply with a lawful order or direction of a peace officer does not apply to an order or direction to cease filming, recording, photographing, documenting, or observing a peace officer while the officer is engaged in the performance of official duties; (4) create a cause of action for an individual prosecuted for assault, interference with an officer, or failing to obey an officer, who is acquitted based on the above defenses, for the cost of the individual's attorney's fees; and (5) waives sovereign immunity for the cause of action described above.

**S.B. 625 (Hinojosa) – Subduing Students:** would prohibit a school district peace officer, security personnel, and other employees and peace officers from using pepper spray, a stun gun, or a Taser to subdue a student on school property or while attending a school-sponsored activity, unless the student possesses a weapon and the student is believed to pose an imminent risk of causing bodily injury to another person.

**S.B. 628 (V. Taylor) – 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.

**S.B. 696 (Taylor) – Court Cost:** would raise the fee paid by a defendant for services performed in the case by a peace officer for commitment or release from \$5 to \$90.

**S.B. 698 (Taylor) – Ignition Interlock:** would increase the maximum amount of a fee for verification or monitoring of an ignition interlock device as a condition of bond from \$10 to \$30.

**S.B. 714 (Hall) – Red Light Cameras:** would: (1) prohibit a city from implement or operating an automated traffic control system; and (2) provide that if before June 1, 2015, a city has enacted an ordinance and entered into a contract for the administration enforcement of an automated traffic control system, the city may continue to operate the system under the terms of the contract until the expiration date specified in the contract.

**S.B. 708 (Garcia) – Dangerous Dogs:** this bill is identical to **H.B. 1800**, above.

**S.B. 737 (Rodriguez) – Protective Orders:** would: (1) allow a magistrate to send a copy of an emergency protective order and any related information electronically to the chief of police with jurisdiction over the location of the victim's current address; and (2) require the law enforcement agency that receives a copy of the order to enter the required information into the statewide law enforcement system maintained by the Department of Public Safety.

**S.J.R. 22 (Creighton) – Firearms:** would amend the Texas Constitution to provide that: (1) the people have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing; (2) hunting and fishing are preferred methods of managing and controlling wildlife; and (3) the bill does not affect any provision of law relating to trespass, property rights, or eminent domain. (Note: this bill would likely eliminate a city's ability to regulate the discharge of firearms.)

## **Transportation**

**H.B. 122 (Pickett) – Transportation Funding:** would provide that: (1) debt obligations for state transportation needs may not be issued after January 1, 2015; and (2) the Texas Mobility

Fund may be used to repay the principal and interest on bonds that have already been issued for state transportation needs.

**H.B. 129 (Goldman) – Transportation Funding:** would allocate all motor vehicle sales tax proceeds to the state highway fund.

**H.B. 151 (Guillen) – Transportation Funding:** would, among other things: (1) create a tax to be imposed on the number of vehicle miles traveled during a tax period by a motor vehicle subject to inspection; (2) define the tax period to be the 12 months between a vehicle's inspection period; (3) provide a total exemption for vehicles that travel less than 5,000 miles in the tax period; (4) provide that the tax is equal to the difference between the following, rounded to the nearest whole dollar: (a) the number of miles traveled during the tax period multiplied by one cent; and (b) a credit as defined by the bill and representing motor fuels taxes paid by the owner of the vehicle; (5) direct the comptroller to establish a road construction account in the state highway fund and to deposit the revenue from the tax imposed by the bill to the credit of that account to be used only for the purpose of maintaining public roadways in this state.

**H.B. 202 (Leach) – Transportation Funding:** would provide that: (1) in each state fiscal year beginning on or after September 1, 2018, the comptroller shall deposit to the credit of the state highway fund an amount of money that is equal to 50 percent of the money that is received from the motor vehicle sales tax and is remaining after the comptroller makes the required allocation to the property tax relief fund; and (2) the money allocated to the state highway fund may not be used for toll roads.

**S.B. 341 (Huffines) – Transportation Funding:** would provide that: (1) in each state fiscal year beginning on or after September 1, 2017, the comptroller shall deposit to the credit of the state highway fund all money that is received from the motor vehicle sales tax; and (2) money deposited to the credit of the state highway fund under this section may not be used for toll roads.

**H.B. 373 (Simmons) – Transportation Funding:** would provide that, beginning in increments in 2015 and completed in 2020, the net revenue derived from the state sales tax imposed on the sale of a motor vehicle sold in this state shall be deposited to the credit of the state highway fund.

**H.B. 392 (McClendon) – Transportation Funding:** would: (1) authorize the commissioners court of a county to impose an additional fee, not to exceed \$10, for registering a vehicle in the county; and (2) provide that the county may use the fee revenue only to fund a nontolled transportation project that relieves congestion, improves safety, or addresses air quality.

**H.B. 393 (McClendon) – Transportation Funding:** would increase by \$10 the motor vehicle registration fee for vehicles under 6,000 pounds.

