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Enrolled Legislation
Volume 2

HIGHLIGHTS

of
the **85** th
Texas
Legislature



Acknowledgements

The Senate Research Center publishes *Highlights of the Texas Legislature: A Summary of Enrolled Legislation* after each regular session of the Texas Legislature in order to centralize information relating to enrolled legislation.

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Authorizing City Attorneys to Seek Injunction Against Common Nuisances—H.B. 256
by Representative Hernandez et al.—Senate Sponsor: Senator Whitmire

Section 101.70 (Common Nuisance), Alcoholic Beverage Code, defines "common nuisance" as a room, building, boat, or structure where alcoholic beverages are made, stored, or consumed in violation of the code. The Office of the Attorney General, a county attorney, and a district attorney, but not a city attorney, are authorized to sue for an injunction to abate or enjoin the nuisance, whereas all four may bring a suit to enjoin and abate a common nuisance under Section 125.002 (Suit to Abate Common Nuisance; Bond), Civil Practice and Remedies Code. Specifically, stakeholders contend that some illicit alcoholic beverage establishments serve as fronts for other illicit activities, including sex trafficking. This bill:

Authorizes a city attorney to bring a suit against a common nuisance under the Texas Alcoholic Beverage Code to further enable cities to directly address illicit activities occurring in their jurisdiction.

Flexibility for JPs in Conducting Inquests—H.B. 799
by Representative Murr et al.—Senate Sponsor: Senators Perry and Zaffirini

When a justice of the peace (JP) is not available to complete an inquest, current law does not allow another person to operate in place of the JP. This bill, which was requested by the Justices of the Peace and Constables Association, provides provisions to authorize exchanges of benches for inquests when JPs and judges are unavailable. This bill:

Amends the heading to Subchapter C, Chapter 27 (Justice Courts), Government Code, to read "Conducting Court and Inquests," rather than "Conducting Court."

Authorizes a JP of a precinct or a county judge of a county in which a death occurs, if the JP or the county judge of a county to which Subchapter A, Chapter 49 (Inquests Upon Dead Bodies), Code of Criminal Procedure, applies is not available to conduct an inquest into a person's death occurring in the county, to request a JP of another county to which that subchapter applies to conduct the inquest.

Requires a JP who on request conducts an inquest to transfer all information relating to the inquest to the JP of the precinct in which the death occurred for final disposition on the matter not later than five days after the date the inquest is initiated.

Provides that a JP who conducts an inquest is not entitled to receive from the commissioners court of the county in which the death occurred any compensation, other than mileage, for conducting the inquest.

Authorizes a person required to give notice to ask a JP of a precinct in which a body or body part was found or a county judge to request a JP of another certain county to conduct the inquest, if the JP or the county judge serving the county in which the body or body part was found is not available to conduct an inquest. Requires the JP who conducts the inquest to transfer all information relating to the inquest to the JP of the precinct in which the body or body part was found for final disposition of the matter not later than five days after the date the inquest is initiated. Requires all expenses relating

to the inquest to be paid as provided by Chapter 49 (Inquest upon Dead Bodies), Code of Criminal Procedure.

Authority of Counties to Advertise on Certain Personal Property—H.B. 1170
by Representative Reynolds et al.—Senate Sponsor: Senator Miles

Current state law does not allow counties to lease advertising space on personal property owned or leased by the county. Counties have property on which advertising space could be leased, which would assist in offsetting costs associated with purchasing various properties. This bill:

Authorizes the commissioners court of a county to adopt a procedure by which the county may lease to another entity advertising space located in certain places, including on personal property owned by the county or personal property leased by the county, with the property owner's consent, rather than on a vehicle owned by the county or on a vehicle leased by the county, with the vehicle owner's consent.

Authorizing Third-Party Leasing of County Property—H.B. 1288
by Representative Rose—Senate Sponsor: Senator West

Chapter 263, Local Government Code, governs the sale or lease of property by counties. While counties may currently use a third party (real estate broker) to sell property, they cannot use a third party to lease property. This bill:

Authorizes a commissioners court of a county to contract with a broker to sell or lease a tract of real property that is owned by the county.

Authorizes a commissioners court of a county to pay a fee if a broker produces a ready, willing, and able buyer or lessee to purchase or lease a tract of real property.

Authorizes a commissioners court of a county on or after 30 days after the date a property is listed, to sell or lease the tract of real property to a ready, willing, and able buyer or lessee who is produced by any broker using the multiple-listing service and who submits the highest cash offer, if a contract requires a broker to list the tract of real property for sale or lease for at least 30 days with a multiple-listing service used by other brokers in the county.

Authorizes a commissioners court of a county to sell or lease a tract of real property without complying with the requirements for conducting a public auction, including the requirements prescribed by Section 263.001 (Sale or Lease of Real Property), Local Government Code.

Implementation of County Solid Waste Management Programs—H.B. 1584
by Representative Tracy O. King—Senate Sponsor: Senator Zaffirini

Interested parties note that a county is limited in its ability to provide solid waste services in the extraterritorial jurisdiction of a municipality and that some municipalities have taken the position

that they possess no authority or obligation to regulate or provide such services beyond their corporate limits. The parties contend that this could mean that an area subject to a municipality's extraterritorial jurisdiction goes unserved, which may result in increased pollution, illegal dumping, trash burning, and a general threat to public health and safety. This bill:

Authorizes the commissioners court of a county that is adjacent to the United Mexican States, has a population of less than 300,000, and contains a municipality with a population of 200,000 or more by rule to regulate solid waste collection, handling, storage, and disposal by establishing a mandatory solid waste disposal service program in an area located within the extraterritorial jurisdiction of a municipality that does not provide solid waste disposal services in that area.

Provides that H.B. 1584 exempts a person from being required to use such solid waste disposal services offered by a county to persons in an area of the county located within the extraterritorial jurisdiction of a municipality, if the person contracts for solid waste disposal services with a provider that meets the rules adopted by the Texas Commission on Environmental Quality for the regulation of solid waste disposal or if the person is a private entity that contracts to provide temporary solid waste disposal services to a construction site or project by furnishing a roll-off container used to transport construction waste or demolition debris to a facility for disposal or recycling. Provides that the exemption expressly does not affect the authority of a governmental entity to pursue actions under the Texas Litter Abatement Act relating to certain prohibited actions to address illegal dumping.

County Building Code Enforcement Authority—H.B. 2040
by Representative Phil King—Senate Sponsor: Senator Nichols

The Local Government Code authorizes a county to mandate that all homes in the unincorporated areas within the county comply with building codes and that all homes undergo a minimum of three code inspections. The Local Government Code also requires a builder to provide notice of whether an inspected home complies with requirements and inspections. However, legislators contend that a gap exists in a county's ability to enforce these mandates in that while a county can obtain injunctive relief to prevent a violation or refer a builder for prosecution, it may refer the builder only if the builder to provide proper notice regarding a home's compliance with code inspections. Legislators further contend that in a case of a home failing to comply with inspection requirements, a county cannot exercise its enforcement authority if the builder provides notice of the home's failure to comply. This bill:

Authorizes a county to exercise its enforcement authority, regardless of whether a builder posts notice of a home's inspection compliance. Provides an affirmative defense for a builder if a failure to provide notice is the result of a code inspector's failure to provide the builder with proper documentation.

Cemeteries in Certain Municipalities—H.B. 2214

by Representative Schofield—Senate Sponsor: Senator Kolkhorst

Under current state law, a municipality cannot create a new cemetery within a certain distance of its boundaries. H.B. 2214 addresses this issue by allowing any nonprofit organization to file an application by September 1, 2020, to a municipal governing body to establish or to use a cemetery within the municipality's boundaries. This bill:

Authorizes a nonprofit organization, not later than September 1, 2020, to file a written application with the governing body of a municipality to establish or to use a cemetery located inside the boundaries of that municipality. Requires the municipality, by ordinance, to prescribe the information to be included in the application.

Authorizes the governing body of a municipality, by ordinance, to authorize the establishment or use of a cemetery located inside the boundaries of the municipality, if the municipality has determined and stated in the ordinance that the establishment or use of the cemetery would not adversely affect public health, safety, or welfare.

Applies only to a municipality that is wholly or partly located in a county with a population of more than 3.3 million.

Civil Suits for Violations of TCEQ Laws or Rules—H.B. 2533

by Representatives Geren and Fallon—Senate Sponsor: Senator Estes

Under current law, cities, counties, and some affected persons may file suits to seek injunctive relief and civil penalties based on violations of the state's environmental codes in the same way that the state can. These suits can result in over-penalizing the same act or omission when multiple suits from multiple jurisdictions are filed regarding the same incident. They also result in inconsistent assessments of penalties for the same wrongdoing, hampering the state's attempts to apply its laws uniformly. Recently, the state's attempts to investigate and prosecute the Volkswagen emissions fraud case were impeded by 21 conflicting lawsuits from Texas counties and municipalities. The involvement of these counties and municipalities led to Texas' exclusion from a multi-state investigation and has also prevented the state from settling the air quality portions of its claims against Volkswagen on the terms agreed to by the other states involved in the national litigation.

H.B. 2533 relates to civil suits brought by local governments or certain other persons for violations of certain laws under the jurisdiction of, or rules adopted or orders or permits issued by, the Texas Commission on Environmental Quality (TCEQ). This bill:

Authorizes a "person affected" to take certain actions if it appears that a violation, or threat of violation, of certain statutes, rules, orders, or permits adopted or issued by, or under the jurisdiction of, TCEQ has occurred or is occurring in certain jurisdictions.

Authorizes an authorized agent to institute a civil suit if it appears that certain violations, or threat of such violations, has occurred or is occurring in certain jurisdictions.

Provides that these provisions apply only to a civil suit that seeks a civil penalty for a violation of a certain statute, rule, order, or permit.

Requires a local government, a person affected, or an authorized agent, before instituting any claim for a civil penalty in a civil suit, to provide to the Texas attorney general (attorney general) and the executive director of TCEQ written notice of each alleged violation, the facts in support of the claim, and the specific relief sought.

Authorizes a local government, a person affected, or an authorized agent to institute a civil suit within a certain time frame unless before the allotted time frame TCEQ has commenced a certain proceeding or the attorney general has commenced a civil suit concerning at least one of the alleged violations set forth in the notice.

Authorizes a local government, a person affected, or an authorized agent, if such an entity discovers a violation that is within 120 days of a certain limitations period's expiration, to institute a civil suit within a certain time frame unless before the allotted time frame the attorney general has commenced a civil suit concerning at least one of the alleged violations set forth in the notice. Requires a local government, a person affected, or an authorized agent, in certain circumstances and in addition to providing the required notice, to provide a copy of the notice by certified mail or hand delivery to the chief of the division of the Office of the Attorney General responsible for handling environmental enforcement claims.

Personal Liability of Certain Elected Officials—H.B. 2654

by Representative Stucky et al.—Senate Sponsor: Senators Lucio and Nelson

According to interested parties, some county tax assessor-collectors have expressed concern regarding their personal liability under local government programs to fund water and energy savings improvements through assessments. This bill:

Provides that a county assessor-collector who performs the duties of a local government relating to collection of assessments imposed by a local government under Chapter 399 (Municipal and County Water and Energy Improvement Regions), Local Government Code, is not personally liable as a result of exercising those duties under this chapter.

Includes other elected officials of a local government in the list of certain persons associated with a local government who are not personally liable as a result of exercising any rights or responsibilities granted under Chapter 399, Local Government Code.

County-Broker Agreements for the Sale of Surplus Property—H.B. 2762

by Representative Workman—Senate Sponsor: Senator Campbell et al.

Currently, counties may only dispose of surplus assets in four ways: trade-ins, competitive bidding, donation to a local civil or charitable organization, or auction. H.B. 2762 permits counties to employ a broker to help sell high-value specialty assets to increase their return on investment. This bill:

Provides that Section 263.1545 (Broker Agreements for the Sale of Certain Surplus Property by Certain Counties), Local Government Code, applies only to surplus property that is owned by a county; uses a high level of technology; was used for or will be used in connection with or for a highly specialized program; and was purchased by the county for more than \$250,000.

Authorizes the commissioners court of a county to enter into a broker agreement to sell surplus property, described by the bill, with a broker who has the expertise necessary to negotiate the sale of the surplus property. Authorizes the commissioners court to pay a fee to the broker, if the broker produces a ready, willing, and able buyer to purchase the surplus property.

Authorizes the commissioners court of a county to sell surplus property to a ready, willing, and able buyer who submits the highest cash offer and who is produced by the broker in accordance with the broker agreement.

Authorizes the commissioners court of a county, notwithstanding any other law, to sell surplus property under Section 263.1545, Local Government Code, without complying with the requirements for conducting a public auction, bidding, or trade-in under any other law, including the requirements under Sections 263.152 (Disposition) and 263.153 (Notice), Local Government Code.

Appointment of Emergency Services Commissioners in Certain Districts—H.B. 2788
by Representative White—Senate Sponsor: Senator Nichols

H.B. 2788 adds language to establish a five-member board of emergency services commissioners. Additionally, H.B. 2788 relates to the appointment of emergency services commissioners in certain districts located in more than one county. This bill:

Provides that Section 775.0341 (Appointment of Board in Certain Districts Located in More Than One County), Health and Safety Code, as added by this bill, applies only to a district authorized to have a board of emergency services commissioners appointed under former Section 776.0345 (Appointment of Board in Certain Districts Located in More Than One County), Health and Safety Code, and that is located partly in a county with a population of less than 22,000 and partly in a county with a population of more than 54,000.

Provides that a five-member board appointed under Section 775.0341, Health and Safety Code, serves as a district's governing body and provides that a commissioner serves a two-year term.

Requires the commissioners court of the smallest county in which the district is located to appoint two commissioners to the board and requires the commissioners court of the largest county in which the district is located to appoint three commissioners to the board.

Requires a person, to be eligible for appointment as an emergency services commissioner under Section 775.0341, Health and Safety Code, to be at least 18 years of age and reside in the district. Requires two commissioners to reside in the smallest county in which a district is located and three commissioners to reside in the largest county in which a district is located.

Requires a commissioners court, on January 1 of each year, to appoint a successor for each emergency services commissioner appointed by that commissioners court whose term has expired.

Requires the appropriate commissioners court to fill a vacancy on a board for the remainder of an unexpired term.

Provides that Section 775.035 (Election of Board in District Located in More Than One County), Health and Safety Code, does not apply to a district described by Section 775.0341, Health and Safety Code, as added by this bill.

Provides that all governmental acts and proceedings of an emergency services district to which former Section 776.0345, Health and Safety Code, applied, before that section was repealed, that relate to the selection of a district's emergency services commissioners and that were taken between January 1, 2012, and the effective date of this Act are validated, ratified, and confirmed in all respects as if they had been taken as authorized by law.

Provides that certain provisions of the bill do not apply to any matter that on the effective date of this Act, is involved in litigation that ultimately results in the matter being held invalid, or has been held invalid, by a final court judgment.

Pilot Program to Reuse Wastewater at County Facilities—H.B. 2798 [VETOED]
by Representative Farrar—Senate Sponsor: Senator Creighton

Interested parties maintain that in order to meet growing water demands, the state needs a regulatory framework for reusing all forms of wastewater. This bill:

Provides that this Act applies only to a county with a population of more than 3.3 million.

Authorizes a county to implement a pilot program (program) to reuse any form of wastewater at a county facility for subsurface irrigation and toilet and urinal flushing. Requires that the program require the wastewater to be treated at the facility before reuse.

Authorizes the Texas Commission on Environmental Quality to adopt rules to ensure that an implemented program does not create a nuisance and does not threaten human health or damage the quality of Texas' surface water and groundwater.

Alternative Requirements for Publishing Notice in County Newspaper—H.B. 2985
by Representative Phillips—Senate Sponsor: Senator Hall

Section 2051.0441 (Type of Newspaper Required for Publication in Certain Counties), Government Code, provides that in certain counties where no newspaper meets the notice requirements under Section 2051.044 (Type of Newspaper Required), Government Code, notices may be published in an alternative publication. H.B. 2985 raises the population bracket in Section 2051.0441 to account for population growth in Fannin County, which still does not have a newspaper that meets the requirements under Section 2051.044. This bill:

Provides that Section 2051.0441, Government Code, applies only to a notice published by a governmental entity or a representative in a county with a population of at least 30,000 but not more than 39,000—rather than not more than 36,000—that borders the Red River or that does not have a newspaper described under Section 2501.044, Government Code, published in the county.

Health Care Provider Participation Programs in Smith and Angelina Counties—H.B. 2995
by Representative Ashby—Senate Sponsor: Senator Nichols

H.B. 2995 amends the Health and Safety Code to provide for a county health care provider participation program (program) in Smith County and in Angelina County, as neither county is served by a hospital district or a public hospital. The program authorizes a county to collect mandatory payments from institutional health care providers (IHCPs) to be deposited into a local provider participation fund (LPPF) and authorizes money in the fund to be used by the county to fund certain intergovernmental transfers and indigent care programs. This bill:

Defines "institutional health care provider," "paying hospital," and "program."

Provides that Chapter 291A (County Health Care Provider Participation Program in Certain Counties), Health and Safety Code, as added by this bill, applies only to a county that is not served by a hospital district or a public hospital, has a population of more than 75,000, and borders or includes a portion of the Sam Rayburn Reservoir, and to a county that has a population of more than 200,000 but less than 220,000.

Provides that a program authorizes a county to collect a mandatory payment from each IHCP located in the county to be deposited into an LPPF established by the county. Authorizes money in the fund to be used by the county to fund certain intergovernmental transfers and indigent care programs, as provided by Chapter 291A, Health and Safety Code.

Authorizes the commissioners court of a county to adopt an order authorizing the county to participate in the program, subject to limitations provided by Chapter 291A, Health and Safety Code.

Sets forth the powers and duties of a commissioners court, including limitation on authority to require a mandatory payment; majority vote required; rules and procedures; and IHCP reporting and inspection of records.

Requires the commissioners court of a county that collects a mandatory payment authorized under Chapter 291A, Health and Safety Code, to hold, each year, a public hearing on the amounts of any mandatory payments that the commissioners court intends to require during the year.

Requires the commissioners court of each county that collects a mandatory payment authorized under Chapter 291A, Health and Safety Code, by resolution, to designate one or more banks located in the county as the depository for mandatory payments received by the county. Requires that all funds under Chapter 291A, Health and Safety Code, be secured in the manner provided for securing county funds.

Sets forth the authorized uses of money from an LPPF; mandatory payments based on paying hospital net patient revenue; assessment and collection of mandatory payments; interest, penalties, and discounts that can be collected; and the correction of an invalid provision or procedure.

Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

Participation in TMRS by University Park Firefighters—H.B. 3056
by Representatives Meyer and Flynn—Senate Sponsor: Senator Huffines

It has been reported that certain local firefighters' retirement funds, such as those in the City of University Park in Dallas County, have problems and are in need of a sustainable solution. H.B. 3056 allows participation in the Texas Municipal Retirement System (TMRS) by University Park firefighters, subject to the Texas Local Fire Fighters Retirement Act. This bill:

Authorizes the governing body of University Park to adopt one or more ordinances to exclude from participation in TMRS employees of the fire department first hired on or after the closure effective date. Requires the governing body of University Park to concurrently adopt an ordinance to allow the employees described by the ordinance to participate in TMRS.

Requires University Park to submit an ordinance to an election of TMRS participating members established in the municipality by a certain date. Requires that a majority of participating members vote in favor of the ordinance for it to be approved at the election.

Provides that, if the voting members approve the ordinance, the board of trustees of TMRS is required to amend the TMRS plan documents as necessary to be consistent with the approved ordinance. Requires University Park to give written notice of the election results to TMRS.

Dallas Police and Fire Retirement Systems—H.B. 3158
by Representative Flynn et al.—Senate Sponsor: Senator West

Concerned parties note that mismanagement and investment losses have caused the pension systems for police officers and firefighters in certain municipalities, such as Dallas, to be insufficiently sound from an actuarial standpoint. H.B. 3158 changes the law regarding retirement systems for police officers and firefighters in certain municipalities. This bill:

Requires the State Pension Review Board (PRB) to select an independent actuary to perform an actuarial analysis of the most recently completed actuarial valuation of the pension system. Requires the independent actuary to submit the analysis to PRB and to the pension system board of trustees (board).

Requires the board to execute its fiduciary duty to hold and administer assets of the fund for the exclusive benefit of members and their beneficiaries in a manner that ensures the sustainability of the pension system for purposes of providing current and future benefits to members and their beneficiaries.

Provides that an amendment to the pension system is prohibited from causing the amortization period of the unfunded actuarial accrued liability of the pension system to exceed 35 years. Requires the board to conduct an evaluation of how benefits are computed to identify potential means of computation abuse and the impact of establishing one or more alternative benefit plans.

Requires the board, at least twice each year, to have a meeting to receive public input regarding the pension system and to inform the public about the health and performance of the pension system.

Requires that the annual normal costs, if the pension system has no unfunded actuarial liability according to the most recent actuarial valuation, be equally divided between the city and the pension members unless equally dividing the costs would increase the member contribution rate beyond a certain rate. Requires the board to adjust the city contribution and member contribution rates accordingly, and certify the adjusted rates.

Requires the executive director of the pension plan (director), on written request by the city, to make available to the city's actuary or auditor the information and documents provided to or used by the pension system's actuary or auditor in conducting an actuarial valuation.

Makes provisions for membership in a combined pension plan; certain instances when group membership may be declared inactive; and the conditions under which a member may receive pension service while on leave.

Authorizes the board, by rule, to adopt alternative multipliers, including an alternative table prescribing actuarially appropriate multipliers.

Requires the board to adopt policies under which a member who is leaving active service or a pensioner may elect to accept actuarially reduced benefits.

Provides certain death benefits for qualifying survivors and provides adjustments to retirement and disability pension benefits. Sets forth terms and conditions for deferred retirement option program (DROP) accounts and the deferred annuitization of certain DROP accounts.

Authorizes the governing body of a municipality to establish an alternative benefit plan and determine the benefits, funding source and amount, and administration of the alternative benefit plan and require an employee first hired by the municipality, on or after the date the alternative benefit plan is implemented, to participate in the alternative benefit plan.

Requires each active participant of an alternative benefit plan to contribute to the plan an amount, if any, determined by the municipality. Requires that the municipality contribute, for each active participant in an alternative benefit plan, an amount determined by the municipality. Requires that a municipality that establishes an alternative benefit plan file all required reports with PRB.

Homestead Preservation Districts and Reinvestment Zones—H.B. 3281 [VETOED]

by Representative Eddie Rodriguez—Senate Sponsor: Senator Watson

Current statute allows municipalities to form homestead preservation districts and reinvestment zones to help spur economic development in low-income areas. These districts help low-income families avoid losing their homes due to rising home values in disadvantaged neighborhoods.

When homestead preservation districts were created in 2005, they were bracketed to municipalities with fewer than 550,000 occupied housing units. While the original population bracket has been updated, the housing unit component has not, causing the city of Austin to outgrow the bracket. H.B. 3281 updates this component to bring the city of Austin back into the bracket. This does not affect any other municipalities. This bill:

Provides that Chapter 373A (Homestead Preservation Districts and Reinvestment Zones), Local Government Code, applies to a municipality with a population of more than 750,000 that is located in a uniform state service region with fewer than 800,000—rather than 550,000—occupied housing units, as determined by the most recent United States decennial census and if a municipality's population or number of occupied housing units were to change and the municipality no longer meets the population requirement of the provisions of the bill, the application of Chapter 373A, Local Government Code, to the municipality would not be affected.

Fees Assessed to Electricians—H.B. 3329

by Representative Paddie—Senate Sponsor: Senator Campbell

While the Texas Department of Licensing and Regulation charges electricians a licensing fee, certain municipalities charge electricians a fee to register the license with the municipality. Stakeholders contend that such a redundancy in fees creates a financial burden for electricians and could hinder an electrician's ability to expand his or her business to a new area.

Currently, the Occupations Code does not prohibit a municipality or region from collecting permit fees for licenses and examinations for work performed in the municipality or region. This bill:

Prohibits a municipality or region from collecting a permit fee, registration fee, administrative fee, or any other fee from an electrician who performs work in that municipality or region.

Municipal Game Room Regulations—H.B. 3453

by Representative Landgraf—Senate Sponsor: Senator Seliger

Currently, certain counties have authority to regulate aspects of game rooms and assert that this authority offers greater protection to promote the health, safety, and welfare of residents in those counties and would similarly benefit other counties. H.B. 3453 extends this authority to a county that is located in the Permian Basin and meets certain requirements. This bill:

Provides that Subchapter E (Game Rooms), Chapter 234 (County Regulation of Businesses and Occupations), Local Government Code, applies only to a county that:

is located in the Permian Basin within 25 miles of this state's border with another state of the United States and has a population of more than 130,000;

a county that is located on the state's border with Louisiana, has a population of more than 65,000, and is within 50 miles of a municipality in Louisiana with a population of more than 150,000; and

a county that has a population of more than 200,000 but less than 220,000; and a county that has a population of more than 1.8 million and is adjacent to a county with a population of more than 2.2 million.

County Commissioners Courts' Authority to Accept Donations—H.B. 3470
by Representative Hunter—Senate Sponsor: Senator Hinojosa

Interested parties report that certain county commissioners courts have expressed interest in implementing a volunteer program for county offices and departments to provide a valuable experience for volunteers, as well as opportunities to perform civic, charitable, or humanitarian services while assisting in county operations. H.B. 3470 facilitates the implementation of such a program by authorizing a county commissioners court to accept donations of labor or services. This bill:

Authorizes a county commissioners court to accept a donation of labor or services, among certain other monetary sums, for the purpose of performing a statutory function.

Authority to Annex Public Rights-of-Way and County-Owned Property—H.B. 3504
by Representative Miller—Senate Sponsor: Senator Kolkhorst

Under current statute, a county assistance district's (CAD) sales tax revenue cannot be used to fund county facilities, such as parks, libraries, and county offices, within the city limits of a city. This legislation allows a CAD, with permission of the city, to use CAD sales tax revenue to fund county facilities within the city's city limits, saving the county from having to allocate Ad Valorem taxes to such projects when they could be funded through the use of CAD funding.

Counties will be able to utilize CAD funding, possibly avoiding the use of AV taxes or calling for bond elections to fund various facility projects. The language is permissive. Cities have the right to deny counties the inclusion of roads or facilities in CADs if the roads/facilities fall within city limits. This bill:

Authorizes the governing body of a CAD, by order, to include in the CAD a portion of a road or public right-of-way, including associated drainage areas, or county-owned property that is being used for a public purpose if the road, public right-of-way, or county-owned property is within a municipality that is located in the county that created the CAD and if the municipality consents to the inclusion, rather than authorizes the governing body of a CAD, by order, to include in the CAD a portion of a road, including associated drainage areas, that is located in a municipality located in the county that created the district if the municipality consents to the inclusion.

Provides that an election is not required to approve an order described by provisions of the bill.

Authorizes a CAD to use money available to the CAD to perform any CAD function under Chapter 387 (County Assistance District), Local Government Code, on a road or public right-of-way, including associated drainage areas, or any property included in the CAD, rather than to perform maintenance or improvement on a road and the associated drainage areas included in the CAD in accordance with Section 387.0031 (Inclusion of Roads in Certain Districts), Local Government Code.

Vacancies on Type A General-Law Municipal Governing Bodies—H.B. 3727*by Representative Phillips—Senate Sponsor: Senator Estes*

Interested parties contend that it is problematic when members of a governing body of certain municipalities are unable to replace a member when it is appropriate to do so. H.B. 3727 addressed this issue by reforming the law regarding vacancies on a governing body of a Type A general-law municipality. This bill:

Provides that, if a member of a governing body changes the member's place of residence to a location outside corporate boundaries of the municipality, the member is automatically disqualified from holding the member's office and the office is considered vacant.

Authorizes a majority of the remaining members who are present and voting, rather than a majority of the remaining members, if for any reason a single vacancy exists on a governing body of a municipality, excluding the mayor, to fill the vacancy by appointment unless an election to fill the vacancy is required by Section 11 (Term of Office Exceeding Two Years in Home Rule and General Law Cities; Vacancies), Article XI (Municipal Corporations), Texas Constitution, rather than by Section 11, of the Texas Constitution.

Provides that a member of a governing body, after resigning from the governing body, is ineligible to vote in a special election to fill a vacancy on the governing body.

Vacancies on Type A General-Law Municipal Governing Bodies—H.B. 3727*by Representative Phillips—Senate Sponsor: Senator Estes*

Interested parties contend that it is problematic when members of a governing body of certain municipalities are unable to replace a member when it is appropriate to do so. H.B. 3727 addressed this issue by reforming the law regarding vacancies on a governing body of a Type A general-law municipality. This bill:

Provides that, if a member of a governing body changes the member's place of residence to a location outside corporate boundaries of the municipality, the member is automatically disqualified from holding the member's office and the office is considered vacant.

Authorizes a majority of the remaining members who are present and voting, rather than a majority of the remaining members, if for any reason a single vacancy exists on a governing body of a municipality, excluding the mayor, to fill the vacancy by appointment unless an election to fill the vacancy is required by Section 11 (Term of Office Exceeding Two Years in Home Rule and General Law Cities; Vacancies), Article XI (Municipal Corporations), Texas Constitution, rather than by Section 11, of the Texas Constitution.

Provides that a member of a governing body, after resigning from the governing body, is ineligible to vote in a special election to fill a vacancy on the governing body.

Certain Requirements and Inspections of Retail Fireworks Sites—H.B. 3907

by Representative Frullo—Senate Sponsor: Senator Perry

Interested parties have expressed a need to improve the safety of certain locations at which fireworks are sold. H.B. 3907 seeks to address this issue by providing for the inspection of retail fireworks sites and for certain requirements applicable to indoor retail fireworks sites. This bill:

Defines "indoor retail fireworks site," "retail fireworks site," and "retail fireworks stand."

Authorizes a local fire prevention officer to inspect a retail fireworks site for a fire or life safety hazard and assess and collect an inspection fee under Section 352.016 (Inspection or Review of Plan for Fire or Life Safety Hazards), Local Government Code, or Section 775.040 (Fees for Providing Services), Health and Safety Code, as applicable, for that inspection if the local fire prevention officer is authorized to conduct the inspection under certain chapters; the officer is a county fire marshal of the county in which the site is located or a fire prevention officer of an emergency services district in which the site is located provided certain conditions are met.

Authorizes a local fire prevention officer who inspects a retail fireworks site for a fire or life safety hazard to assess certain inspection fees and to collect payment of that fee from the person who obtained a retail fireworks permit under Section 2154.202 (Retail Fireworks Permit), Occupations Code, to sell fireworks at the site. Prohibits the inspection fee from exceeding certain amounts.

Authorizes an inspection fee to be assessed and collected for the inspection of a retail fireworks site for a fire or life safety hazard only under certain conditions.

Authorizes a local fire prevention officer who inspects a retail fireworks site for a fire or life safety hazard to determine whether the site complies with the requirements of Sections 2154.221 (Fireworks Sales Building) and 2154.222 (Sales Display Area), Occupations Code, which are added by this Act.

Provides that, except as otherwise provided, Section 2154.2025 (Inspection of Retail Fireworks Sites), Occupations Code, does not grant additional authority to a local fire prevention officer.

Provides that Section 2154.2025, Occupations Code, does not limit the authority of a local fire prevention officer to conduct an inspection of a retail fireworks site for a fire or life safety hazard more than once in a calendar year provided that the site is assessed an inspection fee not more than once in that calendar year and the inspection complies with other requirements.

Requires that the fireworks sales building of an indoor retail fireworks site be a freestanding durable structure with only one story of the building accessible to the public. Prohibits the fireworks sales building of an indoor retail fireworks site from being a tent, boat, or mobile vehicle or part of a multiuse or multi-tenant building.

Requires that the sales display area of an indoor retail fireworks site be sufficiently designed to prevent customers from handling fireworks unless an attendant is directly assisting the customer.

Authorizes the commissioner of insurance (commissioner) to exempt the office area used in the operation of an indoor retail fireworks site from commissioner rules prescribing distance requirements between fireworks storage and inhabited buildings if, after inspecting the office area at the request of the permit holder for the site, the state fire marshal confirms and reports to the

commissioner that the office area is separated by a one-hour fire-rated wall from any fireworks sales or storage area.

County Budget for Court Administrators—H.B. 4104
by Representative Coleman—Senate Sponsor: Senator Garcia

In recent years, there have been disagreements regarding the relative duties and authorities of county commissioners courts and district judges in counties regarding the creation and the hiring of, and the setting of salaries for, court administrators. These disputes have resulted in litigation that has reached the highest court in Texas. In 2015, the 84th Legislature, Regular Session, adopted S.B. 1913 in attempt to clarify the situation. S.B. 1913 provides that commissioners courts decide whether court administrator positions exist, and establish the salary range for the position. Under S.B. 1913, district judges have authority to hire individual court administrators and determine the salary within the range established by the commissioners court. This bill:

Requires a commissioners court, in preparing the county budget for a fiscal year and notwithstanding any other law, to determine the number of any additional positions authorized under Section 75.401 (Court Administrator System for District and Statutory County Courts in Certain Counties), Government Code, to be included in the budget and the maximum compensation for those positions.

Authorizes a court, in a county that has more than one district court or statutory county court, to establish and maintain a court administrator system, if approved by—rather than on approval of—the commissioners court.

Provides that, if a commissioners court includes in the county budget money for the position of court administrator, the court administrator is appointed by judges of the district courts or of the statutory county courts served by the court administrator.

Entitles a court administrator to reasonable compensation, as determined by the judges served and in the salary range for the position, as set by the commissioners court in the annual budget.

Requires the judges of the courts served by the court administrator, if the positions are included in the county budget adopted by—rather than with the approval of—the commissioners court, to appoint appropriate staff and support personnel according to the needs of the local jurisdiction.

Requires a commissioners court, if money to fund the court administrator system is included in the county budget, rather than on order and directive of the judges, to fund the court administrator system from fines collected by the courts served by the court administrator.

Authority to Approve a Junkyard or Automotive Salvage Yard—H.B. 4114
by Representative Coleman—Senate Sponsor: Senators Miles and Garcia

H.B. 4114 provides relief for county commissioners courts by providing licensing approval for certain junkyards and automotive wrecking and salvage yards by a county employee designated by a county commissioners court. This bill:

Authorizes an ordinance to condition a license on the operation of a junkyard or automotive wrecking and salvage yard only at a location approved by the commissioners court or a county employee designated by the commissioners court.

Capital Appreciation Bonds Issued by Political Subdivisions—S.B. 295

by Senator Hinojosa—House Sponsor: Representative Flynn

Capital appreciation bonds (CABs) are municipal bonds that delay principal and interest payments for 25 to 40 years. With no installment payments to bring down the debt, compound interest keeps piling on, causing the balance to inflate. In recent years, Texas school districts and local governmental entities have increasingly turned to CABs because the state's populations, which are growing, are demanding new facilities and capital development at a rate that far outpaces the state's local wealth and resources.

In the 84th Legislature, Regular Session, 2015, H.B. 114 was passed to restrict the issuance of CABs by political subdivisions. H.B. 114 prohibits a political subdivision from issuing CABs that are secured by property taxes unless certain conditions are met, including the length of maturity of bonds, receipt of a cost estimate, personal or financial relationships, and transparency. H.B. 114 exempts refunding bonds and CABs issued for financing transportation projects from such restrictions; however, due to a drafting error that changed the legislative intent, such exemption applies only to certain sections, instead of the whole, bill. This bill:

Provides that Section 1201.0245 (Capital Appreciation Bonds by Political Subdivisions), Government Code, does not apply to the issuance of refunding bonds or CABs for the purpose of financing transportation projects.

Provides that the change in law made by this Act does not apply to a refunding bond or a CAB issued before the effective date of this Act.

Municipal Extraterritorial Jurisdiction for Coastal Border Counties—S.B. 468

by Senator Lucio—House Sponsor: Representative Oliveira

The 84th Legislature, Regular Session, 2015, enacted H.B. 4059 to address certain communities in Cameron County that found themselves unable to grow, as they had become encircled by the City of Brownsville's extraterritorial jurisdiction (ETJ). The bill applied only to communities that were completely surrounded by Brownsville's ETJ, and required Brownsville to withdraw its ETJ two miles from the ETJ of any such community; however, the bill did not roll back Brownsville's city limits and therefore had no effect on how emergency services were provided in annexed areas.

While the two-mile buffer solution provided in H.B. 4059 worked for some communities, it did not work for others. Some communities found that having a two-mile buffer of land surrounding their ETJ, which was completely devoid of any municipal regulation, would not be in the best interest of their respective communities. Other communities simply wanted the freedom to continue to amicably resolve their ETJ issues by agreement or wanted to follow the legislative scheme for calculating ETJs used almost everywhere else in the state. This bill:

Provides that an ETJ for a municipality is determined under Section 42.021 (Extent of Extraterritorial Jurisdiction), Local Government Code, if the governing body of the municipality and the governing body of the neighboring municipality each adopt, on or after June 1, 2017, resolutions stating that the determination of the ETJ under Section 42.0235(a) (relating to the ETJ of certain counties), Local Government Code, is not in the best interest of the municipality.

Collection of Dishonored Checks and Invoices—S.B. 492

by Senator West—House Sponsor: Representative Koop

A county may only engage law enforcement agencies for the collection of dishonored checks and credit card invoices received by the county tax assessor-collector. The Local Government Code prescribes the procedures a tax assessor-collector must follow to collect a dishonored check or credit card invoice, which includes sending notification to the maker that the check or invoice has not been honored, notifying the sheriff or other law enforcement officers, or notifying certain state agencies. The county tax assessor-collector may not contact private parties regarding a dishonored check or invoice. This bill:

Amends the Local Government Code to include referral of a dishonored check or credit card invoice to a private collection agency among the procedures a county tax assessor-collector may establish for the collection of dishonored checks or credit card invoices.

Authorizes the private collection agency to which a county tax assessor-collector refers a dishonored check or credit card invoice under those procedures to charge a fee to the person responsible for the check or invoice in an amount equal to any amount authorized for a returned check under the county clerk's fee schedule.

Itemization of Public Notice Expenditures—S.B. 622

by Senators Burton and Rodríguez—House Sponsor: Representative Lozano

Interested parties contend that political subdivisions should itemize public notice expenditures in their proposed budgets to increase transparency. S.B. 622 requires such itemization in certain political subdivisions. This bill:

Requires that the proposed budget of certain political subdivisions include a line item, indicating expenditures for notices required by law to be published in a newspaper by the political subdivision or a representative of the political subdivision, that allows the clearest comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year.

Provides that this requirement does not apply to a junior college district.

Tree Planting Credit to Offset Municipal Mitigation Fees—S.B. 744 [VETOED]

by Senator Kolkhorst et al.—House Sponsor: Representatives Phelan and Fallon

Interested parties contend that a tree mitigation fee for tree removal imposed by a municipality could harm the ability of the residential construction and development industry to provide affordable housing. S.B. 744 addresses this issue by requiring a municipality that imposes such a fee to allow a person to apply for a credit for tree planting to offset the amount of the fee. This bill:

Requires a municipality that imposes a tree mitigation fee for tree removal that is necessary for development or construction on a person's property that is located in the municipality to allow that person to apply for a credit for tree planting to offset the amount of the fee.

Requires that an application for a credit be in the form and manner prescribed by the municipality. Requires that a tree, to qualify for a credit, be planted on property for which the tree mitigation fee was assessed or mutually agreed upon by the municipality and the person, and be at least two inches in diameter at the point on the trunk that is 4.5 feet above ground.

Authorizes the municipality and the person in mutual agreement to consult with an academic organization, state agency, or nonprofit organization to identify an area in which tree planting will best address the science-based benefits of trees and other reforestation needs of the municipality.

Requires that the amount of credit provided to a person be applied in the same manner as the tree mitigation fee assessed against the person and be at least 50 percent of the amount of the tree mitigation fee assessed against the person.

Provides that, as long as the municipality meets the requirement to provide a credit to a person, this Act does not affect the ability of or require a municipality to determine the size, number, and type of tree that must be planted to receive a credit; the requirements for tree removal and corresponding tree mitigation fees; or the requirements for tree planting methods and best management practices to ensure that the tree grows to the anticipated height at maturity.

Bill Assistance Programs by Certain Municipalities—S.B. 758

by Senators Menéndez and Zaffirini—House Sponsor: Representative Justin Rodriguez

Interested parties note that low-income families who may be eligible for certain bill payment assistance programs must have been threatened with disconnection from service for nonpayment as a condition of eligibility to participate in the programs. S.B. 758 addresses this issue by removing the threat of service disconnection for nonpayment as a condition of eligibility for applicable bill payment assistance programs offered by certain municipalities. This bill:

Amends Section 1502.056 (Operating Expenses as First Lien), Government Code, to delete existing text providing that, for a municipality with a certain population, a certain lien also applies to funding as a necessary operations expense for a bill payment assistance program for utility system customers who have been threatened with disconnection from service for nonpayment of bills.

Requiring Attorney's Fees—S.B. 877

by Senator Hancock—House Sponsor: Representative Oliveira

The Labor Code provides that an injured employee may pursue a third-party action, seek damages, and pursue workers' compensation benefits under the Texas Workers' Compensation Act (Subtitle A, Labor Code). The Labor Code further requires that an insurance carrier not represented by an attorney in a third-party action pay attorney's fees to an attorney representing the claimant.

Stakeholders express concern that injured employees of a political subdivision can become unfairly burdened in a legal dispute if the subdivision claims sovereign immunity to avoid paying attorney's fees. This bill:

Provides that a political subdivision that self-insures for purposes of providing workers' compensation benefits is liable for certain attorney's fees, as provided by the Texas Workers' Compensation Act.

The Woodlands Township—S.B. 1014

by Senator Creighton—House Sponsor: Representative Keough

Interested parties note the need to make certain changes to the enabling legislation of The Woodlands Township (township), including the addition of provisions relating to the incorporation of the township. S.B. 1014 makes these changes. This bill:

Provides a number of clarifications to the township's enabling legislation.

Modifies the procedure for filling vacancies on the township's board of directors, and provides procedures for calling and holding an election to incorporate the territory of the township, as well as procedures for a transfer of the township's assets, liabilities, powers, obligations and functions to the new city and dissolution of the township, in the event of a successful election to incorporate the township.

Codifies a reference to the township's enabling legislation in Chapter 11011 (The Woodlands Township), Special District Local Laws Code, as added by this Act, and specifies certain provisions of the enabling legislation that remain applicable to the new city, in the event of incorporation and dissolution of the township.

Forms of Local Government and Regional Participation Agreements—S.B. 1015

by Senator Creighton—House Sponsor: Representative Keough

Interested parties assert that specific procedures are needed regarding the incorporation or establishment of another form of local government in certain areas that are subject to a regional participation agreement. S.B. 1015 provides such procedures. This bill:

Applies only to a district and an eligible municipality that have entered into a regional participation agreement that authorizes certain actions.

Authorizes the governing body of a district to order an election to submit to the qualified voters of the district the question of whether the territory of the district should be incorporated as a municipality; to submit to the qualified voters within a designated area of the district the question of whether that designated area should be incorporated as a municipality; to submit to the qualified voters of the district the question of whether the territory of the district should adopt a specific alternate form of local government other than a municipality; or to submit to the qualified voters within a designated area of the district the question of whether that designated area should adopt a specific alternate form of local government, other than a municipality.

Requires a governing body of a district to submit for confirmation to the voters the proposed initial property tax rate determined for the municipality or alternate form of government, as applicable, which is prohibited from exceeding the maximum rate authorized by law.

Authorizes a governing body of a district to submit to the voters a measure on the question of whether, on incorporation as a municipality or establishment of an alternate form of local government, any rights, powers, privileges, duties, purposes, functions, or responsibilities of the district or the district's authority to issue bonds and impose a tax is transferred to the municipality or alternate form of local government.

Requires a county judge of a county in which a municipality or alternate form of local government is located, if a majority of voters of a district approve a proposition submitted regarding the adoption of an alternative form of local government other than a municipality or approve a proposition regarding incorporation as a municipality, to order an election for the governing body of the municipality or alternate form of local government to be held on a date that complies with the provisions of the Election Code. Provides that a municipality or alternate form of local government resulting from an election is incorporated or established on the date a majority of the members of the governing body qualify and take office.

Provides that if a majority of voters approve a proposition submitted on the form of local government, the district is dissolved and the governing body will serve as the temporary governing body of the municipality or alternate form of local government until a permanent governing body is elected.

Provides that if a majority of voters approve a proposition submitted on the form of local government for a territory of a district, the assets, liabilities, and obligations of the district are transferred to the form of government approved at the election.

Provides that if a majority of voters approve a proposition submitted on the form of local government in a designated area of a district and, if on the date of the election approving the form of local government, the district owes any debts, by bond or otherwise, the designated area is not released from its pro rata share of the indebtedness.

Food Managers in Certain Food Establishments—S.B. 1158
by Senator Miles—House Sponsor: Representative Allen

The Certified Food Manager (CFM) program at the Texas Department of State Health Services provides accreditation to food manager training courses as well as licensing test sites that provide the

food manager's examination to those who have sufficient background in the food industry and wish to take the examination with minimal or no training. Examinations offered through training programs and test sites are accredited through the American National Standards Institute—Conference for Food Protection (ANSI-CFP). CFM certificates issued through these providers receive national reciprocity. The CFM program also licenses online examination providers. CFM certificates issued through these providers receive state-wide reciprocity.

Interested parties contend the term “certified” needs to be added to Section 437.0075 (Food Managers in Certain Populous Counties), Health and Safety Code, to require a “certified or trained food manager” to be on duty at all times during the operating hours at a food establishment to update the statute with the latest industry terminology and standards.

Interested parties maintain the word "trained" needs to be retained to avoid causing confusion or conflict with the City of Houston (COH). Harris County and COH have worked to ensure that language submitted will take care of both jurisdictions. This will not change how inspections are currently done in non-incorporated areas of Harris County or in COH. The Harris County Commissioners Court requires a CFM to be on duty when a permit is issued. This bill:

Authorizes a county with a population of at least four million, rather than 2.8 million, to require a certified or trained food manager to be on duty during the operating hours of a food establishment.

Waste Services in Certain Extraterritorial Jurisdictions—S.B. 1229

by Senator Menéndez—House Sponsors: Representatives Gervin-Hawkins and Reynolds

Concerned parties note that in unincorporated areas in some counties, such as Bexar County, solid waste services are voluntary, which can lead to unwanted proliferation of trash and debris in neighborhoods. S.B. 1229 addresses this issue by providing for solid waste management programs in the extraterritorial jurisdiction of municipalities in certain counties. This bill:

Authorizes a commissioners court, through a competitive bidding process, to contract for the provision of solid waste collection, handling, storage, and disposal in an area of the county located within the extraterritorial jurisdiction of a municipality if the municipality does not provide solid waste disposal services in that area and the county meets certain criteria.

Authorizes a public agency or a county to offer solid waste disposal service to persons in its territory, including an area of the county located within the extraterritorial jurisdiction of a municipality if the municipality does not provide solid waste disposal services in that area and requires the use of the service by those persons.

Provides that a person is not required to use solid waste disposal services offered by a county if the person contracts for solid waste disposal services with a provider that meets rules adopted by the Texas Health and Human Services Commission for the regulation of solid waste disposal, or the person is a private entity that contracts to provide temporary solid waste disposal services to a construction site or project by furnishing a roll-off container used to transport construction waste or demolition debris to a facility for disposal or recycling.

Authorizes the commissioners court of a county that requires the use of a county solid waste disposal service in the extraterritorial jurisdiction of a municipality to adopt orders to enforce the requirement, including an order establishing a civil or administrative penalty in an amount reasonable and necessary to ensure compliance with the requirement.

Compensation and Allowances for County Auditors—S.B. 1780

by Senator Zaffirini—House Sponsor: Representative Guillen

Interested parties contend that a cap on the amount of compensation and allowances of a county auditor in certain counties, such as Live Oak County, that is tied to the compensation and allowances of certain elected county officers becomes problematic when such a county officer leaves office. S.B. 1780 addresses this issue by adding an exception to the cap. This bill:

Authorizes the county commissioners court of a county with a population of more than 11,000 and less than 11,650, among other characteristics, to set the compensation and allowances of the county auditor in an amount that exceeds the limit otherwise established by statute, if the compensation and allowances are approved by the county commissioners court.

Multiuse Training and Operations Center Facility—S.B. 1805

by Senator Lucio—House Sponsor: Representative Lucio III

Interested parties note that while recent legislation provided for construction of a multiuse training facility to be used by military and law enforcement agencies for training purposes, greater flexibility is needed in the use and development of the facility. S.B. 1805 provides that flexibility by expanding the prescribed uses of the facility and by authorizing the governing body of a navigation district to donate real property for the facility. This bill:

Amends the Government Code to require the Texas Facilities Commission (TFC) to construct a multiuse training and operations center facility to be used for training purposes by the Texas Department of Public Safety (DPS), the Texas military forces, county and municipal law enforcement agencies, and any other military or law enforcement agency, including agencies of the federal government, to house law enforcement assets and equipment and to support and initiate tactical operations and law enforcement missions.

Requires TFC, with the assistance of DPS, to locate and acquire real property for the purpose of constructing the training and operations center facility. Authorizes the governing body of a county, municipality, or navigation district, on behalf of the county, municipality, or navigation district, to donate real property to DPS for the facility.

Requires DPS, with the assistance of TFC, to design the training and operations center facility.

Requires TFC, on completion of the construction of the training and operations center facility, to transfer ownership of the facility, including real property and buildings, to DPS. Requires DPS to manage the training and operations center facility and authorizes DPS to adopt certain rules. Requires DPS to make the facility available for use by DPS, the Texas military forces, county and

municipal law enforcement agencies, and any other military or law enforcement agency, including agencies of the federal government.

Service Plans for Areas Annexed by Municipalities—S.B. 1878

by Senator Menéndez—House Sponsor: Representative Gutierrez

Interested parties contend that it is important that certain areas annexed by a municipality receive the same level of emergency fire response as is provided in the corporate boundaries of the municipality. S.B. 1878 addresses this issue by changing the population bracket triggering the applicability of provisions relating to the provision of certain fire services to an annexed area. This bill:

Amends the Local Government Code to ensure that the statutory provision of services to an annexed area applies only to a municipality in a county with a population of more than one million and less than 1.75, rather than 1.5, million.

Provides that the change in law made by this Act applies only to the annexation of the area for which all parts of the statutory annexation process are begun on or after the effective date of this Act (September 1, 2017).

Allocation of Housing Tax Credits to Certain Developments—S.B. 1992 [VETOED]

by Senator Watson—House Sponsor: Representative Isaac

Current rules governing the provision of low-income housing tax credits for affordable housing developments prohibit the Texas Department of Housing and Community Affairs (TDHCA) from awarding these credits to two developments that are within two miles of each other in a single year. With the increased density in the city of Austin, this two-mile rule eliminates a significant amount of area where a second development can be built in areas that are high opportunity. S.B. 1992 addresses this concern by revising the applicable provision granting conditional authority to the governing board of TDHCA to allocate low-income housing tax credits to more than one development in a single community in the same calendar year. This bill:

Authorizes the governing board of TDHCA board to allocate housing tax credits to more than one development in a single community, as defined by TDHCA rule, in the same calendar year only if the developments are or will be located more than two linear miles apart or will serve different types of households, as defined by TDHCA rule. Provides that this allocation applies only to communities contained within counties with populations exceeding 1.5 million, rather than one million.

Provides that the change in law made by this Act applies only to an application for low-income housing tax credits that is submitted to TDHCA during an application cycle that is based on the 2018 Qualified Allocation Plan or a subsequent plan adopted by the governing board of TDHCA.

Public Retirement Systems of Certain Municipalities—S.B. 2190

by Senator Huffman—House Sponsor: Representative Flynn et al.

The three Houston pension systems face serious funding shortfalls and rising costs that jeopardize their long-term sustainability. S.B. 2190 addresses these challenges by making significant changes to the Houston Firefighters' Relief and Retirement Fund, Houston Municipal Employees Pension System, and Houston Police Officers' Pension System. The bill reduces certain benefits to lower current liabilities, increases employee contributions and strengthens employer contributions to better fund the systems, codifies more conservative actuarial assumptions to improve the transparency of obligations owed, and establishes clear funding policies with a mechanism for sharing risk and controlling costs in the future. This bill:

Provides for the composition and authority of the board of trustees of the Firefighters' Relief and Retirement Fund, the police pension board, and the municipal employees retirement board. Authorizes each pension system to enter into a written agreement with the municipality to offer an alternative retirement plan or plans, including a cash balance retirement plan, and sets forth certain restrictions for participating members.

Requires the pension system actuary, at least annually, to make a valuation of the assets and liabilities of the pension fund and to provide a report of the valuation to the city. Requires the municipal pension board, at least once every three years, to hire an independent investment consultant to conduct a review of pension system investments and submit a report to the pension board and the city. Requires the pension actuary to conduct an actuarial experience study in accordance with actuarial standards of practice every four years to be submitted to the State Pension Review Board.