**H.B. 395 (McClendon) – Transportation Funding:** would, among other things, raise the state's gas tax from 20 to 30 cents per gallon and direct that the increase be deposited in the state highway fund.

**H.B. 399 (Harless) – Transportation Funding:** would incrementally increase the state’s gas tax from 20 to 30 cents by 2018, and would thereafter index annual increases or decreases to the highway cost index. (See **H.J.R. 48**, below.)

**H.B. 401 (Harless) – Transportation Funding:** would in 2016 increase by \$24.25 the motor vehicle registration fee for vehicles under 6,000 pounds and in 2017 increase the fee by an additional \$25. (See **H.J.R. 48**, below.)

**H.B. 469 (Metcalf) – Transportation Funding:** would provide that, beginning in increments in 2017 and completed in 2026, the revenue derived from the state sales tax imposed on the sale of a motor vehicle sold in this state shall be deposited to the credit of the state highway fund. (See **H.J.R. 53**, below.)

**H.B. 529 (Larson) – Texas Transportation Commission:** would provide that the Texas Transportation Commission shall consist of three members who are elected statewide. (Currently, the commission consists of five members are appointed by the governor and approved by the Senate.)

**H.B. 813 (Munoz) – Motorcycles:** would allow a motorcycles rider to “split lanes” under certain circumstances.

**H.B. 1031 (Leach) – Roadway Funding:** would: (1) create the clean air roadway project account in the state’s general revenue fund; (2) provide that the comptroller shall transfer certain funds collected for the Texas emissions reduction plan fund to the account; (3) provide that money in the account may be appropriated only to fund roadway projects designed to improve or prevent the deterioration of ambient air quality, but may not be appropriated to fund a toll road; and (4) the Texas Department of Transportation, in consultation with the Texas Commission on Environmental Quality, shall determine which roadway projects are eligible to be funded by money appropriated from the account.

**H.B. 1081 (Paul) – Transportation Funding:** would provide that, in each state fiscal year beginning on or after September 1, 2017, the comptroller shall deposit to the credit of the state highway fund all money received from the state’s motor vehicle sales tax.

**H.B. 1130 (Sheets) – Towing:** would prohibit an entity, including a city, from removing a vehicle from a roadway if: (1) the vehicle is disabled; (2) the vehicle is not obstructing traffic; (3) the owner is in the immediate vicinity of the vehicle; and (4) the owner is not incapacitated and is able to provide instructions for the vehicle’s removal.

**H.B. 1147 (Kacal) – All-Terrain Vehicles:** would expand the individuals who are authorized to drive all-terrain vehicles on public streets to include firefighters, ambulance personnel, and other emergency services personnel.

**H.B. 1165 (Burkett) – Transportation Funding:** would provide that administrative penalties and fines collected for violations of certain laws involving the operation of an overweight vehicle shall be deposited to the credit of the state highway fund.

**H.B. 1238 (D. Bonnen) – Traffic Barriers:** would: (1) require an entity, including a city, to install concrete barriers if it needs to direct traffic to an opposite lane of travel for construction; (2) create new speed limits in properly marked construction or work zones to be either: (a) 20 miles per hour; or (b) 30 percent of the normal speed; (3) require an entity, including a city, to post the speed limit sign with the construction zone speed; and (4) require an entity, including a city, to place on the citation for a violation of a construction speed zone a warning about the doubled maximum fine.

**H.B. 1324 (Israel) – Motor Bus Pilot Program:** would: (1) require the Texas Department of Transportation (TxDOT), in consultation with the Department of Public Safety, and in conjunction with the elective participation of certain local mass transit entities, including a city transit department, to establish and operate a motor-bus-only lane pilot program for state highways that have shoulders of sufficient width and structural integrity; (2) provide that a highway designated as part of the pilot program described in (1), above, be located in Bexar, El Paso, Tarrant or Travis County, or certain adjacent counties; (3) provide that the program described in (1), above: (a) allow motor buses to use highway shoulders as a low-speed bypass of congested highway lanes when the speed of vehicles being operated on the main traveled part of the adjacent highway is 35 miles per hour or less; (b) limit the maximum speed of a motor bus being operated in a motor-bus-only lane; (c) provide for attainment of local operation experience with the conversion of existing highway shoulders to motor-bus-only lanes during peak traffic periods; (d) be limited only to public transit motor buses operated by mass transit entities in the specified counties; and (e) include certain training, education, rules, roadside signs, and pavement markings; and (4) require TxDOT and the participating local mass transit entities to fund the implementation of the pilot program; require TxDOT to report on the results of the program; and authorize TxDOT to cancel the program if it finds increased vehicular accidents attributable to the program. (Companion bill is **S.B. 422** by **Watson**.)

**H.B. 1361 (Isaac) – Gas Tax:** would exempt cities from the state’s compressed natural gas and liquefied natural gas taxes.

**H.B. 1370 (Phillips) – Transportation Funding:** would provide that all net revenue derived from the tax on the sale of a motor vehicle sold in this state that exceeds the first \$2.5 billion of that revenue coming into the treasury for a state fiscal year (excluding amounts previously dedicated to school property tax relief) shall be deposited to the credit of the state highway fund and may be appropriated only to: (1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (2) repay the principal and interest on general obligation bonds. (Companion bill is **S.B. 5** by **Nichols**. See **H.J.R. 91**, below.)

**H.B. 1432 (Howard) – Transportation Funding:** would authorize Travis County to impose by commissioners court order an additional vehicle registration fee to fund certain transportation projects in the county.

**H.B. 1622 (Guillen) – Transportation Funding:** would provide that three-fourths of the state gasoline tax shall be deposited to the credit of the state highway fund.

**H.B. 1637 (Guillen) – Transportation Funding:** would provide that: (1) the comptroller shall credit 25 percent of the money deposited to the state highway fund to an account in that fund known as the “energy-producing regions account;” and (2) money in the energy-producing regions account may be appropriated only to pay for constructing, maintaining, or acquiring rights-of-way for local public roadways, other than toll roads, in energy-producing regions of this state.

**H.B. 1652 (S. Turner) – Transportation Funding:** would provide that money in the state highway fund may be used only to improve the state highway system.

**H.B. 1738 (Isaac) – Highway Right-of-Way:** would authorize a city that has received a grant of highway right-of-way from the Texas Department of Transportation (TxDOT) that is subject to a reservation to enter into an agreement with TxDOT under which: (1) TxDOT agrees to recommend to the governor that an instrument releasing the reservation be executed and, if executed, record the instrument in the county deed records; and (2) the city, if the instrument releasing the reservation is executed, agrees to transfer the right-of-way to one or more landowners in exchange for real property that is of equal or greater value to use for public road purposes, and to execute and record in the county deed records a restrictive covenant that grants the real property to the state if the real property ceases to be used for public road purposes.

**H.B. 1836 (Sanford) – Transportation Funding:** would provide: (1) that 10 percent of the state’s sales and use tax revenue be deposited in state highway fund; and (2) none of that revenue can be used for a toll road or a mass transit rail system.

**H.J.R. 24 (Harless) – Transportation Funding:** would allocate most motor vehicle sales tax proceeds to the state highway fund.

**H.J.R. 27 (Pickett) – Transportation Funding:** would amend the Texas Constitution to provide that: (1) subject to legislative allocation, appropriation, and direction, three-fourths of the net revenue from the motor fuel tax shall be used for the sole purpose of constructing and maintaining public highways, and one-fourth of the net revenue shall be allocated to school funding; and (2) for a biennium, the legislature may not appropriate funds derived from the revenue described (1), above, for a purpose other than acquiring rights-of-way or constructing or maintaining public roadways in an amount that exceeds the lesser of: (a) the total amount of those funds appropriated for a purpose other than acquiring rights-of-way or constructing or maintaining public roadways in the preceding biennium; or (b) the maximum amount that may be appropriated under (a), above, reduced by 20 percent from the preceding biennium if the estimate of anticipated revenue from all sources made in advance of the regular session for the biennium exceeds the total amount of revenue from all sources for the preceding biennium by more than three times the amount of the reduction.

**H.J.R. 28 (Pickett) – Transportation Funding:** would amend the Texas Constitution to provide that the net revenue from motor vehicle registration fees and motor fuels tax shall be used for the sole purpose of constructing and maintaining public highways, provided that one-fourth of that revenue remains allocated to public school funding. (Companion bill is **S.J.R. 12** by **Perry**.)

**H.J.R. 29 (Pickett) – Transportation Funding:** this bill is identical to **H.J.R. 28**, above.

**H.J.R. 36 (Larson) – Transportation Funding:** would amend the Texas Constitution to provide: (1) that, subject to legislative appropriation, allocation, and direction: (a) three-fourths of the net revenue that is remaining after payment of all refunds allowed by law and expenses of collection that is derived from taxes on motor fuels and lubricants used to propel motor vehicles over public highways – and on new and used motor vehicle tires and new and used motor vehicle part – shall be used for the sole purpose of constructing and maintaining public highways; and (b) one-fourth of the net revenue shall be allocated to the available school fund; and (2) certain limits on the amounts that may appropriated for those purposes each biennium.

**H.J.R. 48 (Harless) – Transportation Funding:** would amend the Texas Constitution to provide that revenue from increases in the state sales tax on motor vehicles, state gas tax, and state registration fees must be credited to the state highway fund, which can be used only to plan, design, construct, and maintain nontolled highways. (See **H.B. 399** and **H.B. 401**, above.)

**H.J.R. 53 (Metcalf) – Transportation Funding:** would amend the Texas Constitution to authorize revenue from the state sales tax imposed on the sale of a motor vehicle to be deposited to the credit of the state highway fund. (See **H.B. 469**, above.)