Authorizes the firefighters' pension board to alter benefit types or amounts and the means of determining contribution rates with the consent of the municipality and under certain restrictions, if the alteration does not increase the unfunded liability of the pension systems. Authorizes the municipal pension board to enter into a written agreement with the city regarding pension issues and benefits with certain restrictions, and that the agreement be approved by the pension board and the governing body of the city.

Makes certain provisions and restrictions for the eligibility and the method by which members may participate in a deferred retirement option plan (DROP), including certain methods for the collection of benefits. Requires each member in active service, as well as each DROP participant, make contributions of a certain amount to the pension system.

Requires that the city make contributions to each pension system funds in a certain amount and calculated by a certain method. Authorizes the city, in addition to the required amounts, to contribute additional amounts to the pension systems for deposit in the pension fund by agreement with the pension system boards. Prohibits the city from issuing a pension obligation bond to fund the city contribution rate.

Requires the pension system boards to confidentially provide to their respective municipal actuaries certain actuarial data. Requires the pension system actuary to exchange with the municipal actuary the proposed risk sharing valuation study (RSVS) to reconcile any differences of the estimated city contribution rate. Requires that, if no reconciliation can be made, the RSVS with any agreed-to

changes be delivered to the finance director of the city and executive director of the pension system to execute a joint addendum.

Regulating Dangerous Dogs in Certain Municipalities—S.B. 2283

by Senator Perry—House Sponsor: Representative Springer

Current law delegates a city's "dangerous dog" animal control authority to the county sheriff when a city does not have an animal control officer. Many stakeholders believe that when a city has a police department, but not a designated animal control officer, the dangerous dog animal control authority should be with the city and not the county. This bill:

Provides that a certain section applies only to an incorporated municipality that has a population of more than 1,000 and that is the county seat of a county with a population of less than 1,600.

Provides that, notwithstanding the definition of "animal control authority" in the Health and Safety Code, the police department of a certain municipality is the animal control authority for the municipality in all areas in which a dog is kept and that are subject to the authority of the police department.

Procedures for the Dissolution of a County Hospital Authority—H.B. 594

by Representative VanDeaver—Senate Sponsor: Senator Hughes

Interested parties note that a county hospital authority (authority) may no longer be needed in certain areas of Texas, such as those with declining populations and changing economies. H.B. 594 addresses this issue by providing for a dissolution procedure for such an authority. This bill:

Authorizes the commissioners court of a county by order to dissolve an authority created by the commissioners court if the commissioners court and the authority provide for the sale or transfer of the authority's assets and liabilities to the county.

Prohibits the dissolution of an authority and the sale or transfer of the authority's assets and liabilities from violating a trust indenture or bond resolution relating to the outstanding bonds of the authority or diminishing or impairing the rights of the holders of outstanding bonds, warrants, or other authority obligations.

Provides that an order dissolving an authority takes effect on the 31st day after the date the commissioners court adopts the order.

Requires that all records of the authority remaining when the authority is dissolved be transferred to the county clerk of the county where the authority is located.

Election Date of Rusk County Groundwater Conservation District Board—H.B. 651

by Representative Clardy—Senate Sponsor: Senator Hughes

Interested parties note that voter turnout is generally higher for elections held in November than for elections held in May. This bill:

Requires that the appropriate number of directors of the board of directors of the Rusk County Groundwater Conservation District be elected on the uniform election date held in November of each even-numbered year.

Powers and Election Dates of the Hemphill County UWCD—H.B. 886

by Representative Ken King—Senate Sponsor: Senator Seliger

Interested parties note that the enabling legislation of certain groundwater conservation districts was recently amended to remove certain conflicts with Water Code provisions and to provide uniform election dates. This bill:

Provides that Hemphill County Underground Water Conservation District (district) has all the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36 (Groundwater Conservation Districts), Water Code, applicable to certain groundwater conservation districts, except that the district is prohibited from exercising the power of eminent domain for any purpose.

Provides that the rights, powers, privileges, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Commission on Environmental Quality.

Requires each director of the board of directors of the district to qualify to serve as director in the manner provided by Section 36.055 (Sworn Statement, Bond, and Oath of Office), Water Code.

Requires the district, on the uniform election date held in May of each even-numbered year, to hold an election to elect the appropriate number of directors to the board of directors of the district.

Expanding Authority of TexAmericas Center—H.B. 967
by Representative VanDeaver—Senate Sponsor: Senator Hughes

H.B. 967 allows the TexAmericas Center to create a nonprofit corporation solely to undertake certain projects or to foster business on and for the TexAmericas Center site. This bill:

Provides that the TexAmericas Center is created to promote regional economic development and job creation inside the district's boundaries and outside the district's boundaries in Bowie County and adjacent counties.

Authorizes the TexAmericas Center to authorize by resolution the creation of a nonprofit corporation under the Business Organizations Code solely to undertake, on behalf of TexAmericas Center, a project considered necessary or incidental to the industrial, commercial, or business development, redevelopment, maintenance, and expansion of new or existing businesses on and for the property.

Requires the TexAmericas Center's board of directors to appoint the board of directors of each nonprofit corporation created under this section. Provides that a board member is not required to reside in the authority.

Authorizes a board member or employee of the TexAmericas Center to simultaneously serve as a member of the board of directors of a nonprofit corporation. Authorizes a person serving as a board member of the TexAmericas Center and of a nonprofit corporation created under Section 3503.112 (Nonprofit Corporations for Special Projects), Special District Local Laws Code, as created by this Act, to participate in all votes relating to the business of the TexAmericas Center or the corporation. Prohibits the nonprofit corporation from exercising power of eminent domain.

Provides that a nonprofit corporation created under Section 3503.112, Special District Local Laws Code, is subject to Chapters 551 (Open Meetings) and 552 (Public Information), Government Code.

Uniform Election Date for District Directors—H.B. 999
by Representatives Israel and Laubenberg—Senate Sponsor: Senator Zaffirini

Interested parties contend that current law is inconsistent regarding when an election for directors of certain water districts is required to be held. H.B. 999 rectifies this inconsistency. This bill:

Requires that an election, unless a district holds its general election for officers on a date as otherwise provided by statute, after confirmation of a district, be held on the uniform election date provided by Section 41.001 (Uniform Election Dates), Election Code, in May of each even-numbered year to elect the appropriate number of directors.

Powers and Duties of Kaufman County Fresh Water Supply District No. 1-A—H.B. 1207
by Representative Gooden—Senate Sponsor: Senator Hall

Interested parties note the need to codify and amend the powers and duties of the Kaufman County Fresh Water Supply District No. 1-A to help the district better serve its local community. This bill:

Defines "board," "director," and "district."

Provides that the Kaufman County Fresh Water Supply District No. 1-A (district) is a fresh water supply district created under and essential to accomplish the purposes of Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), Article III, and Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

Sets forth the findings of benefit and public purpose of the district, the division of the district, general financial provisions, the authority to issue bonds and other obligations, the road standards and requirements of the district, certain joint road projects, and exemptions from certain supervision and approval requirements.

Authorizes certain joint road projects and authorizes the district to enter into a contract for a road project in the same manner as a road district except that competitive bidding for a road project contract is governed by Subchapter I (Construction, Equipment, Materials, and Machinery Contracts), Chapter 49 (Provisions Applicable to All Districts), Water Code.

Prohibits the district from issuing bonds or other obligations payable wholly or partly from ad valorem taxes to finance a road project, unless the issuance is approved by a vote of two-thirds majority of the district voters voting at an election held for that purpose.

Prohibits, at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes from exceeding one-fourth of the assessed value of the real property in the district.

Provides that the creation of the district and any act or proceeding of the district, including an election, not excepted by certain provisions and taken not more than three years before the effective date of this Act, effective as of the date on which the act or proceeding occurred, are validated and confirmed in all respects.

Provides that certain provisions do not apply to an act, proceeding, director, other official, bond, or other obligation, the validity of which or of whom is the subject of litigation that is pending on the effective date of this Act or an act or proceeding that, under a statute of this state or the United States, was a misdemeanor or felony at the time the act or proceeding occurred.

Powers and Duties of Kaufman County Fresh Water Supply District No. 1-D—H.B. 1208
by Representative Gooden—Senate Sponsor: Senator Hall

Interested parties note the need to codify and amend the powers and duties of the Kaufman County Fresh Water Supply District No. 1-D to help the district better serve its local community. This bill:

Defines "board," "director," and "district."

Provides that the Kaufman County Fresh Water Supply District No. 1-D (district) is a fresh water supply district created under and essential to accomplish the purposes of Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), Article III, and Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

Sets forth the findings of benefit and public purpose of the district, the division of the district, general financial provisions, the authority to issue bonds and other obligations, the road standards and requirements of the district, certain joint road projects, and exemptions from certain supervision and approval requirements.

Authorizes the district to enter into a contract for a road project in the same manner as a road district, except that competitive bidding for a road project contract is governed by Subchapter I (Construction, Equipment, Materials, and Machinery Contracts), Chapter 49 (Provisions Applicable to All Districts), Water Code.

Provides that Section 375.161 (Certain Residential Property Exempt), Local Government Code, does not apply to the district.

Provides that the creation of the district and any act or proceeding of the district, including an election, not excepted by certain provisions and taken not more than three years before the effective date of this Act, effective as of the date on which the act or proceeding occurred, are validated and confirmed in all respects.

Provides that certain provisions do not apply to an act, proceeding, director, other official, bond, or other obligation, the validity of which or of whom is the subject of litigation that is pending on the effective date of this Act or an act or proceeding that, under a statute of this state or the United States, was a misdemeanor or felony at the time the act or proceeding occurred.

Provides that all requirements of the Texas Constitution, the laws of this state, and the rules and procedures of the legislature, with respect to the notice, introduction, and passage of this Act, are fulfilled and accomplished.

Wood Trace Municipal Utility District No. 3 of Montgomery County—H.B. 1439
by Representative Bell—Senate Sponsor: Senator Creighton

H.B. 1439 provides road district powers and the authority to issue bonds to the Wood Trace Municipal Utility District No. 3 of Montgomery County (district). This bill:

Authorizes the district to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads. Sets forth requirements for road projects.

Prohibits the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes from, at the time of issuance, exceeding one-fourth of the assessed value of the real property in the district.

Montgomery County Municipal Utility District No. 130—H.B. 1445

by Representative Bell—Senate Sponsor: Senator Creighton

H.B. 1445 provides road district powers and the authority to issue bonds to the Montgomery County Municipal Utility District No. 130 (district). This bill:

Authorizes the district to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance of certain roads, or certain improvements, including storm drainage, in aid of those roads. Sets forth requirements for road projects.

Prohibits the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes from, at the time of issuance, exceeding one-fourth of the assessed value of the real property in the district.

Montgomery County Municipal Utility District No. 131—H.B. 1448

by Representative Bell—Senate Sponsor: Senator Creighton

H.B. 1448 provides road district powers and the authority to issue bonds to the Montgomery County Municipal Utility District No. 131 (district). This bill:

Authorizes the district to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads. Sets forth requirements for road projects.

Prohibits the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes from, at the time of issuance, exceeding one-fourth of the assessed value of the real property in the district.

Election of Board of Directors of Ochiltree County Hospital District—H.B. 1631

by Representative Ken King—Senate Sponsor: Senator Seliger

Interested parties note that in a county with a small population it is sometimes burdensome for a candidate for director of a hospital district to fulfill a petition requirement to qualify for a place on

the ballot. H.B. 1631 addresses this issue in the Ochiltree County Hospital District (district) by providing a ballot application. This bill:

Requires a person who wants to have the person's name printed on a ballot as a candidate for director to file with the secretary of the board of directors of the district an application, rather than file with the secretary a petition, requesting that action. Deletes existing text requiring that the petition be signed by at least 25 registered voters and filed not later than 25 days before the date of the election.

Wood Trace Municipal Utility District No. 1 of Montgomery County—H.B. 1664

by Representative Bell—Senate Sponsor: Senator Creighton

H.B. 1664 provides road powers and the authority to issue bonds to the Wood Trace Municipal Utility District No. 1 of Montgomery County (district). This bill:

Authorizes the district to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads. Sets forth requirements for road projects.

Prohibits the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes, at the time of issuance, from exceeding one-fourth of the assessed value of the real property in the district.

Dissolution of Bois D'Arc Island Levee Improvement District—H.B. 1709

by Representatives Gooden and Burkett—Senate Sponsor: Senator Hall

The Bois d'Arc Island Levee Improvement District of Dallas and Kaufman Counties (district) was created by the 78th Legislature and was required to have an elected board of directors (board); however, no board was ever elected.

For over a decade, the district has not had a functional board and has not levied a tax. Additionally, the district has no existing bonds or liens on taxpayers in the district. H.B. 1709 provides a method for dissolution of the district if a board is not elected at the next election or, if a board is elected, the board members do not attend 50 percent of the scheduled board meetings. This bill:

Authorizes the commissioners courts of Dallas and Kaufman Counties (commissioners courts), not later than 18 months after the next regularly scheduled election of board directors, to dissolve the district, if at that election the appropriate number board directors is not elected or the board directors elected at that election fail to attend 50 percent of the board meetings scheduled during the 12 months following that election, and requires each commissioners court to issue an order dissolving the district. Requires the orders to provide the sale or transfer of the district's assets and liabilities; administration of property, assets, and debts of the district until a certain time, and continued provision of the district's services without interruption to the extent the district has been providing services.

Prohibits the dissolution of the district and the sale or transfer of the district's assets and liabilities from violating a trust indenture or bond resolution relating to the outstanding bonds of the district or from diminishing or impairing the rights of the holders of outstanding bonds, warrants, or other obligations of the district.

Provides that provisions of the bill expire on January 1, 2020.

Territory of County Assistance Districts—H.B. 1716

by Representative Reynolds et al.—Senate Sponsor: Senator Miles

County assistance district funds can be used for construction, maintenance, or improvement of roads or highways; for provisions of law enforcement and detention services; for maintenance or improvement of libraries, museums, parks or other recreational facilities; for the promotion of economic development and tourism; firefighting and fire prevention services; and for provisions of services that benefit the public welfare.

The nature of limited annexation in Fort Bend County has essentially blocked other sales tax entities from annexing land into their jurisdictions. County assistance districts can only spend revenue collected on general projects within a district's boundaries. This bill:

Authorizes a county assistance district to consist of noncontiguous tracts.

Authorizes a district annexing territory under Section 387.003 (Creation and Functions of District), Local Government Code, to annex territory that is not adjacent or contiguous to the district.

Board of Directors of Lone Star Groundwater Conservation District—H.B. 1982

by Representative Metcalf et al.—Senate Sponsor: Senator Creighton

H.B. 1982 provides clarity for an appointment of the board of directors (board) of the Lone Star Groundwater Conservation District (LSGCD). This bill:

Provides that LSGCD is governed by a board of seven elected directors, rather than a board of nine directors.

Prohibits a director from serving more than three full terms.

Sets forth provisions regarding how members of the board are elected, rather than appointed.

Sets forth provisions regarding how current directors of the LSGCD board are required to serve.

Irving Flood Control District Section III Board Requirements—H.B. 2064

by Representatives Rodney Anderson and Rinaldi—Senate Sponsor: Senator Huffines

The codification of the enabling legislation for the Irving Flood Control District Section III of Dallas County (district) was silent regarding what constitutes a quorum of the district's board of directors

(board). Prior to becoming its own entity under law, the district was originally part of Irving Flood Control District Section I, which has a seven-member board of directors and a quorum requirement of four members. The four-member quorum requirement that exists for Section III, which only has a five-member board, is an inconsistent carryover from the quorum requirement for the Irving Flood Control District Section I. This bill:

Provides that a quorum consists of three directors and that an action or recommendation of the board is not valid unless the action or recommendation is approved by a record vote taken at a board meeting with a quorum present and the action or recommendation receives at least three affirmative votes by board members.

Provides that all governmental and proprietary actions and proceedings of the district taken before the effective date of this Act are validated, ratified, and confirmed in all respects as of the dates on which they occurred.

Provides that provisions of the bill do not apply to any matter that on the effective date of this Act is involved in litigation, if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

Powers and Duties of Sulphur River Basin Authority—H.B. 2180

by Representatives Flynn and Van Deaver—Senate Sponsor: Senator Nichols

The purpose of H.B. 2180 is to enact the recommendations of the Texas Sunset Advisory Commission (Sunset) regarding the Sulphur River Basin Authority (SRBA). The legislature created SRBA in 1985 to provide for the conservation and development of natural resources in the Sulphur River basin in northeast Texas. SRBA receives no state appropriation, and in fiscal year 2015 operated on a budget of about \$1 million, 84 percent of which came from cities or water districts in the Dallas-Fort Worth metroplex.

SRBA is dedicated to studying the feasibility of developing water resources in the basin and is at the center of one of the biggest water fights in the state. The Sunset recommendations aim to reset SRBA and its operations to allow SRBA and its stakeholders to reestablish the working relationships and trust needed to best meet the needs of the Sulphur River basin. This bill:

Amends current law relating to the Sulphur River Basin Authority, following recommendations of Sunset regarding authority purposes, board member training, use of alternative rulemaking and dispute resolution, separation of policymaking and management functions, complaints, water quality control, permits and licenses, and work with the Texas Water Development Board.

Powers and Duties of West Harris County Municipal Utility District No. 21—H.B. 2220

by Representative Elkins—Senate Sponsor: Senator Whitmire

H.B. 2220 amends current law relating to the authority, powers, and duties of the West Harris County Municipal Utility District No. 21 (district). The bill grants the district the power to undertake certain road projects and authorizes the district, subject to certain voter approval requirements, to issue obligations and assess a property tax for that specific purpose. This bill:

Authorizes the district to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance certain roads or improvements in aid of those roads. Sets forth requirements for the construction and regulation of road projects.

Authorizes the district to issue bonds or other obligations payable wholly or partly from certain sources to pay for a road project. Sets forth certain restrictions.

Requires the board of directors of the district, at the time the district issues bonds payable wholly or partly from ad valorem taxes, to provide the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding.

Eligible Voters in Confirmation Election for Certain District—H.B. 2358

by Representative Metcalf et al.—Senate Sponsor: Senator Kolkhorst

H.B. 2358 concerns eligible voters in a confirmation election for a conservation and reclamation district (district). This bill:

Requires that a voter in a confirmation election or an election held jointly with a confirmation election on the same date and in conjunction with the confirmation election to authorize taxes and bonds be a qualified voter of the district.

Provides that, for the purposes of an election described by certain subsection, a person is not a qualified voter if the person, on the date of the election, is a developer of property in the district; is related within the third degree of affinity or consanguinity to a developer of property in the district; is an employee of a developer of property in the district; has resided in the district less than 30 days; or received monetary consideration from a developer of property in the district in exchange for the person's vote.

Requires an election officer to provide to the voter the form of the required affidavit, in addition to the procedures for accepting a voter under Section 63.001 (Regular Procedure for Accepting Voter), Election Code. Requires the election officer to receive a completed affidavit before marking the voter as accepted.

Authorizes the voter to be accepted only to vote provisionally if the voter does not submit a completed affidavit to the election officer or the information stated on the affidavit demonstrates the voter is not a qualified voter.

Requires the district to submit original or certified copies of voter affidavits to the Office of the Attorney General (OAG) in a transcript of the proceedings of the confirmation election. Requires the OAG to prescribe the form of the voter affidavit.

Requires that the voter affidavit require the voter to state under oath the address of the voter and that the voter resides in the district's territory; the date the voter changed the voter's residence to that address; and that the voter, to the best of the voter's knowledge, believes that the voter's registration is effective on the date of the election. Requires that the affidavit include a certain statement.

Authorizes compliance with this section or the validity of a voter affidavit to only be challenged in an election contest under Title 14 (Election Contest), Election Code.

Compensation for Emergency Services District Commissioners—H.B. 2504
by Representatives Hernandez and Coleman—Senate Sponsor: Senator Garcia

Emergency services districts (ESDs) provide necessary fire and emergency medical services to unincorporated areas of the state. There are 30 ESDs within Harris County alone and approximately 250 statewide. ESDs were created by S.B. 669, 70th Legislature, Regular Session, 1987, and 10 years later, ESD commissioners were permitted compensation of \$50 per day, up to a maximum of \$3,000 per year. In the past 20 years, ESD commissioners have not received a compensation increase even though demand for and responsibilities of ESD commissioners have increased significantly over that time due to population growth in many unincorporated areas of the state's most populous counties. In comparison, water district directors have received compensation increases from \$50 per day in 1995 to \$150 per day currently. This bill:

Provides that an ESD commissioner is entitled to receive compensation in the same manner and amount as are provided by Section 49.060 (Fees of Office; Reimbursement), Water Code.

Repeals Subsections 775.038(a) (relating to providing that an emergency services commissioner is entitled to compensation of a certain amount for the duties performed that day); (b) (relating to authorizing that instead of an emergency services commissioner receiving compensation, a commissioner can elect to receive per diem compensation); and (c) (relating to requiring emergency services commissioner to provide a written statement verifying days worked to receive certain compensation), Health and Safety Code.

Powers of Big Sky MUD and Division of Smiley Road WCID—H.B. 2565
by Representative Stucky—Senate Sponsor: Senator Estes

H.B. 2565 amends current law relating to the powers and duties of the Big Sky Municipal Utility District of Denton County (Big Sky MUD) and provides authority to issue bonds and impose fees and taxes. H.B. 2565 also provides for the division of the Smiley Road Water Control and Improvement District (Smiley Road WCID). This bill:

Authorizes Big Sky MUD to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance of certain roads or improvements in aid of those roads. Sets forth requirements for the construction and regulation of road projects.

Authorizes Big Sky MUD to establish, operate, and maintain a fire department; contract with another political subdivision for the joint operation of the fire department; or contract with any other person to perform firefighting services in Big Sky MUD and to issue bonds and impose taxes to pay for the fire department and the activities.

Authorizes Big Sky MUD to adopt and enforce all necessary charges, mandatory fees, or rentals, in addition to taxes, for providing or making available any Big Sky MUD facility or service, including firefighting activities.

Authorizes Big Sky MUD to issue bonds or other obligations payable wholly or partly from certain sources to pay for a road project. Sets forth certain restrictions.

Requires Big Sky MUD, at the time Big Sky MUD issues bonds payable wholly or partly from ad valorem taxes, to provide the annual imposition of a continuing ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding.

Authorizes Smiley Road WCID to be divided into two or more districts only if Smiley Road WCID has no outstanding bonded debt and is not imposing ad valorem taxes. Sets forth certain restrictions.

Authorizes the board of directors of Smiley Road WCID (board), on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in Smiley Road WCID, to adopt an order dividing Smiley Road WCID.

Requires that an order dividing Smiley Road WCID name each new district, include the metes and bounds of each new district, appoint temporary directors for each new district, and provide for the division of assets and liabilities between Smiley Road WCID and each new district. Authorizes a new district to be created by the division of Smiley Road WCID only if approved by the voters of the new district in a confirmation and board election held for that purpose.

Requires any new district created by the division of Smiley Road WCID to hold an election to obtain voter approval before the district is authorized to impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

Stormwater Control and Recapture Planning Authority Board Compensation—H.B. 2725
by Representative Mary González—Senate Sponsor: Senator Rodríguez

H.B. 995, 84th Legislature, Regular Session, 2015, created a stormwater control and recapture planning authority for El Paso County. The law requires state legislators who represent an affected region to serve on the board of directors of the stormwater control and recapture authority for that region. However, elected members of the legislature cannot constitutionally hold two offices at the same time. This bill:

Provides that the governing body of a stormwater control and recapture authority is a board of directors composed of, among other representatives, a member appointed by each member of the state legislature—rather than composed of each member of the state legislature—whose legislative district is wholly or partly in the territory of the authority and a representative of the Texas Department of Transportation appointed by the Texas Transportation Commission.

Prohibits a person who holds another public office from serving as a director.

Revision of Local Laws Concerning Water and Wastewater Special Districts—H.B. 2803
by Representative Larson—Senate Sponsor: Senator Lucio

The Texas Legislative Council is required to carry out a nonsubstantive statutory revision program. H.B. 2803 is a continuation of the program and relates to the nonsubstantive revision of certain local laws concerning certain special districts. This bill:

Amends current law relating to a nonsubstantive revision of certain local laws concerning the Galveston County Navigation District No. 1, including conforming amendments.

Sets forth a nonsubstantive revision of local laws, conforming amendments, repealers, and general matters.

Dissolution of Levee Improvement District by Commissioners Court—H.B. 2825
by Representative Gooden—Senate Sponsor: Senator Hall

H.B. 2825 relates to the dissolution of a levee improvement district (district) by a commissioners court. This bill:

Authorizes the commissioners court of a county that contains a portion of the Trinity River to dissolve a district at any time, if the court finds: (1) the district has been dormant for more than five years; (2) the physical boundaries of the district cannot be determined; (3) the board of directors (board) of the district is not active or cannot be determined; (4) property owners of the district cannot be determined; or (5) a levee partly or completely inside the boundaries of the district has received a rating of unacceptable from the United States Army Corps of Engineers and the district has not undertaken, attempted to undertake, or made plans to undertake reasonable efforts to address the concerns of the United States Army Corps of Engineers.

Requires a commissioners court to hold a public hearing, not later than seven days before the date a dissolution order is subject to a vote by the commissioners court, before voting on a dissolution order, and requires a commissioners court to appoint the chairman of the board, or some other suitable person, as trustee to close the affairs of a district without delay and to determine the length of the term and the amount of compensation for the trustee, if the commissioners court votes to dissolve the district.

Requires the notice of the public hearing to be published in a regularly circulated newspaper within the county not later than seven days before the date the public hearing is scheduled to occur.

Prohibits a district that has any outstanding bonds or other indebtedness from being dissolved until that indebtedness has been repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonds or has a contractual obligation to pay money until that obligation has been paid fully in accordance with the contract.

Provides that Section 57.3295 (Dissolution of District by Commissioners Court Without Petition), Water Code, as added by this bill, applies only to a commissioners court of a county that (1) has a population of not less than 2.2 million and that is adjacent to a county with a population of not less than 1.8 million; (2) has a population of not more than 200,000 and contains a portion of Joe Pool Lake; (3) has a population of not less than 47,000 and contains a portion of the Richland Chambers

Reservoir; or (4) has a population of not less than 100,000 and contains a portion of the Cedar Creek Reservoir.

Celina Municipal Management District No. 1 Board of Directors—H.B. 2881

by Representative Sanford—Senate Sponsor: Senator Estes

H.B. 2881 amends the Special District Local Laws Code to change the composition of the Old Celina Municipal Management District No. 1 board of directors (board) from three directors, appointed by the governing body of the City of Celina and two specified city officers, to five elected directors. The bill establishes term lengths for the directors and requires the board to hold an election for directors on the uniform election date in May. This bill:

Defines "commission" as the Texas Commission on Environmental Quality (TCEQ).

Provides that the Celina Municipal Management District No. 1 (district) is governed by a board of five elected directors who serve staggered terms of four years, with two or three directors' terms expiring May 31 of each odd-numbered year. Requires the board to hold an election for directors on the uniform election date in May in each odd-numbered year.

Authorizes the board, by unanimous vote of the other directors, to remove a director if the director has missed at least half of the meetings scheduled during the preceding 12 months. Authorizes a removed director to file a written appeal with TCEQ no later than 30 days after the date the director receives written notice of the board action. Authorizes TCEQ to reinstate the director if TCEQ finds that the removal was unwarranted after considering the reasons for the absences, the time and place of the meetings, the business conducted at the meetings missed, and any other relevant circumstances.

Sets forth the transitional directors and the initial permanent directors, as well as the dates of their service.

Repeals Section 3919.052(c) (relating to individuals who may serve as a director for the district), Special District Local Laws Code.

Sienna Plantation Levee Improvement District of Fort Bend County—H.B. 2938

by Representative Reynolds—Senate Sponsor: Senator Huffman

The Sienna Plantation Levee Improvement District of Fort Bend County would like to make significant improvements to a recreational facility in its jurisdiction and would like to fund this project by issuing parks and recreational facility bonds. In order to do so, certain statutory changes bracketed to the Sienna Plantation Levee Improvement District of Fort Bend County LID are required. This bill:

Provides that the Sienna Plantation Levee Improvement District of Fort Bend County (district) is a conservation and reclamation district and is granted road utility district authority, including the authority to repair and maintain streets and roadways in the district.

Prohibits the outstanding principal amount of bonds, notes, and other obligations issued to finance parks and recreational facilities supported by ad valorem taxation from exceeding an amount equal to two percent of the taxable property in the district.

Prohibits the outstanding principal balance of bonds, notes, and other obligations to finance parks and recreational facilities supported by ad valorem taxation authorized by an election held before January 1, 2017, from exceeding an amount equal to one percent of the taxable property in the district, unless a majority of voters voting in an election held for that purpose after the effective date of the Act approve a proposition authorizing the issuance of additional bonds, notes, or other obligations to finance parks and recreational facilities supported by ad valorem taxation in a total outstanding principal balance not to exceed two percent of the taxable property in the district.

Denton County MUDs Nos. 4 and 5—H.B. 2987
by Representative Fallon—Senate Sponsor: Senator Hughes

H.B. 2987 authorizes the Denton County Municipal Utility Districts (MUDs) Nos. 4 and 5 to issue bonds and impose assessments, fees, and taxes. This bill:

Provides that the Denton County MUDs Nos. 4 and 5 have the powers and duties provided by the general law of this state, including statute applicable to MUDs.

Authorizes Denton County MUD No. 4 to improve, operate, or maintain any macadamized, graveled, or paved roads in existence on September 1, 2017, or any improvements, including storm drainage, in aid of those roads inside the MUD. Sets forth requirements for road projects. Authorizes Denton County MUD No. 5 to improve, operate, or maintain any macadamized, graveled, or paved roads in existence on September 1, 2017, or improvements, including storm drainage, in aid of those roads inside the Denton County MUD No. 5. Sets forth requirements for road projects.

Authorizes Denton County MUD No. 4, by certain order, to accept any road inside the MUD that has been dedicated by plat or otherwise transferred to the public, and provides that on acceptance of the road by the MUD, the Denton County MUD No. 4 is considered the owner of the accepted road and is required to record ownership of the road in the deed records of Denton County. Authorizes the Denton County MUD No. 5 by order of the board to accept any road inside the Denton County MUD No. 5 that has been dedicated by plat or otherwise transferred to the public; and provides that on acceptance of the road by the Denton County MUD No. 5, the Denton County MUD No. 5 is considered the owner of the accepted road and is required to record ownership of the road in the deed records of Denton County.

Prohibits Denton County MUD No. 4 from exercising the authority for road projects unless approved by a vote of a majority of Denton County MUD No. 4 voters voting at an election called for that purpose. Prohibits the Denton County MUD No. 5 from exercising the authority for road projects unless approved by a vote of a majority of district voters voting at an election called for that purpose.

Prohibits Denton County MUD No. 4 from issuing certain bonds or other obligations to pay for a road project. Prohibits the Denton County MUD No. 5 from issuing bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for a road project.

Provides that the legislature validates and confirms all governmental acts and proceedings of the Denton County Municipal Utility Districts Nos. 4 and 5 that were taken before the effective date of this Act, except any matter that is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment on the effective date of this Act.

Open, Uncovered, Abandoned, or Deteriorated Wells—H.B. 3025 [VETOED]
by Representatives Tracy O. King and Murr —Senate Sponsor: Senator Rodríguez

Interested parties contend that the number of open, uncovered, abandoned, or deteriorated water wells in Texas is increasing and causing serious economic and environmental harm. This bill:

Requires the landowner or other person, not later than the 180th day after the date a landowner or other person who possesses a deteriorated well learns of its condition, to have the well repaired or plugged under standards and procedures adopted by the Texas Commission of Licensing and Regulation.

Authorizes a groundwater conservation district (district) to require the owner or lessee of land on which an open or uncovered well or abandoned well is located to keep the well permanently closed or capped with a covering that is not easily removed.

Defines "abandoned well" and "deteriorated well."

Requires a district to require the owner or lessee of land on which a deteriorated well is located to plug the well or repair the well sufficiently to prevent pollution of any water in this state, including groundwater. Requires the district to notify the owner or lessee of this requirement.

Authorizes any person, firm, or corporation employed by the district, if the owner or lessee fails or refuses to repair or plug the well, in accordance with district rules, not later than the 10th day after the date the owner or lessee receives the notice from the district, to go on the land and safely and securely repair or plug the well.

Authorizes an employee of the Bandera County River Authority and Groundwater District (BCRAGD) to cap an open, uncovered, or abandoned well, or repair or plug a deteriorated well inside BCRAGD, if the employee has received training for capping, repairing, or plugging a well located in a karst topographic area. Provides that such an employee acting under this section is not required to have a license under Chapter 1901 (Water Well Drillers), Occupations Code, to perform the action.

Powers of Harris County Improvement District No. 17—H.B. 3173
by Representative Bell—Senate Sponsor: Senator Creighton

The Harris County Improvement District No. 17 was created in 2009 to facilitate the development of acreage outside of the City of Tomball into commercial developments. H.B. 3173 enables the Harris County Improvement District No. 17 to establish defined areas within the district and set tax rates commensurate with the infrastructure burdens applicable to the defined areas. H.B. 3173 also creates

the East Lake Houston Management District, which encompasses and facilitates the development of two separate, noncontiguous parcels of raw land. This bill:

Sets forth standard language for the creation of the East Lake Houston Management District in the City of Houston.

Provides that the Harris County Improvement District No. 17 (district) has the statutory powers of a municipal utility district, including the power to implement a plan, issue bonds, and impose a tax in a defined area.

Authorizes the district to exercise these powers, regardless of whether the district is composed of the minimum number of acres provided by Section 54.801 (Authority to Establish Defined Areas or Designated Property), Water Code.

Broker for the Sale or Lease of Property by Dallas County Hospital District—H.B. 3178

by Representative Anchia—Senate Sponsor: Senator Huffines

Interested parties contend that certain political subdivisions should have authority to contract with a broker to lease or sell a tract of real property that is owned by the subdivision. H.B. 3178 provides the Dallas County Hospital District such authority. This bill:

Defines "broker" and "district."

Authorizes the Dallas County Hospital District (district), except as provided by provisions of the bill, to contract with a broker to lease or sell a tract of real property that is owned by the district.

Prohibits the district from contracting with a broker who is related within the third degree of consanguinity, as determined under Chapter 573 (Degrees of Relationship; Nepotism Prohibitions), Government Code, to a member of the board of hospital managers of the district or to a public official who serves on the Dallas County Commissioners Court.

Authorizes the district to pay a fee if a broker produces a ready, willing, and able buyer to purchase a tract of real property.

Authorizes the district, on or after the 30th day after the date the real property is listed, if a contract made under provisions of the bill requires a broker to list the tract of real property for sale at least 30 days with a multiple-listing service used by other brokers in the county in which the real property is located, to sell the tract of property to a ready, willing, and able buyer who is produced by any broker, including a broker described by provisions of the bill, using the multiple-listing service and who submits the most advantageous offer.

Requires the district to post a notice of intent to sell the real property in a newspaper of general circulation, not less than once, at least 14 days before the date the district accepts an offer produced by a broker.

Authorizes the district to sell a tract of real property without complying with the requirements of Section 272.001 (Notice of Sale or Exchange of Land by Political Subdivision; Exceptions), Local Government Code.

Fees Charged by the Rolling Plains Groundwater Conservation District—H.B. 3185

by Representative Frank—Senate Sponsor: Perry

Interested parties contend that the Rolling Plains Groundwater Conservation District's current authority to charge export fees potentially restricts the district's ability to enact a balanced export fee that serves current permit holders and the long-term security of groundwater resources. H.B. 3185 addresses this issue by authorizing the district to assess a fee for exported groundwater in a certain maximum amount. This bill:

Authorizes the Rolling Plains Groundwater Conservation District (district) to assess fees in an annual amount not to exceed 150 percent of the maximum commercial water rate charged by the City of Wichita Falls for groundwater exported from the district.

Authorizes the district to use funds obtained from certain export fees only to enhance aquifer monitoring, modeling, and data collection and research to advance the scientific understanding of the district's groundwater resources.

Tax Rate Increase in Fairfield Hospital District—H.B. 3442

by Representative Cook—Senate Sponsor: Senator Schwertner

Interested parties assert that the voters of the Fairfield Hospital District should be given an opportunity to increase the district's maximum tax rate. H.B. 3442 addresses this issue by providing an election to increase that rate. This bill:

Requires that notice of an election of directors be published in accordance with Chapter 4 (Notice of Election), Election Code.

Prohibits the tax rate for all purposes from exceeding 12 cents on each \$100 valuation of all taxable property in the district, unless the tax rate is increased as provided by Section 1015.254 (Election to Increase Maximum Tax Rate), Special District Local Laws Code) and if an increase in the tax rate is approved at an election under Section 1015.254, as added by this Act, the tax rate would be prohibited from exceeding the maximum tax rate approved by the voters at the election.

Authorizes the board of directors of the district to order an election to increase the maximum tax rate of the district to a rate not to exceed 25 cents on each \$100 valuation of taxable property in the district.

Requires the board, subject to certain provisions of this bill, to order an election to increase the maximum tax rate of the district on presentation of a petition that requests the election, states the maximum tax rate to be voted on at the election, and is signed by at least 100 registered voters of the district, as determined by the most recent official list of registered voters.

Requires the board, by order, to set a time and place to hold a hearing on the petition. Requires the board to set a date for the hearing that is not earlier than 11 days after the date the board issues the order.

Requires the board, if, after the hearing, the board determines that the petition is in proper form and that an increase in the maximum tax rate would benefit the district, to order an election to authorize an increase in the maximum tax rate to the rate stated in the petition.

Provides that the election order contain certain required information.

Amending Term Lengths of Palo Pinto County Hospital District Directors—H.B. 3783
by Representative Lang—Senate Sponsor: Senator Estes

H.B. 3783 amends the term lengths for the board of directors of the Palo Pinto County Hospital District. This bill:

Provides that, unless four-year terms are established under Section 285.081 (Terms), Health and Safety Code, the directors of the Palo Pinto County Hospital District serve staggered three-year terms.

Sets forth the years in which the elections will take place.

Anthem Municipal Utility District—H.B. 4270
by Representative Isaac—Senate Sponsor: Senator Campbell

H.B. 4270 provides the Anthem Municipal Utility District (district) the authority to issue bonds and impose assessments, fees, and taxes. This bill:

Provides that the district has the powers and duties applicable to MUDs.

Authorizes the district to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage and landscaping, in aid of those roads. Sets forth requirements for road projects.

Requires the Texas Transportation Commission to approve the plans and specifications of a road project if the state will maintain and operate the road.

Authorizes the district to negotiate and enter into a certain written strategic partnership agreement.

Sets forth provisions regarding the district's authority to issue, without an election, certain bonds and other obligations and to impose certain taxes, pending voter approval. Provides that a contract approved by the district's voters may contain a provision stating that the contract may be modified or amended by the district's board of directors (board) without further voter approval.

Sets forth requirements for a petition to be filed with the board for the district to finance the construction or maintenance of a recreational facility or improvement or to finance the provision of a recreational service with assessments on commercial or residential property. Sets forth provisions regarding the assessments and exemptions from those assessments.

Authorizes the district to issue bonds or other obligations payable wholly or partly from certain sources to pay for any authorized district purpose.

Requires the board, at the time the district issues bonds payable wholly or partly from ad valorem taxes, to provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding.

Provides that, at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

Provides that all governmental and proprietary actions and proceedings of Anthem MUD taken before the effective date of this Act are validated, ratified, and confirmed in all respects as of the dates on which they occurred, except any matter that is involved in certain litigation.

Fort Bend County Municipal Utility District No. 50—H.B. 4277
by Representative Zerwas—Senate Sponsor: Senator Kolkhorst

H.B. 4277 amends the powers and duties of the Fort Bend County Municipal Utility District No. 50 (district) and authorizes the district to impose a tax. This bill:

Provides that the district has the powers and duties applicable to municipal utility districts.

Authorizes the district to design, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage and landscaping, in aid of those roads. Sets forth requirements for road projects.

Requires the Texas Transportation Commission to approve the plans and specifications of a road project if the state will maintain and operate the road.

Authorizes the district to issue bonds or other obligations payable wholly or partly from certain sources to pay for any authorized district purpose. Prohibits the district from issuing bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of two-thirds majority of the district voter voting at an election held for that purpose. Prohibits the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes from exceeding one-fourth of the assessed value of the real property in the district at the time of issuance.

Requires the district, at the time the district issues bonds payable wholly or partly from ad valorem taxes, to provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding.

Provides that the district retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act. Provides that the legislature validates and confirms all governmental acts and proceedings of the district that were taken before the effective date of this Act, except any matter that is involved in certain litigation.

Expansion of Frio Hospital District Territory and Election of the Board—H.B. 4279

by Representative Tracy O. King—Senate Sponsor: Senator Uresti

The Frio Hospital District (district) currently does not include the City of Dilley and other parts of southwest Frio County because at the time the district was created, Dilley was served by a local hospital. The hospital in Dilley has since closed, and now the city lacks sufficient access to the medical services provided by such a hospital. This bill:

Provides that, unless expanded under Subchapter H (Expansion of Territory to Include All of Frio County), Chapter 1030 (Frio Hospital District), Special District Local Laws Code, as added by this bill, the boundaries of the district are coextensive with the boundaries of Frio County, Texas, with a certain exception.

Provides that, unless the district's boundaries are expanded under Subchapter H, Chapter 1030, Special District Local Laws Code, the district is governed by a board of seven directors.

Requires that notice of an election of directors be published in accordance with Section 4.003 (Method of Giving Notice), Election Code, rather than requires that notice of an election be published one time in a newspaper with general circulation in the district at least 35 days before the date of an election of directors.

Requires a person who wants the person's name printed on a ballot as a candidate for director to file an application with the board secretary in accordance with Chapter 144 (Candidate for Office of Political Subdivision Other Than County or City), Election Code, rather than file a petition requesting that action with the board secretary. Deletes existing text requiring that the petition fulfill certain criteria.

Sets forth provisions for a petition to expand district territory, a notice of hearing, an order of annexation, a ratification election, an annexation election, the composition and election of the board following annexation, and ballot information, as added under Subchapter H, Chapter 1030, Special District Local Laws Code.

Grand Northwest MMD—H.B. 4283

by Representative Isaac—Senate Sponsor: Senator Campbell

H.B. 4283 converts the Grand Northwest Municipal Utility District to a municipal management district (MMD) known as the Grand Northwest MMD (district) and authorizes the district to issue bonds and impose assessments, fees, and taxes. This bill:

Converts the Grand Northwest Municipal Utility District to the Grand Northwest MMD under the same constitutional authority. Sets forth provisions regarding the benefit and purpose of the district, as well as its initial territory.

Provides that the district is governed by a board of five directors (board) who serve staggered four-year terms and who are elected in a certain manner. Sets forth the requirements for a quorum and for compensation.

Sets forth the powers and duties of the district, including the power to carry out improvement projects and services; make agreements and accept gifts, grants, and loans; contract with a qualified party to provide law enforcement services for a fee; engage in activities that accomplish the economic development purposes of the district; take certain actions relating to parking facilities; and annex land.

Sets forth general financial provisions.

Authorizes the district, without an election, to issue bonds, notes, and other obligations secured by revenue, other than ad valorem taxes or contract payments. Sets forth provisions regarding the voter approval necessary to impose an ad valorem tax or issue bonds payable from ad valorem taxes. Authorizes the district, if authorized by a majority of the district voters voting at an election, to impose an operation and maintenance tax on taxable property in the district for any district purpose. Authorizes the district to impose a tax, other than an operation and maintenance tax, and to use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose. Authorizes a contract approved by the district voters to contain a provision stating that the contract may be modified or amended by the board without further voter approval.

Authorizes the district to borrow money on terms determined by the board. Provides that Section 375.205 (Approval by Attorney General; Registration), Local Government Code, does not apply to a loan, line of credit, or other borrowing from a bank or financial institution secured by revenue other than ad valorem taxes.

Requires the board, at the time the district issues bonds payable wholly or partly from ad valorem taxes, to provide the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding.

Provides that the district is a "water or sewer district." Provides that Section 43.075 (Abolition of, or Division of Functions of, Water-Related Special District That Becomes Part of Not More Than One Municipality), Local Government Code, applies to the district. Provides that Section 375.264 (Limitation on Dissolution by Board), Local Government Code, does not apply to the dissolution of the district by a municipality.

Provides that the district retains all rights, powers, privileges, authority, duties, and functions that the former Grand Northwest Municipal Utility District had before the effective date of this Act, except as otherwise provided by this Act.

Provides that the legislature validates and confirms all governmental acts and proceedings of the former Grand Northwest Municipal Utility District that were taken before the effective date of this Act, except any matter that on the effective date of this Act is involved in certain litigation.

Fort Bend County Municipal Utility District No. 130—H.B. 4285
by Representative Zerwas—Senate Sponsor: Senator Kolkhorst

H.B. 4285 amends the powers and duties of the Fort Bend County Municipal Utility District No. 130 (district) and authorizes the district to issue bonds and impose a tax. This bill:

Authorizes the district to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads. Sets forth requirements for a road project.

Authorizes the district to establish and administer defined areas and to add or exclude land from the defined areas in the same manner the district is authorized to add or exclude land from the district.

Authorizes the district to issue certain bonds or other obligations to pay for a road project. Prohibits the district from issuing bonds payable from ad valorem taxes to finance a road project, unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at a certain election. Prohibits the total principal amount of bonds or other obligation issued or incurred to finance road projects and payable from ad valorem taxes, at the time of issuance, from exceeding one-fourth of the assessed value of the real property in the district.

Requires the district, at the time the district issues bonds payable wholly or partly from ad valorem taxes, to provide the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding.

Provides that the district retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

Smiley Road Water Control and Improvement District—H.B. 4287

by Representative Fallon—Senate Sponsor: Senator Estes

H.B. 4287 amends the powers and duties of the Smiley Road Water Control and Improvement District (district). This bill:

Authorizes the district to be divided into two or more districts, only if the district has no outstanding bonded debt and is not imposing ad valorem taxes.

Provides that Chapter 9001 (Smiley Road Water Control and Improvement District), Special District Local Laws Code, applies to any new district created by the division of the district and provides that a new district has all the powers and duties of the district.

Prohibits a new district created by the division of the district from, at the time the new district is created, containing any land outside a certain area.

Authorizes the board of directors of the district (board), on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, to adopt an order dividing the district.

Requires that an order dividing the district name each new district, include the metes and bounds of each new district, appoint temporary directors for each new district, and provide the division of assets and liabilities between the district and each new district.

Requires the district to file the order with the Texas Commission on Environmental Quality and record the order in the real property records of each county in which the district is located.

Authorizes a new district to be created by the division of the district only if approved by the voters of the new district in a confirmation and directors' election held for that purpose.

Prohibits the district from dividing under certain conditions.

Requires any new district created by the division of the district to hold an election to obtain voter approval before the district is authorized to impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

Provides that the creation of the district and any act or proceeding of the district, including an election, not excepted by this section and taken not more than three years before the effective date of this Act, effective as of the date on which the act or proceeding occurred, is validated and confirmed in all respects, except any matter that is involved in certain litigation.

Compensation and Reimbursement for Aliana Management District Directors—H.B. 4289
by Representative Zerwas—Senate Sponsor: Senator Kolkhorst

H.B. 4289 specifies the amount of compensation for which each member of the board of directors (director) of the Aliana Management District is eligible. This bill:

Authorizes the Aliana Management District to compensate each director in an amount not to exceed \$150 for each board of directors meeting.

Prohibits the total amount of compensation for each director from exceeding \$7,200 in one year.

Provides that a director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board of directors of the Aliana Management District.

Fees Charged by the Colorado County Groundwater Conservation District—H.B. 4291
by Representative Schubert—Senate Sponsor: Senator Kolkhorst

H.B. 4291 relates to certain fees charged by the Colorado County Groundwater Conservation District (district). This bill:

Authorizes the district, in order to accomplish the regulatory goals of the district, pay the maintenance and operating costs of the district, and pay any bonds or notes issued by the district, to (1) impose ad valorem taxes at a rate not to exceed three cents on each \$100 of assessed valuation of taxable property in the district; (2) assess production fees; (3) solicit and accept grants from any public or private source; (4) assess an export fee on water exported from the district in an amount not to exceed 150 percent of the maximum wholesale water rate charged by the City of Houston; and (5) assess other fees.

Fort Bend MMD No. 1—H.B. 4292

by Representative Zerwas—Senate Sponsor: Senator Kolkhorst

H.B. 4292 amends the powers and duties of the Fort Bend County Municipal Management District (MMD) No. 1, and authorizes the district to impose a tax. This bill:

Authorizes the Fort Bend County MMD No. 1 (district) to compensate each director on the district's board of directors (board) in an amount not to exceed \$150 for each board meeting. Prohibits the total amount of compensation for each board director in one year from exceeding \$7,200. Provides that a board director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Authorizes the district to impose a sales and use tax, if authorized by a majority of the voters of the district voting at certain election and authorizes revenue from the tax to be used for any purpose for which the district's ad valorem tax revenue is authorized to be used. Sets forth conditions in which the district is prohibited from adopting a sales and use tax and conditions in which an election to adopt such a tax has no effect.

Provides that the Municipal Sales and Use Tax Act (Chapter 321, Tax Code) applies to the imposition, computation, administration, enforcement, and collection of the sales and use tax, except to the extent that it is inconsistent with Chapter 3927 (Fort Bend County MMD No. 1), Special District Local Laws Code.

Dallas County Hospital District Health Care Provider Participation Program—H.B. 4300

by Representative Koop et al.—Senate Sponsor: Senator Huffines et al.

H.B. 4300 authorizes the Dallas County Hospital District (district) to create and operate a health care provider participation program. This bill:

Defines "board," "district," "institutional health care provider," "paying provider," and "program."

Authorizes the board of hospital managers of the district (board) to authorize the district to participate in a health care provider participation program (program) on the affirmative vote of a majority of the board. Provides that the authority of the district to administer and operate a program expires December 31, 2019.

Authorizes the board to require a mandatory payment by an institutional health care provider (paying provider) only in a certain manner.

Authorizes the board to adopt rules relating to the administration of a program, including the collection of mandatory payments, expenditures, audits, and any other administrative aspects of a program.

Requires the board, if the board authorizes the district to participate in a program to require each paying provider to submit to the district a copy of any financial and utilization data required by and reported to the Department of State Health Services and any rules adopted by the executive commissioner of the Health and Human Services Commission (HHSC).

Requires the board, in each year that the board authorizes a program, to hold a public hearing on the amounts of any mandatory payments that the board intends to require during the year and on how the revenue derived from those payments is to be spent. Requires the board to publish notice of the hearing in a newspaper of general circulation in the district and provide written notice of the hearing to each paying provider.

Requires the board, if the board requires a mandatory payment to designate one or more banks as a depository for the district's local provider participation fund. Requires that all funds collected be secured in the same manner provided for securing other district funds.

Requires the district, if the district requires a mandatory payment authorized under this chapter, to create a local provider participation fund. Provides that the local provider participation fund consists of certain funds and sets forth the uses of the money deposited to the fund, as well as certain restrictions.

Authorizes the board, with certain exceptions, to require an annual mandatory payment to be assessed on the net patient revenue of each paying provider, if the board authorizes a program. Sets forth provisions for a mandatory payment to be assessed. Requires the district, if a mandatory payment is required, to annually update the amount of the mandatory payment.

Requires that the amount of a mandatory payment be uniformly proportionate with the amount of net patient revenue generated by each paying provider as permitted under federal law. Prohibits a program from holding harmless any paying provider.

Prohibits the aggregate amount of the mandatory payments required of all paying providers from exceeding six percent of the aggregate net patient revenue from hospital services provided by all paying providers.

Requires the board, subject to certain restrictions, if the board requires a mandatory payment, to set the mandatory payments in amounts that, in the aggregate, will generate sufficient revenue to cover the district's administrative expenses for activities and to fund a certain intergovernmental transfer. Provides that the annual amount of revenue from mandatory payments that is required to be paid for administrative expenses by the district is \$150,000, plus the cost of collateralization of deposits, regardless of actual expenses.

Prohibits a paying provider from adding a mandatory payment required as a surcharge to a patient, and provides that a mandatory payment is not a tax for hospital purposes. Sets forth additional provisions regarding the assessment and collection of mandatory payments.

Sets forth purposes that are authorized and those that are restricted regarding the district's use of funds collected from mandatory payments.

Authorizes the board, to the extent that any provision or procedure causes a mandatory payment to be ineligible for federal matching funds, to provide by rule an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services. Sets forth restrictions for a rule to be adopted. Provides that the board is not required to adopt a rule.