**H.J.R. 91 (Phillips) – Transportation Funding:** would amend the Texas Constitution to provide that all net revenue derived from the tax on the sale of a motor vehicle sold in this state that exceeds the first \$2.5 billion of that revenue coming into the treasury for a state fiscal year (excluding amounts previously dedicated to school property tax relief) shall be deposited to the credit of the state highway fund and may be appropriated only to: (1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (2) repay the principal and interest on general obligation bonds. (Companion bill is **S.J.R. 5** by **Nichols**. See **H.B. 1370**, above.)

**S.B. 5 (Nichols) – Transportation Funding:** would provide that all net revenue derived from the tax on the sale of a motor vehicle sold in this state that exceeds the first \$2.5 billion of that revenue coming into the treasury for a state fiscal year (excluding amounts previously dedicated to school property tax relief) shall be deposited to the credit of the state highway fund and may be appropriated only to: (1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (2) repay the principal and interest on general obligation bonds. (See **S.J.R. 5**, below.)

**S.B. 61 (Huffines) – Transportation Funding:** would provide that: (1) all of the revenue from the state gasoline and special fuels taxes be credited to the state highway fund; and (2) money deposited to the state highway fund may be used only for acquiring rights-of-way and constructing public roadways.

**S.B. 139 (Perry) – Transportation Funding:** would provide that: (1) money that is required to be used for public roadways by the Texas Constitution or federal law and that is deposited in the state treasury to the credit of the state highway fund be used only: (a) to improve the state highway system; or (b) to mitigate adverse environmental effects that result directly from construction or maintenance of a state highway. (This bill would end “diversion” of state

transportation money that is currently funding the Texas Department of Transportation.) (See **S.J.R. 12**, below.)

**S.B. 184 (Schwertner) – Transportation Funding:** would end the diversion of state highway fund money that currently supports the Department of Public Safety. (See **S.J.R. 15**, below.)

**S.B. 321 (Hinojosa) – Transportation Funding:** would modify the formula governing the transfer of money from the State Highway Fund to the Texas Emissions Reduction Plan Fund.

**S.B. 422 (Watson) – Motor Bus Pilot Program:** would: (1) require the Texas Department of Transportation (TxDOT), in consultation with the Department of Public Safety, and in conjunction with the elective participation of certain local mass transit entities, including a city transit department, to establish and operate a motor-bus-only lane pilot program for state highways that have shoulders of sufficient width and structural integrity; (2) provide that a highway designated as part of the pilot program described in (1), above, be located in Bexar, El Paso, Tarrant or Travis County, or certain adjacent counties; (3) provide that the program described in (1), above: (a) allow motor buses to use highway shoulders as a low-speed bypass of congested highway lanes when the speed of vehicles being operated on the main traveled part of the adjacent highway is 35 miles per hour or less; (b) limit the maximum speed of a motor bus being operated in a motor-bus-only lane; (c) provide for attainment of local operation experience with the conversion of existing highway shoulders to motor-bus-only lanes during peak traffic periods; (d) be limited only to public transit motor buses operated by mass transit entities in the specified counties; and (e) include certain training, education, rules, roadside signs, and pavement markings; and (4) require TxDOT and the participating local mass transit entities to fund the implementation of the pilot program; require TxDOT to report on the results of the program; and authorize TxDOT to cancel the program if it finds increased vehicular accidents attributable to the program.

**S.B. 579 (Watson) – Transportation Funding:** would authorize Travis County to impose by commissioners court order an additional vehicle registration fee to fund certain transportation projects in the county.

**S.B. 704 (Creighton) – Transportation Funding:** would generally provide for a formula by which certain state revenue would be used to reduce the amount of state transportation debt.

**S.B. 731 (Rodriguez) – Transportation Funding:** would provide that the Texas Department of Transportation shall develop a transportation project grant program to make grants to a governmental entity located in a department district that is adjacent to the border between Texas and Mexico or a private entity that owns or operates an international port of entry between this state and the United Mexican States.

**S.J.R. 5 (Nichols) – Transportation Funding:** would amend the Texas Constitution to provide that all net revenue derived from the tax on the sale of a motor vehicle sold in this state that exceeds the first \$2.5 billion of that revenue coming into the treasury for a state fiscal year (excluding amounts previously dedicated to school property tax relief) shall be deposited to the credit of the state highway fund and may be appropriated only to: (1) construct, maintain, or



acquire rights-of-way for public roadways other than toll roads; or (2) repay the principal and interest on general obligation bonds. (See **S.B. 5**, above.)

**S.J.R. 12 (Perry) – Transportation Funding:** this bill is identical to **H.J.R. 28**, above.

**S.J.R. 15 (Schwertner) – Transportation Funding:** would provide that three-quarters of the state's motor vehicle registration fees and the state's gas tax shall be credited to the state highway fund to be used only for the purpose of constructing and maintaining public highways. (See **S.B. 184**, above.)

### **Utilities and Environment**

**H.B. 30 (Larson) – Brackish Groundwater Development:** would: (1) require each regional water planning group to indicate in their regional water plan opportunities for and the benefits of developing large-scale desalination facilities for brackish groundwater or seawater that serve local or regional brackish groundwater production zones; (2) require the Texas Water Development Board to prepare a biennial progress report identifying and designating local or regional brackish groundwater production zones in area of the state with moderate to high availability and productivity of brackish groundwater that can be used to reduce the use of freshwater; (3) require groundwater conservation district to adopt rules for the issuance of permits to withdraw brackish groundwater from a well in a designated brackish groundwater production zone for a project designed to treat brackish groundwater to drinking water standards; and (4) provide for a minimum term of 30 years for a permit issued for a well the produces brackish groundwater from a designated brackish groundwater production zone.

**H.B. 190 (Burkett) – Environmental Rules:** would require the Texas Commission on Environmental Quality to conduct a regulatory analysis before adopting an environmental rule and when giving notice incorporate more detailed information into the fiscal note.

**H.B. 201 (Leach) – Water Rights:** would: (1) amend the Texas Commission on Environmental Quality's review of an application for a water right, including adding a requirement that the executive director determine whether the applicable water conservation and drought contingency plans of the applicant are adequate; and (2) prohibit the TCEQ from referring an issue regarding a water right application to the State Office of Administrative Hearings, unless the issue is a disputed question of fact and is relevant and material to a decision on the application.

**H.B. 280 (Simmons) – Texas Water Development Board:** would require the Texas Water Development Board (TWDB) to post additional information on its website, including: (1) the amount of bonds issued and the terms of the bonds; (2) the expenses incurred in investing money in the State Water Implementation Fund for Texas fund; (3) the rate of return on the investment of money in the fund; and (4) a description of the point system for prioritizing projects established by the TWDB and the number of points awarded for each project.

**H.B. 423 (Farias) – Solid Waste:** would prohibit an individual from disposing of computer equipment or a television at a municipal solid waste facility.

**H.B. 457 (McClendon) – Transportation Funding:** would allocate a certain amount of state revenue from the titling of motor vehicles to the Texas emissions reduction plan and the Texas rail relocation and improvement fund.

**H.B. 497 (Wu) – Saltwater Pipelines:** would add to the definition of a “saltwater pipeline facility” in current law a pipeline that contains salt and other substances and is intended to be used in drilling or operating a well used in the exploration for or production of oil or gas, including an injection well used for enhanced recovery operations. The result of the expanded definition would be to grant such pipeline operators the right to run their pipelines on or across city rights-of-way, subject to certain city restrictions and payment of right-of-way rental fees.

**H.B. 632 (Simpson) – Regional Water Plan:** would prohibit a regional water planning group from including a proposal for the construction of a water project in another regional water planning area, unless two-thirds of the members of the regional water planning area where the project will be constructed consent to the inclusion of the proposal.

**H.B. 652 (Isaac) – Texas Emissions Reduction Plan:** would extend the expiration of Texas Emissions Reduction Plan programs.

**H.B. 655 (Larson) – Aquifer Storage and Recovery:** would: (1) allow a water right holder to undertake an aquifer storage and recovery (ASR) project without completing a pilot project; (2) provide the Texas Commission on Environmental Quality (TCEQ) with exclusive jurisdiction over the regulation and permitting of ASR injection wells and task the agency with associated rulemaking; (3) allow TCEQ to authorize the use of Class V injection wells and adopt technical standards to govern the wells; (4) require the project operator to install a meter on each ASR injection and recovery well associated with the ASR project; (5) require the project operator to provide TCEQ and the groundwater district with reports on volume of water injected and recovered; and (6) require a project operator to register the ASR injection and recovery wells with any groundwater district in which the wells are located.

**H.B. 835 (Larson) – Brackish Groundwater:** would: (1) require the Texas Water Development Board to prepare a biennial progress report identifying and designating local or regional brackish groundwater production zones in area of the state with moderate to high availability and productivity of brackish groundwater that can be used to reduce the use of freshwater; (2) allow a person or entity with a legally defined interest in groundwater in a groundwater conservation district to petition that district to establish a brackish groundwater management zone; and (3) require the groundwater conservation district to allow withdrawals and rates of withdrawal from a brackish groundwater management zone that can be demonstrated as not having an impact on aquifers.

**H.B. 836 (Larson) – Brackish Groundwater:** would: (1) allow the Texas Water Development Board to designate brackish groundwater production zones; (2) provide restrictions on where brackish groundwater production zones may be located; (3) allow a person or entity with a legally defined interest in groundwater to petition a groundwater conservation district to designate a brackish groundwater production zone; (4) require the Texas Water Development Board to develop guidance documents addressing the technical contents of petitions to designate

brackish groundwater production zones; and (5) require that permits issued by a groundwater conservation district in a brackish groundwater production zone be equal to the expected project financing term.

**H.B. 848 (Schaefer) – Backflow Prevention Assembly Testing:** would prohibit the Texas Commission on Environmental Quality from requiring work experience for the issuance of a backflow prevention assembly tester license.

**H.B. 857 (Sanford) – Renewable Energy:** would repeal the state’s goals for renewable energy and repeal the current law mandating that an electric utility allow interconnection of a small solar or wind system.