Authorizes the district to only assess and collect a mandatory payment if a waiver program, uniform rate enhancement, or certain reimbursement is available to the district.

Requires the board, as soon as practicable after a certain expiration of the authority of the district to transfer to each paying provider the paying provider's proportionate share of any remaining funds in any local provider participation fund created by the district.

Requires a state agency, if necessary, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

LaSalle Municipal Utility District No. 1—H.B. 4310 [VETOED]
by Representative Isaac—Senate Sponsor: Senator Zaffirini

H.B. 4310 relates to the temporary board of directors of LaSalle Municipal Utility District No. 1 (district), the district's financing of certain facilities and improvements, and the authority of the district to impose an assessment. This bill:

Provides that the district's temporary board of directors (board) consists of certain persons. Provides that the temporary directors serves until the earlier of the date that permanent directors are elected, or the fourth anniversary of the effective date of their designation, and that the effective date of the temporary directors' designation is the effective date of this Act.

Authorizes the board to finance the construction or maintenance of a recreational facility or improvement with assessments on property, if a written petition signed by the owners of a majority of the assessed value of real property in the district has been filed with the board and the board holds a hearing on the proposed assessments.

Authorizes certain improvements or recreational facility projects. Requires the district to mail notice of a hearing on the proposed assessments to each property owner in the district who will be subject to the assessment at the current address to be assessed as reflected on the tax rolls. Authorizes the district to mail the notice by certified or first class United States mail, and requires the board to determine the method of notice. Sets forth provisions regarding an assessment or a reassessment.

Provides that a lien is effective from the date the assessment is imposed until the date the assessment is paid. Authorizes the board to enforce a lien in the same manner that the board is authorized to enforce an ad valorem tax lien against real property.

Authorizes the board to make a correction to or deletion from the assessment roll that does not increase the amount of assessment in any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Prohibits the district from imposing an assessment on property, including equipment, rights-of-way, facilities, or improvements, of certain utility providers.

LaSalle Municipal Utility District No. 2—H.B. 4311 [VETOED]

by Representative Isaac—Senate Sponsor: Senator Zaffirini

H.B. 4311 relates to the temporary board of directors of LaSalle Municipal Utility District No. 2 (district), the district's financing of certain facilities and improvements, and the authority of the district to impose an assessment. This bill:

Provides that the district's temporary board of directors (board) consists of certain persons. Provides that the temporary directors serve until the earlier of the date that permanent board directors are elected, or the fourth anniversary of the effective date of their designation, and that the effective date of the temporary directors' designation is the effective date of this Act.

Authorizes the board to finance the construction or maintenance of a recreational facility or improvement with assessments on property, if a written petition signed by the owners of a majority of the assessed value of real property in the district has been filed with the board and the board holds a hearing on the proposed assessments.

Authorizes certain improvements or recreational facility projects. Requires the district to mail notice of a hearing on the proposed assessments to each property owner in the district who will be subject to the assessment at the current address to be assessed as reflected on the tax rolls. Authorizes the district to mail the notice by certified or first class United States mail, and requires the board to determine the method of notice. Sets forth provisions regarding an assessment or a reassessment.

Provides that a lien is effective from the date the assessment is imposed until the date the assessment is paid. Authorizes the board to enforce a lien in the same manner that the board is authorized to enforce an ad valorem tax lien against real property.

Authorizes the board to make a correction to or deletion from the assessment roll that does not increase the amount of assessment in any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Prohibits the district from imposing an assessment on property, including equipment, rights-of-way, facilities, or improvements, of certain utility providers.

Sets forth provisions regarding the territory contained in the district.

LaSalle Municipal Utility District No. 3—H.B. 4312 [VETOED]

by Representative Isaac—Senate Sponsor: Senator Zaffirini

H.B. 4312 relates to the temporary board of directors of LaSalle Municipal Utility District No. 3 (district), the district's financing of certain facilities and improvements, and the authority of the district to impose an assessment. This bill:

Provides that the district's temporary board of directors (board) consists of certain persons. Provides that the temporary directors serve until the earlier of the date that permanent directors are elected, or the fourth anniversary of the effective date of their designation, and that the effective date of the temporary directors' designation is the effective date of this Act.

Authorizes the board to finance the construction or maintenance of a recreational facility or improvement with assessments on property, if a written petition signed by the owners of a majority of the assessed value of real property in the district has been filed with the board and the board holds a hearing on the proposed assessments.

Authorizes certain improvements or recreational facility projects. Requires the district to mail notice of a hearing on the proposed assessments to each property owner in the district who will be subject to the assessment at the current address to be assessed as reflected on the tax rolls. Authorizes the district to mail the notice by certified or first class United States mail, and requires the board to determine the method of notice. Sets forth provisions regarding an assessment or a reassessment.

Provides that a lien is effective from the date the assessment is imposed until the date the assessment is paid. Authorizes the board to enforce a lien in the same manner that the board is authorized to enforce an ad valorem tax lien against real property.

Authorizes the board to make a correction to or deletion from the assessment roll that does not increase the amount of assessment in any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Prohibits the district from imposing an assessment on property, including equipment, rights-of-way, facilities, or improvements, of certain utility providers.

Sets forth provisions regarding the territory contained in the district.

LaSalle Municipal Utility District No. 4—H.B. 4313 [VETOED]

by Representative Isaac—Senate Sponsor: Senator Zaffirini

H.B. 4313 relates to the temporary board of directors of LaSalle Municipal Utility District No. 4 (district), the district's financing of certain facilities and improvements, and the authority of the district to impose an assessment. This bill:

Provides that the district's temporary board of directors (board) consists of certain persons. Provides that the temporary directors serve until the earlier of the date that permanent directors are elected, or the fourth anniversary of the effective date of their designation, and that the effective date of the temporary directors' designation is the effective date of this Act.

Authorizes the board to finance the construction or maintenance of a recreational facility or improvement with assessments on property, if a written petition signed by the owners of a majority of the assessed value of real property in the district has been filed with the board and the board holds a hearing on the proposed assessments.

Authorizes certain improvements or recreational facility projects. Requires the district to mail notice of a hearing on the proposed assessments to each property owner in the district who will be subject to the assessment at the current address to be assessed as reflected on the tax rolls. Authorizes the district to mail the notice by certified or first class United States mail, and requires the board to determine the method of notice. Sets forth provisions regarding an assessment or a reassessment.

Provides that a lien is effective from the date the assessment is imposed until the date the assessment is paid. Authorizes the board to enforce a lien in the same manner that the board is authorized to enforce an ad valorem tax lien against real property.

Authorizes the board to make a correction to or deletion from the assessment roll that does not increase the amount of assessment in any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Prohibits the district from imposing an assessment on property, including equipment, rights-of-way, facilities, or improvements, of certain utility providers.

Sets forth provisions regarding the territory contained in the district.

LaSalle Municipal Utility District No. 5—H.B. 4314 [VETOED]

by Representative Isaac—Senate Sponsor: Senator Zaffirini

H.B. 4314 relates to the temporary board of directors of LaSalle Municipal Utility District No. 5 (district), the district's financing of certain facilities and improvements, and the authority of the district to impose an assessment. This bill:

Provides that the district's temporary board of directors (board) consists of certain persons. Provides that the temporary directors serve until the earlier of the date that permanent directors are elected, or the fourth anniversary of the effective date of their designation, and that the effective date of the temporary directors' designation is the effective date of this Act.

Authorizes the board to finance the construction or maintenance of a recreational facility or improvement with assessments on property, if a written petition signed by the owners of a majority of the assessed value of real property in the district has been filed with the board and the board holds a hearing on the proposed assessments.

Authorizes certain improvements or recreational facility projects. Requires the district to mail notice of a hearing on the proposed assessments to each property owner in the district who will be subject to the assessment at the current address to be assessed as reflected on the tax rolls. Authorizes the district to mail the notice by certified or first class United States mail, and requires the board to determine the method of notice. Sets forth provisions regarding an assessment or a reassessment.

Provides that a lien is effective from the date the assessment is imposed until the date the assessment is paid. Authorizes the board to enforce a lien in the same manner that the board is authorized to enforce an ad valorem tax lien against real property.

Authorizes the board to make a correction to or deletion from the assessment roll that does not increase the amount of assessment in any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Prohibits the district from imposing an assessment on property, including equipment, rights-of-way, facilities, or improvements, of certain utility providers.

Sets forth provisions regarding the territory contained in the district.

Harris County MUD No. 61—H.B. 4324

by Representative Schofield—Senate Sponsor: Senator Huffman

H.B. 4324 establishes the powers and duties of the Harris County Municipal Utility District (MUD) No. 61 (district), including the power to undertake certain road projects, and provides the district the authority to issue bonds and impose fees and taxes. This bill:

Provides that the district is created to accomplish the purposes of a MUD and purposes that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Provides that the district has the powers and duties provided by the general laws of this state that are applicable to MUDs.

Authorizes the district to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads. Sets forth requirements for a road project.

Authorizes the district to establish and administer defined areas and to add or exclude land from the defined areas in the same manner the district is authorized to add or exclude land from the district.

Authorizes the district to issue certain bonds or other obligations to pay for a road project. Prohibits the district from issuing bonds payable from ad valorem taxes to finance a road project, unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at a certain election. Prohibits the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes, at the time of issuance, from exceeding one-fourth of the assessed value of the real property in the district.

Requires the district, at the time the district issues bonds payable wholly or partly from ad valorem taxes, to provide the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding.

Provides that the legislature validates and confirms all governmental acts and proceedings of the district that were taken before the effective date of this Act, except any matter that is involved in certain litigation.

Far North Fort Worth MUD No. 1 of Tarrant and Wise Counties—H.B. 4331

by Representative Phil King—Senate Sponsor: Senator Estes

H.B. 4331 amends the powers and duties of the Far North Fort Worth Municipal Utility District No. 1 of Tarrant and Wise Counties (district) and authorizes the district to issue bonds and impose fees and taxes. This bill:

Authorizes the district to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads. Sets forth requirements for a road project.

Authorizes the district to issue bonds or other obligations payable wholly or partly from certain sources to pay for a road project. Prohibits the district from issuing bonds payable from ad valorem taxes to finance a road project, unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at a certain election. Prohibits the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes, at the time of issuance, from exceeding one-fourth of the assessed value of the real property in the district.

Requires the district, at the time the district issues bonds payable wholly or partly from ad valorem taxes, to provide the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding.

Provides that the district retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act. Provides that the legislature validates and confirms all governmental acts and proceedings of the district that were taken before the effective date of this Act, except any matter that is involved in certain litigation.

Montgomery County Municipal Utility Districts No. 100 and No. 101—H.B. 4334
by Representative Bailes—Senate Sponsor: Senator Nichols

H.B. 4334 gives road powers to Montgomery County Municipal Utility District No. 100 (MCMUD 100) and to Montgomery County Municipal Utility District No. 101 (MCMUD 101) and creates a municipal utility district on certain undeveloped land located within Liberty County. This bill:

Sets forth standard language for the creation of Liberty County Municipal Utility District No. 1.

Authorizes MCMUD 100 and MCMUD 101 to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance of macadamized, graveled, or paved roads or for improvements, including storm drainage, in aid of those roads. Sets forth road standards and requirements.

Prohibits the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes, at the time of issuance, from exceeding one-fourth of the assessed value of the real property in MCMUD 100 and MCMUD 101.

Dissolution of the Chisolm Trail Special Utility District—S.B. 248
by Senator Schwertner—House Sponsor: Representatives Shine and Wilson

Currently, a special utility district formed under Texas law cannot legally dissolve, even if all its liabilities and service responsibilities have been transferred to a different political subdivision. Without a pathway to dissolution, these districts are still statutorily required to hold regular meetings and elections, despite no longer providing any services to customers. This bill:

Defines "board," "city" and "district."

Authorizes the board of directors of the Chisolm Trail Specialty Utility District (board; district), if a majority of the board votes to propose to dissolve the district, to issue notice of a hearing on a

proposal to dissolve the district. Requires that notice of the hearing, not later than 14 days before the date set for the hearing, be posted at the courthouse of each county in which the district is located and at the district's office and be published at least one time in a newspaper of general circulation in each county in which the district is located.

Prohibits the district from voting on the issue of dissolution before August 31, 2019, or, if the district is a party to a lawsuit pending on May 1, 2017, the day a certain judicial decision is made.

Requires the board, at the hearing held at the time and place stated in the notice, to hear all interested parties; consider whether the best interests of the persons and property in the district will be served by dissolving the district; and vote on whether to dissolve the district.

Requires the board, if two-thirds of the members of the board vote to dissolve the district, to enter a finding in its records that the district will be dissolved after completion of the process to transfer to the City of Georgetown (city) the district's certificate of convenience and necessity and other assets and liabilities. Requires the board, after the district's certificate of convenience and necessity and other assets and liabilities are transferred to the city, to enter an order in its records dissolving the district. Requires the city, on the date the board enters a finding that the district will be dissolved, to assume certain aspects and records of the district.

Requires the board, if two-thirds of the members of the board do not vote to dissolve the district, to enter an order in its records providing that the district is not to be dissolved.

Requires a state agency, to the extent that the assumption of a certain item requires the approval of the state agency, to grant approval without additional notice or hearing.

Provides that the position of a contracting party is not enhanced or harmed.

Provides that the board's order dissolving the district is final and prohibited from being appealed in any manner to any judicial, administrative, or other tribunal if the board's order is entered after the completion of the process to transfer the district's certificate of convenience and necessity, including any necessary approval of a state agency.

Notice Requirements for Special Out-of-District Board Meetings—S.B. 554

by Senator Kolkhorst—House Sponsor: Representative Metcalf

Water districts, like all governmental entities, are required by law to hold regular public meetings. These districts have the power to tax, issue bonds, and exercise eminent domain over a prescribed geographic area, yet many districts hold their public meetings outside of their district. Consequently, district residents are often required to drive substantial distances from their district in the evening, which can discourage meeting attendance and hinder residents who wish to participate in the management of their local utility district.

Currently, Section 49.062 (Offices and Meeting Places), Water Code, allows the board of a district to designate a meeting place outside of the district, but if at least 25 qualified voters are residing in the district and the board determines that the meeting place deprives the residents of a reasonable opportunity to attend the meeting, then five voters may petition the district to change the meeting

location. The Texas Commission on Environmental Quality may also change the location, if five voters petition. This bill:

Requires a district that does not have a meeting place within the district to include in the notice required under Section 49.063(a) (relating to requirements for a notice of meetings of the district governing board), Water Code, a description of the petition process under Section 49.062(c) (relating to the designation of a meeting place by the board under certain circumstances), Water Code, as added by this bill.

Applies only to notice for the district's first meeting of each calendar year.

Public Access to Financial and Tax Information of Special Districts—S.B. 625
by Senator Kolkhorst—House Sponsor: Representatives Stephenson and Rinaldi

Interested parties note the recent proliferation of special purpose taxing districts (special districts) throughout Texas. These parties contend that while these entities play an important role in providing necessary services, it can be difficult for the average citizen to obtain important financial and tax data about the special districts that administer so many facets of their daily lives. S.B. 625 addresses this issue by creating a database that contains certain financial and tax information of all active special districts. This bill:

Requires the Texas comptroller of public accounts (comptroller) to create and make accessible on the Internet a database, to be known as the Special Purpose District Public Information Database (database), that contains information regarding all active special districts of this state that are authorized by the state by a general or special law to impose an ad valorem tax, a sales and use tax, or an assessment or to charge a fee, as well as that contains which districts during the most recent fiscal year had bonds outstanding, gross receipts from operations, loans, taxes, or contributions in excess of \$250,000 or cash and temporary investments in excess of \$250,000, in addition to other certain information.

Authorizes the comptroller to consult with the appropriate officer of, or other person representing, each district to obtain the information necessary to operate and update the database.

Authorizes the comptroller, to the extent information required in the database is otherwise collected or maintained by a state agency or district, to require the state agency or district to provide that information, as well as updates to the information as necessary, for inclusion in the database. Requires the comptroller to update information in the database annually. Prohibits the comptroller from charging a fee to the public to access the database.

Requires the comptroller to prepare and maintain a noncompliance list of districts that have not timely complied with the requirement to provide information.

Requires a district to transmit records and other information to the comptroller annually for purposes of providing the comptroller with information to operate and update the database. Requires the comptroller, if a district does not timely comply, to provide a certain written notice to the district. Provides that, if a district does not report the required information after 30 days of receiving notice, the district is liable to the state for a civil penalty of \$1,000 and the comptroller is required to

provide a subsequent written notice. Provides that, if a district does not report the required information, the district is liable to the state for a civil penalty of \$1,000 and the comptroller is required to reflect the noncompliance in the list maintained to the website until the district reports all required information.

Authorizes the Texas attorney general to sue to collect a civil penalty imposed.

Panhandle Groundwater Conservation District Elections—S.B. 726

by Senator Seliger—House Sponsor: Representative Price

S.B. 726 requires that elections for members of the board of directors of the Panhandle Groundwater Conservation District (directors) be held on the uniform election date in May in each odd-numbered year, rather than the third Saturday in January in each even-numbered year.

Provides that, except as provided by this bill, a directors election is held as provided by the Election Code, rather than as provided by both Chapter 51 (Water Control and Improvement Districts), Water Code, and the Election Code.

Fee Increase, Bastrop County Water Control and Improvement District No. 2—S.B. 749

by Senator Watson—House Sponsor: Representative Cyrier

Interested parties note that many roads in the Bastrop County Water Control and Improvement District No. 2 (district) are in need of substantial improvements due to the devastating floods that Bastrop County has experienced. The parties further note that unless the district has the ability to raise funds, the timeline to complete the improvements will be extended indefinitely. S.B. 749 remedies this issue by raising the cap on a monthly charge the district's board of directors (board) may impose. This bill:

Authorizes the board, by resolution, to impose a monthly charge in an amount not to exceed \$21, rather than \$15, for each developed or undeveloped lot, tract, or reserve in the district.

Agua Special Utility District Board of Directors—S.B. 814

by Senator Hinojosa—House Sponsor: Representative Canales

Interested parties state that changes are needed to the composition of the board of directors of the Agua Special Utility District (district), as well as safeguards to protect district taxpayers against conflicts of interest. This bill:

Requires the district to be governed by an elected board of seven directors (board), with one director elected by the voters of the part of the City of La Joya that is within the district to represent that part of the city and two directors elected at-large to numbered positions by the voters who do not reside in certain municipalities within the district to represent the part of the district that is not included in those municipalities, unless the number of at-large directors is increased.

Provides that if a director is an employee of another taxing entity within the district, the board may not employ as an employee, as a consultant, or on a contract basis an elected official of the other taxing entity that employs the director, or a person related to that elected official in the third degree of consanguinity or affinity.

Provides that the position of a director elected at-large for a term that expires in 2018 becomes the position for the director elected from the City of La Joya on the election date in 2018 when the district elects new directors. Requires the director elected at-large to a term that expires in 2018 to serve until a director elected from the City of La Joya has qualified, following the director's election held in 2018.

GCD Use of Electronic Fund Transfers—S.B. 865
by Senator Perry—House Sponsor: Representative Burns

Section 36.151 (Expenditures), Water Code, pertains to the means of disbursing funds for groundwater conservation districts (GCDs). Currently, GCDs are not statutorily authorized to make direct deposits or use online bill pay. S.B. 902, 83rd Legislature, Regular Session, 2013, gave districts governed by Chapter 49 (Provisions Applicable to All Districts), Water Code, the ability to use direct deposit mechanisms. This bill:

Provides that federal reserve wire transfers or electronic fund transfers are excepted from the requirement that disbursements be signed by at least two directors.

Authorizes the board of directors of a GCD (board) to authorize payroll disbursements by electronic direct deposit.

Authorizes the board, by resolution, to allow disbursements to be transferred by federal reserve wire system, or by electronic means, to accounts in the name of the GCD or accounts not in the name of the GCD, rather than to allow disbursements to be transferred by federal reserve wire system to accounts in the name of the GCD.

Board of Directors of the Maverick County Hospital District—S.B. 881
by Senator Uresti—House Sponsor: Representative Nevárez

Interested parties contend that statutory changes are needed to address a vacancy in the office of director of the Maverick County Hospital District (district) to avoid a situation in which the remaining members of the district's board of directors (board) are unable to unanimously agree on a new director for the office of director. S.B. 881 addresses this issue by amending the district's enabling legislation. This bill:

Requires a majority, rather than unanimous, vote by the remaining directors to appoint a director to an unexpired term, if a vacancy occurs in the office of director. Requires the remaining directors, if the number of directors is reduced to fewer than three for any reason, to immediately call a special election to fill vacancies. Authorizes a district court, on application of a district voter or taxpayer, to order the directors to hold an election if the remaining directors do not call the election.

Requires the directors to elect from among its members a chairman, a vice-chairman, a secretary, and a treasurer at the first meeting after each director's election. Requires the board chairman to execute the district's bonds in the district's name.

Fee for the Jeff Davis County Underground Water Conservation District—S.B. 964

by Senator Rodriguez—House Sponsor: Representative Nevárez

Certain statutes currently conflict with the Jeff Davis County Underground Water Conservation District's (district) governing authority, including statutory requirements regarding public notice, audit filing deadlines, bidding requirements, and the signing of electronic checks. Currently, the district is subject to two chapters of the Texas Water Code: Chapter 36 (Groundwater Conservation Districts) and Chapter 49 (Provisions Applicable to All Districts).

In an abundance of caution, the district tries to follow both chapters; however, confusion on governing authority creates excessive requirements and an inefficient allocation of time and resources. Further, the district does not perform any water supply functions, so the reference to Chapter 49 is left over from the time underground water conservation districts were governed by Chapter 52 (Underground Water Conservation Districts), Water Code, (repealed in 1995).

Additionally, the Texas Legislative Council, which is currently undertaking a non-substantive recodification process for multiple groundwater districts across Texas, has indicated to the district that it would not be recodifying districts to which both Chapters 36 and 49 apply, leaving the decision on what chapter should apply to the legislature. This bill:

Defines "board," "commissioners court," "director," and "district."

Provides that the district is a groundwater conservation district in Jeff Davis County created under and essential to accomplish the purposes of Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

Sets forth findings of public use and benefit and the general powers and duties of the district.

Provides that the district's boundaries are coextensive with the boundaries of Jeff Davis County, unless the district's territory has been modified under the Water Code or other law.

Provides that Section 36.121 (Limitation on Rulemaking Power of Districts over Wells in Certain Counties), Water Code, does not apply to the district.

Provides that district is governed by a board of five directors (board) appointed by the Jeff Davis County Commissioners Court (commissioners court).

Provides that the board directors serve staggered four-year terms that expire on March 1 of the applicable odd-numbered year.

Requires the commissioners court, if there is a vacancy on the board, to appoint a director to serve the remainder of the term.

Prohibits the district from imposing taxes in the district.

Authorizes the district to assess fees.

Prohibits the district from charging for an annual period production fees greater than \$1 per acre-foot for water used for agricultural use or 17 cents per 1,000 gallons for water used for any other purpose.

Repeals Chapter 641 (relating to the creation, administration, powers, duties, operation, and financing of the district), Acts of the 73rd Legislature, Regular Session, 1993.

Dissolution of the Falls County Water Control and Improvement District No. 1—S.B. 976
by Senator Birdwell—House Sponsor: Representative Kacal

Interested parties note that the Falls County Water Control and Improvement District No. 1 (district) took action to dissolve itself subsequent to entering into an agreement with the City of Marlin (city) to purchase property rights for the construction of local flood retention structures. The parties suggest that these assets, which were purchased with taxpayer money and are critical to the city's Brushy Creek reservoir project, should remain in the control of a public entity by being transferred to the city on the district's dissolution. S.B. 976 provides for this outcome by dissolving the district and authorizing the transfer of title of certain district assets and obligations to the city. This bill:

Sets forth legislative findings regarding the dissolution of the district.

Provides that, on the effective date of this Act, the district is dissolved and has no legal authority to take any action, and authorizes the transfer of the district's assets and obligations to the city. Provides that the city bears the responsibility of transferring the title of the district's assets to the city and of assuming the district's obligations.

Requires the county clerk of Falls County, the commissioners court of Falls County, and any district court with jurisdiction over a matter relating to the provisions of this Act to take notice of this Act as an authorization to transfer the title of the assets to the city and assume the district's obligations, on application or petition by the city.

Permit Application Requirements for GCDs—S.B. 1009
by Senator Perry—House Sponsor: Representative Larson

When a groundwater conservation district (GCD) receives a permit application, one of the steps in the permitting process is to certify that the permit application is administratively complete. Currently, the statutory guidelines that regulate the completeness of such an application are open-ended and permissive. For example, information that may be required for a permit to be administratively complete includes the name and address of an applicant; a statement of the nature, purpose, and amount of the proposed use of water; and the location of each well and the estimated rate of water withdrawal, among others. This bill:

Authorizes a GCD to require that only certain information be included in a permit or permit amendment application, as applicable under the rules of the GCD, including other information that is

included in a certain rule of the GCD in effect on the date the application is submitted and that reasonably relates to an issue that a GCD is authorized to consider.

Provides that an application is administratively complete if it contains the information set forth under Sections 36.113 (Permits for Wells; Permit Amendments) and 36.1131 (Elements of Permit), Water Code.

Prohibits a GCD from requiring that additional information be included in an application for a determination of administrative completeness.

Certification of Unopposed Candidates for a Certain Board of Directors—S.B. 1085

by Senator Bettencourt—House Sponsor: Representative Roberts

Interested parties assert that requiring the North Harris County Regional Water Authority (NHCRWA) to post notice at various polling places stating that an election for a position in the authority's board of directors has been canceled due to a candidate running unopposed represents an unnecessary use of the authority's time and money. S.B. 1085 eliminates this requirement. This bill:

Authorizes the board of directors of the NHCRWA (board), on receipt of the certification of unopposed status in an election, to declare each unopposed candidate for the board elected to the office. Provides that, if a declaration is made, the election is not held for that candidate's voting district.

Requires that the ballots used at a separate election held at the same time as an election that would have been held if the candidates were not declared elected include the offices and names of the candidates declared elected and lists them separately after the measures or contested races in the separate election under the heading "Unopposed Candidates Declared Elected." Requires that the candidates be grouped in the same relative order prescribed for the ballot generally. Provides that no votes are cast in connection with the candidates.

Navigation District Treasurers—S.B. 1131

by Senator Hinojosa—House Sponsor: Representative Herrero

The treasurer of the county in which a navigation district is located is, by default, the treasurer of the district. Observers note that some navigation districts do not have a district treasurer because the county in which it is located has abolished the position of county treasurer. Stakeholders say that a lack of a district treasurer complicates the procedure for authorizing a payment by the navigation district. This bill:

Authorizes a designated officer of a navigation district to make certain payments by check without authorization by the district treasurer.

Taxation of Navigation Districts—S.B. 1133

by Senators Hinojosa and Zaffirini—House Sponsor: Representative Herrero

The Texas Constitution allows a political subdivision, under legislative provision and upon a two-thirds majority vote of a defined district, to levy and collect taxes and to issue bonds for certain purposes, such as the maintenance of waterways for navigation. Property owned by a political subdivision is exempt from taxation if it is used for public purposes.

Navigation districts have the statutory responsibility to develop the state's inland and coastal waters and, in carrying out this mission, districts routinely acquire land to aid in the development of navigation and navigation-related commerce. Such acquisition of land, along with the operation and industrial and business development, of ports and waterways are a public purpose and a matter of public necessity.

As governmental entities, real property and facilities owned by Texas ports have not been subject to ad valorem taxation, while property taxes have been levied on private improvements within the navigation district. Legislators contend that Texas ports are attracting national and international investment that is prompting navigation districts to acquire additional land and facilities to accommodate their statutory mission. Consequently, legislators express concern that this growth has resulted in some confusion about the taxability of port-owned property, despite navigation districts' public purpose and status as political subdivisions. This bill:

Establishes that the property of a navigation district is public property that is used for essential public and governmental purposes. Exempts a navigation district and the district's property from all taxes and special assessments imposed by the state or a political subdivision of the state.

Conversion of the Hays Caldwell Public Utility Agency—S.B. 1198

by Senators Zaffirini and Campbell—House Sponsor: Representative Isaac

The Hays Caldwell Public Utility Agency (agency) was formed in 2007 by the cities of Buda, Kyle, and San Marcos and the Canyon Regional Water Authority to jointly develop a water supply project for the growing population in the Interstate Highway 35 corridor between Austin and San Antonio. The two-phase project will secure a water supply for these areas until 2060 and will involve an investment estimated at more than \$200 million. While it has fostered regional sharing and joint long-term water planning, the agency seeks to convert from a public utility agency to a regional water authority to advance to the next level and better serve its member customers. This bill:

Converts the agency to a conservation and reclamation district to be known as the Alliance Regional Water Authority (water authority) located in Bexar, Caldwell, Comal, Guadalupe, and Hays Counties.

Exempts the water authority from the requirement of holding an election to confirm the creation of the water authority.

Sets forth standard language for the creation of the water authority in Bexar, Caldwell, Comal, Guadalupe, and Hays Counties. Sets forth the (1) definitions, standards, procedures, requirements and criteria for certain provisions; (2) size, eligibility, appointment, and terms of the board of

directors (board) of the water authority, including provisions relating to removal of directors, vacancies, voting authority, officers, and meetings and actions of the board; (3) powers and duties of the water authority; (4) general financial provisions prohibiting ad valorem taxes; and (4) authority to accept gifts, grants, and loans and to issue certain bonds and other obligations.

Authorizes the water authority to exercise the power of eminent domain to acquire a fee simple or other interest in property, if the interest is necessary for the water authority to exercise the rights or authority.

Requires the water authority to exercise the right of eminent domain.

Exempts the water authority from being required to give bond for appeal or bond for costs in a condemnation suit or other suit to which it is a party.

Requires the sponsors of the water authority to appoint the initial board directors not earlier than April 1, 2018, and not later than April 30, 2018. Requires the board directors serving on the effective date of this Act to serve as the temporary board directors until the initial board directors take office on May 1, 2018.

Requires the initial board directors, as soon as practicable after the initial board directors have been appointed, to draw lots to determine which board directors serve a one-year term expiring April 30, 2019; which directors serve a two-year term expiring April 30, 2020; and which directors serve a three-year term expiring April 30, 2021. Requires that the lots be split into thirds or as near to thirds as possible.

Authority of Chambers County Improvement District No. 2—S.B. 1260
by Senator Creighton—House Sponsor: Representative Faircloth

S.B. 1260 relates to the authority of Chambers County Improvement District No. 2 (district) to finance and construct road facilities and allows the district to maintain and operate those roads. This bill:

Provides that the district is a governmental unit and that its operations are essential government functions and are not proprietary functions for any purpose. Provides that the district does not waive any governmental or sovereign immunity from suit, liability, or judgment applicable to the district.

Provides that the district will promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and road facilities and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

Provides that Section 49.052 (Disqualification of Directors), Water Code, applies to the district, except that the application of this provision does not affect the entitlement of a member serving on the board of directors of the district (board) immediately before the effective date of this Act to continue to carry out the board's functions for the remainder of the member's term and applies to a board member elected on or after the effective date of this Act.

Authorizes the district to develop or finance recreational facilities.

Authorizes the district to own, operate, maintain, improve, design, acquire, construct, finance, and issue bonds, notes, or other obligations for macadamized, graveled, or paved roads or improvements, including storm drainage and other improvements located in or adjacent to road rights-of-way.

Authorizes the district to convey a road project to the municipality or county that will operate and maintain the road, if the municipality or county has approved the plans and specifications of the road project, or to the state, if the state will operate and maintain the road and the Texas Transportation Commission has approved the plans and specifications of the road project. Requires the district, with certain exceptions, to operate and maintain a road project that the district implements and does not convey to a municipality, a county, or this state. Authorizes the district to agree in writing with a municipality, a county, or this state to assign operation and maintenance duties to the district, the municipality, the county, or this state in a certain manner.

Provides that Section 49.216 (Enforcement by Peace Officers), Water Code, applies to the district.

Authorizes the board to impose and collect an assessment for any authorized purpose in all or any part of the district, regardless of whether the part of the district where the assessment is to be imposed is subject to an assessment previously imposed by the board.

Sabine-Neches Navigation District of Jefferson County—S.B. 1361

by Senator Creighton—House Sponsor: Representative Deshotel

The Sabine-Neches Navigation District of Jefferson County (SNND) is a countywide navigation district that is the local sponsor of the Sabine-Neches Waterway, the ship channel serving the Port of Beaumont, the Port of Port Arthur, and numerous petrochemical plants. The SNND is the third-largest waterway in the United States and the nation's largest commercial military outpost.

In June 2014, Congress adopted the Water Resources Reform and Development Act of 2014, which authorized the Sabine-Neches Waterway channel improvement project to deepen and widen the Sabine-Neches Waterway. The primary purpose of S.B. 1361 is to provide absolute clarity on the authority of SNND to move forward with the improvement project. This bill:

Provides that SNND has all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 49 (Provisions Applicable to All Districts), 60 (Navigation Districts—General Provisions), and 62 (Article XVI, Section 59, Navigation Districts), Water Code, applicable to districts, rather than applicable to navigation districts, created under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

Provides that this bill prevails over any provision of general law that is in conflict or inconsistent with this bill, except that a provision of general law that is in conflict or inconsistent with this bill prevails to the extent that the navigation and canal commission of SNND exercises a power under that general law provision and that exercise is authorized by an order or resolution expressly referring to that general law provision.

Authorizes SNND to acquire, purchase, lease, maintain, repair, and operate facilities and equipment for preventing, detecting, controlling, and fighting fires on or adjacent to the Sabine-Neches Waterway and for the protection of life and property from damage by fire and explosion.

Authorizes SNND to pledge to impose a maintenance tax in an amount sufficient to comply with SNND's obligations under SNND's contracts, leases, and agreements at a maximum aggregate rate not to exceed 10 cents for each \$100 valuation of taxable property in SNND.

Authorizes SNND to request a person designated by SNND to create a domestic entity under the Business Organizations Code and to approve the provisions of the certificate of formation, the provisions of the bylaws, and the initial members of the governing body of the domestic entity.

Authorizes the provisions of the certificate of formation and certain bylaws to include provisions that provide that the certificate and the bylaws may not be amended without SNND's consent and require SNND's approval of all members of the governing body of the domestic entity.

Provides that the domestic entity created in this bill does not have the power of eminent domain.

Provides that the domestic entity created in this bill is created for the purpose of financing all or a portion of the improvement project with funds from any private, public, or governmental source, including SNND.

Authorizes SNND to enter into a contract with the domestic entity to pay a portion of the amount to finance the improvement project.

Authorizes SNND to pledge the proceeds of SNND's maintenance tax to any contract with the domestic entity in the same manner under certain provisions.

Provides that the legislature validates and confirms all acts and proceedings of the board of directors of SNND that were taken before the effective date of this bill and all claims against SNND that are not pending on the effective date of this bill and that relate to any approved acts or proceedings of the board of directors of SNND are barred by limitations.

Provides that a certain provisions do not apply to any matter that on the effective date of this bill involved in litigation, if the litigation ultimately results in the matter being held invalid by a final judgment of a court or has been held invalid by a final judgment of a court.

Provides that all requirements of the Texas Constitution, and the laws of this state, and the rules and procedures of the legislature, with respect to the notice, introduction, and passage of this bill are fulfilled and accomplished.

Authorizing Certain TIRZ Board Members to Waive Service on a Board—S.B. 1465

by Senator Larry Taylor—House Sponsor: Representative Greg Bonnen

Local governments use tax increment financing (TIF) to publicly finance needed structural improvements and to enhance infrastructure within a defined area. These improvements usually are undertaken to promote the viability of existing business and to attract new commercial enterprises to

the area. The zones created through this process are commonly referred to as either a “TIF zone” or a “tax increment reinvestment zone” (TIRZ).

There are 230 TIRZ boards of directors operating in the state. The state senator or state representative for the area in which TIRZ is located is required by statute to serve, or to designate another individual to serve in his or her place, on the board. This bill:

Requires the board of directors of a TIRZ to send a certified letter to the state senator or state representative who is an ex-officio TIRZ board member informing him or her of his or her membership on the board. Requires that the letter be mailed prior to January 31 of each odd-numbered year.

Authorizes a state senator or state representative to opt out of serving on a TIRZ board and to not designate another individual to serve in his or her place; if a state senator or state representative opts-out of serving, he or she shall respond to the TIRZ board by certified mail and will no longer be counted as a board member for voting or quorum purposes.

Panola County Groundwater Conservation District Board Elections—S.B. 1479
by Senator Hughes—House Sponsor: Representative Paddie

The Panola County Groundwater Conservation District (district) operates under Chapter 36 (Groundwater Conservation Districts), Water Code, and its enabling act is codified in Chapter 8819 (Panola County Groundwater Conservation District), Special District Local Laws Code. The Texas Legislature adopted legislation in 2011 to implement the federal "MOVE" Act (Military and Overseas Voter Empowerment Act) and the Texas secretary of state (SOS) adopted a corresponding rule that enabled special purpose districts to move the date of their elections by a board of directors (board) resolution even if such a move was counter to the district’s enabling act.

In October 2011, the district took advantage of both the 2011 legislation and the corresponding rule from SOS and adopted a board resolution to move its director elections to the uniform election date in November. This change allowed the district to take advantage of cost-saving opportunities in holding elections at the same time as other political entities in Panola County. This bill:

Requires the district to hold an election to elect the appropriate number of board directors on the uniform election date in November, rather than in May, of each even-numbered year.

Gulf Coast Waste Disposal Authority Name Change—S.B. 1489
by Senators Larry Taylor and Garcia—House Sponsor: Representative Faircloth

The Gulf Coast Waste Disposal Authority (authority) is a governmental entity created by the Texas Legislature in 1969 with the broad charge to protect the waters of Texas focused primarily at that time on the Galveston Bay watershed. The primary focus since the authority's inception has been regional industrial wastewater treatment serving the petrochemical industry. However, the authority's powers are much more broad and also include municipal wastewater treatment, water systems and reuse, solid waste management, and bond financing services.

The authority is seeking to change its name to the Gulf Coast Authority to better represent all the services it provides and reduce confusion among customers, potential customers, and the public. This bill:

Amends existing statute to change a references to the Gulf Coast Waste Disposal Authority to the Gulf Coast Authority and to redefine "authority" to mean the Gulf Coast Authority, rather than the Gulf Coast Waste Disposal Authority.

Applying for Amendment of Certificate of Public Convenience and Necessity—S.B. 1842

by Senator Lucio—House Sponsor: Representative Phelan

Interested parties contend that a partnership between certain utilities and municipal utility districts (MUDs) could alleviate some of the debt burden on MUDs and allow investment in other community projects and facilities. S.B. 1842 addresses this issue by providing for an application for the amendment of certain certificates of convenience and necessity. This bill:

Defines "municipal utility district."

Requires a public utility or water supply or sewer service corporation, except as provided by Section 13.258 (Utility's Application for Amendment and Use of Municipal Utility District's Certificate Under Contract), Water Code, as added by this bill, to obtain a certificate of public convenience and necessity or to amend a certificate by submitting to the Public Utility Commission (PUC) an application for the certificate or for the amendment.

Provides that, notwithstanding any other provision of Chapter 13 (Water Rates and Services), Water Code, a Class A utility may apply to the PUC for an amendment of a certificate of convenience and necessity held by a MUD to allow the PUC to have the same rights and powers under the certificate as the MUD. Provides that Section 13.258, Water Code, does not apply to a certificate of convenience and necessity held by a MUD located wholly or partly inside of the corporate limits or extraterritorial jurisdiction of a municipality with a population of two million or more.

Requires an application under Section 13.258, Water Code, to be accompanied by applicant identifying information; the number of the certificate of convenience and necessity to be amended; the written consent of the MUD that holds the certificate of convenience and necessity; a written statement by the MUD that the application is supported by a contract between the MUD and the PUC for the latter to provide services inside the certificated area and inside the boundaries of the MUD; and a description of the proposed service area by:

a metes and bounds survey certified by a licensed state land surveyor or a registered professional land surveyor;

the Texas State Plane Coordinate System;

verifiable landmarks, including roads, creeks, or railroad lines; or,

if a recorded plat of the area exists, lot and block number.

Prohibits the PUC, for an application under Section 13.258, Water Code, from requiring any information other than the information required by that section.

Requires the PUC, not later than 60 days after the date an applicant files an application for an amendment, to review whether the application is complete. Requires the PUC, if it finds that the application is complete, to find that the amendment of the certificate is necessary for the service, accommodation, convenience, or safety of the public and to grant the application and amend the certificate.

Provides that a PUC decision becomes final after reconsideration, if any, authorized by PUC rule, and may not be appealed. Provides that the consent of a municipality is not required for the PUC to amend a certificate for an area that is in the municipality's extraterritorial jurisdiction.

Provides that Chapter 2001 (Administrative Procedure), Government Code, does not apply to an application for an amendment of a certificate of convenience and necessity.

Provides that a person is not required to file a business plan, if the person is a Class A utility, as defined by Section 13.002 (Definitions), Water Code, that has applied for or been granted an amendment of a certificate of convenience and necessity under Section 13.258, Water Code, for the area in which the construction of the public drinking water supply system would operate.

Requirements Regarding Creation or Annexation of Special Districts—S.B. 1987

by Senator Lucio—House Sponsor: Representative Murphy

According to interested parties, several statutory provisions relating to the creation of new special purpose districts and the annexation of land into existing districts could be improved by making changes to certain notice requirements to better reflect landowner support. S.B. 1987 makes these changes. This bill:

Requires a person, other than a member of the legislature, who intends to apply for the passage of a law establishing or adding territory to a special district that incorporates a power from Chapter 375 (Municipal Management Districts in General), Local Government Code, in addition to other requirements, to notify by mail each owner of real property that is proposed to be included in a new district or to be added to an existing district, according to the most recent certified tax appraisal roll for the county in which the real property is owned. Provides that the person is not required to mail notice to the owner of real property in the proposed district or in the area proposed to be added to the district if the property cannot be subject to an assessment by the district.

Requires a person, after the introduction of a law in the legislature establishing or adding territory to a special district that incorporates a power from Chapter 375, Local Government Code, to mail to each owner of real property that is proposed to be included in a new district or to be added to an existing district a notice that the legislation has been introduced, including the applicable bill number.

Administration of Water Districts—S.B. 2014
by Senator Creighton—House Sponsor: Representative Schubert

S.B. 2014 relates to the administration of certain water districts. This bill:

Prohibits the Texas Natural Resource Conservation Commission (TNRCC), if TNRCC determines that an application for the approval of bonds complies with the requirements for financial feasibility and the district submitting the application is not required to comply with rules regarding project completion, from disapproving the issuance of bonds for all or a portion of a project or requiring that the funding for all or a portion of a project be escrowed solely on the basis that the construction of the project is not complete at the time of TNRCC's determination.

Authorizes an application for the approval of bonds to include financing for payment of creation and organization expenses. Provides that expenses are creation and organization expenses if the expenses were incurred through the date of the canvassing of the confirmation election. Provides that a TNRCC rule regarding continuous construction periods or the length of time for the payment of expenses during construction periods does not apply to described expenses.

Requires TNRCC to approve an application to issue bonds to finance the costs of spreading and compacting fill to remove property from the 100-year floodplain made by a levee improvement district if the application otherwise meets all applicable requirements for bond applications.

Requires TNRCC to approve an application to issue bonds to finance the costs of spreading and compacting fill to provide drainage that is made by a municipal utility district (MUD) or a district with the powers of a MUD if the costs are less than the cost of constructing or improving drainage facilities.

Provides that if a district is approved for the issuance of bonds by TNRCC to use a certain return flow of wastewater, the approval applies to subsequent bond authorizations unless the district seeks approval to use a different return flow of wastewater.

Sets forth provisions for petitions for requesting annexation of a defined area, proposing to create a district and land that is to be included in an extraterritorial jurisdiction.

Authorizes TNRCC to approve the creation of a district that includes any portion of the land covered by the city's consent to the creation of the district. Authorizes the legislature to create and validate the creation of a district that includes any portion of the land covered by the city's consent.

[Note: While the statutory references in this bill are to the Texas Natural Resource Conservation Commission (TNRCC), the bill actually affects the Texas Commission on Environmental Quality as successor agency to TNRCC.]

Water Well Capping in Bandera County—S.B. 2068
by Senator Buckingham—House Sponsor: Representative Murr

Bandera County has a number of abandoned and deteriorating water wells that need to be capped or plugged as open water wells present a hazard to the aquifer. Current law allows a groundwater conservation district to notify a landowner of the existence of a well on the landowner's property that

must be capped or plugged and implies, but does not require that only a licensed water well driller may plug a water well.

The Bandera County River Authority and Groundwater District (district) has had difficulty hiring licensed water well drillers to plug wells because such projects can be challenging and time-consuming for the driller. The driller also bears the possibility of future liability if the well is not properly plugged. To help ensure that the plugging is done correctly, a district employee must supervise the process. This bill:

Defines "abandoned well," "deteriorated well," and "open or uncovered well."

Authorizes the district to enter into a contract with a licensed water well driller to, or authorizes a district employee (employee) to, cap an open, uncovered, or abandoned well or plug and permanently close a deteriorated well.

Authorizes an employee to plug a well only if the employee has received training in the proper method of plugging a well located in a karst topographic area.

Authorizes the district to require an owner or lessee of land on which an open or uncovered well is located to keep the well permanently closed or capped.

Authorizes the district to use any money available to the district, including money from grants, fees, or tax revenues, to pay reasonable expenses incurred by the district in plugging or capping wells on land in the district. Provides that the reasonable expenses constitute a lien on the land on which the well is located.

Authorizes the district to enforce certain provisions against any person by injunction, mandatory injunction, or other appropriate remedy in a court of competent jurisdiction.

Creating Health Care Provider Participation Program for Amarillo—S.B. 2117

by Senator Seliger—House Sponsor: Representative Price

Interested parties contend that a health care provider participation program (program) for the City of Amarillo Hospital District could allow the district to maximize money received for indigent care. S.B. 2117 addresses this issue by providing for such a program. This bill:

Authorizes the board of hospital managers of the City of Amarillo Hospital District (board; district) to authorize the district to participate in a program on the affirmative vote of a majority of the board. Authorizes the board to adopt rules relating to the administration of the program, including collection of the mandatory payments, expenditures, audits, and any other administrative aspects of the program.

Requires the board to require each institutional health care provider to submit to the district a copy of any financial and utilization data required by and reported to the Department of State Health Services.

Requires the board, in each year that the board authorizes a program, to hold a public hearing on the amounts of any mandatory payments that the board intends to require during the year and how the revenue derived from those payments is to be spent.

Requires the board to create a local provider participation fund. Authorizes money deposited to the local provider participation fund to be used only to fund certain intergovernmental transfers, to pay costs associated with indigent care provided by institutional health care providers in the district, to pay the administrative expenses of the district in administering the program, including collateralization of deposits, to refund a portion of a mandatory payment collected in error from a paying hospital, and to refund to paying hospitals a proportionate share of certain money.

Prohibits money in the local provider participation fund from being commingled with other district funds. Prohibits an intergovernmental transfer of funds and any funds received by the district as a result of an intergovernmental transfer from being used by the district or any other entity to expand certain Medicaid eligibility.

Requires the board to require a certain annual mandatory payment to be assessed on the net patient revenue of each institutional health care provider located in the district, collected in a certain manner and calculated by a certain method.

Requires the board to set the mandatory payments to meet certain purposes. Prohibits the amount of revenue from mandatory payments authorized to be used for district administrative expenses in a year from exceeding a certain amount. Prohibits a paying hospital from unreasonably withholding consent to compensate the district for administrative expenses and adding a mandatory payment as a surcharge to a patient or insurer.

Live Oak Underground Water Conservation District Codification—S.B. 2186
by Senator Zaffirini—House Sponsor: Representative Guillen

The enabling act for the Live Oak Underground Water Conservation District is not codified into law. This bill:

Provides that, under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution, the Live Oak Underground Water Conservation District (district) has the powers essential to the accomplishment of the purposes of that constitutional provision and has the rights, powers, duties, privileges, and functions provided by Chapter 36 (Groundwater Conservation Districts), Water Code, and by other laws of this state relating to underground water conservation districts.

Provides that Subchapter I (Performance Review and Dissolution), Chapter 36, Water Code, applies to dissolution of the district.

Provides that, except as otherwise provided by this bill, the tax and bond provisions of Subchapters F (Bonds and Notes) and G (District Revenues), Chapter 36, Water Code, apply to the district.

Requires the district to hold an election in each even-numbered year to elect the appropriate number of directors.

Repeals Sections 7 (Initial Directors) and 8 (Confirmation of District), Chapter 715, Acts of the 71st Legislature, Regular Session, 1989.

Governing Provisions of West Travis County Municipal Utility District No. 3—S.B. 2243
by Senator Buckingham—House Sponsor: Representative Workman

Interested parties note that changes to the provisions that govern the West Travis County Municipal Utility District No. 3 are needed for a potential merger with another district. S.B. 2243 makes these changes. This bill:

Requires the West Travis County Municipal Utility District No. 3 (district) to hold an election to elect the appropriate number of directors of the district's board of directors on the uniform election date held in November of each even-numbered year. Provides that the district has certain rights, powers, privileges, functions, and duties. Prohibits the district from constructing, acquiring, operating, or maintaining a toll road.

Montgomery County Municipal Utility District No. 100—S.B. 2252
by Senator Nichols—House Sponsor: Representative Metcalf

The Montgomery County Municipal Utility District (MUD) No. 100 encompasses an area of approximately 759 acres within the extraterritorial jurisdiction of the Cities of Willis and Conroe. The land located within the district is proposed to be predominately developed for single-family use and, according to legislators, is in need of new and expanded road facilities.

Currently, Montgomery County MUD No. 100 lacks authority to impose taxes or issue bonds and obligations to pay for road facilities because it was created before the legislature established a consistent framework for MUDs that included authorization to levy taxes or issue bonds. Legislators wish to provide such authorization to the Montgomery County MUD No. 100. This bill:

Authorizes the Montgomery County MUD No. 100 to undertake certain road projects.

Authority of Montgomery County Municipal Utility District No. 101—S.B. 2253
by Senator Nichols—House Sponsor: Representative Metcalf

S.B. 2253 relates to the authority of Montgomery County Municipal Utility District No. 101 to impose taxes and issue bonds and obligations to provide road facilities for the district. This bill:

Provides that the creation of the Montgomery County Municipal Utility District No. 101 (district) is essential to accomplish the purposes of a municipal utility district that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads or to improvements, including storm drainage, in aid of those roads.

Authorizes the district to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance of

macadamized, graveled, or paved roads or of improvements, including storm drainage, in aid of those roads.

Requires that a road project meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located. Requires a road project not located in the corporate limits or extraterritorial jurisdiction of a municipality to meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located. Requires the Texas Transportation Commission, if the state maintains and operates a road, to approve the plans and specifications of the road project.

Prohibits the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes, at the time of issuance, from exceeding one-fourth of the assessed value of the real property in the district.

Dissolution of the Central Colorado River Authority—S.B. 2262
by Senator Perry—House Sponsor: Representative Burns

Interested parties contend that the Central Colorado River Authority is no longer relevant as a river authority and does not serve a direct public purpose. This bill:

Defines "authority," "commission," and "county."

Requires the Central Colorado River Authority (river authority) and Coleman County (county), not later than December 31, 2017, to enter into a memorandum of understanding (memorandum) that governs the transfer of certain financial assets, investments, proceeds, personal property, and real property by the river authority to the county.

Requires that memorandum include a timeline for the sale of certain personal and real properties of the river authority, the acts necessary to complete the sale of the river authority's property, and the acts necessary to complete the transfer of the river authority's property.

Provides that Section 8505.107 (Sale, Lease, Mortgage, or Other Disposition of Authority Property), Special District Local Laws Code, does not apply to a transfer, sale, conveyance, or owner disposition of personal or real property by the river authority in accordance with the memorandum.

Authorizes the county to accept certain donations of the river authority.

Requires that all actions described in the memorandum be completed not later than December 31, 2018.

Provides that, after the completion of the activities in the memorandum the river authority is dissolved.

Repeals Chapter 8505 (Central Colorado River Authority), Special District Local Laws Code.

Tax and Bond Authority for Lerin Hills Municipal Utility District—S.B. 2263
by Senator Campbell—House Sponsor: Representative Kuempel

Interested parties state that it is necessary to codify and amend the powers and duties of the Lerin Hills Municipal Utility District of Kendall County to help the district better serve its local community. S.B. 2263 achieves this goal. This bill:

Sets forth standard language regarding the Lerin Hills Municipal Utility District of Kendall County (district). Sets forth definitions, standards, procedures, requirements, and criteria for the definition, nature, and purposes of the district; the powers and duties of the district; and the district's authority to issue bonds and impose a tax.

Renaming of Burnet County Municipal Utility District No. 1—S.B. 2280
by Senator Buckingham—House Sponsor: Representative Wilson

Interested parties assert that the name of Burnet County Municipal Utility District No. 1 is misleading, as some residents believe the district to be affiliated with Burnet County. S.B. 2280 addresses this issue by renaming the district. This bill:

Renames Burnet County Municipal Utility District No. 1 to Highway 71 Municipal Utility District.

Dissolution of Angelina County Water Control and Improvement District No. 3—S.B. 2282
by Senator Nichols—House Sponsor: Representative Ashby

Interested parties note that the Angelina County Water Control and Improvement District No. 3 has experienced financial hardship over the last several years and contend that it would be beneficial to dissolve the district and add its territory to the Angelina County Fresh Water Supply District No. 1. S.B. 2282 provides such dissolution and addition. This bill:

Requires the directors of the board of directors (board) of the Angelina County Water Control and Improvement District No. 3 (district) to wind up the affairs of the district beginning on the effective date of this Act. Provides that on September 1, 2017, the district is dissolved, the terms of the directors of the district expire, and all assets and liabilities of the district are transferred to the Angelina County Fresh Water Supply District No. 1.

Provides that, on the effective date of the Act, the territory of the former district, as that territory existed on April 1, 2017, is added to the Angelina County Fresh Water Supply District No. 1. Authorizes the board of directors of the district to select one member to serve as a nonvoting member of the board of the Angelina County Fresh Water Supply District No. 1 from the date of the selection until the next election of board directors for the Angelina County Fresh Water Supply District No. 1.

Exclusion of Land from Harris County Fresh Water Supply District No. 58—S.B. 2285
by Senator Creighton—House Sponsor: Representative Huberty

S.B. 2285 relates to the boundaries of the Harris County Fresh Water Supply District No. 58 (district). This bill:

Sets forth the boundaries of the district to exclude a certain parcel of land.

Provides that the exclusion of property under this Act does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other certificates of indebtedness of the district.

Provides that the excluded property is not released from the payment of its pro rata share of the district's indebtedness. Requires the district to continue to levy taxes each year on the property excluded from the district and requires the taxes levied to be applied exclusively to the payment of the excluded property's pro rata share of indebtedness. Authorizes the owner of any part of the excluded property at any time to pay in full the owner's share of the pro rata share of the indebtedness of the district.

Provides that all requirements of the state constitution and laws of this state and the rules and procedures of the legislature, with respect to the notice, introduction, and passage of this Act, are fulfilled and accomplished.

Updates to the Westwood Magnolia Parkway Improvement District—S.B. 2286
by Senator Creighton—House Sponsor: Representative Bell

Continued growth and development in the Southwest Montgomery County Improvement District has created the need for improvements and updates in the law relating to the district. S.B. 2286 provides these improvements and updates, including changing the district's name to the Westwood Magnolia Parkway Improvement District. This bill:

Provides that the Westwood Magnolia Parkway Improvement District (district), rather than the Southwest Montgomery County Improvement District, is created as a special district in Montgomery County and sets forth the territory included in the district.

Provides that the district is governed by a board of five directors (board) who serve staggered terms. Sets forth the membership of the board.

Authorizes the board, by resolution, to change the number of directors on the board under certain conditions. Prohibits the board from consisting of fewer than five or more than nine directors. Creates certain restrictions for board membership.

Provides that a board director is entitled to receive fees of office and reimbursement for actual expenses.

Authorizes a governing body or person who appointed a director to the board, on petition of at least two-thirds of the remaining directors and after notice and hearing, to remove the director for misconduct, failure to carry out the director's duties, or failure to attend three consecutive meetings.

Authorizes the district to designate reinvestment zones and to grant abatements of district taxes or assessments on property within such zones.

Requires the board, by resolution, to establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Authorizes the district to acquire, construct, finance, operate, or maintain any improvement or service using any money available to the district. Prohibits the board from financing a service or improvement project with assessments under this Act unless a written petition requesting that service or improvement has been filed with the board.

Authorizes the board, by resolution, to impose and collect an assessment for any purpose authorized by this Act in all or any part of the district. Sets forth characteristics of an assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district.

Authorizes the board, by resolution, to authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service.

Authorizes the district to make an agreement with or accept a gift, grant, or loan from any person. Authorizes the district to join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a purpose of the district.

Authorizes the district to engage in activities that accomplish the purpose of economic development of the district. Authorizes the district to establish and provide the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district. Authorizes the district to create economic development programs and exercise the economic development powers provided to municipalities.

Provides that all or any part of the district's area is eligible to be included in a tax increment reinvestment zone, a tax abatement reinvestment zone, an enterprise zone, or an industrial district.

Authorizes the district to borrow money, on terms as determined by the board.

Powers and Duties of Harris County Municipal Utility District No. 525—S.B. 2287

by Senator Creighton—House Sponsor: Representative Perez

Interested parties contend that the power of the Harris County Municipal Utility District No. 525 (district) to undertake certain road projects needs to be revised to accommodate new development in the district. This bill:

Provides that the district is created to accomplish certain purposes, including the operation and maintenance of macadamized, graveled, or paved roads, and authorizes the district to operate and maintain those roads.

Requires that a road project meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial

jurisdiction the road project is located. Requires that a road project, if a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located. Requires the Texas Transportation Commission to approve the plans and specifications of the road project if the state will maintain and operate the road.

Repeals Section 8326.104 (Approval of Road Project), Special District Local Laws Code.

Duties of the Meyer Ranch Municipal Utility District of Comal County—S.B. 2292

by Senator Campbell—House Sponsor: Representative Kuempel

S.B. 2292 adds general road powers to the Meyer Ranch Municipal Utility District of Comal County (district), as the district was originally created administratively and was not given such powers. This bill:

Sets forth general powers and duties of the district, authority for road projects, road standards and requirements, and limitations on the use of eminent domain.

Requires the district, on a certain date, to exercise any power necessary to comply with all applicable terms of a certain settlement agreement.

Authorizes the district to issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for a road project. Prohibits the district from issuing bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a two-thirds majority of district voters voting at an election held for that purpose.

Requires the district's board of directors (board), at the time the district issues bonds payable wholly or partly from ad valorem taxes, to provide annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the district's bonds are outstanding.

Prohibits the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes, at the time of issuance, from exceeding one-fourth of the assessed value of the real property in the district.

Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature, with respect to the notice, introduction, and passage of this Act, are fulfilled and accomplished.

LaSalle Municipal Utility District No. 1 Temporary Board—S.B. 2295

by Senator Zaffirini—House Sponsor: Representative Isaac

S.B. 2295 relates to the temporary board of directors of, and the financing of certain facilities and improvements by, the LaSalle Municipal Utility District No. 1 (district) and provides authority to impose an assessment. This bill:

Provides that the temporary directors of the board of directors of the district (board) serve until the earlier of the date permanent directors are elected or the fourth anniversary of the effective date of their designation, rather than the fourth anniversary of the effective date of the Act creating Chapter 8472.

Prohibits the district from issuing bonds payable wholly or partly from assessments.

Authorizes the board to finance the construction or maintenance of a recreational facility or improvement with assessments on property only if a written petition requesting that facility or improvement has been filed with the board and the board holds a hearing on the proposed assessments. Requires that the petition be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Authorizes an improvement or recreational facility project to include the planning, design, construction, improvement, and maintenance of landscaping; marinas and bridges; lighting, banners, and signs; hiking and cycling paths or trails; sidewalks, pedestrian walkways, skywalks, crosswalks, or tunnels; ponds, lakes, recreational facilities, or scenic areas; plazas or pedestrian malls; drainage or navigation improvements; or solid waste, water, sewer, or power facilities, including electrical and gas power facilities.

Requires that the district mail notice of the hearing to each property owner in the district who will be subject to the assessment at the current address to be assessed as reflected on the tax rolls, and authorizes the district to mail the notice by certified or first class United States mail. Requires the board to determine the method of notice.

Sets forth provisions for assessments, liens for assessments, and reporting requirements for the governor and the Texas Commission on Environmental Quality.

Provides that all governmental and proprietary actions of the district taken before the effective date of this Act, including the creation of the district, the consent to create the district granted by the City of San Marcos, the consent agreement relating to the district and any amendments to that agreement, and any extension of time in which to hold a confirmation election for the district, are validated, ratified, and confirmed in all respects.

Updates to LaSalle Municipal Utility District No. 2—S.B. 2296

by Senator Zaffirini—House Sponsor: Representative Isaac

Interested parties contend that the continuous development and growth in Central Texas, including in Hays County, has created a need to update the law regarding the LaSalle Municipal Utility District No. 2 (district). This bill:

Provides that the temporary board of directors of the district (board) consists of certain persons. Provides that temporary directors serve until the earlier of the date permanent directors are elected or the fourth anniversary of the effective date of their designation.

Prohibits the district from issuing bonds payable wholly or partly from assessments.

Authorizes the board to finance the construction or maintenance of a recreational facility or improvement with assessments on property, only if a written petition requesting that facility or improvement has been filed with the board and the board holds a hearing on the proposed assessments. Requires the petition to be signed by the owners of a majority of the assessed value of real property in the district subject to the assessment, according to the most recent certified tax appraisal roll for the county.

Requires the district to mail notice of the hearing to each property owner in the district who will be subject to the assessment at the current address to be assessed as reflected on the tax rolls, and authorizes the district to mail the notice by certified or first class United States mail. Requires the board to determine the method of notice.

Provides that an assessment or a reassessment imposed by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district are a first and prior lien against the property assessed; are superior to any other lien or claim, other than a lien or claim for county, school district, or municipal ad valorem taxes; and are the personal liability of and a charge against the owners of the property, even if the owners are not named in the assessment proceedings.

Provides that a lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid, and authorizes the board to enforce the lien in the same manner that the board is authorized to enforce an ad valorem tax lien against real property. Authorizes the board to make a correction to or a deletion from the assessment roll that does not increase the amount of assessment in any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Prohibits the district from imposing an assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of certain utility and service providers.

LaSalle Municipal Utility District No. 3 Temporary Board—S.B. 2297

by Senator Zaffirini—House Sponsor: Representative Isaac

S.B. 2297 relates to the temporary board of directors, and the financing of certain facilities and improvements by, the LaSalle Municipal Utility District No. 3 (district) and provides authority to impose an assessment. This bill:

Provides that the temporary directors of the board of directors of the district (board) serve until the earlier of the date permanent directors are elected or the fourth anniversary of the effective date of the designation, rather than the fourth anniversary of the effective date of the Act creating Chapter 8474.

Prohibits the district from issuing bonds payable wholly or partly from assessments.

Authorizes the board to finance the construction or maintenance of a recreational facility or improvement with assessments on property only if a written petition requesting that facility or improvement has been filed with the board and the board holds a hearing on the proposed assessments. Requires that the petition be signed by the owners of a majority of the assessed value of

real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Authorizes an improvement or recreational facility project to include the planning, design, construction, improvement, and maintenance of landscaping; marinas and bridges; lighting, banners, and signs; hiking and cycling paths or trails; sidewalks, pedestrian walkways, skywalks, crosswalks, or tunnels; ponds, lakes, recreational facilities, or scenic areas; plazas or pedestrian malls; drainage or navigation improvements; or solid waste, water, sewer, or power facilities, including electrical and gas power facilities.

Requires that the district mail notice of the hearing to each property owner in the district who will be subject to the assessment at the current address to be assessed as reflected on the tax rolls, and authorizes the district to mail the notice by certified or first class United States mail. Requires the board to determine the method of notice.

Sets forth provisions for assessments, liens for assessments, and reporting requirements for the governor and the Texas Commission on Environmental Quality.

Sets forth the initial boundaries of the district.

Provides that all governmental and proprietary actions of the district taken before the effective date of this Act, including the creation of the district, the consent to create the district granted by the City of San Marcos, the consent agreement relating to the district and any amendments to that agreement, and any extension of time in which to hold a confirmation election for the district, are validated, ratified, and confirmed in all respects.

Updates to LaSalle Municipal Utility District No. 4—S.B. 2298

by Senator Zaffirini—House Sponsor: Representative Isaac

Interested parties contend that the continuous development and growth in Central Texas, including in Hays County, has created a need to update the law relating to the LaSalle Municipal Utility District No. 4 (district). This bill:

Provides that the temporary board of directors of the district (board) consists of certain persons. Provides that temporary board directors serve until the earlier of the date permanent directors are elected or the fourth anniversary of the effective date of their designation, rather than the fourth anniversary of the effective date of the Act creating Chapter 8475, Special District Local Laws Code.

Prohibits the district from issuing bonds payable wholly or partly from assessments.

Authorizes the board to finance the construction or maintenance of a recreational facility or improvement with assessments on property only if a written petition requesting that facility or improvement has been filed with the board and the board holds a hearing on the proposed assessments. Requires the petition to be signed by the owners of a majority of the assessed value of real property in the district subject to the assessment, according to the most recent certified tax appraisal roll for the county.

Requires the district to mail notice of the hearing to each property owner in the district who will be subject to the assessment at the current address to be assessed as reflected on the tax rolls, and authorizes the district to mail the notice by certified or first class United States mail. Requires the board to determine the method of notice.

Provides that an assessment or a reassessment imposed by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district are a first and prior lien against the property assessed; are superior to any other lien or claim, other than a lien or claim for county, school district, or municipal ad valorem taxes; and are the personal liability of and a charge against the owners of the property, even if the owners are not named in the assessment proceedings.

Provides that a lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid, and authorizes the board to enforce the lien in the same manner that the board is authorized to enforce an ad valorem tax lien against real property. Authorizes the board to make a correction to or a deletion from the assessment roll that does not increase the amount of assessment in any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Prohibits the district from imposing an assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of certain service providers.

LaSalle Municipal Utility District No. 5 Temporary Board—S.B. 2299

by Senator Zaffirini—House Sponsor: Representative Isaac

S.B. 2299 relates to the temporary board of directors, and the financing of certain facilities and improvements by, the LaSalle Municipal Utility District No. 5 (district) and provides authority to impose an assessment. This bill:

Provides that the temporary directors of the board of directors of the district (board) serve until the earlier of the date permanent directors are elected or the fourth anniversary of the effective date of their designation, rather than the fourth anniversary of the effective date of the Act creating Chapter 8476.

Prohibits the district from issuing bonds payable wholly or partly from assessments.

Authorizes the board to finance the construction or maintenance of a recreational facility or improvement with assessments on property only if a written petition requesting that facility or improvement has been filed with the board and the board holds a hearing on the proposed assessments. Requires that the petition be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Authorizes an improvement or recreational facility project to include the planning, design, construction, improvement, and maintenance of landscaping; marinas and bridges; lighting, banners, and signs; hiking and cycling paths or trails; sidewalks, pedestrian walkways, skywalks, crosswalks, or tunnels; ponds, lakes, recreational facilities, or scenic areas; plazas or pedestrian malls; drainage

or navigation improvements; or solid waste, water, sewer, or power facilities, including electrical and gas power facilities.

Requires that the district mail notice of the hearing to each property owner in the district who will be subject to the assessment at the current address to be assessed as reflected on the tax rolls and authorizes the district to mail the notice by certified or first class United States mail. Requires the board to determine the method of notice.

Sets forth provisions for assessments, liens for assessments, and reporting requirements for the governor and the Texas Commission on Environmental Quality.

Sets forth the initial boundaries of the district.

Provides that all governmental and proprietary actions of the district taken before the effective date of this Act, including the creation of the district, the consent to create the district granted by the City of San Marcos, the consent agreement relating to the district and any amendments to that agreement, and any extension of time in which to hold a confirmation election for the district, are validated, ratified, and confirmed in all respects.

Created Districts

The following districts were created by legislation passed in the 85th Legislature, Regular Session:

Conservation District

- Driftwood Conservation District (H.B. 4301 by Representative Isaac; Senate Sponsor: Senator Campbell)

Groundwater Conservation District (GCD)

- Southwestern Travis County GCD (H.B. 4345 by Representative Eddie Rodriguez; Senate Sponsor: Senator Watson)

Improvement District

- Harris County Improvement District No. 25 (H.B. 4321 by Representative Schofield; Senate Sponsor: Senator Huffman)
- Harris County Improvement District No. 24 (H.B. 4333 by Representative Sarah Davis; Senate Sponsor: Senator Huffman)
- Lakewood Improvement District of Harris County (S.B. 2276 by Senator Creighton; House Sponsor: Representative Perez)
- Port Neches Improvement District (S.B. 2271 by Senator Creighton; House Sponsor: Representative Phelan)

- River Ranch Improvement District of Liberty County (S.B. 320 by Senator Nichols; House Sponsor: Representative Bailes)

Management District

- Brazoria County Management District No. 1 (H.B. 2332 by Representative Ed Thompson; Senate Sponsor: Senator Larry Taylor)
- East Lake Houston Management District (H.B. 3173 by Representative Bell; Senate Sponsor: Senator Creighton)
- Stadium Park Management District (H.B. 4290 by Representative Thierry; Senate Sponsor: Senator Miles)
- Telfair Tract 5 Commercial Management District (H.B. 4297 by Representative Miller; Senate Sponsor: Senator Kolkhorst)

Municipal Management District (MMD)

- Beaumont MMD No. 1 (H.B. 4315 by Representative Deshotel; Senate Sponsor: Senator Creighton)
- Celina MMD No. 2 (H.B. 4268 by Representative Sanford; Senate Sponsor: Senator Estes)
- Fort Bend MMD No. 2 (H.B. 4320 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Liberty County MMD No. 1 (H.B. 4341 by Representative Bailes; Senate Sponsor: Senator Nichols)
- Midlothian MMD No. 3 (H.B. 4347 by Representative Wray; Senate Sponsor: Senator Birdwell)
- Prairie Ridge MMD No. 1 (H.B. 4303 by Representative Burns; Senate Sponsor: Senator Birdwell)
- University Hills MMD (S.B. 2244 by Senator West; House Sponsor: Representative Giddings)
- Windsor Hills MMD No. 1 (H.B. 3136 by Representative Wray; Senate Sponsor: Senator Birdwell)

Municipal Utility District (MUD)

- Blaketree MUD No. 2 of Montgomery County (S.B. 1118 by Senator Creighton; House Sponsor: Representative Bell)
- Brazoria County MUD No. 69 (H.B. 1962 by Representative Ed Thompson; Senate Sponsor: Senator Larry Taylor)

LOCAL GOVERNMENT—SPECIAL DISTRICTS

- Brazoria County MUD No. 70 (H.B. 1963 by Representative Ed Thompson; Senate Sponsor: Senator Larry Taylor)
- Cresson Crossroads MUD No. 2 (S.B. 905 by Senator Birdwell; House Sponsor: Representative Burns)
- Cresson MUD No. 1 of Hood County (S.B. 904 by Senator Birdwell; House Sponsor: Representative Burns)
- Denton County MUD No. 9 (H.B. 2566 by Representative Stucky; Senate Sponsor: Senator Estes)
- Driftwood MUD No. 1 (H.B. 4309 by Representative Isaac; Senate Sponsor: Senator Campbell)
- Fort Bend County MUD No. 224 (H.B. 1331 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Harris County MUD No. 544 (S.B. 2284 by Senator Creighton; House Sponsor: Representative Huberty)
- Harris County MUD No. 552 (H.B. 1455 by Representative Bohac; Senate Sponsor: Senator Whitmire)
- Harris County MUD No. 553 (H.B. 4298 by Representative Oliverson; Senate Sponsor: Senator Bettencourt)
- Harris County MUD No. 554 (H.B. 4272 by Representative Oliverson; Senate Sponsor: Senator Kolkhorst)
- Harris County MUD No. 555 (S.B. 2267 by Senator Creighton; House Sponsor: Representative Perez)
- Harris County MUD No. 557 (S.B. 2290 by Senator Creighton; House Sponsor: Representative Bell)
- Ingleside MUD No. 1 (H.B. 4275 by Representative Lozano; Senate Sponsor: Senator Zaffirini)
- Lago Bello MUD No. 1 of Harris County (H.B. 2687 by Representative Dutton; Senate Sponsor: Senator Whitmire)
- Lakewood MUD No. 1 (S.B. 2274 by Senator Creighton; House Speaker: Representative Perez)
- Lakewood MUD No. 2 (S.B. 2275 by Senator Creighton; House Sponsor: Representative Perez)

LOCAL GOVERNMENT—SPECIAL DISTRICTS

- Lakewood MUD No. 3 (S.B. 2277 by Senator Creighton; House Sponsor: Representative Perez)
- Liberty County MUD No. 1 (H.B. 4334 by Representative Bailes; Senate Sponsor: Senator Nichols)
- Montgomery County MUD No. 154 (H.B. 1440 by Representative Bell; Senate Sponsor: Senator Creighton)
- Montgomery County MUD No. 157 (S.B. 1261 by Senator Creighton; House Sponsor: Representative Bell)
- Montgomery County MUD No. 158 (S.B. 1526 by Senator Creighton; House Sponsor: Representative Bell)
- Montgomery County MUD No. 159 (S.B. 2268 by Senator Creighton; House Sponsor: Representative Bell)
- New Fairview MUD No. 1 (H.B. 2912 by Representative Phil King; Senate Sponsor: Senator Estes)
- North Hays County MUD No. 2 (S.B. 2245 by Senator Campbell; House Sponsor: Representative Isaac)
- Rio de Vida MUD No. 1 (H.B. 4345 by Representative Eddie Rodriguez; Senate Sponsor: Senator Watson)
- River Ranch MUD of Liberty County (S.B. 321 by Senator Nichols; House Sponsor: Representative Bailes)
- Riverside MUD of Liberty County (S.B. 321 by Senator Nichols; House Sponsor: Representative Bailes)
- Trinity Lakes MUD of Montgomery County (H.B. 2134 by Representative Metcalf; Senate Sponsor: Senator Creighton)
- Willacy County MUD No. 1 (H.B. 4335 by Representative Guillen; Senate Sponsor: Senator Lucio)
- Williamson County MUD No. 34 (H.B. 4340 by Representative Wilson; Senate Sponsor: Senator Schwertner)
- Wise County MUD No. 4 (H.B. 4325 by Representative Phil King; Senate Sponsor: Senator Estes)

LOCAL GOVERNMENT—SPECIAL DISTRICTS

Water Control and Improvement District

- Kendall County Water Control and Improvement District No. 3 (S.B. 914 by Senator Campbell; House Sponsor: Representative Kuempel)
- Kendall County Water Control and Improvement District No. 4 (S.B. 2273 by Senator Campbell; House Sponsor: Representative Kuempel)

Regulation of the Commercial Oyster Industry—H.B. 51

by Representatives Guillen and Dennis Bonnen—Senate Sponsor: Senator Hinojosa

Interested parties note that oyster fisheries are an important part of commercial fishing in Texas, but they are concerned about overfishing in these fisheries. This bill:

Requires a person who holds a shellfish certificate and purchases oysters under Section 47.0091 (Purchase of Aquatic Products by Wholesale Fish Dealers), Parks and Wildlife Code, to complete certain tasks to enhance the viability of commercial oyster fishing and ensure the sustainability of the oyster industry to accommodate the highest number of commercial oyster fishing boats.

Requires that the distribution of oyster shells or other cultch material be directly supervised by an agent or employee of the Texas Parks and Wildlife Department (TPWD), and requires TPWD to calculate the current market cost of the acquisition and deposition of cultch material based on per cubic yard.

Sets forth provisions for a fee that is required to be paid under this bill, and requires the fee to be deposited to the credit of the oyster shell recovery and replacement program account.

Requires a person who possesses oysters that do not meet the requirements of Section 76.112 (Oyster Size Limits), Parks and Wildlife Code, to replace the oysters in the beds from which they were taken, as directed by an authorized TPWD employee, and to perform any remedy authorized by law. Provides that such person is subject to any penalty.

Provides that no person may take or attempt to take, without the use of a boat, oysters from the public water of this state for pay or for the purpose of sale, barter, or exchange, or any other commercial purpose, without first having acquired from TPWD a commercial oyster fisherman's license (COFL).

Provides that each crew member of a licensed commercial oyster boat is required to have a general commercial fisherman's license (GCFL) to take oysters while on a certain boat, rather than provides that the captain and crew of a licensed commercial oyster boat are not required to have COFLs to take oysters while on a certain boat.

Provides that a person in violation of a provision or regulation commits an offense and sets forth conditions for a punishable offense.

Sets forth conditions for a suspension of license.

Provides that a crew member of a licensed commercial oyster boat is not guilty of a violation, unless the crew member committed the violation against the captain's orders, except for a violation of certain provisions, including Section 76.112, Parks and Wildlife Code, in which case each person on the vessel is responsible for the violation.

Requires the captain of a licensed commercial oyster boat to identify the name of the captain, the vessel, and each crew member to each purchaser of oysters.

Prohibits a person who purchases oysters under Section 47.0091, Parks and Wildlife Code; who holds a shellfish certificate; and who purchases oysters from a certain person in violation from possessing the oysters and provides that such a person is subject to any penalty prescribed by law.

Deletes existing text authorizing measures dealing with the sale and purchase of oysters to be implemented only at first sale or exchange transaction.

Provides that a person who violates a certain subchapter under Section 76.301 (Regulation of Taking, Possession, Purchase, and Sale of Oysters), Parks and Wildlife Code commits an offense that is a Parks and Wildlife Code Class C misdemeanor.

Provides that a proclamation of the Texas Parks and Wildlife Commission (TPWC) under Section 76.301, Parks and Wildlife Code, applies to certain persons.

Authorizes TPWC, by proclamation, to establish a vessel monitoring system for commercial oyster boats. Requires TPWD, before TPWC issues a proclamation to consult with commercial oyster boat license holders concerning the establishment of a vessel monitoring system.

Sets forth requirements for a license buyback program.

Provides that a proclamation of TPWC prevails over any conflicting provision of Chapter 76 (Oysters), Parks and Wildlife Code, to the extent of the conflict.

Requires TPWD, not later than November 1, 2020, to report to the governor and each member of the legislature an overview of the administration and status of the program, including certain effects of the program.

Contracts for Purchase of Agricultural Products—H.B. 338

by Representative Burrows—Senate Sponsor: Senator Perry

Informed observers note that the practice of agriculture and the related industry can be unpredictable and that farmers and producers are often unable to accurately predict crop yields, which has led to certain acreage contract disputes pitting large multinational agricultural product buyers with dedicated litigation budgets against much smaller producers and farmers. This bill:

Defines "acreage contract," "producer," "purchaser," and "quantity contract."

Requires that a contract between a producer and a purchaser regarding an agricultural product clearly and conspicuously state on its face that it is an acreage contract or a quantity contract, as applicable.

Prohibits a purchaser from filing suit against a producer under an acreage contract unless the producer knowingly fails to deliver to the purchaser all of an agricultural product grown on specified land as provided by the acreage contract.

Regulation of Commercial Shrimp Unloading—H.B. 1260

by Representative Phelan—Senate Sponsor: Senators Creighton and Kolkhorst

Currently an out-of-state shrimper who fishes in federal waters that are nine nautical miles off the Texas Coast and who does not possess a Texas shrimping license issued by Texas Parks and Wildlife Department may not enter into Texas waters to offload or sell shrimp. Due to the moratorium on Texas shrimping licenses, purchasing such a license is extremely difficult. Because out-of-state

shrimpers do not possess a Texas license, they instead return to their home port to offload and sell their shrimp to seafood markets in that state, which causes Texas to lose that economic benefit. This bill:

Prohibits both wholesale fish and retail dealers from purchasing for resale or receiving for sale, barter, exchange, or any other commercial purpose any aquatic product from any person or entity in Texas unless they purchase the product from a holder of a commercial gulf shrimp unloading license (CGSUL), among certain other licenses.

Prohibits a restaurant owner, operator, or employee from purchasing for consumption by the restaurant's patrons on the restaurant's premises any aquatic product from any person or entity in Texas, unless the person purchases the aquatic product from a holder of a CGSUL, among certain other licenses.

Prohibits any person, except as provided by this bill, from unloading or allowing to be unloaded at a port or point in Texas shrimp or other aquatic products caught or taken from outside waters or from salt water outside the state, without having been previously unloaded in some other state or foreign country, unless the person has obtained both a CGSUL and a federal commercial vessel permit for gulf shrimp from the National Oceanic and Atmospheric Administration. Provides that a person holding a valid resident or nonresident commercial gulf shrimp boat license is exempt from the requirement to hold a CGSUL.

Requires that a vessel operating under a CGSUL make nonstop progression through outside waters to a place of unloading. Requires the Texas Parks and Wildlife Commission (TPWC) to adopt rules for the requirements of trawl gear storage for a vessel with a CGSUL while that vessel is making nonstop progression through outside waters to a place of unloading.

Provides that the fee for a CGSUL is \$1,485, or an amount set by TPWC, whichever amount is more.

Prohibits any person, except as permitted under Section 77.034, (Commercial Gulf Shrimp Unloading License), Parks and Wildlife Code, as added by this bill, from operating a commercial gulf shrimp boat for purposes provided under Subsection (a), Section 77.035 (Commercial Gulf Shrimp Boat License), Parks and Wildlife Code.

Authorizes a holder of a commercial shrimp boat license (CSBL) or CGSUL to sell only the catch of shrimp from a vessel to which the CSBL or CGSUL applies.

Requires that CSBL or CGSUL be a sign or emblem at least 32 square inches in size and be constructed of durable material.

Requires TPWC to adopt rules not later than September 1, 2018, to implement certain provisions of the bill.

Texas Economic Development Fund for TDA—H.B. 2004

by Representative Charles "Doc" Anderson—Senate Sponsor: Senator Perry

Interested parties have expressed concerns regarding the continued operation of the Texas economic development fund (fund) for the Texas Department of Agriculture (TDA). This bill:

Provides that the fund is a fund in the state treasury and that the fund consists of certain assets, including gifts, loans, donations, aid, appropriations, guaranties, allocations, subsidies, grants, or contributions received under Sections 12.022 (Authority to Solicit and Accept Gifts, Grants, and Donations) and 12.027(g) (relating to TDA taking certain actions to further an economic development program in Texas), Agriculture Code.

Provides that money in the fund is dedicated to and may be appropriated only to TDA for the purposes of administering, continuing implementing, or maintaining an economic development program originally established as part of TDA's implementation of the State Small Business Credit Initiative and one or more of TDA's economic development programs established to encourage the export of certain Texas products or established through an agreement with certain entities to encourage rural economic development in this state.

Authorizes TDA to use money in the fund only to make loans and grants in the manner provided by Section 12.0273 (Limitations on Loans and Grants from Texas Economic Development Fund), for certain purposes.

Requires that the recipient of a grant using money from the fund provide matching funds in an amount equal to 25 percent of the amount of the grant.

Prohibits the term of a loan made using money from the fund from exceeding 20 years.

Requires TDA to administer the fund as a perpetual source of financing for loans and grants.

Requires TDA to use payments of principal and interest to make additional loans and grants.

Prohibits the cumulative amount of loans and grants to any person using money from the fund from exceeding \$1 million.

Requires TDA to retain in the fund in the state treasury an amount of money equal to at least 25 percent of the amount of money in the fund on January 1, 2017.

Requires TDA to submit a report on the status of the fund to the governor, lieutenant governor, speaker of the house of representatives, and chairs of the house and senate committees with primary jurisdiction over TDA not later than December 1 of each even-numbered year.

Prosecution, Punishment, and Deterrence of Offenses Against Animals—H.B. 2817

by Representative Mary González et al.—Senate Sponsor: Senators Perry and Schwertner

Interested parties contend that criminal penalties for individuals who kill another person's cattle, bison, or horses are inconsistent with similar offenses of parallel magnitude. This bill:

Requires the Texas Department of Agriculture (TDA) by rule to establish a cattle inspection program (program) to discourage and investigate property crimes involving cattle in this state on request by the Texas and Southwestern Cattle Raisers Association (TSCRA) and if a similar program authorized by federal law is canceled, suspended, repealed, or otherwise scheduled for discontinuation.

Requires that the program utilize existing cattle industry infrastructure to the extent possible.

Requires TDA to establish an advisory committee to advise TDA on program rules.

Requires that program rules authorize certain special rangers, and other TSCRA employees designated by the special rangers, to inspect and record brands and other identifying characteristics of cattle at livestock auction markets. Requires that program rules establish a per-head regulatory assessment in an amount necessary to reimburse TSCRA for incurred direct costs.

Requires TDA, in determining the amount of the assessment, to consider certain factors related to the program. Requires TDA, on request by TSCRA, to review the amount of the assessment and consider any necessary revision.

Requires each livestock auction market to collect the assessment and remit the amount collected to TSCRA. Provides that collected assessments are not state funds and are not required to be deposited in the state treasury.

Provides that a person who has possession, custody, or control of a collected assessment that is not remitted to TSCRA before the 31st day after the date collected is subject to an administrative penalty in an amount provided by TDA rule.

Requires TDA to approve TSCRA's budget for the program each year and by a certain date.

Authorizes TDA or the state auditor to inspect TSCRA's financial records related to the program at any time.

Provides that the actor, by discharging a firearm or other weapon or by any other means and causing the death of one or more head of cattle or bison or one or more horses commits a certain offense.

Provides that certain subsections do not apply if the tangible personal property of the owner was a head of cattle or bison killed, or a horse killed, in the course of the actor's actual discharge of official duties as a member of the United States armed forces or the state military force, or regular agricultural labor duties and practices.

Agricultural Liens—H.B. 3063

by Representatives Kacal and Burns—Senate Sponsor: Senator Perry

Interested parties note that while a farmer's harvested crops are held in storage in a warehouse, the warehouse might go into bankruptcy, leaving the farmer unpaid because the warehouse's lenders may obtain rights to the stored crop. H.B. 3063 relates to agricultural liens. This bill:

Defines "company-owned crop," "open storage crop," "secured lender," and "warehouse" and redefines "contract purchaser."

Sets forth provisions relating to a creation of a lien; when a lien attaches; the applicability of other laws, the effect on other laws; perfection of a lien, priority of agricultural lien on crops, and waiver of certain rights prohibited.

Provides that a lien under Section 70.407(a) (relating to discharge of a lien), Property Code, is discharged when the lienholder receives full payment for the agricultural crop or payment is tendered by the warehouse or the contract purchaser, as applicable, and the lienholder, without coercion, defers payment.

Provides that the changes in law made by this Act apply only to an agricultural producer who delivers or transfers an agricultural crop grown, produced, or harvested by the producer to a warehouse or a contract purchaser on or after the effective date of this Act.

Provides that an agricultural producer who delivers or transfers an agricultural crop grown, produced, or harvested by the producer to a warehouse or a contract purchaser before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

Taking of Feral Hogs and Coyotes Using Hot Air Balloons—H.B. 3535

by Representative Keough et al.—Senate Sponsor: Senator Perry

Interested parties assert that the feral hog and coyote populations continue to create significant problems for landowners across Texas. The parties point to the use of a hot air balloon as a particularly effective method for taking these animals. This bill:

Authorizes a qualified landowner or landowner's agent, as determined by Texas Parks and Wildlife Commission (TPWC) rule, to contract to participate as a hunter or observer in using a hot air balloon to take depredating feral hogs or coyotes under the authority of a permit issued under this Subchapter G (Permits to Manage Wildlife and Exotic Animals from Aircraft), Chapter 43, Parks and Wildlife Code.

Requires TPWC, as soon as practicable after the effective date of this Act, to adopt rules as necessary to implement by Section 43.1076 (Using Hot Air Balloons to Take Certain Animals), Parks and Wildlife Code, as added by this Act.

Suspension of the Texas Grain Producer Indemnity Board—H.B. 3952

by Representative Phillips—Senate Sponsor: Senator Perry

H.B. 3952 relates to the suspension of the activities of the Texas Grain Producer Indemnity Board. This bill:

Provides that the Texas Grain Producer Indemnity Board (board) is not abolished but is inactive until reactivated under this Act.

Provides that the terms of office of the board's members expire, as determined by the commissioner of agriculture (commissioner), on December 31, 2017, or when the board files a certain report for the board's fiscal year that includes September 1, 2017. Provides that the report is the board's final report unless the board is reactivated.

Requires the Texas Department of Agriculture (TDA) to administer the grain producer indemnity fund (fund). Requires TDA, from money available in the fund, to pay all or part of any claims under Subchapter I (Texas Grain Producer Indemnity Board) Chapter 41 (Commodity Producers Boards), Agriculture Code, that TDA determines are valid.

Requires TDA, when TDA determines that no potential claims remain, to refund any money remaining in the fund to grain producers who paid an assessment under Section 41.206 (Collection of Assessment), Agriculture Code, on a pro rata basis.

Requires the commissioner to order the board's reactivation if at least 200 grain producers petition the commissioner to reactivate the board. Requires the commissioner, if the board is reactivated, to appoint board members as provided by Section 41.204 (Board). Agriculture Code.

Disbursing TPWD Freshwater Stamp Proceeds—S.B. 573

by Senator Estes—House Sponsor: Representative Frullo

The freshwater fish stamp, and its associated fee of \$5, was established by H.B. 1989, 78th Legislature, Regular Session, 2003. The driving force behind this legislation was the need for a financing source to help fund critical capital improvements and repairs at Texas' outdated and aging freshwater fish hatcheries. Ongoing renovation and maintenance needs at all five Inland Fisheries hatcheries will persist into the foreseeable future.

The freshwater fish stamp funds the purchase of fish for stocking in Texas waters. As the Texas Parks and Wildlife Department (TPWD) looks to meet the desires of its constituents in the coming years, there are fisheries management challenges that cannot be addressed solely through stocking. Aging reservoirs and degraded rivers will likely require habitat enhancement to enable stocked and resident fish populations to thrive. TPWD currently has available funding mechanisms for boater access (primarily through Federal Aid - Sportfish Restoration funds), but interested parties contend that a glaring need exists for enhancing shoreline-based access and angling opportunities. TPWD Inland Fisheries also has renovation and maintenance needs for some of its fisheries management and research facilities that are not eligible under current freshwater stamp statute language. This bill:

Authorizes the net receipts from freshwater and collectable freshwater fishing stamp sales to be spent only for the repair, maintenance, renovation, or construction of freshwater fish hatcheries and facilities supporting the management of and research related to freshwater fisheries; purchase of game fish that are stocked into the public water of this state; the restoration, enhancement, or management of freshwater fish habitats; the development of shoreline-based projects allowing freshwater angler access; and the administration and operation of freshwater fish hatcheries in an amount not to exceed 20 percent of the average annual net receipts in a state fiscal biennium.

Repeals Section 43.805(c) (relating to authorizing the net receipts from collectible freshwater fishing stamp sales to be spent only for the restoration, enhancement, or management of freshwater fish habitats), Parks and Wildlife Code.

Rules Regarding Carcasses of Certain Birds or Animals—S.B. 720
by Senator Perry—House Sponsor: Representative Frullo

Current Texas statutes only allow deer carcasses to be reduced to two forequarters, two hindquarters, and backstraps, until the carcass reaches a final destination where it then can be processed further. The Texas Parks and Wildlife Commission (TPWC) does not have the authority to redefine quarters or final destination.

Because the concentrations of the prions that cause chronic wasting disease (CWD) are higher in some tissues, and transporting those tissues potentially spreads the disease, many states have imposed restrictions on moving certain carcass parts into their states from states known to have CWD.

The Texas Parks and Wildlife Department would like to encourage all hunters to leave certain carcass parts at the site of harvest, which is not possible under existing statutes. This legislation will give TPWC the latitude to amend carcass processing requirements and the definition of final destination in the event such a change is needed to mitigate disease risk and provide hunters more flexibility to leave certain carcass parts in the area where the deer was harvested. This bill:

Authorizes TPWC, by rule, to modify or eliminate certain tagging, carcass, final destination, or final processing requirements or provisions in Chapter 42 (General Hunting License), Parks and Wildlife Code.

Treatment Provided by Licensed Medical Professionals in Certain Facilities—S.B. 721
by Senator Perry et al.—House Sponsor: Representative Sarah Davis

In Texas, there are currently 16 zoos and other facilities accredited by the national Association of Zoos and Aquariums (AZA). To be accredited, a zoo either must have a full-time licensed veterinarian on staff or must contract with a licensed veterinarian who inspects the animals at least twice a month.

Zoo veterinarians frequently enlist help from specialist veterinarians in private practice or at Texas A&M University when they identify a problem beyond their diagnostic or therapeutic skills or equipment. However, there are some cases in which veterinary specialists are unable to help, and zoo veterinarians must turn to physicians and other "human health" care professionals.

The Texas Veterinary Licensing Act (Section 801.004, Occupations Code) currently states that a person is not required to have a veterinary license to treat an animal if the treatment is given "by the owner of the animal, an employee of the owner, or a designated caretaker of the animal." However, interested parties maintain that the law is not clear as to whether a physician or other human health care professional providing assistance to a zoo veterinarian qualifies as "designated caretaker" under

current Texas law, and thus may be in a violation of the Veterinary Licensing Act. There is a need to clarify the Veterinary Licensing Act. This bill:

Provides that Chapter 801 (Veterinarians), Occupations Code, does not apply under certain conditions, including a licensed health care professional who, without expectation of compensation and under the direct supervision of a veterinarian on staff, provides treatment or care to an animal owned by or in the possession, control, or custody of an entity accredited by AZA, the Global Federation of Animal Sanctuaries, or the Zoological Association of America.

Seed Regulation Uniformity—S.B. 1172

by Senator Perry—House Sponsor: Representatives Geren and Kacal

Seed use, planting, and commercialization are important aspects of the agricultural industry, not only in Texas but around the world. As populations grow, food and fiber demands increase as well, which places greater importance on ensuring that farmers do not become overburdened by regulations that could restrict their ability to produce. This bill:

Prohibits a political subdivision, notwithstanding any other law and except as provided by a certain subsection, from adopting an order, ordinance, or other measure that regulates agricultural seed, vegetable seed, weed seed, or any other seed in any manner, including planting seed or cultivating plants grown from seed.

Provides that an order, ordinance, or other measure adopted by a political subdivision that violates a certain subsection is void.

Authorizes a political subdivision to take any action otherwise statutorily to comply with any federal or state requirements; to avoid a federal or state penalty or fine; to attain or maintain compliance with federal or state environmental standards, including state water quality standards; or to implement certain plans or programs.

Provides that nothing in Section 61.019 (Local Regulation of Seed Prohibited), Agriculture Code, preempts or otherwise limits the authority of any county or municipality to adopt and enforce zoning regulations; fire codes; building codes; storm water regulations; nuisance regulations as authorized by Section 342.004 (Municipal Power Concerning Weeds or Certain Public Nuisances), Health and Safety Code; or waste disposal restrictions.

Provides that Section 61.019(b), Agriculture Code, as added by this Act, applies to an order, ordinance, or other measure adopted before, on, or after the effective date of this Act.

Incentives for Destroying, Removing, or Treating Citrus Trees—S.B. 1459

by Senator Hinojosa—House Sponsor: Representative "Mando" Martinez

The Texas citrus industry is comprised of almost 27,000 acres in the lower Rio Grande Valley. The area's growers produce more than nine million cartons of fresh grapefruit and oranges each year and another five million cartons of juice fruit. The total business activity supporting Texas citrus

production is valued at \$200 million annually and currently employs up to 3,000 workers in normal producing years.

Citrus pests and diseases are threatening the livelihood of the Texas citrus industry as a whole. Millions of dollars have been invested, utilizing industry, state, and federal funds, to slow the spread of incurable plant diseases, such as citrus greening disease and citrus canker as well as pests like the Mexican fruit fly. The concerns led to the creation of a pest management zone. The pest management zone is overseen by the Pest Management Corporation, a nonprofit, quasi-governmental entity created by the Texas Legislature in 2009, and consisting of local elected and appointed board members.

The pest management zone designation consists of Hidalgo, Cameron, and Willacy Counties. Interested parties maintain that abandoned groves in the pest management zone pose a great threat to commercial groves. There are many instances where landowners have agriculture tax exemption for citrus but do not properly manage, treat, or care for their citrus trees. These unmanaged citrus trees can harbor pests that spread serious diseases to commercial and active groves, with devastating effects on the Texas citrus industry. This bill:

Defines "commissioner," "corporation," "infested," "pest," and "pest management zone."

Provides that the eligibility of land for appraisal under this subchapter (Appraisal of Agricultural Land) does not end because the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area if certain conditions are met.

Provides that a certain subsection applies to land eligible for appraisal only during the period that begins on the date a certain agreement regarding the land is executed and that ends on the fifth anniversary of that date.

Requires the owner of the land to notify in writing the chief appraiser for each appraisal district in which the land is located that the agreement has been executed and that the owner intends to destroy, remove, or treat the citrus trees located on the land under the terms of the agreement, and to submit a copy of the agreement to each chief appraiser with the notification not later than the 30th day after the date the owner executes an agreement.

Provides that, a change of use of the land subject to this section is considered to have occurred on the day the prescribed period begins if the owner has not fully complied with the terms of the agreement on the date the agreement ends.

Punishment for Certain Outdoor Burning Violations—H.B. 1619*by Representative Shine—Senate Sponsor: Senator Buckingham*

Presently, it is a Class B misdemeanor to burn certain items listed under existing law, and thus an offense for which an individual can be arrested. Items listed include insulation on electrical wire or cable, treated lumber, plastics, non-wood construction or demolition materials, furniture, carpet, and items containing natural or synthetic rubber. A person burning such items may not be aware that burning these items is prohibited and is a violation of the Texas Clean Air Act. Interested parties note that a violation is punishable by an arrest, which is a severe punishment. This bill:

Authorizes conduct that violates a rule adopted under Section 382.018 (Outdoor Burning of Waste and Combustible Material), Health and Safety Code, and that violates a municipal ordinance, to be prosecuted only under the municipal ordinance, provided that the violation is not a second or subsequent violation of an adopted rule or municipal ordinance, and did not involve burning heavy oils, asphaltic materials, potentially explosive materials, or chemical waste.

Authorizes the provisions of Section 382.018, Health and Safety Code, and the rules adopted under this section to, notwithstanding Section 7.002 (Enforcement Authority), Water Code, be enforced by a peace officer as described in Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure.

Provides that a conviction for an offense under Section 328.018, Health and Safety Code, notwithstanding Section 7.177(a)(5) (relating to providing that a person commits an offense if the person intentionally or knowingly, with respect to the person's conduct, violates an order, permit, or exemption, or an adopted rule) Water Code, is punishable as a certain misdemeanor, based on the classification of the substance being burned.

Volunteer Firefighter Supervision of Outdoor Burnings—H.B. 2386*by Representative Bailes et al.—Senate Sponsor: Senator Nichols*

State law generally prohibits outdoor burning, with some enumerated exceptions such as burning of tree trimmings and other plant scraps at a site specified for that purpose. Section 382.018(d), Health and Safety Code, requires that this burning be done at a site designated for burning plant scraps produced from residential properties and that the site be located outside a municipality and in a county with a population of 50,000 or less. This section also requires that a burn site be supervised by a fire department. Simply put, this exemption allows tree trimming and brush clearing companies to dispose of plant scraps by burning in rural areas where landfills and other disposal methods may not be available. Current law requires that a burn site be supervised by a paid fire department, but in many rural counties, where burns of this type often take place, may not have paid fire departments in the county or even in adjacent counties. This bill:

Authorizes a burn to be supervised by either a paid fire department or a volunteer fire department acting in the scope of its duties, as volunteer fire departments are trained, dedicated professionals who are capable of supervising these sites.

Provides a technical clarification in law to ensure that plant scrap burn sites in rural areas of Texas are able to operate in compliance with the law.

Amends Section 382.018 (Outdoor Burning), Health and Safety Code, to add volunteer fire department personnel to the authorized fire personnel who can supervise a burn site of plant or tree growth from residential properties.

Electronic Transmission of Air Quality Permit Notices—H.B. 4181

by Representative Perez—Senate Sponsor: Senators Larry Taylor and Garcia

Interested parties contend that sending certain notices under the Texas Clean Air Act by postal mail leads to increased costs and delays. H.B. 4181 seeks to address this issue by providing for the sending of such notices by electronic communication. This bill:

Requires the Texas Commission on Environmental Quality (TCEQ), not less than 180 days before the date on which a renewal application is due, to provide to the permit holder, by registered or certified mail or as provided by Subsection (c-1), rather than by registered or certified mail, written notice that the permit is scheduled for review in accordance with this section.

Authorizes a notice to be sent by electronic communication if TCEQ develops a system that reliably replaces registered or certified mail as a means of verifying receipt of the notice.

Requires the preconstruction permit, if the holder of a permit to whom TCEQ has mailed or otherwise sent notice under this section does not apply for renewal of that permit by the date specified by TCEQ under this section, to expire at the end of the period described in Section 382.055(a) (relating to a preconstruction permit issued or renewed by TCEQ being subject to certain review), Health and Safety Code.

Requires TCEQ or its designee to send notice of a proposed final action on a federal operating permit by first-class mail or electronic communication to the applicant and all persons who comment during the public comment period or at the public hearing.

Consolidation of Requirements for Air Quality Permit Applications—S.B. 1045

by Senator Estes—House Sponsor: Representative Kacal

Under current law, an applicant for an air permit is required to publish a Notice of Receipt of Application and Intent to Obtain Permit (NORI) when the permit application is determined by the Texas Commission on Environmental Quality (TCEQ) to be administratively complete. Publication of an NORI opens a public comment period under Texas law that must last at least 30 days. If comments are received, then an applicant must subsequently publish a Notice of Application and Preliminary Decision (NAPD) when TCEQ has finished preparing its draft permit. Publication of the NAPD begins a second 30-day public comment period, which is the only 30-day public comment period required by the federal Environmental Protection Agency (EPA). Although the publication of an NAPD is the first time a draft of a permit is made publicly available for review, members of the public who wait until this point to comment lose the right to request a contested case hearing because such requests must be made within 30 days (or slightly more for applications requiring alternative language notice) after an NORI instead of an NAPD publication.

For smaller emissions sources, many types of draft permits are readily available for issue. In these cases, a draft permit may be ready for publication before TCEQ has determined the application to be administratively complete, or within a few days of the determination. In these situations, requiring the applicant to publish. This bill:

Authorizes an NORI and an NAPD under Section 382.056 (Notice of Intent to Obtain Permit or Permit Review; Hearing), Health and Safety Code, to be consolidated into one notice if, not later than the 15th day after the date the application for which the notice is required is received, TCEQ has determined the application to be administratively complete and the preliminary decision and draft permit related to the application are both available at the time of TCEQ's determination.

Improving Midland's Wastewater Treatment Plant—H.B. 101
by Representative Craddick—Senate Sponsor: Senator Seliger

The City of Midland and Pioneer Natural Resources have entered into a public-private partnership agreement to bring the City of Midland's wastewater treatment plant into compliance with Texas Commission on Environmental Quality regulations. The bill validates the terms of the two entities' partnership to ensure enforceability. This bill:

Defines "reclaimed water project."

Provides that this Act applies only to a home-rule municipality that has a population of at least 99,000 and not more than 160,000; is located in two counties, one of which must have a population of at least 132,000 and not more than 170,000; and owns and operates a water system, sewer system, or combined system.

Authorizes a certain municipality to execute, perform, and make payments under a contract with any person for the development of a reclaimed water project and the provision of water from the project.

Provides that a contract is an obligation of a municipality that is authorized to provide that the contract is payable from a pledge of the revenues of certain systems of the municipality or that the payments from the municipality are an operating expense of certain systems of the municipality and is prohibited from being made payable from ad valorem taxes.

Authorizes a contract to be in the form and on the terms considered appropriate by the governing body of a municipality; be for the term approved by the governing body of the municipality and contain an option to renew or extend the term; provide the design, construction, and financing of the reclaimed water project by a person with whom the municipality contracts for the development of the reclaimed water project; and provide the provision of reclaimed water for industrial purposes at specified rates for the term approved by the governing body of the municipality, as part of the consideration for the acquisition of the reclaimed water project by the municipality.

Provides that, if a contract provides the design, construction, and financing of a reclaimed water project by the person with whom a municipality contracts, a contract procurement or delivery requirement applicable to the municipality does not apply to the reclaimed water project and Chapter 2254 (Professional and Consulting Services), Government Code, does not apply to the reclaimed water project.

Provides that Subchapter I (Adjudication of Claims Arising under Written Contracts with Local Governmental Entities), Chapter 271 (Purchasing and Contracting Authority of Municipalities, Counties, and Certain Other Local Governments), Local Government Code, applies to a written contract entered into under this Act as if the contract were a contract described by Section 271.151 (relating to a contract subject to the adjudication of claims arising under written contracts with local governmental entities), Local Government Code.

Provides that, to the extent of a conflict with another statute or municipal charter provision or ordinance, Section 552.024 (Municipal Contract for Reclaimed Water Facility in Certain Municipalities), Local Government Code, as created by this Act, controls.

Provides that the validity or enforceability of a contract entered into under this Act by a municipality is not affected if, after the contract is entered into, the municipality no longer meets the home-rule municipality specification requirements under this Act.