**H.B. 862 (Fallon) – Electric Transmission Lines:** would provide that an investor owned electric utility, on the date the it files an application for a certificate for a proposed transmission line facility, shall mail notice of the application to – among others – all landowners, as stated on the current county tax roll, whose land would become subject to an easement or other property interest if the application is granted.

**H.B. 912 (Isaac) – Wastewater Discharge Permits:** would require the Texas Commission on Environmental Quality to dismiss a city’s protest of a wastewater discharge permit if the city is subject to less stringent wastewater treatment requirements than the requirements established by the permit.

**H.B. 928 (Guillen) – Drought Contingency Plans:** would: (1) require retail public water suppliers that provide potable water service to 3,300 or more connections to include, in each drought contingency plan submitted to the TCEQ, an evaluation of the effectiveness of strategies in the plan that were implemented during any period of significant drought that occurred in the preceding five years; (2) require a public water supplier to notify TCEQ not later than the fifth business day after the date the supplier implements, changes the manner of implementing, or ceases to implement a mandatory provision of the supplier’s drought contingency plan; and (3) task the Water Conservation Advisory Council with recommending methodologies for conducting drought contingency plan evaluations. (Companion bill is **S.B. 329** by **Hinojosa**.)

**H.B. 930 (Miller) – Water Well Drillers:** would create a field operations program comprised of qualified employees of cities that have entered into a Memorandum of Understanding with the Texas Commission of Licensing and Regulation to assist with the enforcement of rules relating to water well drillers.

**H.B. 949 (Lucio) – Water Loss:** would allow the Texas Water Development Board to waive the requirement that a retail public utility, which includes a municipally owned utility, use a portion of the financial assistance provided by the board to mitigate the utility’s system water loss if the loss meets or exceeds the threshold established by the board, if the board finds that the utility is satisfactorily addressing the utility’s system water loss.

**H.B. 960 (Farias) – Water Infrastructure Fees:** would exempt school district from any fee charged by a city for the development or maintenance of programs or facilities for the control of

excess water or stormwater.

**H.B. 1106 (Phillips) – Texas Energy Commission:** would rename the Texas Railroad Commission as the Texas Energy Commission. (See **H.J.R. 76**, below.)

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

**H.B. 1146 (Kacal) – Public Water Supply System:** would: (1) allow a licensed operator of a water supply system to be a volunteer; and (2) require the owner or manager of the water system to maintain a record of each volunteer operator.

**H.B. 1153 (Turner) – Interbasin Transfers:** would repeal the provisions of the interbasin transfers statute that make proposed transfers of all or a portion of a water right junior in priority to water rights granted before the time the application for transfer is accepted for filing.

**H.B. 1184 (Paddie) – Energy Savings Performance Contracts:** would expand the definition of energy savings performance contracts that a local government can enter into with a provider for energy or water conservation to include alternative fuel programs resulting in energy cost savings and reduced emissions for local government vehicles, including fleet vehicles.

**H.B. 1191 (Isaac) – Regulation of Groundwater:** would require a person seeking to drill or operate a water well for commercial purposes that is located near a priority groundwater management area to submit an application for approval to drill and operate the well to the Texas Water Development board and the local groundwater conservation district.

**H.B. 1192 (Isaac) – Graywater:** would require the graywater standards adopted by the Texas Commission on Environmental Quality to permit the use of graywater for toilet and urinal flushing.

**H.B. 1222 (Lucio) – Texas Water Development Board Financial Assistance:** would clarify state law to reflect the fact that the Texas Water Development Board has no authority to provide financial assistance for water supply projects in regional water plans, from the following programs: (1) water bond insurance program; (2) research and planning program; (3) water pollution control; and (4) program for water and wastewater financial assistance for disadvantaged rural communities.

**H.B. 1224 (Lucio) – Texas Water Development Board:** would allow the Texas Water Development Board, by resolution, to approve the use of assets of certain revolving funds to be used as a source of revenue or security for the payment of the principal of and interested on state revolving fund bonds.

**H.B. 1226 (Lucio) – On-site Sewage Disposal Systems:** would require a local governmental entity that applies for financial assistance under a program for economically distressed areas

from the Texas Water Development Board to receive and maintain a designation as an authorized agent of the Texas Commission on Environmental Quality only if: (1) the financial assistance is for a project related to on-site sewage disposal systems; and (2) the local government entity is not located in the jurisdiction of an authorized agent.

**H.B. 1228 (Lucio) – Water Conservation Infrastructure:** would: (1) allow a city to acquire, purchase, construct, improve enlarge, equip, operate, or maintain any property related to water conservation infrastructure; (2) declare a city providing funding for water conservation infrastructure to be: (a) in furtherance of the development and diversification of the economy of the city, (b) in furtherance of the conservation, preservation, or treatment of water resources of the city, and (c) beneficial to the operation of its utility system to be a public purpose under the Texas Constitution; (3) permit a city council to pledge the revenue of water conservation infrastructure to the payment of any public securities issued; (4) allow a city to grant a purchaser a franchise to operate encumbered water conservation infrastructure; (5) prohibit a city from selling city-owned water conservation infrastructure without a majority vote of the qualified voters of the city; (6) require the mayor of the city to establish and maintain a complete system of records for the water conservation infrastructure that has encumbered revenue; and (7) require the manager of the water conservation infrastructure to file an annual report on the operation of the water conservation infrastructure with the mayor and council.