Disposal of Pesticides—H.B. 572 [VETOED]

by Representatives Stephenson and Mary González—Senate Sponsor: Senator Kolkhorst

Interested parties assert that some Texans improperly dispose of unwanted pesticides or store such pesticides in unsafe conditions due to the lack of organized collection activities that allow for the responsible disposal of pesticide waste. This bill:

Provides that the pesticide disposal fund (fund) is a fund in the state treasury outside the general revenue fund. Provides that the fund consist of money deposited to the credit of the fund under a certain section and interest earned on the investment of money in the fund.

Requires the Texas Department of Agriculture (TDA) to administer the fund.

Authorizes money in the fund to be appropriated only for the purposes of certain pesticide waste and pesticide container collection activities.

Requires TDA to annually deposit to the credit of the fund an amount to cover the cost of administering certain pesticide waste and pesticide container collection activities, not to exceed \$400,000 of the money received by TDA.

Requires TDA, in coordination with the Texas Commission on Environmental Quality (TCEQ) and the Texas A&M AgriLife Extension Service, to organize pesticide waste and pesticide container collection activities statewide.

Authorizes TDA, TCEQ, and the Texas A&M AgriLife Extension Service to contract for the services of contractors that are licensed in the disposal of hazardous waste or other contractors to implement the pesticide waste and pesticide container collection activities and facilitate the collection of canceled, unregistered, or otherwise unwanted pesticide products and pesticide containers.

Abolishing Certain Fees Established by the Land Commissioner—H.B. 1481

by Representative Lozano—Senate Sponsor: Senator Kolkhorst

The commissioner of the Texas General Land Office (GLO) is required to establish a fee for processing applications for a terminal facility discharge prevention and response certificate. Established in the Texas Administrative Code, the \$25 fee is assessed for recertification every five years yet does not cover the cost of administration. Interested parties state that removal of this fee will reduce paperwork and expenses and would result in a positive fiscal note of over \$3,000. H.B. 1481 seeks to abolish this fee.

Texas currently has 575 oil-handling facilities. Each facility is audited annually and recertified every five years, at which point it is charged a \$25 fee, regardless of its size or storage capacity. In the last

biennium, the fee generated \$6,125. Since the fee was instituted in fiscal year 2011, it has raised \$19,750. This bill:

Amends Section 40.112 (Issuance), Natural Resources Code, to require the GLO, on compliance with Sections 40.109 (Registration of Terminal Facilities) through 40.111 (Information), Natural Resources Code, rather than on compliance with both sections of this code and on payment of the certificate application fee, to issue an applicant a discharge prevention and response certificate covering the terminal facility.

Repeals Section 40.110(e) (relating to requiring the commissioner by rule to establish and require payment of a certain fee), Natural Resources Code.

Establishment of Commercial License Buyback Account—H.B. 1724

by Representative Guillen—Senate Sponsor: Senator Rodríguez

Interested parties note that license buyback programs ensure the viability of the Texas fishing industry but contend that such programs exist separately from one another and that their funding is sometimes diverted for other purposes. This bill:

Provides that the commercial license buyback subaccount (subaccount) is a subaccount in the game, fish, and water safety account. Provides that the subaccount consists of money deposited to the subaccount under Section 47.041 (Commercial License Buyback Subaccount), Parks and Wildlife Code.

Requires the Texas Parks and Wildlife Department (TPWD) to deposit to revenue from certain sources the credit of the subaccount.

Authorizes TPWD to accept grants and donations of money or materials from private or public sources to be applied to the subaccount.

Authorizes money in the subaccount to be used only to buy back a commercial license from a willing license holder.

Provides that the subaccount is not subject to Section 403.095 (Use of Dedicated Revenue), Government Code.

Requires TPWD to set aside at least 20 percent of the fees from licenses issued and license transfers approved under this subchapter (Finfish License Management), rather than under this subchapter to be used only for the purpose of buying back those licenses from a willing license holder. Requires that the money to be sent to the Texas comptroller of public accounts (comptroller) for deposit to the credit of the subaccount.

Requires TPWD to set aside at least 20 percent of the fee from commercial crab licenses and transfer fees, rather than transfer fees to be used only for the purpose of buying back commercial crab licenses from a willing license holder. Requires that the money to be sent to the comptroller for deposit to the credit of the subaccount.

Repeals certain sections of the Parks and Wildlife Code relating to certain buyback programs by TPWD.

Deer Hunting by the Kickapoo Traditional Tribe of Texas—H.B. 1891

by Representative Nevárez—Senate Sponsor: Senator Uresti

Interested parties note that members of the Kickapoo Traditional Tribe of Texas (Kickapoo Tribe) take pride in their rich cultural history. The parties further note that the white-tailed deer is integral to Kickapoo religion but that the members are restricted by current law in their ability to conduct religious and ceremonial rites. This bill:

Redefines "resident" to include a certain member of the Kickapoo Tribe.

Authorizes a documented member of the Kickapoo Tribe who holds a license under Section 42.002 (Resident License Required; Exemption), Parks and Wildlife Code, to hunt antlerless white-tailed deer for religious ceremonial purposes on any day of the year between one-half hour before sunrise and one-half hour after sunset.

Provides that a documented member of the Kickapoo Tribe hunting antlerless white-tailed deer (1) is required to comply with all other provisions and proclamations adopted under the Parks and Wildlife Code; (2) is required to notify certain persons and entities; (3) is prohibited from hunting antlerless white-tailed deer outside an open hunting season in a chronic wasting disease containment or surveillance zone, as determined by the Texas Parks and Wildlife Department (TPWD); and (4) is prohibited from receiving a pecuniary gain.

Provides that a certain subsection applies only to hunting on land that is owned or leased by the Kickapoo Tribe and located in a county that borders the United Mexican States and has a population of more than 50,000 but less than 70,000 or is adjacent to a certain county described and has a population of less than 9,000.

Amends Section 61.057 (Antlerless Deer and Antelope), Parks and Wildlife Code, to prohibit a person, with certain exceptions, from hunting an antlerless deer or antelope in this state without first having acquired an antlerless deer or antelope permit issued by TPWD on a form provided by TPWD.

Forest Pest Control—H.B. 2567

by Representative Bailes—Senate Sponsor: Senator Nichols

Forest pest control policy was developed in 1966 and revised in 1977. Legislation created to grant the Texas Forest Service (TFS) the authority to access private forestlands in Texas to control insect outbreaks and to suppress and mitigate native pine bark beetle attacks, but TFS has stated that the current policy should be updated to reflect relevant conditions Texans face today. This bill:

Provides that it is the public policy of the State of Texas to mitigate and control pests threatening forest land in this state in order to protect associated ecological resources, enhance the health and

maintenance of forests, promote stability of forest-using industries, ensure public safety, and conserve the ecosystem values of the forest.

Redefines "service" to mean the Texas A&M Forest Service. Redefines "forest pests," "forest land," "infestation," "landowner," and "owner."

Sets forth the powers and duties of the Texas A&M Forest Service, to include procedures for control, notice to forest owner, control measures applied by service, expense of control measures taken by service, claim against landowner, landowner reimbursement, general duty of landowner, duty to apply control measures, notifying service of forest owner, and injunctive relief for landowner.

Exempting Certain Quarries from APO Regulations—H.B. 2582
by Representative Sheffield—Senate Sponsor: Senator Buckingham

Terrazzo is an ancient artistic form through which intricate images may be represented in flooring and other surfaces by using colored marble chips and a wet binding similar to concrete. Perhaps one of the best representations of terrazzo can be found throughout the corridors and in the rotunda of the Texas Capitol. These historic floors were created by employing colored stones from over 20 small quarries, each of which is located in Texas.

Many of these small artisan quarries have been mined for over 75 years, and each in its entirety does not disturb over 20 acres. These quarries are often connected by or to one of the only reliable sources of livestock water on the larger premises and have typically been constructed to not have stormwater discharges associated with industrial activity.

Current law stipulates that certain aggregate production operations (APOs) in the state must adhere to regulations set by the Texas Commission on Environmental Quality (TCEQ). While exemptions from APO regulations are in place for some quarries, there is currently no consideration given to the "small-microbusiness status" of their operator. This means that these artisanal quarries are subject to expensive continual engineering studies, monitoring, and permitting. However, these artisanal quarries require no such air or water quality permits as are enumerated in the APO regulations, as processing occurs off property, rendering quarries' inclusion in the inspection program unnecessary. This bill:

Adds small artisan decorative marble and granite quarries to the list of quarries exempted from certain APO regulations.

Texas LLRWDC Waste Disposal Facility Surcharge and Fee Elimination—H.B. 2662
by Representative Landgraf—Senate Sponsor: Senator Seliger

Interested parties state that regulatory frameworks for the proper disposal of low-level radioactive waste should be modified as needed in order to best serve the interests of the state and other interested entities. This bill:

Requires the Texas Commission on Environmental Quality (TCEQ) to conduct a study on the available volume and curie capacity of the compact waste disposal facility at least once every four years, rather than to conduct that study.

Requires TCEQ to submit a final report of the results of the study to certain legislative committees, rather than to submit a final report of the results of the study to certain committees not later than December 1, 2016.

Authorizes TCEQ to conduct the study at any time, rather than at any time after December 1, 2012, if TCEQ determines that a study is necessary.

Requires TCEQ to submit the first report required under Section 401.208 (Study of Capacity), Health and Safety Code, as amended by this Act, not later than December 1, 2020.

Delegation of Matters to TCEQ Executive Director—H.B. 3177

by Representative Lucio III—Senate Sponsor: Senator Estes

The purpose of H.B. 3177 is to clarify and streamline certain aspects of the procedural process at the Texas Commission on Environmental Quality (TCEQ). The bill amends two areas of the Water Code that govern actions that can be taken by the executive director of TCEQ (executive director). This bill:

Amends Section 5.122, Water Code, related to the delegation of uncontested matters to the executive director of TCEQ. Authorizes the commissioners to delegate authority to act on permit applications or other matters to the executive director if: (1) the matter is uncontested and does not require an evidentiary hearing; or (2) the matter has become uncontested because all parties have agreed in writing to the action to be taken by the executive director. These provisions leave a question on how to address situations in which a matter is initially contested, but all protestants withdraw their protests or otherwise settle with an applicant before parties are formally named. H.B. 3177 adds language to Section 5.122 that authorizes the commissioners to delegate authority to the executive director in these limited situations that do not currently fit within the statutory language as currently drafted.

Amends Section 5.351 of the Water Code, relating to judicial review of TCEQ acts. Currently, to provide that to appeal an action made by the executive director before it becomes a final agency action, a person must: (1) file a motion to overturn the executive director's decision with the commissioners within 25 days of the decision; and (2) file an appeal of the agency's action in Travis County District Court within 30 days of the same decision. Thus, a person wanting to challenge the executive director's decision with the commissioners must file an appeal in district court before the commissioners have had a chance to consider the motion to overturn. To compound the problem, if the motion is affirmatively denied or denied by operation of law, appellants must file another separate appeal to Travis County District Court within 30 days of that final TCEQ action. This duplicative process results in the filing of two separate district court lawsuits that must ultimately be joined.

Delays the requirement to file for judicial appeal of the executive director's decision until after the commissioners have had the chance to consider the motion to overturn. Stopping the 30-days-to-

appeal clock while the motion to overturn is pending improves judicial efficiency, eliminates the possibility of multiple appeals, and addresses a potential procedural trap for those who do not routinely appear before the agency. TCEQ commissioners should be given an opportunity to consider the executive director's decision before it is sued in district court on that decision.

Uses of Lifetime License Endowment Account—H.B. 3781
by Representative Phelan—Senate Sponsor: Senator Hinojosa

According to interested parties, the state would benefit from a revision of the permissible uses of money in the lifetime license endowment account by (lifetime account) the Texas Parks and Wildlife Department. This bill:

Authorizes money in the lifetime license endowment fund and interest earned on the lifetime account to the extent allowed by federal law, to be used only for the purpose of managing the fish and wildlife resources of this state, as follows:

- acquiring public hunting and fishing areas;
- developing, managing, and repairing public hunting and fishing areas; and
- making capital expenditures related to fisheries and wildlife resources.

Requires that no expenditure be made from the principal of the lifetime account if that expenditure would lower the unencumbered balance of the principal of the account below \$20 million.

Prohibits the interest earnings on and principal in the lifetime account from being used to pay salaries or employee benefits. Authorizes the interest earnings on the lifetime account to be used for any purpose described by Section 11.063(Uses of Account), Parks and Wildlife Code. Authorizes the principal in the lifetime account to be used only for the purpose described by Section 11.063(3) (relating to certain expenditures related to fisheries and wildlife resources). Parks and Wildlife Code.

Metal Recycling Entities and Undetonated Explosive Devices—S.B. 208
by Senator West—House Sponsors: Representative Eddie Rodriguez et al.

The Texas Department of Public Safety (DPS) has concerns with the incidence and dangers associated with undetonated explosive devices that knowingly or unknowingly are presented for sale at metal recycling entities throughout Texas. DPS reports that unexploded munitions are often recovered from sites that are currently or have previously been used by the military. Some of these former military properties have been transferred for public use. Despite the inherent hazards, the sale of these explosive devices is technically legal and unregulated in Texas. Unexploded explosive devices at metal recycling entities pose a threat to the general public and to areas nearby the recycling entity and pose a more immediate danger to unsuspecting workers, as these dormant devices have exploded and have caused injury, including dismemberment, to persons in proximity. This bill:

Amends existing law to require a metal recycling entity to report to DPS each sale or attempted sale to the entity of an explosive component or explosive weapon as soon as possible after the sale or attempted sale.

Prohibits the public from knowingly presenting for sale at a metal recycling entity an explosive device or component of an explosive device.

Prohibits a metal recycling entity from knowingly purchasing from the public an explosive device or component of an explosive device.

Creates certain criminal and administrative penalties for both the seller and the metal recycling entity who knowingly sell or purchase an explosive device; a metal recycling entity is also prohibited from knowingly storing an explosive device on its premises.

Does not apply to firearms or to certain ammunition that does not contain explosive ingredients.

Regulating Scrap Tire Generators—S.B. 570 [VETOED]

by Senator Rodriguez et al.—House Sponsor: Representatives Walle and Tomas Uresti

More than 36 million tires are discarded each year in Texas, which equates to roughly one and a half tires for every person residing in the state. If not transported and disposed of properly, these tires can lead to costly, environmentally hazardous tire piles, which are associated with fire, pollution, and public health and safety risks, including increases in vector-borne illnesses such as the Zika and West Nile viruses and dengue fever. Illegal tire dumping is a significant problem in the state and often results from unlicensed scavengers who cull and steal used tires from tire generators and then dump their rejects, which costs the state millions of dollars in cleanup. This bill:

Requires a used or scrap tire generator, including a tire dealer junkyard, or fleet operator, that stores used or scrap tires outdoors on its business premises to store the used or scrap tires in a locked, secured, or contained manner that protects the tires from theft.

Requires the Texas Commission on Environmental Quality (TCEQ) to adopt rules to require a person who uses more than 1,000 used or scrap tires in a construction project to obtain TCEQ approval before the use of the tires in the project.

Defines "generator," "retailer," "scrap tire," and "used tire."

Authorizes a customer to retain a scrap or used tire removed from the customer's vehicle during the purchase of a tire and requires a retailer whose customer retains a scrap tire to keep a record of the customer's retention of the tire in accordance with TCEQ rules at least until the third anniversary of the date the customer retained the tire.

Requires a retailer who takes possession of a scrap tire from a customer during a transaction to store or dispose of the scrap tire according to local and state laws.

Requires a retailer to post a sign, whose specifications are developed by TCEQ, in a location readily visible to a customer that specifies the requirements for the disposal of scrap and used tires.

Provides that a generator who contracts for the transportation of used or scrap tires with a transporter whom the generator knows to be unregistered is jointly and severally liable for various civil and criminal penalties under existing statute.

Requires a person, with several exceptions, to register annually with TCEQ if the person is a transporter or a tire processor that is not required to register as a storage site.

Requires a transporter or tire processor who is required to register with TCEQ to provide financial assurance by filing with TCEQ a surety bond obtained from a surety company authorized to transact business in this state, evidence of an established trust account, or an irrevocable letter of credit.

Requires that the bond, trust account, or irrevocable letter of credit be in favor of the state and, for a transporter, be in an amount of \$25,000 or more and, for a tire processor, in an amount adequate to ensure proper cleanup and closure of the site.

Requires TCEQ to require a person who transports used or scrap tires to maintain records and use a manifest or other appropriate system to assure that tires are transported to a registered storage site or to a site or facility authorized by TCEQ.

Requires TCEQ to require a transporter to submit to TCEQ in an electronic format an annual report on the records maintained by the transporter and provides that failure to do so removes the transporter's ability to renew the registration.

Provides the amount of fines for various offenses.

Delivery of Oil and Gas Proceeds Information to Royalty Interest Owners—H.B. 129

by Representative Craddick—Senate Sponsor: Senator Estes

Under Subchapter L (Royalty Reporting Standards), Chapter 91, Natural Resources Code, a payer who sends payments to a royalty owner under an oil and gas lease is required to include detailed information relating to the production of oil and gas from the lease on each check stub, as an attachment to a payment form, or as remittance advice. An exception to this requirement allows payers to require this information "in some other manner on a monthly basis."

Using the "some other manner" exemption, some payers have begun referring royalty owners to websites where the required information can be accessed digitally. This has raised concerns among royalty owners who do not want their information to be stored online due to security concerns, as well as royalty owners who are not comfortable using computers or who lack Internet access. This bill:

Provides that if payment is made using a paper check delivered by mail or a private delivery service, a payer may not, without the consent of the royalty owner, provide the required information in any manner other than by including it on a check stub, as an attachment to a payment form, or as remittance advice.

GLO to Enforcement of the Oil Spill Prevention and Response Act—H.B. 1625

by Representatives Greg Bonnen and Dennis Bonnen—Senate Sponsor: Senator Hinojosa

Interested parties note that there is a growing problem with vessels being abandoned on the Texas coast and contend that the process by which the Texas General Land Office (GLO) currently removes these vessels is unduly burdensome and time consuming. This bill:

Amends the Natural Resources Code to update the notice and hearing requirements, thus streamlining the methods by which GLO locates and informs an owner of an abandoned vessel or structure of GLO's intent to remove and dispose of it.

Authorizes GLO, if such an owner could not be located, to post a notice directly on the vessel and on the GLO website for 10 consecutive days. Provides that direct notice to an owner may be delivered after the vessel's removal in circumstances constituting an immediate threat to health, safety, or navigation. Reserves owners the opportunity to either consent to or challenge the vessel's removal under administrative procedure.

Requirements for Holders of Liquefied Petroleum Gas Licenses—H.B. 3726

by Representative Dale—Senate Sponsor: Senator Van Taylor

Under current law, the Railroad Commission of Texas (railroad commission) is required to require liquefied petroleum gas licensees to take an examination in addition to other required examinations for technical competence that is validated by a recognized educational testing organization or similar organization; or to require such licensees' attendance at approved academic, trade, professional, or railroad commission-sponsored seminars (or other continuing education programs) as well as require periodic reexaminations. This bill:

Removes the requirement for the railroad commission to require an examination for technical competence that is validated by a recognized educational testing organization, or similar organization, or attendance at approved academic, trade, professional, or railroad commission-sponsored seminars (or other continuing education programs), and also removes the requirement for periodic reexaminations.

Authorizes the railroad commission to require such an examination for technical competence or attendance at such seminars or other continuing education programs, in addition to those other examination requirements.

Abolishing the Used Oil Recycling Account—S.B. 1105

by Senators Hinojosa and Estes—House Sponsor: Representative Phelan

One of the most important accounts at the Texas Commission on Environmental Quality (TCEQ) is the water resources management account, which provides the vast majority of the agency's water programs. In recent years, the account balance has been rapidly depleting as expenditures exceed revenue. This trend is expected to continue, absent a fee increase or an appropriations reduction for TCEQ water programs.

Meanwhile, the used oil recycling account collects approximately \$2 million a year and only expends approximately \$500,000 of that amount. This expenditure is typically used to provide education and technical guidance to the general public on recycling used oil so that it does not impact the environment or water sources. Currently, the account has a fund balance of approximately \$18 million.

Transferring the existing used oil recycling account balance and future collections of the fee to the water resources management account would provide support to the water account balance and would stabilize funding for TCEQ's water programs. This bill:

Abolishes the used oil recycling account and transfers the balance to the water resources management account to protect water resources of the state.

Requires that reimbursements made under Subsection (e), Section 371.0245 (Reimbursement of Used Oil Collection Center's Hazardous Waste Expense), Health and Safety Code, be paid from the water resource management account, rather than the used oil recycling account, and prohibits those expenditures from exceeding an aggregate amount of \$500,000 each fiscal year.

Treating and Recycling Drill Cuttings for Beneficial Use—S.B. 1541

by Senator Estes—House Sponsor: Representatives Lambert and Phil King

Drill cuttings are bits of ground rock and soil coated with a layer of nonhazardous drilling fluid and are produced while drilling an oil or gas well. Existing law requires a recycling company to transport these drill cuttings, as well as to assume liability for any pollution caused by transporting the waste, and to recycle drill cuttings and put them to use in a beneficial manner—e.g., for construction or road spreading.

Depending on the desired use, recycling the waste sometimes requires the use of expensive cleaning systems.

Allowing drill cuttings to accumulate into large piles at a recycling site is not a beneficial use of this waste. This bill:

Defines "treatment," which will allow the Railroad Commission of Texas to prevent a company from qualifying for permits unless it intends to effectively recycle drill cuttings.

Use of Rural Water Assistance Fund—H.B. 544

by Representative Charles "Doc" Anderson et al.—Senate Sponsor: Senator Hinojosa

Interested parties assert that many rural water utilities are intimidated by the regulatory hurdles involved in accessing funds from the rural water assistance fund (fund). This bill:

Authorizes the Texas Water Development Board to use money in the fund to contract for outreach, financial, planning, and technical assistance to assist rural political subdivisions in obtaining and using financing from any source for a purpose described by Section 15.994 (Use of Fund), Water Code.

Personnel Requirements for Water Loss Auditors—H.B. 1573

by Representative Price—Senate Sponsor: Senator Creighton

Section 16.0121 (Water Audits), Water Code, requires a retail public utility providing potable water to perform and file with the Texas Water Development Board (TWDB) an audit computing the utility system's water loss during the preceding year. The audit must be completed annually unless the utility does not receive financial assistance from TWDB and does not provide service to more than 3,300 connections, in which case an audit is due every five years. Conducting a water loss audit requires a detailed understanding of the utility system and knowledge of the terminology and tools available for analyzing results of the audit. An improperly conducted audit does not provide the utility with the information needed to adequately track and identify water loss issues that may require immediate action. This bill:

Requires TWDB, by rule, to require certain mandatory water audits to be completed by a person trained to conduct water loss auditing.

Requires TWDB to make training on water loss auditing available without charge from TWDB's website. Authorizes TWDB to provide training in person or by video or a functionally similar and widely available medium. Requires that training include comprehensive knowledge of water utility systems and terminology and any tools available for analyzing audit results.

Authorizes TWDB, in creating training materials, to consider other organizations' training programs.

Incontestability of Water District Contracts—H.B. 1946

by Representative Parker—Senate Sponsor: Senator Van Taylor

Currently, when water districts contract with cities or other political subdivisions for certain purposes, such as to create another service district to develop a water supply project, some of these contracts allow the water district to pledge revenue received under the contract as a security for bonds issued by the water district.

However, each bond issuance by a water district must be approved as part of the approval process by the Office of the Attorney General (OAG) and, as part of the review process, be reviewed to ensure certain compliance determined for validity.

Interested parties observe that the statutes governing the OAG bond review process yield excessively broad interpretations and suggest that the OAG bond review authority be narrowed to center on contracts that are material to a bond issuance. This bill:

Authorizes a contract or lease in which the proceeds of the contract or lease are pledged to the payment of a bond to be submitted to the Texas attorney general (attorney general) along with the bond records, and, if submitted, the approval by the attorney general of the bonds shall constitute an approval of the contract or lease and the contract or lease shall be incontestable.

Authorizes a contract or lease, other than a contract or lease in which the proceeds of the contract or lease are pledged to the payment of a bond to be submitted under Subsection (e), Section 49.184 (authorizing a contract or lease to be submitted to the attorney general along with the bond records, and, if submitted, the approval by the attorney general of the bonds shall constitute an approval of the contract or lease and requiring the contract or lease to be incontestable) Water Code, and, if submitted, requires that an approval of the bonds constitute an approval of the contract or lease and that the contract of lease be incontestable.

Authorizes a contract or lease, other than a contract or lease in which the proceeds of the contract or lease are pledged to the payment of a bond, to be submitted to the attorney general along with the bond records and, if reviewed and approved, requires that the approval of the bonds constitutes an approval of the contract of lease and that the contract of lease be incontestable.

Deadline for Adoption of DFCs in GCDs—H.B. 2215
by Representative Price —Senate Sponsor: Senator Miles

Interested parties note a need to make changes to the process for the proposal and adoption of desired future conditions (DFCs) for aquifers in a groundwater management area in order to increase stakeholder certainty and better synchronize the five-year joint groundwater and regional water planning cycles. This bill:

Requires each regional water planning group to submit to the Texas Water Development Board (TWDB) a regional water plan that is consistent with the desired future conditions adopted under Section 36.108 (Joint Planning in Management Area), Water Code, for the relevant aquifers located in the regional water planning area as of the most recent deadline for TWDB to adopt the state water plan under Section 16.051 (State Water Plan: Drought, Conservation, Development, and Management; Effect of Plan), Water Code, or, at the option of the regional water planning group, established subsequent to the adoption of the most recent plan.

Requires the groundwater conservation districts (GCDs), not later than May 1, 2021, rather than September 1, 2010, and every five years thereafter, to consider groundwater availability models and other data or information for the management area and to propose for adoption desired future conditions for the relevant aquifers within the management area.

Requires GCD representatives, after all the districts have submitted their GCD summaries, to reconvene to review the reports, consider any GCD's suggested revisions to the proposed DFCs, and finally adopt the DFCs for the management area.

Requires that DFCs to be approved by a resolution adopted by a two-thirds vote of all the GCD representatives not later than January 5, 2022. Requires that subsequent DFCs to be proposed and finally adopted by the GCD representatives before the end of each successive five-year period after that date.

Requires the GCD, after a GCD receives notification from TWDB that the DFC's resolution and explanatory report are administratively complete, to adopt the applicable DFC in the resolution and report.

Repeals Section 36.108(d-5) (relating to a certain proposal for the adoption of desired future conditions for the relevant aquifers within a management area), Water Code.

Criminal Penalty Relating to Flood Control and Insurance Act—H.B. 2334 [VETOED]
by Representative Oliverson et al.—Senate Sponsor: Senator Garcia

Interested parties note a dissonance between the civil and criminal penalties under the Flood Control and Insurance Act in that the civil penalty covers a violation of the act or of a related rule or order, whereas the criminal penalty only covers a violation of the act. This bill:

Amends Section 16.3221(a), Water Code, to provide that a person commits an offense if the person violates this subchapter (Flood Insurance) or a rule adopted or order issued under this subchapter in regard to a property located in a county with a population of more than 75,000.

Development of Brackish Groundwater—H.B. 2377 [VETOED]
by Representatives Larson and Lucio III—Senate Sponsor: Senator Perry

Brackish groundwater desalination is reportedly one of the water supply strategies planned for meeting the state's future water demands. The goal of H.B. 2377 is to support this strategy by encouraging and facilitating the development of brackish groundwater. This bill:

Defines "designated brackish groundwater production zone," "development board," and "Gulf Coast Aquifer."

Authorizes a groundwater conservation district (GCD) that is located over any part of a designated brackish groundwater production zone (designated zone) to adopt rules to govern the issuance of permits for the completion and operation of a well for the withdrawal of brackish groundwater from a designated zone. Requires a GCD to adopt certain rules if the GCD receives a petition from a person with a legally defined interest in groundwater in the GCD. Requires a GCD to adopt the rules not later than 180 days after the date the GCD receives the petition.

Provides that the rules adopted apply only to a permit for a certain project. Authorizes a person to obtain a permit under the rules adopted for certain projects.

Requires the rules adopted to (1) provide for the processing of an application for operating permit for a designated zone in the same manner as an application for an operating permit for a fresh groundwater well, except under certain conditions; (2) allow withdrawals, and rates of withdrawal,

of brackish groundwater from a designated zone not to exceed, but be consistent with certain identified withdrawal amounts; (3) provide a minimum term of 30 years for a permit issued for a well that produces brackish groundwater from a designated zone; (4) require implementation of a monitoring system recommended by the Texas Water Development Board (TWDB) to monitor water levels and water quality in the same or an adjacent aquifer, subdivision of an aquifer, or geologic stratum in which the designated zone is located; (5) require for a project located in a designated zone in the Gulf Coast Aquifer reasonable monitoring by the district of land elevations to determine if production from the project is causing or is likely to cause subsidence during the permit term; (6) require, from the holder of a permit issued under certain rules adopted, annual reports that are required to include certain information; and (7) be consistent with and not impair property rights described by certain provisions of the Water Code.

Requires an application for an operating permit for a designated zone to include certain information and criteria.

Requires a GCD to submit an application to TWDB, and requires TWDB to conduct a technical review of the application. Requires TWDB to submit a report of the technical review of the application that includes certain findings and recommendations and, until the GCD receives the report from TWDB, prohibits a GCD from scheduling a hearing on the application.

Requires TWDB, not later than 120 days after the date TWDB receives a request from a GCD, to investigate and issue a report on whether brackish groundwater production, under the project that is the subject of the report from the designated zone, is projected to cause (1) significant aquifer level declines in the same or an adjacent aquifer, a subdivision of an aquifer, or a geologic stratum that were not anticipated by TWDB in the designation of the zone; (2) negative effects on the quality of water in an aquifer, a subdivision of an aquifer, or a geologic stratum; or (3) subsidence during the permit term for a project located in a designated zone in the Gulf Coast Aquifer.

Authorizes a GCD, after receiving a report from TWDB and after certain notice and hearing, to take certain actions.

Provides that the production under a certain permit issued to produce brackish groundwater from a designated zone is in addition to the amount of groundwater authorized to be produced under certain statute.

Requires a GCD, to the extent possible, to issue permits so that the total volume of exempt and permitted groundwater production in a designated zone equals the amount of brackish groundwater that is authorized to be produced annually to achieve the groundwater availability described by TWDB, in its designation of the brackish groundwater production zone.

Expired Permit Extensions for Transferring Groundwater—H.B. 2378 [VETOED]

by Representative Larson—Senate Sponsor: Senator Perry

H.B. 2378 relates to extensions of an expired permit for the transfer of groundwater from a groundwater conservation district. This bill:

Requires a term to automatically be extended, on or before its expiration, to a term that is not shorter than the term of an operating permit for the production of water to be transferred that is in effect at the time of the extension and for each additional term for which that operating permit for production is renewed or remains in effect.

Provides that a permit automatically extended continues to be subject to conditions contained in the permit as issued before the automatic extension.

Fees for On-Site Wastewater Treatment Permit Application—H.B. 2771
by Representatives Phelan and Fallon—Senate Sponsor: Senator Nichols

The Texas On-Site Wastewater Treatment Research Council (TOWTRC) was created in 1987. One role of TOWTRC was to oversee the awarding of grant funding for applied research and demonstration projects regarding on-site wastewater treatment (septic tank) technology. Funding for the grants came from a \$10 on-site wastewater permit application fee that municipalities and counties are required to collect and forward to the Texas Commission on Environmental Quality (TCEQ).

In 2011, TOWTRC underwent Sunset review and was abolished; its responsibilities were absorbed by TCEQ. Since TOWTRC's abolishment, TCEQ has continued to collect the \$10 permit fee but has not distributed or awarded any grant funds. This bill:

Requires TCEQ to award competitive grants to support applied research and demonstration projects by certain entities regarding on-site wastewater treatment technology and systems applicable to this state that are directed toward improving the quality of wastewater treatment and reducing the cost of providing wastewater treatment to consumers, including wastewater reuse.

Requires TCEQ to seek the advice of relevant experts when choosing research topics and awarding grants.

Requires that certain fee proceeds to be deposited to the credit of the water resources management account and are authorized to be used only for the purposes of Sections 367.007 (Administration) and 367.008 (Award of Competitive Grants), Health and Safety Code.

Using Money in State Water Pollution Control Revolving Fund—H.B. 2943 [VETOED]
by Representative Larson et al.—Senate Sponsor: Senator Perry

H.B. 2943 relates to the use of money in the state water pollution control revolving fund. This bill:

Requires that the state water pollution control revolving fund (revolving fund) be used to provide financial assistance to persons for projects eligible for assistance under Section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. Section 1383(c)), including nonpoint source pollution control and abatement and water quality control projects, in accordance with the capitalization grant program established under the Federal Water Pollution Control Act, rather than requires the revolving fund to be used to provide financial assistance to political subdivisions for construction of treatment works and to persons for nonpoint source pollution control and abatement projects in accordance with the capitalization grant program established under the Federal Water Pollution

Control Act.

Requires the Texas Water Development Board (TWDB), by rule, and in conjunction with or separate from a certain account, to establish a program to promote the acquisition by eligible applicants of conservation easements. Requires that acquisitions made through the program have a demonstrable impact on water quality control, as determined by TWDB.

Requires TWDB to ensure that the amounts of any funds used for such a program are consistent with maintaining the perpetuity of the revolving fund.

Authorizes TWDB to use the revolving fund for financial assistance under certain conditions as provided by the federal Act.

Requires a project financed through the revolving fund, other than a project authorized under Section 603(c)(1), (5), or (11) of the federal act (33 U.S.C. Section 1383(c)(1), (5), or (11)), to have a demonstrable impact on water quality control, as determined by TWDB.

Requires TWDB to ensure that the amounts of any funds used for such a project are consistent with maintaining the perpetuity of the revolving fund.

Requires TWDB to use the state water pollution control revolving fund in accordance with Section 15.604(a)(4), Water Code and the Federal Water Pollution Control Act, Section 603(d)(4), as a source of revenue to be deposited in accordance with this chapter for the payment of principal and interest on water quality enhancement bonds issued by the state, the proceeds of which are deposited into the state water pollution control revolving fund.

Timing of the Expiration of Water Quality Permits—H.B. 3618

by Representative Tracy O. King—Senate Sponsor: Senator Perry

Interested parties note that certain statutes in the Water Code have become outdated, resulting in redundant and overlapping provisions. This bill:

Amends Section 26.0135(d) (relating to a written summary report by each river authority), Water Code, to require each river authority, as required by Texas Commission on Environmental Quality (TCEQ) rules, rather than requiring each river authority in the appropriate year of the cycle provided by TCEQ rules, to submit a certain written summary report to certain entities.

Repeals Section 26.0285 (Expiration of Permits Within Same Watershed), Water Code.

Applying to TCEQ for New or Amended Water Right—H.B. 3735

by Representatives Frank and Fallon—Senate Sponsor: Senator Rodriguez

Interested parties contend that certain Water Code provisions relating to the water rights application process are out of date. This bill:

Redefines "commission" and "executive director."

Provides that a holder of a water right that begins using desalinated seawater after acquiring the water right has a right to expedited consideration of an application for an amendment to the water right if the amendment: (1) authorizes the applicant to divert water from a diversion point that is different from or in addition to the point or points from which the applicant was authorized to divert water before the requested amendment; (2) authorizes the applicant to divert from the different or additional diversion point an amount of water that is equal to or less than the amount of desalinated seawater used by the applicant; (3) authorizes the applicant to divert from all of the diversion points authorized by the water right an amount of water that is equal to or less than the amount of water the applicant was authorized to divert under the water right before the requested amendment; and (4) does not authorize the water diverted from the different or additional diversion point to be transferred to another river basin.

Requires the executive director of the Texas Commission on Environmental Quality (TCEQ) or TCEQ to prioritize the technical review of an application that is subject to a certain subsection over the technical review of applications that are not subject to that subsection.

Requires that the application be accompanied by a map or plat in the form and containing the information prescribed by TCEQ.

Requires the applicant to pay the filing fee prescribed by Section 5.701 (Fees), Water Code, at the time the application is filed.

Authorizes TCEQ to consider only the factors that are within TCEQ's jurisdiction and expertise as established by Chapter 11 (Water Rights), Water Code, in determining whether an appropriation is detrimental to the public welfare.

Requires the administrative law judge to complete the proceeding and provide a proposal for decision to TCEQ not later than the 270th day after the date the matter was referred to the state office of Administrative Hearings for a matter pertaining to an application described by Section 11.122(b-1), Water Code, which is added by this Act.

Texas State Water Investment Fund Act—H.B. 3987 [VETOED]

by Representatives Larson and Workman—Senate Sponsor: Senator Hinojosa

Interested parties assert that, due to the state's growing water demands, the use of the Texas Water Development Fund II state participation account (subaccount) should be expanded to include the development of a desalination or aquifer storage and recovery facility. This bill:

Authorizes this Act to be cited as the Texas State Water Investment Fund Act.

Authorizes the Texas Water Development Board (TWDB) to use the subaccount created under Section 17.957 (State Participation Account), Water Code, to provide financial assistance for the development of a desalination or aquifer storage and recovery facility (facility) to meet existing or projected future water needs by acquiring such a facility or an ownership interest in such a facility.

Authorizes TWDB to act singly or in a joint venture in partnership with any person, including certain entities, to the extent permitted by law.

Authorizes TWDB to provide financial assistance for a facility without regard to any requirements provided by TWDB rules regarding the portion of the capacity of the facility that will serve an existing need or the portion of the cost of the facility that the applicant will finance from sources other than the subaccount.

Provides that Section 16.135 (Board Findings), Water Code, does not apply to the use of the subaccount to develop a facility.

Requires TWDB, before TWDB is authorized to acquire a facility or an interest in a facility, to find affirmatively that it is reasonable to expect that the state will recover its investment in the facility and the public interest will be served by the acquisition of the facility.

Prohibits TWDB from providing financial assistance for a facility unless the facility is included in the state water plan.

Requires TWDB to establish a point system for prioritizing facilities for which financial assistance is sought from TWDB and requires that the system include a standard for TWDB to apply in determining whether a facility qualifies for financial assistance at the time the application for financial assistance is filed with TWDB.

Prohibits TWDB from issuing more than \$200 million in water financial assistance bonds designated by TWDB as issued to provide financial assistance for facilities.

Prohibits TWDB, if TWDB does not provide financial assistance for a facility from the subaccount before September 1, 2022, from providing financial assistance for any facility from the subaccount after that date.

Requires the applicant, before TWDB grants the application to buy, receive, or lease the facilities, to first secure all appropriate permits from the Texas Commission on Environmental Quality. Authorizes TWDB to assist the applicant with securing permits.

Amends the composition of the state participation account (account).

Authorizes money on deposit in the account to be used by TWDB for projects described in Sections 16.131 (Authorized Projects) and 16.145 (Authorized Projects for State Participation Account II), Water Code.

Requires the Texas comptroller of public accounts to establish the subaccount and authorizes TWDB to credit to the subaccount money in the account allocated by TWDB for the purposes of Section 16.145, Water Code. Authorizes TWDB to transfer money from the subaccount to the account if TWDB determines the money is needed for the purposes of Section 16.131, Water Code.

Procedures for Obtaining Right to Use State Water—S.B. 864

by Senator Perry—House Sponsor: Representative Tracy O. King

Currently, if an application for a surface water right at the Texas Commission on Environmental Quality (TCEQ) proposes to use groundwater to supplant surface water, there is no requirement to provide notice to a groundwater conservation district (GCD) with jurisdiction over that groundwater.

For example, ponds intended for domestic and livestock use are exempt from TCEQ surface water permitting procedures. If the owner of the pond were to convert the use of that pond to a use other than domestic and livestock, becoming a non-exempt use, the owner would then be required to obtain a surface water right to that water. If the water in that basin has already been fully appropriated, TCEQ will often condition that permit on keeping the pond filled with groundwater so they do not have to appropriate state water for that pond. With the current permitting process, the GCD does not receive notice that such an application has been made to TCEQ and applicants are often unaware that they must also obtain a permit to pump groundwater from any GCD with jurisdiction over that property. This could lead to illegal pumping of groundwater or enforcement actions at TCEQ. This bill:

Includes the requirement to identify any proposed alternative source of water, other than state water TCEQ is required to include in the notice.

Authorizes TCEQ to act on an application without holding a public hearing if, among certain other actions, not less than 30 days before the date of TCEQ's action on the application, TCEQ mails a copy of the notice by certain means to each GCD with jurisdiction over the proposed groundwater production, if the applicant proposes to use groundwater from a well located within a GCD as an alternative source of water.

Amends Section 11.135(b), Water Code, to include among certain other items that the permit is required to contain, a general description of the source of supply from which the appropriation is proposed to be made, including any alternative source of water that is not state water.

Requires that a certain notice regarding the use of dam or reservoir water, if the notice identifies groundwater from a well located in a GCD as a proposed alternative source of water, be sent to the GCD in which the well is located and be published in certain ways.

Expedited Applications for Seawater Desalination—S.B. 1430

by Senators Perry and Creighton —House Sponsor: Representative Lucio III

According to the 2017 state water plan, Texas's population is expected to reach 51 million by 2070. In that same amount of time, the state faces a potential water shortage of 8.9 million acre-feet per year under drought-of-record conditions. Meeting the state's future water needs will reportedly require new and innovative technologies, such as seawater desalination. With 367 miles of coastline, Texas is a prime place for seawater desalination; in fact, four regional water planning groups have identified seawater desalination as a water management strategy in the 2017 state water plans. If these projects come to fruition, they are expected to supply 116,000 acre-feet per year of new water supplies by 2070. This bill:

Provides that a water right holder who begins using desalinated seawater after acquiring the water right has a right to expedited consideration of an application for an amendment to the water right if the amendment authorizes the applicant to divert certain water.

Requires the executive director of the Texas Commission on Environmental Quality (TCEQ) to prioritize a technical review of an application, which is subject to a certain statute over a technical review of an application that is not subject to a certain statute.

Authorizes the deadline, specified by statute added by this bill and current statute, as applicable, to be extended in certain ways.

Requires an administrative law judge, for a matter pertaining to an application described by certain statute to complete the proceeding and provide a proposal for decision to TCEQ by a certain date.

State and Regional Water Planning Processes and Project Funding—S.B. 1511
by Senator Perry—House Sponsor: Representative Price

Interested parties have indicated that certain updates need to be added to the regional water planning process. Regional water planning groups (RWPGs) are integral to the state's bottom-up approach to water planning. RWPGs are tasked with identifying water needs and availability within their regions and with selecting and prioritizing projects to meet those needs. These projects are then included in the state water plan, which serves as the foundation for possible projects that can receive funding from the state water implementation fund for Texas (SWIFT). It is important that RWPGs identify and prioritize feasible projects and assess any obstacles to water projects that may arise in order to meet the needs of their region. This bill:

Includes Section 15.436 (Prioritization of Projects by Regional Water Planning Groups), Water Code, as one of the sections for which the Texas Water Development Board (TWDB) is required to adopt rules providing certain uses of SWIFT.

Requires that the state water plan include, with respect to projects included in the preceding state water plan that were given a high priority by TWDB for purposes of providing financial assistance, an assessment of the extent to which the projects were implemented in the decade in which they were needed and an analysis of any impediments to the implementation of any projects that were not implemented in the decade in which they were needed.

Includes the Texas State Soil and Water Conservation Board as one of the entities whose members are required to serve as ex officio members of each RWPG.

Requires that an RWPG's meetings be held at some central location readily accessible to the public within the regional water planning area (RWPA).

Requires an RWPG, if, after the regional water plan has been approved by TWDB, the plan then includes a water management strategy or project that ceases to be feasible, to amend the plan to exclude that strategy or project and to consider amending the plan to include a feasible strategy or project in order to meet the need that was to be addressed by the infeasible strategy or project. Describes certain characteristic that cause a water management strategy or project to be considered infeasible.

Requires RWPGs to submit their adopted regional water plans to TWDB by a certain date, for approval and inclusion in the state water plan. Requires subsequent regional water plans to be submitted at least every five years thereafter, except that an RWPG is authorized to elect to implement simplified planning, no more often than every other five-year planning cycle, and in accordance with guidance to be provided by TWDB, if the RWPG determines that, based on its own

initial analyses, there are no significant changes to the water availability, water supplies, or water demands in the RWPA.

Provides that, at a minimum, simplified planning will require updating groundwater and surface water availability values in the regional water plan, meeting any other new statutory or other planning requirements that come into effect during each five-year planning cycle, and formally adopting and submitting the plan for approval.

Requires the RWPG and groundwater district to prepare any revisions to the regional water plan and hold, after notice, at least one public hearing at some central location readily accessible to the public within the RWPA or district

Studies by TWDB Relating to Water Needs and Availability—S.B. 1525 [VETOED]
by Senator Perry—House Sponsor: Representative Larson

Per the 2017 State Water Plan, Texas' population is expected to hit 51 million by 2070. In that same amount of time, the state faces a potential water shortage of 8.9 million acre-feet per year under drought of record conditions.

The state's water plan is a bottom-up, regional approach to water planning in Texas, which is projected to provide an additional 8.5 million acre-feet of water per year in 2070. This is accomplished through approximately 5,500 water management strategies provided by these regions across the state. However, even with this approach to water planning, the state is projected to have a shortage of 400,000 acre-feet of water per year.

For reference, one acre-foot of water is approximately 326,000 gallons, or roughly the amount of water to fill one football field one-foot deep. The average Texas household uses approximately 246 gallons per day. Calculated out, the average Texas household uses .275 acre-feet of water per year. A shortage of 400,000 acre-feet in one year is the equivalent of 1.45 million homes going without water. This bill:

Requires the Texas Water Development Board TWDB to conduct a study of water needs and availability in this state and use the results of the study to produce a comprehensive water resources map.

Requires that the study consider certain opportunities for, obstacles to, and costs associated with the development of new sources of water; potential locations of facilities for the desalination of marine seawater and brackish groundwater; the allocation of costs associated with the transportation of desalinated marine seawater and brackish groundwater from the place of production to end users; the potential for the use of public-private partnerships for water development projects; and methods to ensure that stakeholders from all water user groups are included in the development of plans for the use of water in this state.

Authorizes TWDB, in conducting the study, to consult with the Texas Commission on Environmental Quality.

Requires TWDB, not later than December 1, 2018, to submit to each standing committee of the legislature having primary jurisdiction over water development a report of the study's findings and the water resources map developed by TWDB.

Requires TWDB, working with certain appropriate interested persons to conduct studies of aquifer storage and recovery projects identified in the state water plan or by interested persons and report the results of each study to regional water planning groups and interested persons.

Requires TWDB to: (1) conduct a statewide survey of the most favorable areas for aquifer storage and recovery; (2) prepare a report that includes an overview of the conducted survey conducted; and (3) not later than December 15, 2018, submit the report to the governor, lieutenant governor, and speaker of the house of representatives.

Permissible Uses of Floodplain Management Account—S.B. 1538

by Senator Watson—House Sponsor: Representative Phelan et al.

H.B. 6 (Otto et al, SP: Hinojosa) (relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes), 84th Legislature, Regular Session, 2015, re-created the floodplain management account as a special fund in the state treasury outside the general revenue fund. The Texas Water Development Board (TWDB) has made an exceptional item request this session that funds in the floodplain management account be appropriated to TWDB for the purposes of flood protection and related purposes and activities. This request was approved; however, not all the initiatives in TWDB's exceptional item request are within the existing allowable uses of the floodplain management account. This bill:

Amends Section 16.3161 (Floodplain Management Account), Water Code, to authorize TWDB to use the floodplain management account to fund the performance of TWDB's functions under Section 16.316 (Coordination of Local, State, and Federal Programs by Board), Water Code, or any other activities related to the collection and analysis of flood-related information; flood planning, protection, mitigation, or adaptation; the provision of flood-related information to the public through educational or outreach programs; or evaluating the response to and mitigation of flood incidents affecting residential property located in floodplains.

Confidentiality of Tax Appraisal Records of Peace Officer Family Members—H.B. 457
by Representative Holland et al.—Senate Sponsor: Senator Estes

Statute currently provides confidentiality of certain home address information in local property tax appraisal records for various officials, including peace officers. This confidentiality protects officers against retaliation from a disgruntled citizen whom they may cross in the line of duty. Stakeholders contend that this confidentiality does little good if spouses and family members of peace officers are not also protected from access by members of the public. This bill:

Provides that the information in local property tax appraisal records of a spouse or an adult child of a peace officer, rather than only that of a peace officer, is available solely for the official use by a governmental entity.

Online Broadcast of Certain Work Sessions or Special Called Meetings—H.B. 523
by Representative Schofield et al.—Senate Sponsor: Senator Kolkhorst

H.B. 523 requires the recording and online availability of any special called meeting or work session in which the elected board of trustees for a school district with a student enrollment of 10,000 or more votes on any matter or hears public comment or testimony. This bill:

Requires an elected board of trustees for a school district that has a student enrollment of 10,000 or more to make a video and audio recording of reasonable quality of each open meeting that is a work session or special called meeting if, at the work session or special called meeting, the board of trustees votes on any matter or allows public comment or testimony.

Internet Broadcasting of Open Meetings—H.B. 630
by Representative Howard—Senate Sponsor: Senator Zaffirini

Texas health and human services agencies conduct a variety of open meetings that cover a wide range of issues. Concerns have been raised that the lack of online access to some of these meetings presents a barrier to civic engagement for interested Texans who cannot attend the meetings in person. This bill:

Requires the Texas Health and Human Services Commission, the Texas Department of Family and Protective Services, the Texas Department of State Health Services, and advisory committees to live stream each open meeting on the Internet and to archive each broadcast for two years. Requires each agency to post notices of open meetings on the agency's website. Provides that only those meetings held on or after September 1, 2023, must comply with these requirements.

Expanding Confidentiality of Certain Information Filed with TEC—H.B. 776

by Representative Ashby—Senate Sponsor: Senators Buckingham and Campbell

H.B. 776 redacts the information of individuals who file personal financial statements with the Texas Ethics Commission (TEC) by expanding the class of individuals who are entitled to have their home address redacted. This bill:

Requires TEC to remove the home address of an individual, rather than of a judge or justice, from a financial statement filed by the individual before making the statement available to the public on TEC's Internet website, if TEC makes such statements filed available on its website.

Provides that Section 572.032(a-1), Government Code, as amended by this Act, applies to a financial statement filed under Subchapter B, Chapter 572 (Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest), Government Code, regardless of whether the statement was required to be filed before, on, or after the effective date of this Act.

Confidentiality of Stored Campaign Finance Report Information—H.B. 998

by Representative Alvarado—Senate Sponsor: Senators Miles and Garcia

Interested parties note that some cities are considering implementing electronic filing systems for campaign finance reports. These parties express concern regarding the potential misuse or misinterpretation of electronic data relating to a report that is temporarily saved for later retrieval and editing before the report is filed. H.B. 998 prevents such misuse or misinterpretation by providing for the confidentiality of such temporarily saved data. This bill:

Provides that electronic report data regarding campaign finance reports saved in a temporary storage location of the authority with whom the report is filed for later retrieval and editing before the report is filed is confidential and is prohibited from being disclosed. Provides that, after the report is filed with the authority, the information disclosed in the filed report is public information.

Availability of Current and Former Prosecutors' Personal Information—H.B. 1278

by Representative Dutton—Senate Sponsor: Senator Miles

Interested parties contend that inadequate protections are in place regarding the availability of personal information of current or former district attorneys, criminal district attorneys, and county or municipal attorneys whose jurisdiction includes any criminal law or child protective services matters, and the current or former employees of such attorneys. H.B. 1278 protects these individuals and their families from potential reprisal by providing the confidentiality of certain personal information that relates to such attorneys and their employees. This bill:

Provides that information is excepted from public disclosure requirements if the information reveals whether a person has family members, relates to certain contact information, or is the social security number of the following persons:

a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters; or

a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters.

Exempting IT Security Logs from Public Disclosure—H.B. 1861

by Representative Elkins—Senate Sponsor: Senator Watson

State agencies are required to conduct ongoing cybersecurity reviews and improvements to protect the state's data infrastructure and the private information of the state and citizens. The Texas Public Information Act provides confidentiality for security information relating to computers and other information technology (IT), but, according to legislators, this confidentiality is not sufficiently comprehensive as it does not cover routine IT security reports or logs. Consequently, government employees and the Office of the Attorney General spend an inordinate amount of time redacting these records, which are often voluminous. This bill:

Provides that information relating to a governmental entity's cybersecurity efforts is confidential for purposes of public information laws. Requires a state agency to redact confidential information from a contract posted on the agency's website.