**H.B. 1247 (Smith) – Contested Case Hearings:** would: (1) create a presumption that a draft permit application prepared by the executive director of the Texas Commission on Environmental Quality filed with the State Office of Administrative Hearings establishes a prima facie presumption that the permit application meets all state and federal legal and technical requirements; and (2) shift the burden to a party to the contested case hearing for rebut the established presumption by establishing by a preponderance of the evidence that the draft permit violates specific state or federal legal or technical requirements.

**H.B. 1248 (Lucio) – Groundwater Conservation Districts:** would 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.

**H.B. 1269 (Springer) – Supplemental Environmental Projects:** would: (1) allow a city in a county with a population of less than 50,000 to implement a supplemental environmental project in lieu of paying the Texas Commission on Environmental Quality an administrative penalty; and (2) require the city spend the difference between the penalty and cost of the supplemental environmental project on upgrading the facility at which the violation for which the penalty was assessed occurred.

**H.B. 1284 (Simmons) – Solid Waste Facilities:** would require the Texas Commission on Environmental Quality to: (1) 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) deny or amend an application based on the comments and recommendations from these cities.

**H.B. 1331 (King) – Drill Cuttings:** would provide that a person who generates drill cuttings, or bits of rock or soil cut from a subsurface formation while drilling an oil or gas well, and transfers them to another person with the contractual understanding that the drill cuttings will be used in connection with road building or another beneficial use cannot be held liable in tort for a consequence of the subsequent use of the drill cuttings.

**H.B. 1419 (Clardy) – Contested Case Hearings:** would: (1) allow a state agency to suspend a license if the agency determines that imminent peril to the public health, safety, or welfare requires emergency action; (2) permit a state agency to notify each party to a contested case of any decision or order of the agency by electronic means; (3) provide that if an adversely affected party or the party's attorney of record does not receive required notice from a state agency or acquire actual knowledge of a signed order before the 15<sup>th</sup> day after the date the order is signed, then the deadline for a motion for rehearing begins when the party receives the notice or acquires actual knowledge of the signed order; and (4) require an adversely affected party to prove that the date the party received notice or acquired actual knowledge of an order was after the 14<sup>th</sup> day after the date the order was signed.

**H.B. 1501 (Guillen) – Plastic Microbeads:** would require the Texas Commission on Environmental Quality to conduct a study to determine the extent of the presence of plastic microbeads in water in the state and whether their presence causes pollution of that water.

**H.B. 1581 (Simpson) – Fluoride:** would require a water supply system, including a city system, that furnishes drinking water to which fluoride has been added to disclose in a conspicuous place on the system's website: (1) the amount of fluoride that occurs naturally in the drinking water, (2) the amount of fluoride added to the drinking water, (3) the combined amount of fluoride, (4) the identity of the person who supplies the fluoride additive, and (5) the annual cost of adding fluoride to the drinking water.

**H.B. 1635 (Guillen) – Texas Groundwater Protection Committee:** would: (1) require the Texas Groundwater Protection Committee to develop and adopt a groundwater classification system based on salinity; and (2) require state agencies to consider the classification system when adopting rules.

**H.B. 1642 (Pickett) – Environmentally Contaminated Property:** would: (1) extend the statute of limitations for a suit for damages arising from an injury to property caused by environmental contamination originating from a source not located on the property to 10 years after the date notice of the contamination is reported in writing to the Texas Commission on Environmental Quality and the affected property owner; (2) allow an innocent owner to apply to TCEQ for an order directing the responsible party to promptly remediate the contamination of the property; and (3) would authorize TCEQ to charge an application fee for reviewing an application for an order to remediate.

**H.B. 1662 (Sheets) – Drainage Charges:** would allow a city to exempt property used for cemetery purposes from drainage charges if the cemetery is closed to new interments.

**H.B. 1665 (Bonnen) – Water Level Fluctuations:** would require a seller of real property adjoining an impoundment of water to provide the purchaser with written notice that the water levels fluctuate. (Companion bill is **S.B. 483** by **Kolkhorst**.)