Student Record Privacy—H.B. 2413

by Representative Burkett—Senate Sponsor: Senator Lucio

Career schools and colleges are required to maintain certain student records, which are protected by privacy laws. The Education Code specifies that student information is not public information but defines "student information" as certain information held by the Texas Workforce Commission (TWC) that could be used to identify a student. Stakeholders contend that this definition creates a loophole wherein the only protected student information is identifying information held by TWC. Stakeholders contend that identifying information is also held by career schools. Citing the loophole and increases in identity theft, legislators suggest updating privacy protections for students. This bill:

Amends the definition of "student information" in the Education Code to include information held by a career school or college, or any other school or business entity from which TWC receives information through the administration of career schools and colleges.

Suing for Public Information—H.B. 2783 [VETOED]

by Representative Smithee—Senate Sponsor: Senators Watson and Garcia

Currently, the Office of the Attorney General (OAG), a requestor, or other party who is injured by a violation of the Texas Public Information Act may sue to enforce the provisions of the Act. The Act requires the court to assess court costs and reasonable attorney's fees incurred by a plaintiff who substantially prevails in one of these lawsuits, unless the court finds that the governmental body reasonably relied on a court or OAG decision.

Legislators express concern regarding the wording of the act, contending that it allows governmental bodies to avoid paying court costs and attorney's fees by disclosing the information requests immediately before the court issues a ruling. Stakeholders contend that certain agencies have abused this loophole to harass requestors by essentially requiring requestors to pay for a lawsuit to receive public information, which decreases transparency and wastes the state's limited resources. This bill:

Authorizes a court to assess court costs and attorney's fees against a governmental body that voluntarily releases the requested information after filing an answer to the underlying lawsuit.

Removing Certain Names from Child Abuse and Neglect Central Registry—H.B. 2849
by Representatives Burkett and Greg Bonnen—Senate Sponsors: Senators Perry and Schwertner

Interested parties express concern that a person who is investigated by child protective services and against whom a finding of abuse and neglect is overturned may still suffer the stigma of having the person's name and records related to the case in certain Department of Family and Protective Services (DPS) files. H.B. 2849 seeks to remedy this situation by providing for the removal of such information. This bill:

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules that require DFPS to remove a person's name from the central registry not later than the 10th business day after the date DFPS receives notice that a finding of abuse and neglect against the person is overturned in certain reviews and appeals

Requires the executive commissioner to adopt rules that require DFPS to update any relevant DFPS files to reflect an overturned finding of abuse or neglect against a person not later than the 10th business day after the date the finding is overturned in a review, hearing, or on a certain appeal.

Meetings Attended Via Videoconference—H.B. 3047
by Representative Dale—Senate Sponsor: Senator Schwertner

Currently, the Open Meetings Act requires a governmental body conducting a meeting with one or more members participating via videoconference to recess if a member is disconnected from the meeting, and to adjourn such a meeting if the disconnected member does not reconnect within six hours regardless of whether the remaining members constitute a quorum. This bill:

Requires that a member attending a meeting via videoconference be considered absent during any portion of the meeting during which the member is disconnected from the meeting. Authorizes the governmental body holding the meeting to continue the meeting only if a quorum of the body is in attendance at the meeting.

Modifying the Public Information Act—H.B. 3107
by Representative Ashby—Senate Sponsor: Senator Nichols

The Texas Public Information Act governs public access to records and other materials maintained by governmental bodies. It exists to ensure that the public has access to public information, but legislators suggest that it has become subject to abuse that unduly burdens governmental entities, particularly local governments. Legislators recommend revising the law as it relates to the production of information that consumes a significant amount of resources.

The Act allows a governmental entity to charge a requestor a reasonable amount of money for providing a copy of information, including the cost of materials, labor, and overhead expenses. The Act further allows a governmental entity to establish a reasonable limit on the time it spends complying with requests without recovering labor costs. This bill:

Provides that a request is considered withdrawn if the requestor either did not inspect or duplicate the information in the offices of the governmental body within 60 days of the information being made available or failed to pay the postage and any other applicable charges within 60 days of being informed of them.

Authorizes a governmental entity to define a monthly limit, in addition to the current yearly limit, on the time that personnel would have to spend responding to a request for information without recovering labor costs. Provides that the monthly time limit may not be less than 15 hours per requestor.

Provides that a governmental body is not required to comply with additional requests from a person who exceeds the time limits; who has been notified of the estimated costs; and who had not paid the amount due by the time a new request was submitted, until the requestor paid or withdrew the previous request.

Provides that such provisions regarding nonpayment of requested charges and an entity's authority to decline requests do not apply to journalists, scholars, or researchers employed by an institution of higher education.

Regulation and Accessibility of Search Warrants—H.B. 3237
by Representative Moody—Senate Sponsor: Senator Whitmire

Observers have noted that the owner of property subject to an issued search warrant may become aware of the impending search due to the public availability of the sworn affidavit establishing probable cause for the warrant that is filed before the warrant is executed. H.B. 3237 changes the time at which such a sworn affidavit becomes public information. This bill:

Provides that, except as provided by Article 18.011 (Sealing of Affidavit), Code of Criminal Procedure, an affidavit becomes public information when the search warrant for which the affidavit was presented is executed. Requires the magistrate's clerk to make available for public inspection a copy of the affidavit in the clerk's office during normal business hours.

Requires an officer, not later than three whole days after executing a search warrant, to return the search warrant. Provides that the failure of an officer to make a timely return of an executed search

warrant or to submit an inventory of the property taken into the officer's possession under the warrant does not bar the admission of evidence under Article 38.23 (Evidence Not To Be Used), Code of Criminal Procedure.

Regarding Identifying Information Collected by Certain Clerks—H.B. 3492

by Representative Elkins—Senate Sponsor: Senator Bettencourt

Interested parties assert that situations arise in which individuals seeking to file documents with or request services from certain county or district clerks provide fraudulent information to the clerk. H.B. 3492 combats such fraud by authorizing clerks in certain counties to copy or record identifying information regarding an individual who seeks to so file or request. This bill:

Authorizes a county or district clerk in a county with a population of 3.3 million or more to copy or record identifying information, including a document on which the information is viewable, regarding an individual who presents a document or other instrument for filing or recording to the county or district clerk or requests or obtains an ex officio service or other public service provided by the county or district clerk. Authorizes a county or district clerk to maintain identifying information copied or recorded in an electronic storage format.

Prohibits a county or district clerk, except as otherwise required or authorized by law, from refusing to file or record a document or other instrument or refusing to provide a public service on the ground that an individual does not have or refuses to provide identifying information, or from charging a fee to copy or record identifying information.

Establishes the confidentiality of copied or recorded identifying information except for its use in a criminal investigation or prosecution or a related civil court proceeding.

Confidential Communications for Victims of Family Violence Offences—H.B. 3649

by Representatives Herrero and Guillen—Senate Sponsor: Senator Hinojosa

Interested parties note that communication between family violence survivors and family violence advocates is unnecessarily subject to disclosure that leaves survivors susceptible to danger from their abusers. H.B. 3649 protects the confidential communication of victims of certain family violence offenses. This bill:

Provides that a written or oral communication between an advocate and a victim made in the course of advising, advocating for, counseling, or assisting the victim is confidential and is prohibited from being disclosed. Provides that a victim has the privilege to refuse to disclose and to prevent another from disclosing a confidential communication. Authorizes the privilege to be claimed by certain persons.

Provides that a communication that is confidential is authorized to be disclosed only under certain conditions. Provides that the Texas Rules of Evidence govern the disclosure of a communication that is confidential in a criminal or civil proceeding by an expert witness who relies on facts or data from the communication to form the basis of the expert's opinion.

Provides that if a family violence center, at the request of a victim, discloses a communication privilege for the purpose of a criminal or civil proceeding, the family violence center is required to disclose the communication to all parties to that criminal or civil proceeding.

Public Information Requests—S.B. 79

by Senator Nelson—House Sponsor: Representative Capriglione

Statute authorizes political subdivisions, including cities and counties, to direct requestors of public information to a website if the information already exists online. However, state agencies are required to provide original copies of the information for inspection, to make duplications, and to send the information by first class mail, requirements that expend time and resources. Currently, only a public information officer for a political subdivision is authorized to comply with a request for information by referring the requestor to a website if the information is available online. Legislators suggest streamlining public access to public information by expanding this authority to public information officers for other entities. This bill:

Authorizes a public information officer for a governmental body to refer a public information requestor to a website that is maintained by that governmental body and that contains the requested information.

Confidentiality of Home Address Information of Certain Victims—S.B. 256

by Senator Van Taylor et al.—House Sponsor: Representative Hunter et al.

Interested parties express concern regarding the access to home address information of a victim of family violence, sexual assault or abuse, human trafficking, or stalking, by the person who committed such acts and the dangers that access poses to the victim, even if the victim has a protective order against the perpetrator. S.B. 256 ensures the confidentiality of such information. This bill:

Requires the Texas attorney general (attorney general) to establish an address confidentiality program (program) to assist a victim of family violence, sexual assault or abuse, stalking, or trafficking of persons in maintaining a confidential address.

Requires an applicant, to be eligible for the program, to either meet with a victim's assistance counselor with certain designations, or to be protected under, or be filing an application on behalf of a victim who is the applicant's child or another person in the applicant's household who is under certain protective orders and injunctions, or to possess documentation of family violence, sexual assault, abuse, or stalking.

Requires that an application contain a statement by the applicant of whether there is an existing court order or certain pending court cases that involve the applicant, the applicant's child, or another person in the applicant's household.

Authorizes the attorney general to establish procedures for an applicant to submit documentary evidence in the form of an active or recently issued protective order; a physician or other health care provider's statement regarding a medical condition as a result of the family violence, sexual assault

or abuse, stalking, or trafficking, or any other independent documentary evidence showing the applicant's eligibility to participate in the program.

Requires the attorney general to disclose a participant's true residential, business, or school address if requested by a law enforcement agency for the purpose of conducting an investigation.

Establishes the confidentiality of certain information furnished on a registration application, including the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence, sexual assault or abuse, stalking, or trafficking of persons, or a participant in the attorney general's address confidentiality program.

Applying Open Government Rules to Regional Water Planning Groups—S.B. 347

by Senators Watson and Buckingham—House Sponsor: Representative Phelan

Texas is divided into 16 water planning areas, each administered by its own regional water planning group (RWPG) that prepares regional water plans that are submitted for approval and inclusion in the newest state water plan every five years.

The 83rd Legislature established the State Water Implementation Fund for Texas (SWIFT) and funded it with \$2 billion to support water projects statewide. Legislators note that the Open Meetings Act and Public Information Act are ambiguous regarding whether they apply to RWPGs, and legislators expressed concern that RWPG activities should be open and transparent with such a large state investment being directed into RWPGs. This bill:

Provides that RWPGs and their committees and subcommittees are subject to the Texas Open Meetings Act and the Texas Public Information Act.

Court Employees' Personal Information—S.B. 510

by Senator Zaffirini et al.—House Sponsor: Representative Smithee

Legislators contend that employees of federal and state judges routinely interact with unstable or dangerous litigants, who may become disgruntled with their counsel or court staff or retaliate against them for what the litigant perceives as an unjust conviction. Currently, such litigants and their allies have access to home address information of property owners, which allows court employees and their families to be found and potentially harassed at home. Legislators suggest that court employees be allowed to conceal their home address information from the public. This bill:

Provides that a current or former employee of a federal or state judge may elect to restrict public access to his or her home address information in property tax appraisal records.

Open Meeting Rules for Sensitive Cybersecurity Discussions—S.B. 564
by Senator Campbell and Nichols—House Sponsor: Representative Capriglione

As the incidence of cyber attacks are on the rise and as the state stores increasing amounts of private citizens' personal information, cybersecurity has become a crucial issue for Texas. Currently, the governing board of the Department of Information is exempt from state open meeting requirements when it is discussing sensitive cybersecurity information, and legislators suggest expanding this exemption to other governmental entities. This bill:

Exempts a governmental body from state open meeting requirements when deliberating security devices or security audits.

Confidentiality of Information of Applicant for Gubernatorial Appointment—S.B. 705
by Senator Birdwell—House Sponsor: Representative Price

S.B. 705 protects the information of an applicant for a gubernatorial appointment from requests under Chapter 552 (Public Information), Government Code. Current law allows a person's personal information to be redacted if the person has been appointed by the governor, but does not extend the same protection to those who are not appointed. This bill:

Provides that an applicant's home address, home telephone number, and social security number that are obtained by the governor and senate in connection with the applicant's appointment by the governor is excepted from the requirements of Section 522.021 (Availability of Public Information), Government Code.

Clarifying Videoconference Rules—S.B. 988
by Senator Zaffirini—House Sponsor: Representative Israel

Members of a commissioners court may attend a meeting of the commissioners court via videoconference, and the Local Government Code provides that, if present, the county judge is the presiding officer when the commissioners court meets. However, statute permitting videoconference attendance requires the person presiding over a meeting to physically attend the meeting. Legislators note that in the case of a county judge who wants to attend a meeting via videoconference, the judge would simultaneously be required to preside over the meeting and be prohibited from doing so by different statutes. This bill:

Provides that statute requiring a county judge to preside over a meeting of a commissioners court does not apply to meetings at which the judge is in attendance via videoconference.

Exempting Customer Data from Public Information Laws—S.B. 1023
by Senator Nelson—House Sponsor: Representative Simmons

The Dallas/Fort Worth International Airport (DFW Airport) plans to implement a program for travelers to reserve and pay for airport parking online. Legislators express concern that such

customer information as names, addresses, and financial information could be subject to public information laws because DFW Airport is a public entity and contend that there is no compelling reason to publicly release customers' sensitive information. In fact, the 84th Legislature exempted from disclosure laws the same information for customers of toll and transit authorities. This bill:

Provides that certain personal identifying information collected by a joint airport board in relation to a commercial online payment system is confidential and exempt from disclosure under public information laws.

Preventing Online Publication of Individual Hotel Sales Taxable Receipts—S.B. 1086
by Senator Seliger—House Sponsor: Representative Elkins

Currently, monthly and quarterly room sales information for individual hotel businesses is posted to the Office of the Comptroller of Public Accounts of the State of Texas (comptroller's office) website. Except for Mixed Beverage License holders, all other individual businesses' sales tax receipts are confidential, and only general sales tax information, such as type of tax, category of business, and geographic area, is accessible through an open records request. Proprietary sales revenue for individual businesses is not subject to an open records request. No other state posts this information for individual hotels.

Having this information posted on the website of the comptroller's office has caused individual hoteliers to be targeted by unsolicited vendors. Aside from the nuisance, this puts hoteliers at a disadvantage when negotiating with these vendors since this information reveals proprietary business financials. This bill:

Provides that the comptroller's office does not have the authority to publish individual hotel sales taxable receipts on its website and that instead, such information will continue to be available through an open records request.

Protection of Certain Personal Information in Public Records—S.B. 1098
by Senator Zaffirini—House Sponsor: Representative Rodney Anderson

Interested parties have raised concerns regarding the required disclosure of a citizen's home address in certain public records. In addition, the parties are concerned that certain information found in the possession of a notary public should be protected from disclosure. S.B. 1098 addresses these issues by reforming the law regarding certain records and acknowledgements or proofs of certain written instruments. This bill:

Amends the Government Code to include the mailing address, rather than a residence or alleged residence, of a signor, grantor, maker, witness or grantee, among other items that a notary public, other than a court clerk notarizing instruments for the court, is required to keep a book record.

Amends the Civil Practice and Remedies Code to include the mailing address, rather than a residence, of a grantor or witness among the items that an officer authorized by law to take an acknowledgement or proof of a written instrument is required to record in a certain statement.

Information Sharing Between DSHS and DPS—S.B. 1205
by Senator Nichols—House Sponsor: Representative Holland

The Texas Department of Public Safety (DPS) is required to give information, including Social Security numbers, to various state agencies. The Department of State Health Services (DSHS) has recently elected to not provide Social Security numbers to DPS when DSHS is notified that an individual has died. This causes DPS to be unable to perform its duties that require Social Security numbers, including developing a jury wheel, assisting in identity fraud cases, and sharing this information with other agencies. This bill:

Requires DSHS to implement a method to verify death information to assist DPS with maintaining records of holders of driver's licenses and personal identification certificates in Texas. Requires DSHS to enter into a memorandum of understanding with DPS to implement that requirement.

Confidentiality of Personal Information for Protective Order Applicants—S.B. 1242
by Senators Rodríguez and Garcia—House Sponsor: Representative Burkett

Interested parties raise concerns over the burden with regard to safeguarding the applicant's mailing address faced by certain applicants for a protective order who are without an attorney. S.B. 1242 addresses these concerns by providing for the confidentiality of certain personal information of an applicant for, or a person protected by, a protective order. This bill:

Authorizes the court, on request by an applicant, to protect the applicant's mailing address by rendering an order requiring the applicant to disclose the applicant's mailing address to the court, designate a person to receive on the applicant's behalf any notice or documents filed with the court related to the application, and disclose the designated person's mailing address to the court.

Authorizes the court, on request by an applicant, to protect the applicant's mailing address by rendering an order requiring the court clerk to strike the applicant's mailing address from the court's public records, if applicable, and maintain a confidential record of the applicant's mailing address for use only by the court.

Authorizes the court, on request by an applicant, to protect the applicant's mailing address by rendering an order prohibiting the release of the information to the respondent.

Requires that a notice of an application for a protective order show, if the applicant is not represented by an attorney, the applicant's mailing address or, if applicable, the name and mailing address of the person designated to receive on behalf of the applicant any notice or documents filed with the court related to the application.

Requires the court, on granting a request for confidentiality, to order the clerk to maintain a confidential record of the information for use only by a law enforcement agency for purposes of entering certain required information into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

Open Meetings Rules—S.B. 1440

by Senator Campbell—House Sponsor: Representative Larson

Stakeholders note that uncertainty exists regarding whether elected officials from the same governmental body can attend a candidate forum or public debate without constituting a quorum under the Open Meetings Act. Some municipalities have recommended that their elected officials avoid participating in such forums and adhere to a strict interpretation of the law. Some legislators contend that such a policy presents a particular burden for smaller communities whose city council members are elected at large and in which all incumbent officials are expected to participate in a single debate, and that such a conflict does not represent voters' best interests. This bill:

Provides that the definition of "meeting" for purposes of state open meetings law does not include attendance by a quorum of a governmental body at a candidate forum, appearance, or debate to inform the electorate if formal action is not taken and any discussion of public business is incidental to the forum, appearance, or debate.

Relating to Powers and Duties of DFPS as an Autonomous Agency—H.B. 5
by Representative Frank et al.—Senate Sponsor: Senators Schwertner and Perry

Concerns have been raised regarding the structure of the Department of Family and Protective Services (DFPS) with respect to the pace of decision making in abuse and neglect investigations and a lack of organizational flexibility for DFPS to manage its service delivery and workforce more effectively. H.B. 5 seeks to better meet the needs of children in the foster care system and at-risk youth in Texas by removing DFPS from the state's health and human services system under the direction of the Health and Human Services Commission (HHSC). This bill:

Redefines "juvenile service provider."

Includes DFPS among the entities to which the Texas Juvenile Justice Department may grant access to juvenile justice information for certain approved purposes.

Changes references to the executive commissioner of HHSC to the commissioner of DFPS (commissioner) in various sections of the Family Code and Human Resources Code.

Provides that in Chapter 261, Family Code; Chapter 264, Family Code; and Chapter 48, Human Resources Code, a reference to the executive commissioner or the executive commissioner of HHSC means the commissioner and a reference to HHSC means DFPS.

Requires a person to be qualified to conduct an adoption evaluation to meet certain qualifications, including to be employed by or under contract with a domestic relations office, provided that the person conducts adoption evaluations relating only to families ordered to participate in adoption evaluations conducted by the domestic relations office.

Requires DFPS to provide information to each person seeking to adopt a child placed for adoption by DFPS regarding the right of a child's sibling to file a suit for access to the child under Sections 102.0045 (Standing for Sibling) and 153.551 (Suit for Access), Family Code. Authorizes DFPS to provide such information on any form or application provided to prospective adoptive parents.

Provides that a nonprofit entity that contracts with DFPS to provide services as a single source continuum contractor is considered to be a charitable organization for the purposes of Chapter 84 (Charitable Immunity and Liability), Civil Practice and Remedies Code, with respect to the provision of those services, and applies to the entity and any person who is an employee or volunteer of the entity.

Provides that the limitations on liability apply only to an act or omission by the entity or person, as applicable, that occurs while the entity or person is acting within the course and scope of the entity's contract with DFPS and the person's duties for the entity and only if insurance coverage in the minimum amounts required by Chapter 84, Civil Practice and Remedies Code, is in force and effect at the time a cause of action for personal injury, death, or property damage accrues.

Defines "commissioner" in Section 266.001 (Definitions), Family Code.

Requires DFPS to collaborate with HHSC and health care and child welfare professionals to design the described medical services delivery model.

Provides that HHSC is responsible for administering contracts with managed care providers for the provision of medical care to children in foster care. Requires DFPS to collaborate with HHSC to ensure that medical care services provided by managed care providers match the needs of children in foster care.

Requires that the health passport be maintained in an electronic format and use DFPS's existing computer resources to the greatest extent possible and requires the executive commissioner of HHSC, in collaboration with the commissioner, to adopt rules specifying the information required to be included in the passport. Requires HHSC, in collaboration with DFPS, to provide training or instructional materials to foster parents, physicians, and other health care providers regarding use of the health passport.

Requires DFPS to develop an education passport for each foster child. Requires DFPS to determine the format of the passport.

Requires DFPS to collaborate with the Texas Education Agency (TEA) to develop policies and procedures to ensure that the needs of foster children are met in every school district.

Requires HHSC to continue to provide any services to children in the conservatorship of DFPS that HHSC provided to those children before September 1, 2017. Provides that these services do not apply to any services provided by HHSC in relation to a child's education passport created under Section 266.008 (Education Passport), Family Code.

Require the executive commissioner to plan and implement an efficient and effective centralized system of administrative support services for the health and human services system and DFPS, as applicable.

Provides that the functions of DFPS, including the statewide intake of reports and other information, that relate to certain services and investigations of alleged abuse, neglect, or exploitation occurring at a child-care facility, including a residential child-care facility, as those terms are defined by Section 42.002 (Definitions), Human Resources Code, are not subject to certain transfer.

Prohibits, notwithstanding any provision of Subchapter A-1 (Consolidation of Health and Human Services System), Chapter 531 (Health and Human Services Commission), Government Code, or any other law, the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a child-care facility, including a residential child-care facility, as those terms are defined by Section 42.002, Human Resources Code, from being transferred to HHSC and provides that it remains the responsibility of DFPS.

Requires the commissioner, as soon as possible after the 91st day after the last day of the legislative session, to transfer the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a child-care facility, including a residential child-care facility, to the Child Protective Services division of DFPS. Requires the commissioner to transfer appropriate investigators and staff as necessary to implement this section.

Removes DFPS from a list of agencies required to be reviewed by the Texas Sunset Advisory Commission (Sunset) during the state fiscal biennium ending August 31, 2023.

Includes certain services provided by DFPS among the services for which the HHSC Office of Inspector General is responsible.

Provides a reference to DFPS or HHSC in relation to a function described by Section 40.0025(b) (relating to the provision that DFPS performs only functions related to certain protective, prevention, and early intervention services), Human Resources Code, means DFPS. Provides a reference to the commissioner of DFPS or the executive commissioner of HHSC in relation to a function described by Section 40.0025(b) means the commissioner.

Provides that the Family and Protective Services Council (council) is created to assist the commissioner in developing rules and policies for DFPS. Sets forth certain provisions relating to the council, including makeup and required reports and training; required training for the council; requirements relating to reimbursement for expenses incurred by the council; and provisions relating to presiding officers of the council.

Requires the governor, with the advice and consent of the senate, to appoint a commissioner. Provides that the commissioner serves a term of two years.

Requires the commissioner to oversee the development and implementation of policies and guidelines needed for the administration of DFPS's functions and oversee the development of rules relating to certain matters within DFPS jurisdiction, including the delivery of services to persons and the rights and duties of persons who are served or regulated by DFPS.

Requires the commissioner to administer Chapter 40 (Department of Family and Protective Services), Human Resources Code, and other laws relating to DFPS.

Requires the commissioner to adopt rules and policies for the operation and the provision of services by DFPS; requires the commissioner to establish certain specified divisions and offices within DFPS; authorizes the commissioner to establish additional divisions within DFPS, as the commissioner determines appropriate; and authorizes the commissioner to assign DFPS functions among DFPS's divisions.

Requires DFPS to make a good faith effort to share relevant and appropriate information with health and human services agencies regarding persons receiving services from DFPS to ensure continuity of care and the best possible coordination of state-funded resources among health and human services agencies.

Requires DFPS and HHSC to enter into contracts for the provision of shared administrative services, including payroll, procurement, information resources, rate setting, purchasing, and contracting.

Requires DFPS to collaborate with HHSC to ensure the efficient provision of administrative support services by HHSC.

Repeals Sections 261.001(7) (relating to defining "executive commissioner"), 264.001(2) (relating to defining "commission"), and (3) (relating to defining "executive commissioner"), Family Code. Repeals Sections 40.0506 (Management and Direction by Executive Commissioner) and 40.0507 (Contracting and Auditing Authority; Delegation), Human Resources Code.

Requires the executive commissioner to transfer the appropriate divisions, resources, and personnel to DFPS to allow DFPS to perform its general functions under Chapter 40, Human Resources Code,

including any staff and associated resources previously transferred to HHSC pursuant to the requirements of Chapter 837 (S.B. 200), Acts of the 84th Legislature, Regular Session, 2015.

Cybersecurity for State Agency Information Resources—H.B. 8

by Representative Capriglione et al.—Senate Sponsor: Senator Nelson et al.

The state stores a significant amount of citizens' private information electronically, and stakeholders contend that continual efforts are crucial to ensuring the safety of citizens' data as the prevalence of cybersecurity threats increases. This bill:

Establishes the Cybersecurity Act.

Requires the Texas Department of Information Resources (DIR) to establish an information sharing and analysis center to provide a forum for state agencies to share information regarding cybersecurity threats and best practices against those threats; requires DIR to appoint persons from appropriate state agencies to serve as representatives to the center and sets forth requirements on the membership of the council; requires DIR to provide administrative support to the center; and requires DIR to provide mandatory guidelines to state agencies regarding continuing education requirements for cybersecurity training.

Requires, rather than authorizes, the information resources manager of a state agency to prepare a report assessing the extent to which the agency's data infrastructure is vulnerable to unauthorized access; requires the state cybersecurity coordinator to lead the council; sets forth information security requirements for agencies operating websites that process citizens' data; requires the Texas secretary of state to conduct a study regarding cyber attacks on election infrastructure; and requires the lieutenant governor and the speaker of the house of representatives to establish select committees on cybersecurity in their respective chambers.

Requiring Bill Numbers in Notices for Proposed Rulemaking—H.B. 462 [VETOED]

by Representative Dale—Senate Sponsor: Senator Zaffirini

The legislature provides state agencies with rulemaking authority to implement programs and policies appropriately and efficiently without being micromanaged by the legislature. However, legislators express concern that conferring rulemaking authority on an agency risks allowing an agency to make rules beyond the intended scope of that authority and that administering oversight of agency rulemaking should be eased. This bill:

Requires a state agency's notice of proposed rulemaking authority to include the bill number for the legislation relevant for providing rulemaking authority and requires the agency to provide such a notice to the authors and sponsors of that legislation.

Membership of the Texas Racing Commission—H.B. 1106

by Representative Senfronia Thompson—Senate Sponsor: Senator Hughes

Interested parties suggest that an official other than the Texas comptroller of public accounts (comptroller) or the comptroller's designee would be a more appropriate member of the Texas Racing Commission (TxRC). H.B. 1106 ensures that the most appropriate officials are designated as ex officio members of TxRC. This bill:

Provides that ex officio members of TxRC include the commissioner of agriculture (commissioner) or the commissioner's designee, rather than the comptroller or the comptroller's designee.

Repealing the Statewide Procurement Advisory Council—H.B. 1116

by Representative Kacal—Senate Sponsor: Senator Buckingham

The Statewide Procurement Advisory Council (SPAC) is a statutorily required advisory council at the Office of the Comptroller of Public Accounts of the State of Texas (comptroller's office) that was created in 2007 when the legislature transferred authority for overseeing state purchasing from the Texas Building and Procurement Commission to the comptroller's office. SPAC expired in 2011, but the statute requiring certain contracts to be proposed and awarded during an open meeting of SPAC has not expired. Consequently, these statutorily required meetings have delayed procurements while providing little transparency and guidance to the comptroller's office. This bill:

Repeals SPAC.

Authorizing the Sale of Real Property to Certain Indian Tribes—H.B. 1406 [VETOED]

by Representative Blanco—Senate Sponsor: Senators Hinojosa and Rodríguez

Under current statute, when the Texas General Land Office (GLO) sells property, it gives preference to certain political subdivisions, usually the city or county in which a property is located. If no qualifying political subdivision has bought the land, GLO would place the property up for auction to the general public. Federally recognized Indian tribes are not considered political subdivisions in this section, and are therefore not given preference in purchasing property from GLO. This bill:

Gives federally recognized Indian tribes the same preference as these political subdivisions.

Authorizes the asset management division of the GLO to directly sell certain real property to a political subdivision, to a certain development corporation, or to a federally recognized Indian tribe, as listed by the United States secretary of the interior under 25 U.S.C. Section 5131, if the commissioner of GLO has determined the sale to be in the best interest of the state.

Financing Energy and Water Conservation—H.B. 1571
by Representative Paddie—Senate Sponsor: Senator Hughes

Local governmental entities and schools may enter into an energy savings performance contract to install more efficient systems or equipment that will result in energy cost savings. Under such contracts, local governments can obtain financing to fund construction costs based on a guarantee of future savings. Stakeholders contend that future cost savings should be considered when implementing a performance contract and that considering cost savings could maximize construction financing under a performance contract. This bill:

Authorizes a state agency to use any available money, rather than any money other than money borrowed from the state, to pay a provider of energy or water conservation measures.

Transferring Charge of "The Spirit of the Alamo Lives On" Painting—H.B. 1644
by Representative Springer—Senate Sponsor: Senator Birdwell

George L. Skypeck presented his painting "The Spirit of the Alamo Lives On" to the Texas Veterans Commission (TVC) with an intent to have TVC reproduce and sell the painting to raise money for Texas veterans; however, TVC does not have the retail capability to fulfill Skypeck's intention. Consequently, H.B. 1644 will transfer the charge and control of Skypeck's painting to the Texas General Land Office (GLO), since GLO has the retail capability necessary to reproduce and sell the painting. All revenue from the painting will benefit the Texas Veterans Land Board. GLO will enter into a memorandum of understanding with the state Preservation Board so that Skypeck's original painting can hang inside the Capitol. This bill:

Requires that TVC, not later than December 1, 2017, transfer charge and control of "The Spirit of the Alamo Lives On" painting by George L. Skypeck to GLO.

State Preservation Board Contracting—H.B. 1829
by Representative Geren—Senate Sponsor: Senator Kolkhorst

H.B. 1829 requires the State Preservation Board (SPB) to enter into a contract with a nonprofit corporation to assist in the preservation, maintenance, and improvement of the Capitol and the Capitol grounds. This bill:

Requires SPB to contract with a nonprofit corporation formed to assist in the preservation, maintenance, and improvement of the Capitol and the Capitol grounds to develop and implement a plan for the solicitation and acceptance of gifts, grants, devises, and bequests of money; other property; and services to be used to preserve, maintain, and improve the Capitol and the Capitol grounds. Authorizes SPB to contract with a nonprofit corporation described by Section 443.030 (Support Organizations), Government Code, or another nonprofit corporation.

Office of Injured Employee Counsel Ombudsman—H.B. 2060
by Representative Oliveira—Senate Sponsor: Senator Zaffirini

The Office of Injured Employee Counsel (OIEC), an office within the Texas Department of Insurance's division of workers' compensation, staffs its field offices with ombudsmen, personnel whose role in the agency is to assist claimants in filing claims. The Labor Code provides that a person must have at least one year's experience in the field of workers' compensation to be designated as an ombudsman; however, OIEC claims that this requirement is an impediment to staffing all of its field offices throughout the state. This bill:

Repeals the requirement that an ombudsman have a year of relevant experience.

First Responders and Workers' Compensation Insurance—H.B. 2082
by Representative Burrows et al.—Senate Sponsor: Senator Perry

The governor appoints counsel to the Office of Injured Employee Counsel (OIEC), which is statutorily required to maintain an ombudsman program that provides assistance to injured employees and benefit claimants in navigating workers' compensation claims. This ombudsman meets with injured employees and unrepresented claimants and investigates complaints, and communicates with employers, carriers, and providers on behalf of claimants.

Stakeholders contend that first responders seeking treatment for on-the-job injuries struggle to navigate the complex process of resolving workers' compensation insurance claims. This bill:

Requires the injured employee public counsel to designate an employee of OIEC as a first responder liaison who is required to assist an injured first responder and the first responder's ombudsman during workers' compensation dispute resolution. Requires the liaison to meet the same qualifications as an ombudsman.

Division of Workers' Compensation Hearing Officers—H.B. 2111
by Representative Romero Jr.—Senate Sponsor: Senator Zaffirini

Under current law, a dispute arising over a workers' compensation insurance claim may be resolved through a quasi-judicial process involving a hearing presided over by division of workers' compensation (DWC) employees, who are called "hearing officers"; however, DWC has expressed concern that this title inaccurately reflects the role, as hearing officers must be licensed attorneys and are classified as administrative law judges for purposes of the state employee classification titles established by the Texas State Auditor's Office. Legislators suggested issuing the title of administrative law judge to hearing officers. This bill:

Renames hearing officers as administrative law judges.

Division of Workers' Compensation—H.B. 2112*by Representative Romero Jr.—Senate Sponsor: Senator Zaffirini*

Statute requires the division of workers' compensation (DWC) of the Texas Department of Insurance to produce a number of one-time legislative reports and to perform reporting functions that may no longer be necessary. While some of these reports have been completed, other reporting functions are obsolete or create inefficiencies for system stakeholders.

Statute requires that many notices sent to and provided by DWC be mailed or personally delivered, which results in system inefficiencies, and legislators suggest providing flexibility to determine the best method for delivering or receiving notices to DWC. This bill:

Eliminates certain reporting requirements. Provides that DWC may file, submit, or deliver certain workers' compensation documents and notices.

Clarifying Legal Services in the Health and Human Services System—H.B. 2379*by Representative Price et al.—Senate Sponsor: Senator Hinojosa*

Interested parties contend that the legal services of the Health and Human Services Commission (HHSC) Office of Inspector General (OIG) that the executive commissioner of HHSC is responsible for performing need to be clarified. This bill:

Provides that the executive commissioner of HHSC is responsible for performing administrative support services functions necessary to support HHSC OIG, including certain legal services.

Requires HHSC OIG to conduct audits, inspections, and investigations independent from the executive commissioner and HHSC in a certain manner. Requires HHSC OIG to prepare a final report on each audit, inspection, or investigation conducted as specified in provisions of this bill.

Provides that the chief counsel for HHSC is the final authority for all legal interpretations related to statutes, rules, and HHSC policy on programs administered by HHSC.

Defines "legal services."

Requires HHSC to use learning, neural network, or other technology to identify and deter fraud in Medicaid throughout this state. Requires that the data used for data processing, rather than for neural network processing, be maintained as an independent subset for security purposes. Requires that the technology, rather than the learning or neural network technology, implemented under Section 531.106(g), Government Code, match vital statistics unit death records with Medicaid claims filed by a provider.

Provides that if a managed care organization or a certain other entity discovers fraud or abuse in Medicaid or the child health program, the organization is required to immediately submit written notice to HHSC OIG and to the Office of the Attorney General in the form and manner prescribed by HHSC OIG and that the notice contain a detailed description of the fraud or abuse and each payment made to a provider as a result of the fraud or abuse.

Provides that if HHSC OIG notifies a managed care organization of recovery efforts, proceeds with recovery efforts; and recovers all or part of the payments that the organization identified, the organization is entitled to one-half the amount recovered for each payment the organization identifies after any applicable federal share has been deducted. Prohibits the organization from receiving more than one-half of the total amount of money recovered after any applicable federal share has been deducted.

Authorizes HHSC OIG if HHSC OIG discovers fraud, waste, or abuse in Medicaid or the child health program in the performance of its duties, to recover payments made to a provider as a result of the fraud, waste, or abuse as otherwise provided in statute. Requires that all payments recovered by HHSC OIG be deposited to the credit of the general revenue fund.

Requires HHSC OIG to coordinate with appropriate managed care organizations to ensure that HHSC OIG and an organization or an entity with which an organization contracts do not both begin payment recovery efforts for the same case of fraud, waste, or abuse.

Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency and authorizes a delay of implementation until such a waiver or authorization is granted.

Succession Plans for State Agencies—H.B. 2463 [VETOED]

by Representative Price—Senate Sponsor: Senator Hughes

State agencies risk losing valuable institutional knowledge and training when an experienced employee leaves the agency, and legislators suggest that a succession plan could minimize the loss of labor or experience capital by facilitating the transfer of that capital to new employees. This bill:

Requires each state agency, not including institutions of higher education, to develop a written succession plan identifying how to ensure the transfer of institutional knowledge from experienced retiring employees to succeeding employees. Requires an agency to include in the agency's legislative appropriations request whether the agency had developed a written succession plan and to submit succession plans annually. Requires the state auditor to include whether an agency has submitted a succession plan in the agency's annual report on classified employee turnover.

Commissioning Peace Office to Investigate Fraud, Waste, and Abuse—H.B. 2523

by Representative Sarah Davis et al.—Senate Sponsor: Senator Van Taylor

The Health and Human Services Commission (HHSC) Office of the Inspector General (OIG), has authority to commission five peace officers to investigate fraud, waste, and abuse in the Medicaid program. These officers aid in the recovery of state and federal funds and assist in prosecuting offenders. This bill:

Requires the inspector general, at each quarterly meeting of any advisory council responsible for advising the executive commissioner of HHSC (executive commissioner) regarding HHSC operations, to submit a report to the executive commissioner, the governor, and the legislature on the amount of money recovered during the preceding quarter as a result of investigations involving

peace officers employed and commissioned by HHSC OIG for each program for which HHSC OIG has investigative authority.

Authorizes HHSC OIG to employ and commission peace officers for the purpose of assisting HHSC OIG in the investigation of fraud, waste, or abuse in the financial assistance program and in the supplemental nutrition assistance program. Provides that this Act does not authorize HHSC OIG to commission additional peace officers.

Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency and authorizes delay of implementation until such a waiver or authorization is granted.

State Agencies—H.B. 3021

by Representative Phelan et al.—Senate Sponsor: Senator Hughes

H.B. 2049 (Darby et al.; SP: Eltife) (relating to indemnification and duties of engineers and architects under certain governmental contracts), 84th Legislature, Regular Session, 2015, prevents certain governmental agencies from requiring design professionals to defend those agencies against claims based on the negligence of or fault by the governmental agency, and requires that certain governmental agencies' contracts require design professionals to perform services consistent with the professional skill and care ordinarily provided by similarly situated professionals. However, the legislation does not apply to state agencies.

Since the passage of this legislation, state agencies have inserted uninsurable duty-to-defend clauses and uninsurable standard of care clauses the fall outside the standard of care defined in common law. This bill:

Expands the applicability of provisions relating to indemnification, duty-to-defend clauses, and standard of care provided by H.B. 2049 to state agencies.

Structural Pest Control Advisory Committee—H.B. 3243

by Representative Charles "Doc" Anderson—Senate Sponsor: Senator Estes

The structural pest control advisory committee (committee) consists of 11 members appointed by the commissioner of agriculture (commissioner) and is required to gather and provide information relating to the practice of structural pest control and advise the Texas Department of Agriculture (TDA) and the commissioner.

Stakeholders suggest that committee would benefit from clarification of its duties to TDA and the commissioner. This bill:

Requires TDA, before proposing a rule for adoption on certain issues relating to structural pest control, to submit the proposed rule to the committee to provide advice on the rule. Requires the committee, at the first committee meeting of each year, to elect from the committee's members a presiding officer and an assistant presiding officer to serve a term of one year.

Project Oversight at the Department of Information Resources—H.B. 3275

by Representative Capriglione—Senate Sponsor: Senator Campbell

Stakeholders contend that state spending on major information resources projects lacks sufficient oversight to ensure successful implementation. Legislators suggest that enhancing the monitoring capabilities of the Texas Department of Information Resources (DIR) quality assurance team could help provide additional information regarding the status and performance of projects in the team's annual report.

Requires the DIR quality assurance team to monitor and report on performance indicators for the entire life cycle of each major information resources project and to place on a list for closer monitoring any project that the team determines is not likely to achieve its performance objectives. Requires DIR to create and maintain a user-friendly data visualization tool on the DIR website that analyzes and visualizes performance indicators for each project.

TBCJ Sale of State Real Property in Brazoria County—H.B. 3402

by Representative Dennis Bonnen—Senate Sponsor: Senator Huffman

Interested parties report potential conflicts with federal requirements regarding state property that is used for the construction of a reservoir to ensure an uninterrupted supply of freshwater to areas of certain counties, such as Brazoria County. H.B. 3402 addresses any such conflict by requiring the sale of applicable property for flood mitigation purposes and to satisfy federal requirements. This bill:

Requires the Texas Board of Criminal Justice (TBCJ) to sell certain real property if TBCJ receives a bid for a fair market value of the property. Requires the General Land Office to negotiate and close a transaction involving real property on behalf of TBCJ by using the procedures under Section 31.158 (Real Estate Transactions Authorized by Legislature), Natural Resources Code.

Requires that a sale exclude the mineral interests in and under the real property and that the deed contain a provision expressly reserving the state's interest in and the state's right to remove all oil, gas, and other minerals in and under the real property.

Criminal Offenses by the State Long-Term Care Ombudsman Office—H.B. 3564

by Representative Klick—Senate Sponsor: Senator Perry

Statutory provisions relating to the office of the state long-term care ombudsman (office) and the ombudsman program require revision to reflect changes in certain federal laws and regulations and to clarify the office's role. This bill:

Defines "commission," "local ombudsman entity," "ombudsman program," "resident," and "state long-term care ombudsman." Redefines "long-term care facility" and "office."

Requires the office to operate, and provides that the office is subject to the Health and Human Services Commission's (HHSC's) oversight, in accordance with federal and state statute.

Authorizes HHSC to operate the office directly or by contract or memorandum of agreement with certain agencies or organizations. Prohibits HHSC, an agency, or an organization from implementing a policy that prohibits the office from performing its duties. Prohibits HHSC from using an agency or organization that is an association of certain facilities that serves persons with disabilities or those ages 60 years or older or that is an affiliate of such an association and has an ownership, operational, or investment interest in a long-term care facility.

Requires HHSC to consider the views of certain persons or organizations, including residents, in planning and operating the office.

Requires HHSC to ensure that a person involved in designating the state long-term care ombudsman or in designating a representative does not have a conflict of interest.

Requires the office and the ombudsman program to operate in cooperation with any regulatory agency funded and mandated by federal and state statute.

Provides that the office has the powers and duties authorized and required by state and federal law.

Authorizes the office to use appropriate administrative, legal, and other remedies to assist residents, as provided by HHSC rules.

Provides that the office acts independently of HHSC in performing its powers and duties under provisions in this bill.

Provides that the state long-term care ombudsman has the authority to designate a local ombudsman entity or representative and to suspend or revoke that designation.

Requires the office to recruit volunteers and citizen organizations to participate in the ombudsman program. Provides that a paid staff member of an area agency on aging network or a nonprofit social service agency may be an ombudsman. Provides that an ombudsman is a representative.

Requires the office to coordinate ombudsman services with state and local law enforcement agencies and courts of competent jurisdiction. Provides that the office is not authorized to compel those law enforcement agencies or courts to coordinate ombudsman services or other activities with the office.

Requires HHSC to ensure that the office receives adequate legal advice and representation without conflict of interest, as defined by the Texas Disciplinary Rules of Professional Conduct. Requires the Texas attorney general to represent both the state long-term care ombudsman and a representative, if a suit or other legal action is brought or threatened to be brought against the person in connection with the person's performance of official duties of the ombudsman program.

Requires the office to have access to residents and, in accordance with HHSC rules, to investigate and resolve complaints made by or on behalf of residents.

Requires the state long-term care ombudsman to ensure that each ombudsman who investigates complaints has received proper training and has been approved as qualified by the office to investigate complaints.

Requires the office to investigate a grievance made against a representative in accordance with HHSC rules and to inform the person who makes the grievance of the investigation's outcome investigation when the investigation is concluded.

Requires a long-term care facility to cooperate with an investigation conducted by the state long-term care ombudsman or a representative, including an ombudsman.

Requires that the state long-term care ombudsman and representative have access to patient-care records of residents, as provided by HHSC rules. Provides that, except as provided by certain provisions of the bill, all records and information created or obtained by the state long-term care ombudsman or a representative remain confidential.

Requires that the state long-term care ombudsman and representative have access to patient-care records of a resident if access to records is necessary to investigate a complaint, if a legal representative of the resident refuses to consent to the access, and if the state long-term care ombudsman or representative has reasonable cause to believe that the legal representative of the resident is not acting in the best interest of the resident.

Requires the office to ensure that the identity of a complainant or any resident be disclosed only with the consent of either the person or the person's legal representative, or on court order.

Authorizes files, records, and other information maintained as part of the ombudsman program to be disclosed only at the discretion of the state long-term care ombudsman.

Provides that certain provisions added by this bill do not apply to the state long-term care ombudsman or a representative.

Requires the office to provide information and make recommendations to public agencies, legislators, and other persons about the problems and concerns of residents. Requires the office to prepare a report that contains information and findings relating to the problems and concerns of residents.

Provides that the state long-term care ombudsman or a representative is not liable for civil damages or subject to criminal prosecution for performing official duties, unless the state long-term care ombudsman or representative acts in bad faith or with malicious purpose.

Provides that a person commits an offense if the person, by act or omission, willfully interferes or attempts to interfere with the state long-term care ombudsman or a representative attempting to perform official duties.

Requires HHSC to ensure that criminal sanctions are initiated only after all administrative procedures have been exhausted.

Transfer of Jurisdiction Over and Management of French Legation—H.B. 3810
by Representatives Cyrier and Howard—Senate Sponsor: Senator Watson

H.B. 3810 transfers jurisdiction over and management of the property known as the French Legation to the Texas Historical Commission (THC). This bill:

Includes in the list of historic sites and parks under THC's jurisdiction the Sam Rayburn House State Historic Site, the National Museum of the Pacific War, the French Legation, and the Mission Dolores State Historic Site.

Authorizes THC to enter into an agreement with the Daughters of the Republic of Texas regarding the management, staffing, parking facilities, operation, and financial support of the French Legation.

Transfers Section 2165.257 (French Embassy), Government Code, to Subchapter C (Certain Historic Sites), Chapter 442 (Texas Historical Commission), Government Code, and creates Section 442.076 (French Legation), Government Code. Provides that THC is responsible for the preservation, maintenance, and restoration of the French Legation and its contents and the protection of the historical and architectural integrity of the exterior, interior, and grounds of the French Legation. Sets forth provisions vesting powers and duties relating to the French Legation in THC and provisions detailing THC's funding of the maintenance and preservation of the French Legation.

Amends the heading to Section 2203.003, Government Code, to read "State Property Under Control of the Texas Division United Daughters of the Confederacy." Authorizes the Texas Division United Daughters of the Confederacy (rather than Daughters of the Confederacy, Texas Division, and the Daughters of the Republic of Texas) to charge admission to state property over which the organization has custody or control.

Requires the Daughters of the Republic of Texas, with the assistance of the Texas Facilities Commission, to take a complete inventory of all personal property and fixtures located at the French Legation and agree to transfer property to its respectful owners.

Transfers powers, duties, files, records, contracts, funds, and assets to THC from both the Daughters of the Republic of Texas and the Texas Facilities Commission on September 1, 2017.

Transferring Licensing Programs to TDLR—H.B. 4007
by Representative Kuempel—Senate Sponsor: Senator Zaffirini

A phased transfer of certain occupational licensing programs from the Department of State Health Services (DSHS) to the Texas Department of Licensing and Regulation (TDLR) is occurring. TDLR conducted a strategic planning review of TDLR programs and recommended streamlining certain licensing processes and transferring certain programs. This bill:

Removes certain barriers, redundancies, and impediments with the TDLR licensing process for midwives, speech-language pathologists, audiologists, hearing instrument fitters and dispensers, dyslexia practitioners, dyslexia therapists, athletic trainers, massage therapists, orthotists, prosthetists, dietitians, code enforcement officers, and mold assessors and remediators.

Clarifying Energy and Water Conservation Reporting Requirements—S.B. 59

by Senator Zaffirini—House Sponsor: Representative Kuempel

Stakeholders note that overlapping or inconsistent energy and water management reporting requirements for state agencies and institutions of higher education (IHEs) are numerous. Legislators contend that the current requirements are confusing, duplicative, and inconsistent.

The Government Code requires a state agency or IHE to develop an energy and water management plan to be consulted in the development of the IHE's or agency's five-year construction and major renovations plans. Statute also requires the State Energy Conservation Office (SECO) to provide energy and water management planning assistance to a state agency or IHE. Furthermore, a state agency or IHE that occupies a state-owned building is required to prepare and implement a five-year energy and water management plan and to update the plan annually. SECO is required to submit and post on its website an annual report to the governor and to the Legislative Budget Board on the status and effectiveness of its conservation efforts. This bill:

Repeals the requirement for a state agency or an IHE to develop and submit a long-range plan for the delivery of utility services to SECO. Repeals the requirement for a state agency or IHE that occupies a state-owned building to develop and submit a five-year energy and water management plan to SECO.

State Employee Leave Policy—S.B. 73

by Senator Nelson et al.—House Sponsor: Representative Geren

After several employees across different state agencies were granted leave under questionable circumstances, implementing a statewide policy regarding how a state agency is to grant the various types of leave offered to state employees will increase clarity and transparency; ensure that emergency leave is reserved for true emergencies; and ensure that taxpayer dollars are spent responsibly. This bill:

Amends the Government Code to require a state agency, as defined under statutory provisions relating to the state employee sick leave pool, to adopt a policy governing leave for employees that provides clear and objective guidelines to establish under what circumstances an agency employee may be entitled to or granted each type of leave.

Requires the state agency to post the adopted policy on the agency's website in a location easily accessible by the agency's employees and the public.

Prohibits the administrative head of an agency from granting emergency leave to an employee unless the administrative head believes in good faith that the employee being granted the emergency leave intends to return to the employee's position with the agency on expiration of the emergency leave period. Requires the administrative head of an agency to report the name and position of each agency employee who was granted more than 32 hours of emergency leave during the previous state fiscal year, the reason for which the employee was granted the emergency leave, and the total number of emergency leave hours granted to the employee in that state fiscal year.

Provides that veterans may be granted leave without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time to obtain medical or mental health care administered by the Veterans Health Administration of the United States Department of Veterans Affairs, including physical rehabilitation.

Requires the Texas Comptroller of Public Accounts to adopt a uniform system for use by each agency in the executive or judicial branch of state government that is created by the state constitution or a state statute, including a public university system or public institution of higher education, for the reporting of leave taken by the agency's employees.

Providing Computer Equipment to Foster Programs—S.B. 78

by Senators Nelson and Garcia—House Sponsor: Representative Price

The Government Code authorizes the Texas Department of Criminal Justice (TDCJ) to receive surplus or salvage data processing equipment from state agencies and political subdivisions. TDCJ is required to repair or refurbish the equipment, if doing so is economically feasible, and to sell the restored equipment to school districts, state agencies, or political subdivisions. In fiscal year 2016, TDCJ distributed, at no cost, approximately 7,900 computers through this process by recycling some equipment and by using other means. Stakeholders have suggested expanding the distribution of restored equipment to foster care programs. This bill:

Provides that certain statewide and volunteer organizations involved in court-appointed advocacy programs may receive restored equipment from TDCJ. Provides that court appointed advocacy programs are lower in priority to the entities already similarly authorized to receive restored equipment.

Requirements for the Cancer Prevention and Research Institute of Texas—S.B. 81

by Senator Nelson—House Sponsor: Representatives Sarah Davis and Zerwas

Interested parties note the importance of the Cancer Prevention and Research Institute of Texas (CPRIT) and its efficient operation in improving the lives of people impacted by cancer. S.B. 81 addresses issues relating to the management of certain benefits, the funding of awards granted by CPRIT, and certain reporting requirements. This bill:

Amends a list of certain individuals who are appointed officers of a major state agency to include a member of CPRIT.

Provides that CPRIT is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, CPRIT is abolished and this chapter of statute expires September 1, 2023.

Authorizes the CPRIT oversight committee to conduct a closed meeting, in accordance with Subchapter E (Procedures Relating to Closed Meeting), Chapter 551 (Open Meetings), Government Code, to discuss managing, acquiring, or selling securities or other revenue-sharing obligations as required by Section 102.256 (Patent Royalties and License Revenues Paid to State), Health and Safety Code.

Provides that not more than 10 percent of money appropriated by the legislature for grants in a state fiscal year may be used for cancer prevention and control programs during that year.

Prohibits the CPRIT oversight committee from awarding money under Subchapter E (Cancer Prevention and Research Fund), Chapter 102, Health and Safety Code, after August 31, 2022.

Authorizes the CPRIT oversight committee to transfer its management and disposition authority over the state's interest in securities, equities, royalties, income, and other statutory benefits to the Texas Treasury Safekeeping Trust Company (trust company). Provides that if the CPRIT oversight committee transfers authority under this bill, the trust company has any power necessary to accomplish the purposes of certain provisions of this bill

Authorizes the trust company—in managing assets through procedures, as described by the above provisions, and subject to restrictions the trust company considers appropriate—to acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor who exercise reasonable care, skill, and caution would acquire, exchange, sell, or retain in light of the purposes, terms, distribution requirements, and other circumstances that then prevailed pertinent to each investment, including certain statutory requirements and the purposes described by Section 102.002 (Purposes), Health and Safety Code. Authorizes the trust company to charge a fee to recover reasonable and necessary costs incurred in managing assets under this bill.

Repeals Section 102.101(f) (relating to the required disclosure of political contributions by CPRIT oversight committee members), Health and Safety Code.

State Agency Savings Incentive Program—S.B. 132

by Senator Creighton et al.—House Sponsor: Representative Parker et al.

Under the current savings incentive program for a state agency, a state agency can only retain one-fourth of the remaining appropriations that went unused for the fiscal year, with the remainder returned to general revenue. Additionally, the amount retained by the agency may not exceed one percent of the amount of undedicated general revenue budgeted for the agency in the fiscal year. This incentive structure fails to encourage state agencies to identify savings. This bill:

Amends the Government Code to increase from one-fourth to one-half the amount of savings verified by the Texas comptroller of public accounts that an affected agency can retain under the savings incentive program and to remove the cap of one percent on that amount of undedicated general revenue derived from nonfederal sources appropriated to the agency for the fiscal year in which the savings were realized.

Requires that one-half of the savings retained by an agency are to be used to make additional principal payments for general obligation bonds issued by the agency or on behalf of the agency by the Texas Public Finance Authority and provides that if no such bonds have been issued by the amount of savings may be distributed equally to provide bonuses to each agency employee who is a current full-time equivalent (FTE) employee; who worked as an FTE employee for the entire fiscal year in which the savings were realized; or who is directly responsible for, or has worked in a department, office, or other division within the agency that is responsible for, the savings realized.

Prohibits a state agency from providing such a bonus to an agency employee who serves in an upper-management position.

Requires a state agency to adopt rules to implement provisions relating to the retention of funds under the savings incentive program, as amended by the bill.

Provides certain caps to bonuses provided to state agency employees.

Enhancing State Purchasing and Contract Management—S.B. 255

by Senator Zaffirini—House Sponsor: Representative Simmons

The Department of Information Resources (DIR) is currently required to develop a training program in cooperation with the Office of the Comptroller of Public Accounts of the State of Texas (comptroller's office) for state agency personnel who execute purchasing contracts for information resources technologies, but state agency personnel are not required to complete the training.

The training programs for contract managers and for agency governing boards are not required to include information regarding how to maintain documentation, develop risk evaluation and mitigation strategies, or develop a comprehensive statement of work as it relates to managing a purchasing contract. This bill:

Requires certain state agencies to submit a report to the Legislative Budget Board detailing the administrators and employees participating in the training program, the amount spent on each state agency personnel, and the certification earned by each personnel.

Requires the comptroller's office to develop and provide training programs with sufficient capacity to accommodate the number of state agency personnel required to complete the training programs.

Authorizes a state agency to develop and administer a purchasing and contract management training program specific to that agency. Provides that such a program may be completed instead of, or as a supplement to, training programs developed by the comptroller's office.

Requires state agency personnel directly involved in contract negotiations involving the purchase of information resources technology to complete the training program developed by DIR. Requires training programs offered to state agency personnel to include information regarding documentation and development of contract plans and strategies.

DIR Bulk Purchasing—S.B. 261

by Senator Zaffirini—House Sponsor: Representative Guillen

The 84th Legislature passed an omnibus bill relating to state agency contracting that introduced several reforms to state contracting. The omnibus bill includes a provision that limits state agency commodity purchases to \$1 million; however, legislators contend that this provision inadvertently prohibited the Texas Department of Information Resources's (DIR) bulk purchasing program that procures information technology (IT) commodities through contracts exceeding \$1 million in value. This bill:

Exempts a DIR contract for the bulk purchase of certain IT commodity items from certain procedural requirements for purchasing these commodities through DIR and from the prohibition against a state agency contracting to purchase a commodity item with a contract value that exceeds \$1 million.

Oversight of Bulk Purchasing Agreements—S.B. 262
by Senator Zaffirini—House Sponsor: Representative Guillen

The Texas Department of Information Resources (DIR) leverages state agencies' collective buying power through the cooperative contracts program by negotiating contracts for the bulk purchase of information technology commodities. Under this program, individual agencies can order items directly from a vendor at discounted rates.

However, state audits identified two concerns in 2016. Sufficient centralized oversight of vendor performance failed to occur because DIR, the agency negotiating the contracts, never took possession of the deliverables. This bill:

Requires DIR, with respect to the purchase of commodity items through the list of items available for purchase through DIR, to periodically assess the risk to the state in the purchase of those items and to monitor and verify the purchase transaction reports of the monthly sales of those items submitted by vendors. Requires a state agency or a local government contracting for the purchase of an automated information system to comply with certain requirements.

Abolishing Outdated Governmental Bodies—S.B. 526
by Senator Birdwell—House Sponsor: Representatives Capriglione and Shaheen

While statutory provisions for certain state boards, commissions, and task forces remain, many such entities have become inactive or outdated. Legislators suggest repealing these provisions and the Office of the Attorney General (OAG) recommends abolishing certain entities as well. This bill:

Abolishes the Advisory Oversight Community Outreach Committee; rain harvesting and water recycling task force State Cogeneration Council; information resources steering committee for child support division within OAG; premarital education handbook advisory committee; independent review organization advisory group to the commissioner of insurance; Vehicle Protection Product Warrantor Advisory Board; qualified agricultural land and qualified timber land property tax valuation manuals approval committees; Communities in Schools advisory committee; residential mortgage fraud task force, as well as revises certain requirements relating to notification about fraudulent activity and sharing confidential information; and the Alternative Fuels Council, including transferring the council's role in evaluating an application for assistance with alternative fuel projects to the Texas comptroller of public accounts. Repeals the Vehicle Protection Product Regulatory Act and the Liquefied Petroleum Gas Code.

Governmental Entity Contracting and Procurement—S.B. 533*by Senator Nelson—House Sponsor: Representative Geren*

S.B. 20 (Nelson et al.; SP: Price et al.), 84th Legislature, Regular Session, 2015, introduced a sweeping reform of state contracting after allegations of impropriety at a state agency were discovered during a procurement of a major information resources project. The lieutenant governor subsequently charged the Senate Committee on Finance to monitor implementation of the legislation during the interim. From that review, state agencies and the private sector have offered recommendations to clarify and strengthen the provisions of S.B. 20. This bill:

Prohibits a former state officer or state agency employee who, during the period of state service or employment, participated on behalf of a state agency in a procurement or contract negotiation involving a person from accepting employment from that person before the second anniversary of the date the contract is signed or the procurement is terminated or withdrawn.

Requires the Texas Department of Information Resources (DIR), at the direction of the governor, lieutenant governor, or speaker of the house of representatives, to provide additional oversight for major information resources projects, including risk management, quality assurance, independent project monitoring, and project management.

Includes the creation of an automated project review system in the list of duties required of those entities.

Includes in the list of required duties of the quality assurance team annual training for state agency procurement and contract management staff on best practices and methodologies for information technology contracts. Provides that the state auditor serves as an advisor on the quality assurance team.

Requires a state agency, for each proposed major information resources project or major contract, to prepare in consultation with DIR a technical architectural assessment of the project or contract and to consider incorporating into each project plan the applicable best practices recommended in the quality assurance team's annual report.

Requires a state agency contract for a major information resources project to comply with the requirements in the comptroller's contract management guide.

Requires the comptroller to update the contract management guide to include policies on interactions and communications between state agency employees and a vendor who contracts with the state agency or seeks to conduct business with the state agency.

Requires the comptroller to employ a chief procurement officer to serve as the chief procurement officer for the state.

Requires a state agency to comply with any request for information from the chief procurement officer that is necessary to conduct an analysis. Requires the chief procurement officer to coordinate with both DIR and the quality assurance team to conduct a contract solicitation review and to coordinate with the Contract Advisory Team to conduct certain reviews.

Authorizes the comptroller to enter into agreements to authorize state agencies or political subdivisions of other states to purchase goods or services through contracts and to charge them a reasonable administrative fee.

Requires a state agency to submit a request for pricing to a certain number of vendors for different types of contracts and places certain restrictions on a state agency from entering into certain contracts.

Provides that a state agency employee or official is required to disclose any potential conflict of interest specified by state law or agency policy that is known by the employee or official at a certain time.

Transferring Certain Enforcement Authority—S.B. 560
by Senator Hancock—House Sponsor: Representative Parker

Texas is among 11 states that prohibit businesses from imposing a surcharge on a credit card transaction. The Texas Office of Consumer Credit Commissioner (OCCC) currently enforces the prohibition. Texas also prohibits surcharges on debit card transactions and enforces that prohibition with the Office of the Attorney General (OAG); however, that enforcement authority was administered by the Texas Department of Banking until legislation passed by the 84th Legislature transferred the authority. Legislators suggest that the same agency should enforce the surcharge prohibition on credit card transactions as the prohibition of surcharges on debit card transactions. This bill:

Transfers the authority to enforce the prohibition on surcharges on credit card transactions from the OCCC to OAG.

Abolishing the State Council on Competitive Government—S.B. 706
by Senator Birdwell—House Sponsor: Representative Kacal

The State Council on Competitive Government (CCG) was established in 1993 to support governmental services by encouraging competition and innovation. Administrative authority over CCG was transferred to the Office of the Comptroller of Public Accounts of the State of Texas (comptroller's office). Legislators express concern that CCG has outlived its purpose and that its enabling provisions are too outdated to encourage what would currently be considered innovative. This bill:

Abolishes CCG. Transfers CCG's powers and duties to the comptroller's office; makes the Texas Department of Information Resources responsible for certain duties relating to the electronic benefits enrollment and administration system; and clarifies that the Health and Human Services Commission (HHSC) is solely responsible for awarding a contract under the Medicaid vendor drug program and is authorized to consult with the comptroller in administering the program and related competitive bidding provisions.

Sale of Electricity by General Land Office—S.B. 736
by Senator Hancock—House Sponsor: Representative Clardy

S.B. 7 (Sibley et al.; SP: Wolens), 76th Legislature, Regular Session, 1999, established the competitive retail electric market by deregulating the electricity generation market in Texas and permitted certain providers to compete for customers who choose their electricity supplier in competitive areas. The 76th Legislature anticipated a rate shock after deregulating the market, so S.B. 7 authorized the General Land Office (GLO) to sell electricity to governmental entities to provide a low-cost option to governmental entities while market prices adjusted.

Under S.B. 7, GLO receives special tax treatment for selling electricity. Legislators express concern that GLO no longer needs to sell electricity because electricity market prices have stabilized since 1999 and that GLO should not receive special tax treatment because it is unfair to businesses that do not receive such treatment. This bill:

Requires GLO to collect information on the sale of electric power by GLO and to report it to the legislature.

Composition of the Texas Historical Commission—S.B. 763
by Senator Huffman—House Sponsor: Representative Frullo

The Texas Historical Commission (THC) has a lack of diversity and expertise on the board to address the various fields, including archeology, architecture, history, economic development, heritage tourism, public administration, and urban planning, in which THC works.

Statute presently has no requirement for a particular background or occupation of a board member. Without such a background, THC's board largely defers to staff without the ability to adequately retort any assertions made by those professionals. Also, THC works on both rural and urban settings throughout the entire state, and a nine-member board would not have the size to adequately represent all the various regions in the state. This bill:

Provides that THC is composed of 15 members, rather than nine members, appointed by the governor with the advice and consent of the senate. Requires one member to be a professional archeologist, one to be a professional historian, and one to be a state-licensed professional architect who has expertise in historic preservation and architectural history. Requires the remaining members to represent the general public. Provides that a person is not eligible for appointment as a member of THC if the person or person's spouse meets certain requirements, rather than prohibiting a person from being a THC member if the person or the person's spouse meets certain requirements.

Requires the governor, as soon as practicable after the effective date of this Act, to appoint six additional members to THC as required by Section 442.002(b), Government Code, as amended by this Act, and sets forth certain requirements for the governor's appointments.

Protection of Intellectual Property of the Railroad Commission—S.B. 1422

by Senator Estes—House Sponsor: Representative Larry Gonzales

State agencies require statutory authorization to register and protect intellectual property, such as their logos, that they have developed over time. Current law grants many state agencies the authority to register their intellectual property, including the Texas Parks and Wildlife Department, the Texas Department of Transportation, and the Texas Water Development Board. The Railroad Commission of Texas (railroad commission), however, does not presently have authority to register or otherwise protect its intellectual property. This bill:

Grants the railroad commission authority to apply for, register, secure, hold, and protect a patent, copyright, trademark, or other evidence of protection or exclusivity issued for intellectual property.

Authorizes the railroad commission to generate revenue from any intellectual property it develops and provides that the revenue is to be deposited as a credit to the oil and gas regulation and cleanup fund.

Revisions to the Teacher Retirement System of Texas—S.B. 1663

by Senator Huffman—House Sponsor: Representative Flynn

Interested parties note the important role the Teacher Retirement System of Texas (TRS) plays in delivering retirement and related benefits to TRS members and beneficiaries and contend that certain revisions to applicable state law are necessary to ensure that TRS can efficiently deliver benefits. S.B. 1663 provides for such revisions. This bill:

Authorizes a school district or participating charter school to use the sum of certain calculated amounts of funds to pay contributions under a group health coverage plan for district or school employees only.

Makes certain provisions for certain beneficiaries of annuity plans after the death of the retiree.

Provides certain circumstances of employment under which an individual is eligible to be a member of TRS, as well as under which circumstances an individual is considered to be employed by a Texas public educational institution.

Provides that the TRS board (board) is subject to review under Chapter 325 (Texas Sunset Act), Government Code, but is not abolished under that chapter. Requires the board to be reviewed during the period in which state agencies abolished in 2025, and every 12th year after that year, are reviewed.

Provides that Chapter 551 (Open Meetings), Government Code, does not require the board to confer with certain parties in an open meeting if the only purpose of the conference is to receive information from or question those parties if, before conducting the closed meeting, a majority of the board in an open meeting vote that deliberating or conferring in an open meeting would have a detrimental effect on TRS's position in negotiations with third parties or put TRS at a competitive disadvantage in the market.

Requires that TRS's assets be maintained and reported in a manner that reflects the source of the assets or the purpose for which the assets are held, using appropriate ledgers and subledgers, in accordance with generally accepted accounting principles.

Requires an employer that fails to remit all member and employer deposits of member contributions and documentation of the deposits to TRS to pay interest on the unpaid amounts at certain rate and a late fee in an amount determined by TRS.

Authorizes TRS to provide to a member or retiree any information that is required to be provided, distributed, or furnished by sending the information to a member's or retiree's e-mail address furnished to TRS by an employer covered by TRS, or directing the member or retiree through a written notice or e-mail to an Internet website address to access the information.

Nature and Functions of TLLRWDC—S.B. 1667

by Senator Seliger—House Sponsor: Representative Landgraf

Interested parties state that there is a need to clarify the unique status of the Texas Low-Level Radioactive Waste Disposal Compact Commission (TLLRWDC), as well as to provide it funding. This bill:

Clarifies the unique status of TLLRWDC as a federally authorized and created entity subject to the laws of the host state (Texas) as to governing federal law, and to the terms of the compact agreement entered into by party states.

Affords TLLRWDC certain rights and resources similar to other state agencies, although it is not a state agency and is not a program, department, or division of, or administratively attached to, a state agency.

Inactive State Entities—S.B. 1731

by Senators Birdwell and Hall—House Sponsor: Representative Meyer

During hearings by the Senate Committee on Business and Commerce, legislators discussed various boards, commissions, and task forces that have become inactive or outdated and further discussed recommendations by the Office of the Governor for repealing inactive entities. This bill:

Abolishes the Agriculture and Wildlife Research and Management Advisory Committee, the State of Texas Anniversary Remembrance Day Medal Committee, the Texas Bioenergy Policy Council, the Texas Bioenergy Research Committee, the Border Security Council, the College Opportunity Act Committee, the Texas Distinguished Service Awards Committee, the advisory board of economic development stakeholders, the Texas Emissions Reduction Plan Advisory Board, the Fire Ant Research and Management Account Advisory Committee, the Agriculture Policy Board, the Advisory Oversight Community Outreach Committee, the Rain Harvesting and Water Recycling Task Force, the State Cogeneration Council, the Premarital Education Handbook Advisory Committee, the Independent Review Organization Advisory Group, and the Vehicle Protection Product Warrantor Advisory Board.

TDLR Strategic Review—S.B. 2065

by Senator Hancock—House Sponsor: Representative Kuempel

In its most recent strategic review, the Texas Department of Licensing and Regulation (TDLR) recommended deregulating or eliminating certain programs that it oversees. S.B. 2065 is an omnibus bill containing each of TDLR's proposed legislative changes. This bill:

Updates or eliminates certain regulations and licensing requirements relating to vehicle protection products; notaries public; a certificate of authority for the over-the-counter sale of certain substances; attorney's title insurance companies and title attorneys; an emergency managing general agent license; temporary common worker employers; for-profit legal service contract companies; plumbing; barbering and cosmetology; volunteer security services; a bingo unit manager license; an agricultural, industrial, and wildlife control fireworks permit; motor vehicle towing, booting, and storage; certain local transportation entities and contracts; and the registration of trademarks.

Requires the Texas comptroller of public accounts to submit a biennial report to the legislature regarding all required state occupational licenses.

Texas Real Estate Commission—S.B. 2212

by Senator Hancock—House Sponsor: Representative Kuempel

The Texas Real Estate Commission (TREC) may suspend or revoke a real estate license under certain conditions set forth in the Occupations Code, which also authorizes suspension or revocation of a license if license holder publishes an advertisement that is misleading or fails to identify the advertiser as a licensed broker. TREC is required to annually contribute \$750,000 to the general revenue fund to maintain TREC's status as a self-directed agency.

Stakeholders have contended that TREC should address various issues relating to false or misleading real estate advertising, wholesale brokers, commission funds, certain disclosures and penalties, and whether to allow TREC to maintain a building in the Capitol Complex. This bill:

Provides for the acquisition and sale of an equitable interest in real property by a person who does not hold a real estate license; certain restrictions on TREC's authority to adopt rules prohibiting false or misleading advertising practices; and a revision of the grounds for suspension or revocation of a license.

Designating Breast Reconstruction Awareness Day—H.B. 208
by Representative Springer—Senate Sponsor: Senator Van Taylor

H.B. 208 designates the third Wednesday in October as Breast Reconstruction Awareness Day. This bill:

Provides that the third Wednesday in October of each year is Breast Reconstruction Awareness Day to promote education, awareness, and access for women considering postmastectomy breast reconstruction.

Requires Breast Reconstruction Awareness Day to be regularly observed by appropriate programs and activities.

Designating Breast Reconstruction Advocacy and Education Day—H.B. 210
by Representative Springer—Senate Sponsor: Senator Van Taylor

H.B. 210 designates March 21 as Breast Reconstruction Advocacy and Education Day, or BRAVE Day. This bill:

Provides that March 21 is Breast Reconstruction Advocacy and Education Day, or BRAVE Day, to promote breast reconstruction advocacy and education and the rights and choices women have for prevention of, treatment for, and recovery from breast cancer.

Requires BRAVE Day to be regularly observed by appropriate programs and activities.

January 9 as Law Enforcement Appreciation Day—H.B. 297
by Representative Bell et al.—Senate Sponsor: Senator West

Interested parties state that there is a need to designate a day for the appreciation of law enforcement. H.B. 297 addresses this reported need by designating January 9 as Law Enforcement Appreciation Day. This bill:

Provides that January 9 is Law Enforcement Appreciation Day.

Authorizes Law Enforcement Appreciation Day to be regularly observed in public schools and other places. Requires the Texas Education Agency to develop recommendations for the observation of Law Enforcement Appreciation Day through appropriate activities in public schools.

Designating the State Botanical Garden and Arboretum—H.B. 394
by Representative Howard et al.—Senate Sponsor: Senator Watson

H.B. 394 honors Lady Bird Johnson's contributions to Texas and recognizes the important role that the Lady Bird Johnson Wildflower Center plays in conserving Texas's floristic heritage by designating the Lady Bird Johnson Wildflower Center as the state botanical garden and arboretum. This designation will help to expand the scope of the center's educational programs, conservation

work, and outreach; highlight the role of native plants across our state; and bring wider attention to the research done at the center. This bill:

Provides that the state botanical garden and arboretum is the Lady Bird Johnson Wildflower Center at The University of Texas at Austin.

Designating Sexual Assault Awareness Month—H.B. 822

by Representative Canales et al.—Senate Sponsor: Senators Hinojosa and Garcia

H.B. 822 designates April as Sexual Assault Awareness Month. This bill:

Provides that April is Sexual Assault Awareness Month to increase awareness and prevention of sexual assault.

Authorizes Sexual Assault Awareness Month to be regularly observed through appropriate activities in public schools and other places to increase awareness and prevention of sexual assault.

Designating Waxahachie Chautauqua Day—H.B. 1254

by Representative Wray—Senate Sponsor: Senator Birdwell

H.B. 1254 designates July 26 as Waxahachie Chautauqua Day. This bill:

Provides that July 26 is Waxahachie Chautauqua Day in recognition of the Waxahachie Chautauqua auditorium and to promote the history of Chautauqua, the role Chautauqua plays in preserving communities, and the educational and cultural opportunities Chautauqua offers through community programs.

Requires Waxahachie Chautauqua Day to be regularly observed by appropriate programs and activities.

Designating Fallen Law Enforcement Officer Day—H.B. 3042

by Representative Meyer et al.—Senate Sponsor: Senator Huffines

H.B. 3042 designates July 7 as Fallen Law Enforcement Officer Day. This bill:

Provides that July 7 is Fallen Law Enforcement Officer Day in recognition of the ultimate sacrifice made by Texas law enforcement officers killed in the line of duty.

Requires Fallen Law Enforcement Officer Day to be regularly observed by appropriate ceremonies.

Elimination of Straight-Party Voting—H.B. 25

by Representative Simmons et al.—Senate Sponsor: Senator Hancock

The Election Code defines a straight-party vote as a vote by a single mark, punch, or other action by voter for all the nominees of one political party and no other candidates. Stakeholders argue that straight-party voting discourages voters from paying attention to down-ballot elections that affect voters most directly and from researching all candidates on a ballot. This bill:

Repeals straight-party voting.

Security Measures for School Buildings as Polling Places—H.B. 332

by Representative Meyer et al.—Senate Sponsor: Senator Estes

While school buildings are commonly used for polling place locations, interested parties express concern that schools might lack sufficient security measures on a regular school day during an early voting period or on election day. H.B. 332 improves school security during an election by requiring a public school district to include in its multihazard emergency operations plan a policy for school district property used as a polling place. This bill:

Requires a school district to include in its multihazard emergency operations plan a policy for school district property selected for use as a polling place. Authorizes the school district board of trustees, in developing the policy, to consult with the local law enforcement agency with jurisdiction over the school district property selected as a polling place regarding reasonable security accommodations that may be made to the property.

Voting by Residents at Care Facilities and Voters with Certain Disabilities—H.B. 658

by Representative Bernal et al.—Senate Sponsor: Senator Hughes et al.

Concerned citizens note that a voter with a medical condition or disability that impairs the voter's mobility may be required to wait hours in line to vote, potentially putting the voter's health at risk. H.B. 658 addresses this issue by granting such individuals priority for voting, and makes voting available at residential care facilities under certain conditions. This bill:

Authorizes an election officer to accept a person with a mobility problem that substantially impairs a person's ability to ambulate before accepting others to vote at the polling place. Requires that notice of the priority be posted in certain locations. Authorizes a person assisting a voter to be accepted to vote concurrently at the voter's request.

Provides that a voter who makes an application to vote early by mail on the grounds of age or disability requesting that the ballot be sent to the address of a residential care facility is required to vote as provided by Chapter 107 (Early Voting at Residential Care Facility) if five or more applications for ballots to be voted by mail are made by residents of the same facility who request that the ballots be sent to that facility.

Requires additional election judges to be selected to serve at a residential care facility in the same manner as election judges are selected to serve at a polling place for early voting by personal

appearance. Authorizes certain individuals to serve as election judges, provides certain restrictions, and requires the judges to sign a certain oath. Requires the Texas secretary of state (SOS) to provide training for a serving election judge.

Requires the administrator of the residential care facility to make available an area located in a common area of the facility for the purposes of voting. Requires that the area allow a voter to cast a secret ballot. Authorizes an election judge to enter the private room of a voter who requests that balloting materials be brought to the voter. Regulates certain procedures for early voting at the residential care facility. Requires an election judge to serve as a witness for any person who is unable to sign their name and authorizes an election judge to witness multiple applications.

Authorizes a voter at a residential care facility to submit a statement as proof of identification signed by both election judges for the residential care facility that contains the name and address of the voter and verifies that the voter is a resident of the facility and appears on the list of registered voters.

Authorizes the clerk, on written request to the early voting clerk by a relative of a registered voter in a residential care facility, to notify the relative of the time or times at which election judges will conduct voting at the facility. Authorizes the relative to be present at the facility while voting is conducted and authorizes a voter to receive assistance. Requires the early voting clerk to mail the ballot to the voter not later than a certain day before the election.

Authorizes a watcher, in an election held at a residential care facility, to observe the process of ballot distribution in the common areas of a facility in a manner consistent with statute. Authorizes a political party entitled to have the names of its nominees placed on the general election ballot to appoint a watcher to accompany the election judges to a residential care facility. Requires a political party seeking to appoint a watcher to serve at a residential care facility to submit the name of the watcher to the county election officer of the county in which the facility is located by a certain date. Requires a watcher to present certain credentials and provides that the watcher has access to the same areas of the residential care facility as an election judge.

Deadline for Military Absentee Voting by Mail—H.B. 929
by Representative Miller—Senate Sponsor: Senator Van Taylor

Interested parties contend that recent legislative efforts to strengthen military absentee voting in Texas did not provide adequate time for those absentee ballots to be received and counted. H.B. 929 extends the deadline for the arrival of certain ballots voted by mail under certain circumstances. This bill:

Requires each local canvassing authority, except as provided by Section 67.003(c) (relating to the timing of a local canvass), Election Code, to convene to conduct a local canvass at the time set by the canvassing authority's presiding officer during a certain period.

Requires that early voting ballots cast by mail that are eligible under certain statute be counted if such ballot arrives at the address on the carrier envelope not later than six days after the date of the election—except that if that date falls on a Saturday, Sunday, or legal state or national holiday, then the deadline is extended to the next regular business day.

Repeals Section 67.003(a), Election Code, relating to requiring each local canvassing authority to convene at certain times.

Recording of Minutes for Local Canvassing Authority—H.B. 1001

by Representatives Israel and Laubenberg—Senate Sponsor: Senators Zaffirini and Garcia

The current procedure under which a local canvass is recorded as complete is reportedly confusing to a number of canvassing authorities. H.B. 1001 addresses this issue by creating a clear process by which completion of such a canvass is recorded. This bill:

Requires the presiding officer of a canvassing authority to note the completion of the canvass in the minutes or in the recording required by Section 551.021 (Minutes or Recording of Open Meeting Required), Government Code.

Extending the Deadline for Mail-In Ballots—H.B. 1151

by Representative Schofield—Senate Sponsor: Senator Bettencourt

Interested parties contend that accepting marked ballots voted by mail until the day after election day, if the ballots were placed for delivery before election day, will ensure that more voters are able to cast a vote that is counted. H.B. 1151 extends the deadline for mail-in ballots. This bill:

Requires a marked ballot to arrive at the address on the carrier envelope before the time the polls are required to close on election day, or not later than 5 p.m. on the day after election day, if the carrier envelope was placed for delivery by mail or common or contract carrier before election day and bears a cancellation mark of a common or contract carrier, or a courier, indicating a time not later than 7 p.m. at the location of the election on election day.

Provides that, if the deadline falls on a Saturday, Sunday, or legal state or national holiday, the deadline is extended to the next regular business day.

Withdrawal of a Candidate in Certain Elections—H.B. 1661

by Representatives Phelan and Fallon—Senate Sponsor: Senator Nichols

Interested parties contend that authorizing the entity responsible for preparing the ballots in certain elections to omit from the ballot a candidate who has filed an otherwise valid withdrawal request after the statutory filing deadline under certain conditions would save political subdivisions both time and resources. H.B. 1661 provide for this authorization. This bill:

Authorizes a certain certification of unopposed status to be made following the filing of a withdrawal request by a candidate after a certain deadline if the withdrawal request is valid except for the untimely filing, ballots for the election have not been prepared, and the conditions for certification are otherwise met. Requires that a certification be delivered to the governing body of the political subdivision as soon as possible.

Authorizes the authority responsible for preparing the ballots, if a candidate files a withdrawal request after the prescribed deadline, and the candidate complies with each requirement under Section 145.001 (Method for Withdrawal as Candidate), Election Code, except that the candidate's filing to withdraw is untimely, to choose to omit the candidate from the ballot if the ballots have not been prepared at the time the candidate files the withdrawal request.

Reformation of Practices and Offenses for Election Officers—H.B. 1735

by Representatives Faircloth and Raney—Senate Sponsor: Senator Huffman

Concerns have been raised regarding the lack of a procedure for removing, replacing, or reassigning an election judge or election clerk who is being disruptive in a polling location or disobeying election law. Additionally, interested parties note there is a lack of standing for a county election officer to seek relief for an incorrect ballot determination by the early voting ballot board. These parties also raise concerns that the current oath for the early voting ballot board and central counting station does not reflect the relevant positions. H.B. 1735 clarifies the procedures and provides updated language for this oath. This bill:

Authorizes an oath or statement taken by an election officer entering service to be administered and a certificate of the fact to be given by certain officials. Provides that an oath, statement, or certificate is valid for the duration of an election officer's term of office and is required to be filed with election records for the election in which the election officer is serving.

Prohibits a county election officer from preventing a county chair or the chair's designee from supervising the conduct of the primary election, including the tabulation of results.

Requires a county chair to provide a list of names of persons eligible for appointment as election judges. Requires judges of countywide polling places to be appointed in a certain proportion from a list of names of persons submitted by the county chair.

Authorizes a county clerk, following an oral warning to an election judge and with the concurrence of the county chair of the same political party with which the judge is affiliated or aligned, to remove, replace, or reassign the election judge who causes a disruption in a polling location or willfully disobeys certain duties as provided by this code.

Authorizes a county clerk, following an oral warning to an election clerk and with the concurrence of the county chair of the same political party with which the election clerk is affiliated or aligned, to remove, replace, or reassign the election clerk who causes a disruption in a polling location or willfully disobeys certain requirements.

Provides that an election judge, early voting clerk, or deputy early voting clerk in charge of an early voting polling place is entitled to compensation for attending a training program at an hourly rate fixed by the appropriate authority in an amount that is equal to or greater than the federal minimum wage.

Authorizes a county election officer, if the county election officer determines a ballot was incorrectly rejected or accepted by the early voting ballot board before the time set for convening the canvassing authority, to petition a district court for injunctive or other relief as the court determines appropriate.

Provides that it is felony of the second degree or a state jail felony if a person knowingly votes or attempts to vote in a primary election or participates or attempts to participate in a convention of a party after having voted in a primary election or participated in a convention of another party during the same voting year.

Provides that write-in voting in a primary election is not permitted.

Requires a voter to be allowed privacy to the extent possible when indicating the voter's choice as to in which political party's primary the voter chooses to vote. Authorizes a voter to indicate, without verbalizing, the voter's choice by pointing to which party's ballot the voter chooses. Prohibits an election officer conducting a primary election from suggesting a political party's ballot to a voter or discussing any race on the ballot with a voter.

Disclosure of Registration Information by a Voter Registrar—H.B. 2015

by Representative Paul et al.—Senate Sponsor: Senator Larry Taylor

Interested parties contend that political party county executive committee chairs need access to confidential information on a voter registration application to contact applicants who indicate an interest in working as an election judge. H.B. 2015 addresses this need by providing for the disclosure of certain registration information by a voter registrar. This bill:

Requires a voter registrar to ensure that certain confidential, nonpublic information furnished on a registration application is excluded from disclosure, except that the registrar is required to forward to the county chair of each county executive committee the information necessary to contact applicants who indicate interest in working as an election judge.

Application Requirements for Candidates to be Placed on Ballots—H.B. 2157

by Representative Miller—Senate Sponsor: Senator Bettencourt

Interested parties contend that, in concert with legislative history, a candidate applying for a place on a ballot and the circulator of a petition filed in connection with such an application should be required to sign, swear, or execute an application or affidavit, as applicable, before a person who is authorized to administer oaths in Texas. H.B. 2157 imposes this requirement. This bill:

Requires that a candidate's application for a place on a ballot is signed and sworn to by the candidate before a person who is authorized to administer oaths in this state and indicates the date that the candidate swears to the application.

Requires that each part of a petition include an affidavit that states certain information of the person who circulated it, which must be executed before a person authorized to administer oaths in this state. Provides that a single notarized affidavit by any person who obtains signatures is valid for all signatures gathered by the person, if the date of notarization is on or after the date of the last signature obtained by the person.

Filing Deadline Period for Special Elections Filling a Vacancy—H.B. 2323

by Representative Israel—Senate Sponsor: Senator Zaffirini

Interested parties contend that the deadline to apply for a place on the ballot to fill a vacancy in an office in a special election that is held on the date of the general election for state and county officers should be clarified. H.B. 2323 makes this clarification. This bill:

Provides that for a special election to be held on the date of which the general election for state and county officers is held, the filing deadline is 6 p.m. of the 75th day before election day. Requires a declaration of a write-in candidacy for a special election to be filed not later than this filing deadline.

Deadline for Submitting Voter Registration Applications—H.B. 2324

by Representative Israel—Senate Sponsor: Senator Zaffirini

Interested parties note an inconsistency in election law regarding voter registration when the first available day for registration falls on a weekend or holiday. H.B. 2324 corrects this inconsistency with respect to the deadline for volunteer deputy registrars to submit voter registration applications. This bill:

Requires that a voter registration application (application) submitted after the 34th day before the date of an election, and on or before the last day for a person to timely submit an application for that election, be delivered not later than 5 p.m. of the next regular business day after the date to timely submit an application for that election.

Authorizing Certain Runoff Primary Elections by Mail—H.B. 2410 [VETOED]

by Representatives Israel and Laubenberg—Senate Sponsor: Senator Zaffirini

Interested parties assert that the cost of holding a runoff primary election when few votes were cast in the primary election and only statewide candidates are on the ballot is unnecessarily burdensome for many small counties. H.B. 2410 remedies this situation by authorizing a runoff primary election to be conducted by mail under certain conditions. This bill:

Authorizes the state chair of a political party to, by order, require a runoff primary election to be conducted in a county only by mail if fewer than 100 votes were cast in the county in the party's general primary election and a runoff election is required in the county only for statewide offices or district offices filled by voters of more than one county.

Requires the state chair, if the state chair of the political party requires the conduct of a runoff primary election only by mail, to send the order to the county clerk not later than the fifth day after the local canvass is completed. Requires the county clerk to provide an official ballot in a certain manner to each registered voter in a county who voted in the party's general primary election or requests in writing a ballot for the runoff primary election and is otherwise eligible to vote in the election.

Authorizes a person who did not vote in the party's general primary election and did not vote in any other party's primary election to request a runoff primary election ballot to be voted by mail by taking certain actions.

Public Inspection of Mail Ballot Applications—H.B. 2559
by Representative Reynolds—Senate Sponsor: Senator Burton

H.B. 2559 allows interested parties to see which voters have opted to receive mail-in ballots for the rest of the calendar year after the first eligible election. By allowing this information to be accessible, the amount of duplicate applications for mail-in ballots will be significantly reduced as voters who have opted-in will receive fewer requests to apply for a mail-in ballot from interested parties, such as political campaigns.

Logically with this information, entities that send voters applications for mail-in ballots will only target voters who have not already opted-in to receive future mail-in ballots. By making this minor change the legislature can tremendously reduce the workload of county clerk offices. This bill:

Provides that a copy of an application for a ballot to be voted by mail is not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter is accurate, until the first business day after the election day of the earliest occurring election for which the application is submitted.

Encouraging Removal of Deceased Voters by Registrars—H.B. 2837
by Representative Dean—Senate Sponsor: Senator Hughes

Interested parties believe that there may be instances in which the name of a deceased or otherwise ineligible individual remains on the voter roll despite the individual's ineligibility. H.B. 2837 encourages vigilance on the part of voter registrars by withholding certain payments from a voter registrar who does not cancel the registration of ineligible voters as required under certain law. This bill:

Includes Section 16.031 (Cancellation on Official Notice of Ineligibility), Election Code, among certain sections with which a payment made to the registrar by the Texas secretary of state is required to be in substantial compliance.

Political Activities by County Elections Administrators—H.B. 3055 [VETOED]
by Representatives Guillen—Senate Sponsor: Senator Lucio

Interested parties contend that preventing certain county elections administrators from holding or being a candidate for certain public offices while simultaneously acting as county elections administrator has unnecessarily limited who is able to function as a county elections administrator. H.B. 3055 allows a county elections administrator for a county with a population of less than 1,000 to hold or run for public office under certain conditions. This bill:

Authorizes the county elections administrator, for a county with a population of less than 1,000, to hold or be a candidate for a public office if no part of the jurisdiction of the office is located in the county where the person serves as the elections administrator and any election for that office is a nonpartisan election.

Relating to Certain Voter Registration Information—H.B. 4034
by Representative Bohac—Senate Sponsor: Senator Bettencourt

Interested parties note that under current law, voter information provided on a mail-in ballot application received by an early voting clerk cannot be given to the voter registrar to update a voter's registration information. H.B. 4034 requires an early voting clerk to notify the voter registrar if an applicant provides this information and directs the voter registrar to update the voter's record with the information provided by the applicant. This bill:

Requires the voter registrar to ensure that information relating to certain confidential information furnished on a registration application is excluded from disclosure, except that the registrar is required to forward to the county chair of each county executive committee the information necessary to contact applicants who indicate interest in working as an election judge.

Requires the voter registrar to cancel a voter's registration immediately on the receipt of notice from an early voting clerk that a federal postcard application submitted by an applicant states a voting residence address located outside the registrar's county.

Requires that procedures prescribed by the Texas secretary of state (SOS) provide electronic submission of the information and ensure that each voter registrar collects and reports the correct month, day, and year of birth for each registered voter.

Requires SOS to periodically compare information regarding voters, maintained as part of the statewide computerized voter registration list, to determine whether any voters have more than one registration record on file.

Requires SOS, if SOS determines that a voter on the registration list has more than one registration record on file, to send notice of the determination to the voter registrar of each county in which the voter is registered to vote. Provides that, if the voter records identified are located in the same county, the voter registrar is authorized to merge the records following a determination that each record belongs to the same voter. Provides that, if the voter records identified are located in more than one county, the registrar with the oldest record is authorized to deliver a written confirmation notice.

Requires an early voting clerk, if an applicant provides a date of birth, driver's license number, or social security number on the applicant's application for an early voting mail-in ballot that is different from or in addition to the information maintained by the voter registrar, to notify the voter registrar. Requires the voter registrar to update the voter's record with the information provided by the applicant.

Requires an early voting clerk, if an applicant provides a date of birth, driver's license number, or social security number on the applicant's federal postcard application that is different from or in

addition to the information maintained by the voter registrar, to notify the voter registrar. Requires the voter registrar to update the voter's record with the information provided by the applicant.

Authorizes the information contained in a completed questionnaire to be disclosed to certain persons, including the voter registrar of a county in connection with any matter of voter registration or the administration of elections.

Texas Voter Identification Law—S.B. 5

by Senator Huffman et al.—House Sponsor: Representative Phil King et al.

Federal courts have raised concerns regarding the procedure by which a voter presents proof of identification to an election clerk to be accepted as a voter in Texas. S.B. 5 addresses these concerns by expanding the list of acceptable forms of identification, extending the period within which an expired form of identification may still be accepted for voting, and providing the establishment of mobile locations for obtaining identification certificates for voting purposes. This bill:

Requires the secretary of state (SOS) to establish a program and to adopt rules for the use of mobile units to provide election identification certificates (EIC) to voters for the purpose of satisfying voter identification requirements. Requires SOS to consult with the Texas Department of Public Safety (DPS) on the creation of the program, as well as on the security, best practices, and equipment relating to the issuance of an EIC. Requires DPS to issue EICs. Prohibits SOS from charging a fee to a group that requests a mobile unit, and authorizes SOS to deny a request for a mobile unit under certain circumstances.

Requires a voter, on offering to vote, to present the following eligible forms of identification to an election officer at the polling place:

- a driver's license, an EIC, or an identification issued by DPS that is either not expired or expired no earlier than four years before the date of presentation;
- a U.S. military identification card that contains the person's photograph and is either not expired or expired no earlier than four years before the date of presentation;
- a U.S. citizenship certificate that contains the person's photograph;
- a U.S. passport book or card that is either not expired or that expired no earlier than four years before the date of presentation; or
- a license to carry a handgun issued by DPS that is either not expired or expired no earlier than four years before the date of presentation.

Provides that a person 70 years of age or older may use an expired form of identification listed above for the purpose of voting if the identification is otherwise valid. Requires an election officer to notify voters who do not meet the above voter identification requirements that they may be accepted for voting if they produce a government document showing their name and address (including a voter registration certificate or a current utility bill, bank statement, government check, paycheck, or certified copy of a domestic birth certificate) and if they execute a declaration that they have a reasonable impediment to meeting the identification requirement. Provides that a person is subject to

prosecution for aggravated perjury or state jail felony for a false statement or false information on a declaration. Requires SOS to prescribe certain content of a declaration form and to translate the declaration into languages other than English or Spanish.

Prohibits an election officer from questioning the reasonableness of an impediment sworn to by a voter in a declaration or from refusing to accept documentation presented to meet the requirements regarding a reasonable impediment solely because an address on the documentation does not match the address on the list of registered voters. Requires an election officer to document which voters executed a declaration of reasonable impediment.

Increases the penalty from a Class B misdemeanor to a Class A misdemeanor for an election officer who knowingly permits an ineligible voter to vote or who refuses to accept a person for voting whose acceptance is required by this Act.

Judicial Candidate Requirements for Ballot Placements—S.B. 44
by Senator Zaffirini—House Sponsor: Representative Schofield

Interested parties express concern regarding the potential for unnecessary and costly challenges to petitions accompanying applications for a place on an election ballot. Furthermore, these parties contend that the absence of a signature requirement for a petition filed by candidates for various judicial offices allows the unseemly possibility of last-minute filing by non-serious candidates with poor track records and little engagement with the community. S.B. 44 prevents frivolous petition challenges and ensures the viability of judicial candidates by revising requirements with respect to an application for a place on an election ballot. This bill:

Requires that, to be placed as a candidate on a primary ballot, a candidate for certain judicial offices, or for justice of the peace in a county with a population of more than 1.5 million, who chooses to pay the filing fee is to accompany the application with a petition bearing at least 250 signatures, or 500 signatures if the candidate chooses to file the petition in lieu of the filing fee. Prohibits these signatures from being obtained on the grounds of a county courthouse or courthouse annex.

Requires a candidate for the office of chief justice or justice of the Supreme Court of Texas or presiding judge or judge of the Texas Court of Criminal Appeals who chooses to pay the filing fee to accompany the application with a petition bearing a minimum of 50 signatures from each court of appeals district.

Provides that unless a petition for placement on a ballot is challenged, the authority with whom a candidate's application is filed is only required to review the petition for facial compliance with the applicable requirements of form, content, and procedure. Provides that an application for placement on a ballot may not be challenged for compliance after the day before any ballot to be voted early by mail is mailed to an address in the authority's jurisdiction for the election for which the application is made. Provides that a challenge must specifically state how an application does not comply with the applicable requirements of form, content, and procedure. Provides that an authority's review of a challenge is limited to the specific items challenged and to any response filed with the authority by the challenged candidate.

Overseas Military E-Mail Ballot Program—S.B. 752

by Senator Campbell et al.—House Sponsor: Representative Cortez

Interested parties contend that military personnel on active duty overseas often face challenges to successfully vote with an absentee ballot. S.B. 752 accommodates such personnel by making the overseas military e-mail ballot program permanent and requiring the secretary of state (SOS) to select any county to participate in the program, if the county desires to participate and has appropriate technological capabilities. This bill:

Requires SOS to select for participation in the e-mail ballot program any county that desires to participate in the program and that is determined by SOS to have the appropriate technological capabilities.

Repeals Subsections (c), (d), and (e) of Section 105.004 (E-mail Ballot Program), Election Code, relating to the termination date of the e-mail ballot pilot program; a report to the legislature concerning recommendations for future use of e-mail ballot submission by members of the armed forces and suggestions for its permanent statutory authority; and the expiration of the Act.

Clarifying Content and Numbering of Ballot Propositions—S.B. 957

by Senators Campbell and Hinojosa—House Sponsor: Representative Laubenberg et al.

According to interested parties, a ballot on which propositions with similar names or numbers appear may cause voter confusion. S.B. 957 minimizes that confusion by requiring each political subdivision's proposition to be assigned a unique number or letter on the ballot. This bill:

Provides that, in elections in which more than one measure is on a ballot, the authority ordering the election shall assign a letter of the alphabet to the measure that corresponds to its order on the ballot and, for each ballot proposition to be voted on statewide, the authority shall assign a number to the measure that corresponds to its order on the ballot.

Provides that each proposition on a ballot must identify the name of the authority ordering the election on the measure.

Requires a proposed constitutional amendment to be placed on a ballot before all other propositions.

Changing General Election Date for Certain Political Subdivisions—S.B. 1109

by Senator Birdwell—House Sponsor: Representative Burns

Interested parties note that certain municipalities, such as the City of Cresson, have expressed the desire to change their municipal election dates from November to May. S.B. 1109 provides certain municipalities with the authority to do so. This bill:

Authorizes the governing body of a municipality intersected by State Highway 171 and U.S. Highway 377 holding its general election for officers on the November uniform election date to, not later than December 31, 2018, change its general election date to the May uniform election date.

Authorizes the governing body of a political subdivision, other than a county, located in a county that contains an intersection of U.S. Highway 277 and U.S. Highway 180, holding its general election for officers on the November uniform election date to, not later than December 31, 2018, change its general election date to the May uniform election date.

Limitations of Settlement Agreements with Governmental Unit—H.B. 53

By Representatives Romero Jr. and Capriglione—Senate Sponsor: Senator Huffman

Interested parties are concerned that when a governmental entity enters into a settlement agreement paired with a non-disclosure agreement, the public's interest is adversely affected due to a lack of transparency regarding the basic allegations or facts of the case, even though taxpayer dollars are being used to investigate and prosecute the case and to pay the settlement. H.B. 53 increases transparency by prohibiting a governmental unit from entering into certain settlement agreements if the aggrieved party is required to consent to a non-disclosure agreement as a condition of the settlement. This bill:

Prohibits a governmental unit from entering into a settlement of a claim or action against the governmental unit in which:

the amount of the settlement is equal to or greater than \$30,000;

the money that would be used to pay the settlement is derived from taxes collected by a governmental unit, received from the state, or insurance proceeds received from an insurance policy for which the premium was paid with taxes collected by a governmental unit or money received from the state; and

a condition of the settlement requires a party seeking affirmative relief against the governmental unit to agree not to disclose any fact, allegation, evidence, or other matter to any other person, including a journalist or other member of the media.

Provides that a settlement agreement provision entered into in violation of these provisions is void and unenforceable. Provides that this Act does not affect information that is privileged or confidential under other law.

Anonymity for Certain Lottery Prize Winners—H.B. 59

by Representative Guillen et al.—Senate Sponsor: Senator Zaffirini

Concerned parties note that winners of large lottery prizes too often become targets for burglary, theft, and requests for monetary assistance from distant friends and family members due to the media attention given to such winners. H.B. 59 addresses this issue by giving certain lottery prize winners the ability to remain anonymous and prohibiting personally identifiable information from being released to the public. This bill:

Requires the Texas Lottery Commission (commission) to adopt rules governing nondisclosure of the personally identifiable information of certain lottery prize winners.

Authorizes a natural person who won a lottery prize in an amount equal to \$1 million or more, or who is an owner of a beneficial interest in a legal entity that won a lottery prize in an amount equal to \$1 million or more, to, on the date the winner claims the prize, choose to remain anonymous and prohibit all personally identifiable information from being released to the public.

Authorizes the commission to release or disclose the personally identifiable information of a natural person who is a lottery prize winner if the person chooses to have the prize paid in periodic

installments. Authorizes the commission to only disclose the information on or after the 30th day after the date the person claims the lottery prize if the person chooses to remain anonymous.

Provides that the amount of a lottery prize is the total amount of prize money paid to a prize winner for a single lottery prize claim, whether paid in one payment or in periodic installments, before deducting any required federal tax withholdings or other deductions.

Provides that Section 466.411 (Choice by Certain Prize Winners to Remain Anonymous), Government Code, does not prohibit release of a natural person prize winner's city or county of residence or prevent the commission from releasing the person's personally identifiable information to the Health and Human Services Commission or as necessary to comply with Section 466.407 (Deductions from Prizes) or 466.4075 (Deductions of Child Support from Certain Lottery Winnings), Government Code.

State Contracts and Investments in Companies that Boycott Israel—H.B. 89

by Representative Phil King et al.—Senate Sponsor: Senators Creighton and Hughes

Many businesses and governments have boycotted business relations with Israel and Israeli businesses as a response to Israel's continued occupation of the West Bank and the Gaza Strip, as well as discrimination against Israeli citizens who are Palestinian. The boycotts have been self-described as the boycott, divestment, and sanctions (BDS) movement. However, stakeholders in Texas contend that Israel is an American ally and a valuable trade partner to the state, and that efforts to isolate the Israeli economy are detrimental to Israel and to its global partners. This bill:

Prohibits a governmental entity from contracting with a company unless the contract contains verification from the company that it does not and will not boycott Israel during the term of the contract and restricts state investments in those companies.

Temporary Justice of the Peace—H.B. 431

by Representatives Metcalf and Keough—Senate Sponsor: Senator Creighton

Interested parties are concerned that justices of the peace (JPs) are unable to request a temporary replacement for an absence from the bench and that it is unclear when the temporary JP's service ends. H.B. 431 address these concerns by authorizing a county judge to appoint a temporary JP on the judge's own motion or on the request of a sitting JP, and by establishing that the JP's service ends when the sitting JP returns to the bench. This bill:

Authorizes a county judge, on the judge's own motion or at the request of the JP, to appoint a qualified person to serve as temporary JP for the duration of the absence of the JP from the bench if a JP is temporarily unable to perform official duties because of an absence, recusal, illness, injury, or other disability.

Licensing and Carrying of a Weapon—H.B. 435

by Representative Ken King et al.—Senate Sponsor: Senator Perry

Concerned parties maintain that volunteer emergency services personnel who carry a handgun may be required to remove their handgun before they are allowed on certain premises to perform their duties—a situation that could dangerously delay the rendering of emergency services. H.B. 435 provides certain legal protections to volunteer emergency services personnel who carry a licensed handgun while engaging in providing emergency services and ensures and regulates the licensing of certain judges and attorneys to carry a firearm. This bill:

Provides that a governmental unit is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and who is licensed to carry a handgun. Prohibits this Act from being construed to waive the immunity from suit or liability of a governmental unit.

Requires the Texas Department of Public Safety (DPS), in adopting the form of a license, to establish a procedure for the license of a qualified handgun instructor or of the attorney general or judge, among other certain state and federal attorneys as described by certain sections of the Penal Code, to indicate on the license the license holder's status.

Authorizes certain federal and state attorneys and judges, supervision officers, or juvenile probation officers to establish handgun proficiency by obtaining from a qualified handgun-proficiency instructor a sworn statement that indicates that the person demonstrated to the instructor proficiency in the use of handguns.

Requires that DPS issue a license to carry a handgun to certain federally appointed and state elected attorneys who meet the requirements for an active judicial officer and to waive any fee required for the issuance of an original, duplicate, or renewed license.

Prohibits a state agency or a political subdivision of the state from providing notice that a license holder carrying a handgun is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity in certain circumstances. Authorizes a state hospital to prohibit a license holder from carrying a handgun on the property of the hospital by providing written notice.