**H.B. 1760 (Geren) – Environmental Enforcement:** would, with regard to the current authority of a city to seek civil penalties against an environmental polluter, provide that:

1. to recover a civil penalty, a city must prove that a person knowingly or intentionally committed a violation of state law relating to air or water quality;
2. when determining the amount of a civil penalty to be assessed, the court or jury shall consider the same factors that the Texas Commission on Environmental Quality (TCEQ) must consider under current law;
3. the maximum civil penalty for each violation is \$25,000 for each day of each violation, up to a maximum of 120 days;
4. if a person is found to have committed a violation and that violation is a continuing violation that exceeds the 120-day duration, the person may be assessed for each violation an additional civil penalty of up to \$1,000 for each day of each violation beyond the 120-day period;
5. a city is limited to recovering civil penalties from a person for continuing daily violations at a single site in an amount not to exceed \$4.34 million;
6. a city may not recover civil penalties for the time period from the date on which a person initiates written notification and performs any necessary assessment or remediation under a program administered by the TCEQ;
7. a suit for civil penalties must be brought not later than five years from the earlier of: (a) the date a person initiates written notification to TCEQ and complies with the requirements in (6), above; or (b) the date the person received a notice of enforcement from the TCEQ with respect to the alleged violation; and
8. a suit for injunctive relief remains as an enforcement remedy.

(Companion bill is **H.B. 1794** by **Geren**.)

**H.B. 1794 (Geren) – Environmental Enforcement:** this bill is identical to **H.B. 1760**, above.

**H.B. 1823 (Anchia) – Texas Energy Commission:** would rename the Texas Railroad Commission as the Texas Energy Resources Commission and provide for three elected commissioners to serve six year terms.

**H.B. 1856 (Isaac) – 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.

**H.B. 1865 (Morrison) – Contested Case Hearings:** would: (1) create a presumption that an applicant's filing with the administrative law judge of the draft permit, the executive director of

the Texas Commission on environmental Quality's preliminary decision, and any other supporting documentation in the administrative record establishes a prima facie presumption that the permit application meets all state and federal legal and technical requirements and the permit would be protective of the public's health and physical property and the environment; (2) shift the burden to the protesting party to the contested case hearing to rebut the established presumption by presenting evidence that the draft permit violates specific state or federal legal or technical requirements; and (3) provide that in determining whether a person seeking a contested case hearing is an affected person, the TCEQ may: (a) weigh and resolve matters relating to the merits of the application, (b) evaluate the administrative record, (c) not find that a group or association is an affected person unless the group or association identifies a member who would be an affected person in the person's own right, and (d) not find that a hearing requester is an affected person unless the hearing requester timely submitted comments. (Companion bill is **S.B. 709** by **Fraser**.)

**H.J.R. 76 (Pickett) – Texas Energy Commission:** would amend the Texas Constitution to rename the Texas Railroad Commission as the Texas Energy Commission. (See **H.B. 1106**, above.)

**S.B. 78 (Ellis) – State Water Plan:** would require that the state water plan include an assessment of the best available science related to trends in factors affecting future water availability and future water use.

**S.B. 109 (Taylor) – Water Rights:** this bill is identical to **H.B. 201**, above.

**S.B. 253 (Ellis) – Environmental Justice Communities:** would: (1) require a person applying for a permit for a new facility that requires approval from Texas Commission on Environmental Quality (TCEQ) or the expansion of such a facility to submit to the TCEQ a report stating whether the facility is to be located in an environmental justice community; (2) require a facility in an environmental justice community to consult with the mayor in the city in which the facility is to be located; (3) require a permit applicant to publish notice of and hold a public hearing to provide information on the potential environmental impacts of the facility; and (4) allow a city and an owner or developer of an affecting facility to enter into a community environmental benefit agreement.

**S.B. 329 (Hinojosa) – Drought Contingency Plans:** this bill is identical to **H.B. 928**, above.

**S.B. 413 (Seliger) – Texas Water Development Board:** would: (1) replace the requirement that one member of the Texas Water Development Board have experience in the field of law or business with the requirement that one member must have experience in the field of production agriculture; and (2) require that one member of the Board resides in a rural area and is a registered voter of a county with a population of less than 155,000.

**S.B. 440 (Burton) – Hydraulic Fracturing:** would prohibit a city from banning hydraulic fracturing treatment of oil or gas wells.



**S.B. 483 (Kolkhorst) – Water Level Fluctuations:** would require a seller of real property adjoining an impoundment of water to provide the purchaser with written notice that the water levels fluctuate.

**S.B. 521 (Fraser) – Emergency Authorizations:** would: (1) extend the period of time that the Texas Commission on Environmental Quality can grant an emergency permit, order, or amendment to an existing water permit from 120 days to two years; and (2) allow the TCEQ to renew an emergency authorization for successive periods of not longer than one year.

**S.B. 551 (Seliger) – Water Conservation Advisory Council:** would allow the Water Conservation Advisory Council to make recommendations for legislation to advance water conservation in Texas in its annual report to the legislature.

**S.B. 603 (Hinojosa) – Texas Emissions Reduction Plan:** would extend Texas Emissions Reduction Plan programs for two additional years.

**S.B. 709 (Fraser) – Contested Case Hearings:** this bill is identical to **H.B. 1865**, above.

**S.B. 720 (Burton) – Hydraulic Fracturing:** would prohibit a political subdivision from adopting or enforcing an order, ordinance, or similar measure that prohibits or has the effect of prohibiting hydraulic fracturing.