Provides that certain laws prohibiting the carrying of weapons in certain places do not apply to certain individuals, including the Texas attorney general or assistant Texas attorney general, a U.S. attorney or an assistant U.S. attorney, or a person who is a volunteer emergency services personnel and who carries a handgun under certain DPS authority and engages in providing emergency services.

Liability for Rescuing Person from Vehicle—H.B. 478

by Representative Israel et al.—Senate Sponsor: Senator Uresti

Interested parties contend that a person who breaks into a vehicle to rescue vulnerable individuals who are in harm's way due to their involuntary confinement within the vehicle should be granted legal protection. H.B. 478 encourages a person to assist in such a situation by granting such a person

immunity from civil liability for damages arising from the entry into the vehicle or the removal of the vulnerable entity from the vehicle under certain conditions. This bill:

Defines "vulnerable individual" as a child younger than seven years of age or an individual who, by reason of age or physical or mental disease, defect, or injury, is substantially unable to protect the individual's self from harm.

Provides that a person who, by force or otherwise, enters a motor vehicle to remove a vulnerable individual from the vehicle is immune from civil liability for damages resulting from that entry or removal, if the person:

determines that the motor vehicle is locked or there is no reasonable method for the individual to exit the motor vehicle without assistance;

has a good faith and reasonable belief, based on known circumstances, that entry into the motor vehicle is necessary to avoid imminent harm to the individual;

ensures, before entering the motor vehicle, that law enforcement has been notified or that 9-1-1 has been called, if the person is not a law enforcement officer or other first responder;

uses no more force that is necessary to enter the motor vehicle and remove the individual; and

remains with the individual in a safe location that is in reasonable proximity to the motor vehicle until a law enforcement officer or other first responder arrives.

Elected Officials' Personal Financial Statements—H.B. 501

by Representative Capriglione et al.—Senate Sponsor: Senator Van Taylor

Interested parties are concerned that elected officials are not required to disclose certain contracts they or their immediate family members have with governmental entities, that legislators who provide bond counsel services are not required to disclose those services rendered to issuers of public securities, and that state officers are not required to disclose sufficient information relating to the referral fees they receive. H.B. 501 requires such disclosures. This bill:

Provides that an account of financial activity consists of identification, by description, of a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which five percent or more of the outstanding ownership was held, acquired, or sold, and identification by description and the category of the amount of all assets and liabilities of certain business entities in which 50 percent or more of the outstanding ownership was held, acquired, or sold.

Provides that an account of financial activity consists of identification of each written contract, including the name of each party to a certain contract, if the aggregate cost of goods or services sold under one or more written contracts exceeds \$10,000 in the year covered by the report. Provides that if an individual is a member of the legislature and provides bond counsel services to an issuer, such an account consists of identification of certain information for each issuance for which the individual served as bond counsel. Provides for some exceptions.

Authorizes a person who files a financial statement under Chapter 572 (Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest), Government Code, to amend the person's statement. Provides that an amended financial statement is considered to have been filed on the date on which the original statement was filed, if certain conditions are met.

Restricting Lobbyist Expenditures from Political Contributions—H.B. 505

by Representative Geren et al.—Senate Sponsor: Senator Van Taylor

Interested parties state that elected officials should not be allowed to use their campaign donations for lobbying purposes immediately following their retirement from public office. These parties observe that this practice allows retired officeholders to personally and immediately capitalize on donations received while serving in elected office. This benefit, interested parties note, creates the appearance of impropriety, detracting from the public's trust and confidence in public office. H.B. 505 prohibits retired officeholders who are a registered lobbyists from making a political contribution from their campaign account following their departure from office. This bill:

Defines "political contribution," "political committee," and "political expenditure."

Prohibits a person required to register as a lobbyist from, at any time following the date the last term for which the person was elected ends, knowingly making or authorizing, from political contributions accepted by the person as a candidate or officeholder, a political expenditure that is a political contribution to another candidate, officeholder, or political committee.

Additional Fee for Non-Texas Resident Applicants for Marriage License—H.B. 555

by Representative Springer et al.—Senate Sponsor: Senator Hughes

Interested parties contend that the current marriage licensing and fee process was primarily intended for state residents but note that some people who are not residents of Texas travel to Texas to get their marriage licenses, which creates extra work for county clerks not covered by the current fee structure. H.B. 555 addresses this issue by providing an additional fee for the issuance of a marriage license to applicants who are not residents of Texas. This bill:

Provides that a license issued by a county clerk is required to identify the county in which the license is issued and is authorized to include the name of the county clerk. Requires that a form for a marriage license application require identification of the county in which the application is submitted and allow, but not require, the name of the county clerk to appear on the application.

Authorizes a county clerk to set and collect certain fees from any person, including a fee of \$100 for a marriage license for out-of-state applicants.

Requires a county clerk to issue a marriage license without collecting a marriage license fee from an applicant who, among certain other criteria, provides proof satisfactory to the county clerk that the applicant is a resident of this state. Authorizes a county clerk, if neither applicant for a marriage license provides proof satisfactory to the county clerk that the applicant is a resident of this state, to collect an additional fee of \$100 for issuing the marriage license.

Liability of First Responders Offering Roadside Assistance—H.B. 590

by Representative Bohac et al.—Senate Sponsor: Senator Huffines

Interested parties report that some governmental employers of first responders are reluctant to permit their employees or volunteers to offer roadside assistance to motorists for fear of liability arising from such assistance. H.B. 590 partly relieves such fear by exempting first responders from liability in certain civil damages for an act or omission that occurs while the responder is providing the assistance, with certain exceptions. This bill:

Defines "first responder" to mean certain law enforcement, fire protection, or emergency medical services employees or volunteers. Defines "roadside assistance" to mean assistance to the owner, operator, or passenger of a motor vehicle with an incident relating to the operation of the motor vehicle, including jump-starting or replacing a motor vehicle battery, lockout assistance, replacing a flat tire, and roadside vehicle breakdown assistance.

Provides that a first responder who in good faith provides roadside assistance is not liable in civil damages for damage to the motor vehicle affected by the incident for which the roadside assistance is provided that is caused by an act or omission that occurs during the performance of the act of roadside assistance, unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct.

Permitting Vendor Sales in Capitol Complex—H.B. 635

by Representative Howard et al.—Senate Sponsor: Senator Watson

The sale of goods by vendors is not currently permitted in the Capitol Complex, which forces such events such as the Texas Book Festival to conduct sales on the street, beyond the bounds of the complex. The Capitol Complex master plan envisions such events occurring on the Texas mall and legislators have suggested creating a process by which a temporary vendor permit could be issued to vendors who wish to conduct sales in the Texas mall. This bill:

Requires the State Preservation Board (SPB), in consultation with appropriate agencies, to establish a process by which a vendor may apply for and obtain a permit to sell goods from a rented space during an event authorized by SPB.

Continuing the Red River Boundary Commission—H.B. 641

by Representative Phillips—Senate Sponsor: Senator Estes

The Red River Boundary Commission (commission) is currently working with the State of Oklahoma to correct the border between the states in Lake Texoma, which has shifted due to coordinate errors in the original map. This boundary shift has affected a water pumping station that was originally built in Texas, but due to the boundary change, is now in Oklahoma. This makes the operation of the pump illegal due to the federal Lacey Act and threatens the water supply of north Texas. This bill:

Amends Section 12.057(b), Natural Resources Code, to require the Red River Boundary Commission, not later than July 30, 2021, rather than July 30, 2017, to issue a final report to the

governor, lieutenant governor, speaker of the house of representatives, and appropriate committees of the legislature.

Allowing Appointed State Officials to File a PFS by Certified Mail—H.B. 791

by Representatives Lozano and Cain—Senate Sponsor: Senator Hinojosa

Interested parties contend that requiring certain state officials to file a personal financial statement (PFS) electronically is prejudicial to those individuals who do not own a personal computer or do not have home access to the Internet. H.B. 791 authorizes such individuals to file a PFS by certified mail. This bill:

Authorizes an individual who was appointed to office by the governor and who is required to file a PFS with the Texas Ethics Commission to file the PFS by certified mail. Requires that the filing by mail be in compliance with Section 572.029 (Timeliness of Filing), Government Code.

Carrying Weapons in Public Establishments—H.B. 873

by Representatives Pickett and Burns—Senate Sponsor: Senator Hughes

Interested parties note that a number of public venues bar entry to people with weapons, including off-duty peace officers. These parties contend that such policies pose a safety risk, as an off-duty peace officer may be called to take action in self-defense or in defense of the safety and well-being of the public. H.B. 873 prohibits an establishment that serves the public from prohibiting or otherwise restricting a peace officer or special investigator from carrying on its premises a weapon that the peace officer or special investigator is otherwise authorized to carry. This bill:

Prohibits an establishment that serves the public from prohibiting or otherwise restricting a peace officer or special investigator from carrying on the establishment's premises a weapon that the peace officer or special investigator is otherwise authorized to carry, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon.

Defines "establishment serving the public" to mean a hotel, motel, or other place of lodging; a restaurant or other place where food is offered for sale to the public; a retail business, or other commercial establishment, or an office building to which the general public is invited; a sports venue; and any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited.

Defines "sports venue" to mean an arena, coliseum, stadium, or other type of area or facility that is primarily used or is planned for primary use for one or more professional or amateur sports or athletics events for which a fee is charged or is planned to be charged for admission to the sports or athletic events, other than occasional civic, charitable, or promotional events.

Awarding a Charitable Raffle Ticket as Bingo Prize—H.B. 874

by Representative Kuempel—Senate Sponsor: Senator Kolkhorst

Interested parties report that a recent Texas attorney general opinion determined that the offer and award by a nonprofit organization of a ticket for a charitable raffle as a bingo prize under the Charitable Raffle Enabling Act (Chapter 2002, Occupations Code) could be in violation of certain Penal Code provisions, since the activity is not explicitly authorized by the Bingo Enabling Act (Chapter 2001, Occupations Code). These parties contend that such activities can be an important source of revenue necessary to achieve an organization's charitable purposes. H.B. 874 provides that authorization. This bill:

Authorizes a licensed authorized organization, notwithstanding any other law, to offer and award as a bingo prize a ticket for a charitable raffle. Provides that the bingo prize amount is the cost to purchase the ticket to enter the charitable raffle for the purposes of this bill.

Form and Revocation of Medical Powers of Attorney—H.B. 995

by Representatives Wray and Guillen—Senate Sponsor: Senator Rodríguez

According to interested parties, the law relating to a medical power of attorney is in need of clarification to reflect contemporary developments in case law. H.B. 995 revises such law to clarify the effect of a dissolution, annulment, or voiding of a marriage of a principal whose spouse is the principal's agent and to make changes relating to the form of a medical power of attorney and a related disclosure statement. This bill:

Provides that an agent's authority under a medical power of attorney is revoked if the agent's marriage to the principal is dissolved, annulled, or declared void, unless the medical power of attorney provides otherwise.

Requires that a medical power of attorney be in a form with certain language. Sets forth the amended language of the form.

Repeals Sections 166.162 (Disclosure Statement) and 166.163 (Form of Disclosure Statement), Health and Safety Code.

Inactive State Bar Members to Practice Pro Bono—H.B. 1020

by Representatives Smithee and Farrar—Senate Sponsor: Senator Rodríguez

Interested parties point to a prohibition against inactive members of the State Bar of Texas (state bar) practicing law in Texas as one reason for a lack of participation in the state bar's Emeritus Attorneys Pro Bono Participation Program. H.B. 1020 increases the pool of available volunteer attorneys by creating an exception to that prohibition. This bill:

Prohibits an inactive member from practicing law in this state, except as provided by rule promulgated by the Supreme Court of Texas for volunteer practice; holding office in the state bar; or voting in any election conducted by the state bar.

Notarial Acts Online—H.B. 1217

by Representative Parker—Senate Sponsor: Senator Creighton

Interested parties assert that, although the practice of online notarization was authorized during a previous legislative session, the legislature did not provide a clear regulatory framework for online notaries public. H.B. 1217 provides this framework. This bill:

Authorizes the Texas secretary of state (SOS) to adopt rules necessary to implement and facilitate online notarizations, and to develop and maintain standards for online notarization in accordance with standards for credential analysis and identity proofing. Authorizes SOS to confer with the Texas Department of Information Resources or other appropriate state agency on matters relating to equipment, security, and technological aspects of the online notarization standards.

Authorizes a notary public or an applicant for appointment as a notary public to apply to SOS to be appointed and commissioned as an online notary public in a certain manner. Provides that a person qualifies to be appointed as an online notary public by meeting certain requirements. Authorizes SOS to charge a fee for a submitted application in an amount necessary to administer this Act.

Provides that an online notary public is a notary public and is subject to certain statutes to the same extent as a notary public appointed and commissioned under Subchapter A (Notary Public), Chapter 406 (Notary Public; Commissioner of Deeds), Government Code, and is authorized to perform notarial acts in addition to performing online notarizations.

Requires an online notary public to keep a secure electronic record of electronic documents notarized by the online notary public. Requires the online notary public to take reasonable steps to ensure the integrity, security, and authenticity of online notarizations, maintain a backup for the electronic record, and protect the backup record from unauthorized use. Prohibits the online notary public from allowing another person to use the online notary public's electronic record, electronic signature, or electronic seal.

Authorizes an online notary public to use the online notary public's electronic signature only for performing online notarization. Requires an online notary public to attach the online notary public's electronic signature and seal to the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evident.

Authorizes an online notary public to perform an online notarization regardless of whether the principal is physically located in this state at the time of the online notarization.

Requires an online notary public, in performing an online notarization, to verify the identity of a person creating an electronic signature at the time that the signature is taken by using two-way video and audio conference technology that meets certain requirements. Authorizes the verification of identity by certain methods.

Requires an online notary public whose commission terminates to destroy the coding, disk, certificate, card, software, or password that enables electronic affixation of the online notary public's official electronic signature or seal.

Provides that a person who, without authorization, knowingly obtains, conceals, damages, or destroys the certificate, disk, coding, card, program, software, or hardware enabling an online notary public to affix an official electronic signature or seal commits an offense of a Class A misdemeanor.

Expansion of State Benefits to Certain Peace Officers—H.B. 1526
by Representative Phil King et al.—Senate Sponsor: Senator Huffman

H.B. 1526 provides the expansion and applicability of statutory provisions relating to financial assistance administered by the Employees Retirement System of Texas (ERS), making such assistance available to eligible survivors of certain peace officers and certain active and retired employees of community supervision and corrections departments. This bill:

Provides that Chapter 615 (Financial Assistance to Survivors of Certain Law Enforcement Officers, Fire Fighters, and Others), Government Code, applies only to eligible survivors of, among certain other individuals, an individual employed as a peace officer by a private institution of higher education, including a private junior college, that is located in this state.

Provides that the state is responsible for payment of the contributions for each community supervision and corrections department's (department) participating active employees and their dependents under Subchapter G (Contributions and Costs), Chapter 1551 (Texas Employees Group Benefits Act), Insurance Code. Provides that the state is responsible for payment of the contributions for each department's retired employees and their participating dependents under Subchapter G.

Requires that all contributions received under Section 1551.114 (Participation by Community Supervision and Corrections Departments), Insurance Code, from the state, active employees of a department, and retired employees of a department for basic, optional, and voluntary coverages under the group benefits program be paid into the employee's life, accident, and health insurance and benefits fund and be used by the ERS board of trustees to provide those coverages.

Repeals Section 509.011(a-1) (relating to the community justice assistance division preparing and submitting vouchers for payment to ERS for contributions for group coverage), Government Code.

Repeals Section 1551.322 (Required Contributions by Texas Department of Criminal Justice), Insurance Code.

Sale of Lottery Tickets at Grocery Stores—H.B. 1555
by Representative Kuempel—Senate Sponsor: Senator Seliger

Grocery stores holding on-premise alcohol consumption permits may sell lottery tickets in a defined space inside the store. However, the Government Code requires that a license to sell lottery tickets be denied to a person who would sell the tickets at a location at which that person holds a wine and beer retailer's permit. Stakeholders contend that many grocery retailers are adding food and beverage services to their stores and that statute should be amended to allow these retailers to continue selling lottery tickets and alcoholic beverages. This bill:

Allows lottery tickets to be sold at grocery retail locations for which a beer and wine retailer's permit is held, if the location derives fewer than 30 percent of its gross receipts from the sale or service of alcoholic beverages.

Awarding Costs and Fees in Certain Actions Regarding Local Regulations—H.B. 1704
by Representatives Kuempel and Workman—Senate Sponsor: Senator Huffman

Interested parties cite recent case law holding that the law governing an action to determine the applicability of certain local government regulations does not allow the prevailing party in such an action to recover court costs and attorney's fees and contend that this creates undesirable inconsistency with the Uniform Declaratory Judgments Act. H.B. 1704 addresses this issue by authorizing a court in such an action to award court costs and reasonable and necessary attorney's fees to the prevailing party. This bill:

Authorizes a court to award court costs and reasonable and necessary attorney's fees to the prevailing party in an action under this chapter (Issuance of Local Permits).

Application Requirements for Certain Probate Proceedings—H.B. 1814
by Representative Murr—Senate Sponsor: Senator Zaffirini

Concerns have been raised about situations in which property has been handed down for generations, leading to multiple people sharing the same name and even the same domicile who cannot be accurately identified in documents required for an application to probate a will, an application to probate a will as a muniment of title, and an application for letters of administration. Interested parties report there is a need to include more individual-specific identifying information in order to clarify the applicant and the testator or decedent, as applicable, in such documents. H.B. 1814 provides this clarity by requiring the inclusion of information such as portions of a driver's license number or social security number. This bill:

Requires that an application for the probate of a will or an application for a bill as a muniment of title state and aver certain information, including the last three numbers of each applicant's driver's license number and social security number, if applicable, and the last three numbers of the testator's driver's license number and social security number, to the extent each is known or can, with reasonable diligence, be ascertained by the applicant.

Requires that an application for letters of administration when no will is alleged to exist state certain information, including the last three numbers of the applicant's driver's license number, if applicable, and the last three numbers of the applicant's social security number, if applicable, and if known by the applicant at the time the applicant files the application, the last three numbers of the decedent's driver's license number and social security number. Requires that the application state the reason the numbers are not stated, if an applicant does not state the last three numbers of the decedent's driver's license number or social security number.

Revision of Criminal Consequences Regarding a Firearm Silencer—H.B. 1819
by Representative Springer et al.—Senate Sponsor: Senator Perry et al.

Interested parties are concerned that certain restrictions related to firearm silencers may affect the availability of these products for people who wish to purchase them for hearing protection. H.B. 1819 seeks to address this issue by revising the law relating to the criminal consequences for possessing, manufacturing, transporting, repairing, or selling a firearm silencer. This bill:

Provides that a person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells certain items, with stated exceptions, including a firearm silencer, unless the firearm silencer is classified as a curio or relic by the United States Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law. Provides that the offense is a felony of the third degree.

Use of Diacritical Marks on Certain State Records and Documents—H.B. 1823
by Representative Canales—Senate Sponsor: Senator Zaffirini et al.

Interested parties note that state law does not allow certain diacritical marks on Texas driver's licenses and birth certificates and contend that this prohibits a considerable amount of the state's population from obtaining documentation that displays their name accurately. H.B. 1823 addresses this issue by authorizing the state to include diacritical marks on certain official state records and documents. This bill:

Defines "diacritical mark."

Requires the state registrar to ensure that an issued vital statistics record properly records any diacritical mark used in a person's name.

Requires the Texas Department of Public Safety (DPS) to ensure that an issued original or renewal driver's license or personal identification certificate properly records any diacritical mark used in a person's name.

Requires DPS to ensure that an issued original or renewal commercial driver's license or commercial learner's permit properly records any diacritical mark used in a person's name.

Penalty for Perjurious Affidavits by Independent Executors of Estates—H.B. 1877
by Representative Murr—Senate Sponsor: Senator Zaffirini

There have been reports from interested parties that some independent executors of estates fail to provide a verified, full, and detailed inventory, appraisal, and list of claims to beneficiaries of the estate as required by law and instead file perjurious affidavits with the court in lieu of such documents. H.B. 1877 discourages this behavior by allowing a court to fine such an executor up to \$1,000 for such an act. This bill:

Authorizes the court, on its own motion or on motion of any person interested in the estate, and after an independent executor has been cited to answer at a time and place fixed in the notice, to fine an

independent executor if the court finds that the executor misrepresented in an affidavit in lieu of the inventory, appraisal, and list of claims filed by the executor that certain beneficiaries received a verified, full, and detailed inventory and appraisal, as required by statute.

Provides that the independent executor and the executor's sureties, if any, are liable for any fine imposed under this section and for all damages and costs sustained by the executor's misrepresentation. Authorizes recovery of the fine, damages, and costs in any court of competent jurisdiction.

Financial Accounting and Reporting Requirements for Political Entities—H.B. 1930

by Representative Frullo—Senate Sponsor: Senator Perry

Interested parties contend that it is important that governmental entities comply with generally accepted accounting principles when performing financial accounting and reporting duties due to the clarity, consistency, and widespread use of such accounting principles. H.B. 1930 prohibits certain county auditor regulations from being inconsistent with such principles and repeals provisions that establish certain alternative accounting principles with regard to post-employment benefits. This bill:

Repeals Chapter 2266 (Financial Accounting and Reporting), Government Code.

Prohibits a regulation adopted under Section 112.002 (Accounting System in County with County Auditor and Population of 190,000 or More), Local Government Code, from being inconsistent with generally accepted accounting principles, as established by the Governmental Accounting Standards Board.

Provides that the changes in law made by this Act apply to financial accounting and reporting by a governmental entity that, immediately before the effective date of this Act, was subject to Chapter 2266, Government Code, as repealed by this Act, beginning with the governmental entity's first fiscal year that begins on or after September 1, 2018.

Perpetual Care Funds for Cemeteries—H.B. 1948

by Representative Elkins—Senate Sponsor: Senators Creighton and Hughes

As "perpetual care cemeteries" require continual care and maintenance, current law requires that a small portion of each purchase of a plot be deposited into a cemetery's perpetual care fund, which covers the cemetery's expense of ongoing care. Currently, only realized income may be spent on maintenance and, as a result, cemeteries focus on such income-producing investments as bonds, rather than equities. Annual distributions from perpetual care funds are calculated using the unitrust method, which provides that any growth in the cemetery's portfolio in excess of a certain, preset percentage amount of three to five percent of the total market value of the trust remains in the fund, whereas the percentage amount may be spent on care. Stakeholders suggest that amending these requirements may allow a cemetery to generate higher portfolio growth while still providing regular care and maintenance. This bill:

Defines "total return method" and allows perpetual care cemeteries to use this method to determine distributions from perpetual care funds.

Durable Powers of Attorney—H.B. 1974

by Representative Wray—Senate Sponsor: Senator Rodríguez

Concerns have been raised about the need to update the law relating to durable powers of attorney (DPOA) to reflect developments in relevant case law. H.B. 1974 provides this update. This bill:

Provides that a person is considered disabled or incapacitated for purposes of a DPOA if a physician certifies in writing on a certain date that based on the physician's medical examination of the person, the person is determined to be mentally incapable of managing the person's financial affairs.

Provides that an instrument is a DPOA if the instrument:

is a writing or other record that designates another person as agent and that grants authority to that agent to act in the place of the principal;

is signed by an adult principal or, in the adult principal's conscious presence, by another adult directed by the principal to sign the principal's name on the instrument;

contains certain words that clearly indicate that the authority conferred on the agent is required to be exercised; and

is acknowledged by the principal, or another adult directed by the principal, before an officer authorized under the laws of this state or another state to take certain actions.

Provides that, except as otherwise provided by statute or by the DPOA, a photocopy or electronically transmitted copy of an original DPOA has the same effect as the original instrument.

Authorizes a principal to designate in a DPOA two or more persons to act as coagents and authorizes each coagent, unless otherwise provided in the DPOA, to exercise authority independently of the other coagent.

Provides that, except as otherwise provided in the DPOA, a person accepts appointment as an agent under a DPOA by exercising authority or performing duties as an agent or by any other assertion or conduct indicating acceptance of the appointment.

Authorizes a principal to designate in a DPOA one or more successor agents to act if an agent resigns, dies, or becomes incapacitated or is not qualified or declines to serve.

Provides that, unless otherwise provided in the DPOA, an agent is entitled to reimbursement of reasonable expenses incurred on the principal's behalf and to compensation that is reasonable under the circumstances.

Authorizes an agent to take certain actions on a principal's behalf or with respect to the principal's property only if the DPOA designating the agent expressly grants the agent the authority and the exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject.

Authorizes an agent to make a gift of a principal's property only as the agent determines is consistent with the principal's objectives; the principal's best interest based on all relevant factors; and the principal's personal history of making, or joining in making, gifts.

Provides that an act performed by an agent under a DPOA has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal had performed the act. Requires an agent to timely inform a principal of each action taken under a DPOA. Authorizes a principal, if an agent fails or refuses to complete certain tasks within a certain period, to file suit to terminate the DPOA.

Requires an agent who has actual knowledge of a breach or imminent breach of fiduciary duty by another agent to notify a principal and, if the principal is incapacitated, take any action reasonably appropriate under the circumstances to safeguard the principal's best interest.

Provides that, if, after execution of a DPOA, a court of a principal's domicile appoints a permanent guardian of the estate to the principal, the powers of the agent terminate on the qualification of the guardian to the estate.

Requires a person who refuses to accept a DPOA to provide to the agent presenting the power of attorney for acceptance a written statement advising the agent of the reason or reasons the person is refusing to accept the power of attorney.

Exempting Certain Person from the Hunter Education Program—H.B. 2009

by Representatives Greg Bonnen and Dennis Bonnen—Senate Sponsor: Senator Larry Taylor

H.B. 2009 relates to an exemption for certain law enforcement and military personnel from the requirement to complete a hunter education program. This bill:

Provides that the following persons are exempt from any requirement to complete a hunter education course, rather than to complete the live firing portion of a hunter education course, Section 62.014 (Hunter Education Program), Parks and Wildlife Code: (1) an honorably discharged veteran of the United States (U.S.) armed forces or a person who is on active duty as a member of the U.S. armed forces; (2) a person who is on active duty or has previously served as a member of the Texas Army National Guard, the Texas Air National Guard, or the Texas State Guard; or (3) a person who is serving or has previously served as a certain peace officer.

Damages in Certain Contract Claims Against the State—H.B. 2121

by Representatives Cyrier and Charles "Doc" Anderson—Senate Sponsor: Senator Hughes

Interested parties note inconsistencies regarding a party's ability to recover attorney's fees in a contract claim against a governmental entity depending on the entity involved. H.B. 2121 addresses this inconsistency by providing for recovery of attorney's fees in certain contract claims against the state. This bill:

Authorizes an award of damages under Chapter 2260 (Resolution of Certain Contract Claims Against the State), Government Code, to include attorney's fees if the claim is for breach of a written contract for engineering, architectural, or construction services or materials related to those services; and the amount in controversy is less than \$250,000, excluding penalties, costs, expenses, prejudgment interest, and attorney's fees.

Procedures and Fees for the Deposit and Safekeeping of Wills—H.B. 2207

by Representative Kuempel—Senate Sponsor: Senator Zaffirini

Current law provides little guidance regarding the circumstances under which a will may be deposited with a county clerk when a testator cannot be found. H.B. 2207 clarifies that a will may be deposited with a county clerk in the county of a testator's last known residence if the attorney, business entity, or other person is unable to maintain custody of the will and, after a diligent search, is unable to contact or locate the testator. This bill:

Authorizes an attorney, business entity, or other person in possession of a testator's will to deposit the will with the county clerk of the county of the testator's last known residence if the attorney, business entity, or other person is unable to maintain custody of the will and, after a diligent search, the attorney, business entity, or other person is not able to contact or locate the testator.

Requires an attorney, business entity, or other person to provide to a county clerk at the time a will is deposited the name and last known address of the testator, and, if the will names an executor, the name and last known address, if available, of each executor named in the will, including any alternate executors. Requires a county clerk to receive and keep a will deposited on payment of a \$5 fee.

Requires that the wrapper of a will deposited be endorsed in a certain manner and that the county clerk notify each person named on the endorsement of the will wrapper that the will is on deposit in the clerk's office, if certain conditions are met.

Requires a county clerk, if certain conditions are met, to notify the person named as executor, or the devisees named in the will under certain conditions, that the will is on deposit with the clerk. Provides that the provisions providing for the deposit of a will with a county clerk are solely for the purpose of providing a safe and convenient repository for a will.

Requires a clerk of a court, on deposit of a will that names an executor, to notify the person named as executor, or the devisees named in the will under certain conditions, in a certain manner and, on request, deliver the will to the person named as executor or to the devisees.

Requires a clerk of a county, statutory, or probate court to collect certain fees and costs, including a \$5 fee for deposit of a will with the county clerk by a testator, or another person for a testator during the testator's lifetime, or by an attorney, business entity, or other person unable to maintain custody of the testator's will and unable to contact or locate the testator.

Estates of Decedents and Posthumous Gifts—H.B. 2271

by Representative Wray—Senate Sponsor: Senator Rodriguez

Concerns have been raised about the need to update the law relating to decedents' estates and certain posthumous gifts to reflect developments in relevant case law. H.B. 2271 provides this update. This bill:

Provides that, in regard to the probate of will and the granting of letters testamentary and of administration, a decedent's next of kin is the decedent's surviving spouse or, if there is no surviving spouse, other relatives of the decedent within the third degree of consanguinity, including a person

who legally adopted the decedent or has been legally adopted by the decedent and that person's descendants, and that a decedent's nearest of kin is determined in accordance with the order of descent, with the decedent's next of kin who is nearest in the order of descent first, and so on.

Authorizes a deceased spouse's signature to a community property survivorship agreement (survivorship agreement) to be proved by the written or oral deposition of one witness. Authorizes the surviving spouse's signature to the survivorship agreement to be proved by the written or oral deposition of the surviving spouse if the surviving spouse is competent to make an oath.

Provides that the dissolution of a marriage revokes a provision in a trust instrument that was executed by a divorced individual as settlor before the divorced individual's marriage was dissolved. Provides that for a trust created under a trust instrument that was executed by two married individuals as settlors whose marriage to each other is subsequently dissolved, the trustee must, on the death of one of the divorced individuals who is a settlor of a trust, divide the trust into two trusts, each of which is to be composed of the property attributable to the contributions of only one of the divorced individuals.

Provides that, if a decedent established a payable-on-death account or other multiparty account and the decedent's marriage was later dissolved by divorce, annulment, or a declaration that the marriage is void, any payable-on-request-after-death-designation provision in favor of the decedent's former spouse or a relative of the former spouse who is not a relative of the decedent is not effective as to that spouse or relative unless:

- the court decree dissolving the marriage reaffirms the survivorship agreement or the relevant provision of the survivorship agreement in favor of the former spouse or the former spouse's relative;

- after the marriage was dissolved, the decedent reaffirmed the survivorship agreement in writing; or

- the former spouse or the former spouse's relative is designated to receive the proceeds or benefits in trust for, on behalf of, or for the benefit of a child or dependent of either the decedent or the former spouse.

Requires that to a certain extent of the applicant's knowledge, an application for the probate of a will as a muniment of title state and aver that the testator's estate does not owe an unpaid debt, other than any debt secured by a lien on real estate, or that for another reason there is no necessity for administration of the estate.

Requires a personal representative of an estate, within one month after receiving letters testamentary or of administration, to provide notice requiring each person who has a claim against the estate to present the claim.

Provides that the frequency and method of determining a distributee's respective interests in the undistributed assets of an estate are in the sole and absolute discretion of the executor of the estate. Authorizes the executor to consider all relevant factors, including the administrative convenience and expense and the interests of various distributees of the estate, to reach a fair and equitable result.

Authorizes an independent executor, in distributing property that is not specifically devised to be sold by an independent executor, to:

- make distributions in divided or undivided interests;
- allocate particular assets in proportionate or disproportionate shares;
- value the estate property; and
- adjust the distribution, division, or termination for resulting differences in valuation.

Elimination of Certain Licensing Fees for Bingo—H.B. 2578

by Representative Senfronia Thompson—Senate Sponsor: Senator Zaffirini

Interested parties contend that the purpose of charitable bingo is to raise money to support the charitable purposes of the organization authorized to conduct bingo and that the remittance of certain bingo license fees to the government reduces the net bingo proceeds available for those charitable purposes. H.B. 2578 addresses this issue by eliminating certain bingo license fees and by providing that bingo-related administrative costs are to be collected by the Texas Lottery Commission (commission) from certain other license fees and from money paid to the commission by bingo players as bingo prize fees. This bill:

Provides that it is the intent of the Texas Legislature that the funding necessary for the administration of Chapter 2001 (Bingo), Occupations Code, by the commission is collected by the commission from commercial lessor, manufacturer, and distributor license fees and from money paid to the commission by bingo players as bingo prize fees.

Authorizes an authorized organization to receive a temporary license to conduct bingo by filing with the commission an application on a form prescribed by the commission. Requires the commission to issue or renew a license to conduct bingo if the commission determines certain information.

Prohibits the commission from issuing a commercial lessor license to or renewing a commercial lessor license of a person who loans money to an authorized organization.

Requires each licensed authorized organization that is a member of a licensed authorized organization that conducts bingo in certain venues to be jointly and severally liable for the payment of any penalties imposed for a violation of this Act or of the commission rules related to the operations of the organization.

Prohibits an item of expense from being incurred or paid in connection with the conduct of bingo, except an expense that is reasonable or necessary to conduct bingo, including an expense for bingo chairpersons, operators, managers, salespersons, callers, cashiers, and ushers and for janitorial services and utility supplies and services, rather than fees for bingo chairpersons, operators, managers, salespersons, callers, cashiers, and ushers and for janitorial services and utility supplies and services, among other items of expenses provided by statute.

Requires a licensed authorized organization to remit to the commission a fee in the amount of five percent of the amount or value of all bingo prizes of more than \$5 awarded.

Requires the commission, at the end of each state fiscal year, to send to a county or municipality entitled to a share of the fee on prizes the county's or municipality's share. Requires the commission to reduce the amount of each local share of a fee to each county or municipality entitled to a share of the fee on a pro rata basis as necessary to retain the amount necessary for the administration of bingo for the state fiscal year less the amount estimated by the commission as license fees expected to be deposited in a special account in the general revenue fund for that year. Requires that the amount the commission retains meet certain criteria.

Repeals Section 2001.313(b-2) (relating to authorizing the commission to impose a fee for an initial registration application and renewal application), Occupations Code.

Repeals Section 2001.437(e) (relating to requiring the commission by rule to establish an annual license fee for a unit manager license in an amount reasonable to defray administrative costs incurred to conduct a criminal background check).

Civil Penalties for Certain Synthetic Substances—H.B. 2612

by Representatives Meyer and Fallon—Senate Sponsor: Senator Huffman

Interested parties have raised concerns about the abuse of certain synthetic substances in Texas. H.B. 2612 seeks to combat this problem by creating certain civil liabilities for persons who produce, distribute, sell, or provide these synthetic substances to others or who aid in such activities. This bill:

Defines "synthetic substance."

Provides that a person is liable for damages proximately caused by the consumption or ingestion of a synthetic substance by another person, including a minor, if the actor produced, distributed, sold, or provided the synthetic substance to the other person, or aided in the production, distribution, sale, or provision of the synthetic substance to the other person. Provides that such conduct is a false, misleading, or deceptive act or practice or an unconscionable action or course of action and is actionable under deceptive trade practices and consumer protection. Provides that proportionate responsibility does not apply to an action brought under this Act.

Authorizes an action brought under this Act to include a claim for exemplary damages. Provides that neither limitation on amount of recovery nor harm resulting from criminal act applies to the award of exemplary damages in an action brought under this Act.

Provides that it is an affirmative defense to liability that a synthetic substance produced, distributed, sold, or provided was approved for use, sale, or distribution by the United States Food and Drug Administration or other state or federal regulatory agency with authority to approve a substance for use, sale, or distribution. Provides that it is not a defense to liability that a synthetic substance was in packaging labeled with "Not for Human Consumption" or other wording indicating the substance is not intended to be ingested.

Requires a district or county attorney, if the district or county attorney accepts assurance of voluntary compliance, to file the assurance of voluntary compliance in the district court in the county in which the alleged violator resides or does business. Requires that the petition, if a district or county attorney executes and serves a civil investigative demand and files a petition, be filed in the

district court in the county where the parties reside. Authorizes a district or county attorney to act so long as the consumer protection division does not intend to act with respect to that matter.

Requires the consumer protection division, upon request and to the extent it has the resources available, to provide assistance to a district or county attorney in any action taken. Requires the consumer protection division to notify the district or county attorney that it no longer intends to actively investigate or litigate an alleged violation within a reasonable time of such determination.

Requires that all settlements or penalties collected by a district or county attorney, notwithstanding any other law, in an action brought by a district or county attorney, be divided between the state and the county in which the attorney brought suit.

Temporary Order Appointing Receiver in Suit for Dissolution of Marriage—H.B. 2703
by Representative Muñoz, Jr.—Senate Sponsor: Senator Uresti

Interested parties express concern regarding the lack of transparency in the appointment of a receiver to protect and preserve the property of a party to a suit for dissolution of marriage while the suit is pending. H.B. 2703 provides for such transparency by requiring a court to make certain findings and conclusions. This bill:

Requires the court, not later than the seventh day after the date a receiver is appointed for the preservation and protection of the property of the parties while a suit for dissolution of marriage is pending, to issue written findings of fact and conclusions of law in support of the receiver's appointment.

Requires the court, if the court dispenses with the issuance of a bond between the spouses in connection with the receiver's appointment, to include in the court's findings an explanation of the reasons the court dispensed with the issuance of a bond.

Limiting Liability of Certain Healthcare Providers—H.B. 2886
by Representative Klick—Senate Sponsor: Senator Burton

Currently, a physician, nurse, midwife, or other person attending a birth is statutorily required to apply an antibiotic ointment to the newborn's eyes that prevents ophthalmia neonatorum and associated complications such as blindness that may arise in the newborn through a birth to a mother with certain, untreated, sexually transmitted infections. Some parents, however, refuse the administration of the ointment, putting the healthcare provider at risk of liability. H.B. 2886 protects healthcare providers in these situations by specifying that a provider attending a childbirth does not commit an offense for failing to administer the ointment due to a parent's refusal. This bill:

Provides that a certain healthcare provider in attendance at childbirth who is unable to apply the required prophylaxis due to the objection of a newborn infant's parent, managing conservator, or guardian does not commit an offense and is not subject to criminal, civil, or administrative liability or any professional disciplinary action for failure to administer the prophylaxis. Requires the healthcare provider to ensure that the objection of the parent, managing conservator, or guardian is entered into the infant's medical record.

Passenger Bus Alcoholic Beverage Permit—H.B. 3101*by Representative Kuempel—Senate Sponsor: Senator Birdwell*

Bus lines are not currently permitted to sell or serve alcohol as airlines commonly do. This bill:

Creates a passenger bus beverage permit. Authorizes a passenger bus beverage permit holder to store alcoholic beverages at a certain location and grants the permit holder the same rights to the sale of alcoholic beverages on a passenger bus as an airline beverage permit holder to the sale of alcoholic beverages on a commercial passenger airplane.

Charitable Raffles Conducted by Certain Professional Sports Teams—H.B. 3125*by Representative Kuempel et al.—Senate Sponsor: Senator Hinojosa*

Interested parties note that recently enacted legislation omits teams organized in Texas that are members of certain leagues and other persons hosting certain motorsports racing team events from the definition of "professional sports team" for purposes of the Professional Sports Team Charitable Foundation Raffle Enabling Act. H.B. 3125 establishes that such an entity is considered a professional sports team for those purposes. This bill:

Redefines "professional sports team" to include certain sports leagues and a person hosting a motorsports racing team event sanctioned by certain entities at a certain venue in this state.

Provides that a person commits an offense if the person accepts any form of payment other than United States currency or a debit card for the purchase of a raffle ticket for a charitable raffle conducted under Chapter 2004 (Professional Sports Team Charitable), Occupations Code.

Privacy of Certain Structured Settlement Information—H.B. 3356*by Representative Tracy O. King—Senate Sponsor: Senator Creighton*

Interested parties note recent reports detailing the high incidence of mistreatment of certain individuals who have entered into structured settlement agreements that allow an individual receiving an annuity to sell a portion of that annuity for a lump sum. These parties express concern regarding the public availability of information relevant to the individual or agreement, which may increase the risk of identity theft or harassment. H.B. 3356 addresses this issue by providing for the redaction of certain information found in such an agreement. This bill:

Provides that if an application for approval of a transfer of structured settlement payment rights includes a payee's written request to conceal from public inspection the personally identifiable information of the payee and the court and each interested party required to receive notice receive complete, unredacted copies of the application, the court is required to permit the full redaction of the name of the payee, the address of the payee, and other information that could reasonably be used to determine identity.

Requires that a copy of the order issued approving or denying the transfer of structured settlement payment rights, with identifying information redacted, be filed as part of the public record. Requires that an unredacted copy of the order be issued under seal to the transferee and each interested party

entitled to notice. Authorizes the court, on its own initiative or on the motion of any person including a member of the general public, to not earlier than six months after the date the order is issued, unseal the unredacted order and make the order part of the public record.

Recording the Sale or Lease of Certain Public Land—H.B. 3423

by Representative Lambert—Senate Sponsor: Senator Uresti

Interested parties contend that state law regarding the sale of state-owned land to the public is outdated and does not adequately provide a method for a county clerk to show the transfer of title from the state to the new purchaser. H.B. 3423 updates the law by authorizing county clerks to record such a sale of state-owned land in the county's official public records. This bill:

Requires the commissioner of the General Land Office (GLO) to send a written notice of the sale of a tract of public school land to the county clerk of the proper county that includes the name and address of the purchaser and the price of the land. Requires the county clerk, after receiving a notice of the sale of public school land, to record the notice at no charge in the county's official public records. Provides that the notice of sale is a public record.

Requires that one copy of the land award be retained in the GLO, one copy be sent to the purchaser, and one copy be sent to the county clerk of the proper county to be recorded at no charge in the county's official public records. Requires that the original copy of the vacancy application be recorded in the county's official public records.

Application to Obtain LTC and Handgun Proficiency Course—H.B. 3784

by Representative Holland et al.—Senate Sponsor: Senators Van Taylor and Hall

It is argued that requiring certain aspects of the handgun license application process to be completed in person is overly burdensome and unnecessary. H.B. 3784 allows persons approved by the Texas Department of Public Safety (DPS) to offer an online course for the classroom portion of handgun proficiency instruction. This bill:

Requires DPS to distribute the standards, course requirements, and examinations of the handgun proficiency course (course) on request to any qualified handgun instructor or approved online course provider seeking to administer the course or a part of the course. Authorizes only qualified handgun instructors to administer the range instruction part of the course. Authorizes a qualified handgun instructor or approved online course provider to administer the classroom instruction part of the course.

Requires an approved online course provider to administer the classroom instruction part of the course in an online format. Authorizes only a qualified handgun instructor to administer the proficiency examination to obtain a license.

Requires a qualified handgun instructor to require an applicant who successfully completed an online version of the classroom instruction part of the course to complete the range instruction part of the handgun proficiency course before allowing a physical demonstration of handgun safety procedures.

Requires a person who wishes to obtain a license to carry a handgun (LTC) to apply in person to a qualified handgun instructor to take the range instruction part of the course and to demonstrate handgun proficiency as required by DPS. Requires a person to apply in person to a qualified handgun instructor or online to an approved online course provider, as applicable, to take the classroom instruction part of the course.

Urging Congress to Pass a Budget—H.C.R. 59

by Representative Bailes et al.—Senate Sponsor: Senator Creighton

Interested parties contend that Congress has proven itself fiscally irresponsible and has created a crushing national debt through improvident and imprudent spending. H.C.R. 59 urges Congress to pass a budget. This resolution:

Provides that the 85th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to pass a budget.

Provides that the Texas secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be officially entered into the Congressional Record.

Enforcement of Immigration Laws by Local Entities and Campus Police—S.B. 4

by Senator Perry—House Sponsors: Representatives Geren and Workman

Concerns have been raised about the extent to which certain entities are cooperating with the federal government in the enforcement of immigration laws. S.B. 4 seeks to address these concerns and increase cooperation by, among other things, prohibiting the applicable entities from adopting or enforcing a measure under which those entities prohibit the enforcement of state or federal immigration laws or, as demonstrated by pattern or practice, the enforcement of those immigration laws. This bill:

Prohibits a governing body of a municipality, county, or special district or authority (local entity), or an officer or employee of a local entity or campus police department, from adopting, enforcing, or endorsing a policy or promoting a pattern of practice that prohibits or materially limits the enforcement of federal immigration laws, including:

inquiring into the immigration status or place of birth of a person under a lawful detainment or arrest;

complying with and honoring federal immigration detainer requests;

exchanging or sending certain immigration information with federal immigration agencies;

assisting or cooperating with a federal immigration officer as reasonably necessary, except if that assistance or cooperation occurs at a place of worship; or

permitting a federal immigration officer to enter and conduct enforcement activities at a jail to enforce federal immigration laws.

Provides that a person holding an elective or appointive office of a political subdivision forfeits that office if the person prohibits or materially limits the enforcement of federal immigration laws. Requires that a law enforcement agency that has custody of a person subject to a federal immigration detainer request comply with any federal detainer request. Provides that a person who is a sheriff, chief of police, or constable or a person who otherwise has primary authority for administering a jail commits a Class A misdemeanor knowingly fails to comply with the detainer request.

Provides that any citizen residing in the jurisdiction of a local entity or enrolled or employed by an institution of higher education may file a complaint with the attorney general by a sworn statement asserting facts supporting an allegation that a local entity or an institution's campus police department has prohibited or materially limited the enforcement of federal immigration laws. Provides that the attorney general may compel the entity or department to comply, whereby sovereign immunity is waived a civil penalty imposed, including an amount not less than \$1,000 and not more than \$1,500 for the first violation; and an amount not less than \$25,000 and not more than \$25,500 for each subsequent violation, with each day that the local entity or institution is out of compliance constituting a separate and subsequent violation.

Provides that a law enforcement agency may adopt a written policy requiring the agency to perform community outreach activities to educate the public that a peace officer may not inquire into the immigration status of a victim of or witness to an alleged criminal offense, including family violence and sexual assault, unless the officer determines that the inquiry is necessary to investigate the offense or to provide information about federal visas designed to protect individuals who provide assistance to law enforcement.

Prohibits the consideration of race, religion, language, or national origin while enforcing immigration laws. Excludes from the enforcement of state and federal immigration laws by local entities and campus police departments:

- certain hospitals, hospital districts, and peace officers commissioned or employed by such hospitals or hospital districts;

- commissioned peace officers employed or contracted by a religious organization;

- a school district or open-enrollment charter school and officers working at such schools, or the release of information contained in educational records; and

- local mental health authorities, public health departments, and public community health centers.

Decreasing the Fee for a License to Carry a Handgun—S.B. 16
by Senator Nichols et al.—House Sponsor: Representative Phil King et al.

Texas reportedly has one of the highest fees in the country for the issuance of an original or renewed license to carry (LTC) a handgun. S.B. 16 reduces this fee. This bill:

Requires an LTC applicant to submit a nonrefundable application and license fee of \$40 and a nonrefundable renewal fee of \$0, in addition to current statutory requirements, to the Texas Department of Public Safety (DPS).

Rescinds rulemaking authority granted to DPS to set the renewal fee at an amount that is sufficient to cover the actual cost to DPS to verify the information contained in an LTC renewal application; conduct any necessary investigation concerning a license holder's continued eligibility to hold an LTC; and issue a renewed LTC.

Provides that, in addition to current statutory requirements, the LTC training fee for becoming a qualified handgun instructor is reduced from \$100 to \$40.

Requires DPS to reduce certain fees due to indigency, including a 50 percent reduction for a duplicate or modified LTC and a \$5 reduction for any fee required for the issuance of a renewed LTC. Removes the fee reduction for the issuance of an original LTC due to indigency.

Requires DPS to reduce certain fees for LTC applicants who are senior citizens (60 years of age or older), including a 50 percent reduction in a duplicate or modified LTC and a \$5 reduction for any fee required for the issuance of a renewed LTC. Removes the fee reduction for the issuance of an original LTC for senior citizens.

Requires DPS to waive any fee required for an LTC for applicants who are either licensed as a peace officer or employed as a peace officer by a law enforcement agency or who are a member of the Texas military forces, excluding Texas State Guard members who are serving in the Texas Legislature. Removes the former fee of \$25 for these applicants.

Provides that, in addition to current statutory requirements for an active or retired judicial officer to apply for an LTC, the nonrefundable application and license fee is set at \$25, rather than set by the DPS in an amount reasonably designed to cover the administrative costs associated with the issuance of an LTC.

Texas Delegates to an Article V Convention of States—S.B. 21

by Senator Birdwell et al.—House Sponsor: Representative Phil King et al.

Interested parties contend that a desire for the calling of a convention under Article V of the United States Constitution (Article V convention) is becoming prevalent throughout Texas and the nation, yet Texas currently has no standard under which to act if such a convention were to be called. S.B. 21 provides the qualifications, duties, and limitations of Texas delegates to an Article V convention. This bill:

Requires the legislature to set forth rules regarding the procedures necessary for the appointment or recall of both delegates and alternate delegates to an Article V convention, including guidelines for filling vacancies and determining unauthorized votes by delegates, and votes cast by a delegate who does not follow instructions or oversteps certain bounds set by the legislature.

Requires the legislature to appoint five delegates and five alternate delegates following the calling of an Article V convention: three members from the house of representatives and their alternates and two senators and their alternates.

Makes provisions for how to choose the certain number of delegates and alternate delegates, if the number determined by the Article V convention is a number other than five, with the house appointing three-fifths, and the senate two-fifths, proportionate to the number required if the number is odd, or one-half proportion by both houses if the number is even.

Provides that a delegate or alternate delegate is not entitled to compensation for services as a delegate or alternate delegate, except for reimbursement of necessary expenses incurred while performing official duties.

Requires an individual appointed as a delegate or alternate delegate to take a certain oath swearing to act within the limits of the authority granted by Texas law; to not consider or vote for an amendment to the constitution that is not authorized by the Texas Legislature in its application to Congress calling the convention; to vote for an amendment outside the scope of the Article V convention, if the Article V convention is not called by Texas; and to faithfully abide by the instruction of the Texas Legislature. Requires the legislature's instructions to delegates and alternate delegates to be adopted or amended by joint resolution.

Prohibits a delegate or alternate delegate from accepting a gift, loan, food or beverage, entertainment, lodging, transportation, or other benefit from a person, including a corporation, nonprofit organization, or individual, if that person is required to register as a lobbyist.

Provides that a vote by a delegate determined to be unauthorized is invalid and the delegate is disqualified to continue serving at the Article V convention. Provides that only the house that appointed the delegate or alternate delegate who cast the vote may determine whether a vote is unauthorized while the legislature is convened in a regular or special session. Requires the legislature to adopt an Article V Oversight Committee consisting of certain members of the house and senate to meet when the legislature is not convened in regular or special session and to determine, by committee vote, whether a vote cast by a delegate or alternate delegate is an unauthorized vote.

Sermon Protection Act—S.B. 24

by Senator Huffman et al.—House Sponsors: Representative Geren et al.

Interested parties contend that when a governmental entity subpoenas a sermon delivered by a religious leader, the governmental entity is threatening the constitutional rights of religious liberty and freedom of speech. S.B. 24 addresses this issue by prohibiting a governmental entity from compelling the production or disclosure of a copy or recording of certain sermons in any civil or administrative proceeding to which the governmental entity is a party. This bill:

Prohibits a governmental unit, as defined by Section 101.001 (Definitions), Civil Practice and Remedies Code, in any civil action or other civil or administrative proceeding to which the government unit is a party, from compelling the production or disclosure of a written copy or an audio or video recording of a sermon delivered by a religious leader during religious worship of a religious organization or from compelling the religious leader to testify on the sermon.

Regulation of Guardianship Programs—S.B. 36

by Senator Zaffirini—House Sponsor: Representative Senfronia Thompson

Concerns have been raised about the difficulty certain individuals face when attempting to determine whether certain guardianship programs legitimately comply with certain minimum standards, as well as concerns about the lack of regulatory authority the Judicial Branch Certification Commission (JBCC) has over these guardianship programs. S.B. 36 provides JBCC with the additional authority to register and monitor guardianship programs and to make available certain information regarding such programs in a publicly accessible database. This bill:

Requires JBCC, in consultation with the Health and Human Services Commission (HHSC), to adopt minimum standards for the operation of guardianship programs to monitor and ensure the quality of guardianship and related services provided by guardianship programs, creating a new registration certification required by a guardianship program to provide guardianship and related services to certain individuals. Requires the Supreme Court of Texas to adopt rules and procedures for issuing, renewing, suspending, or revoking a registration certificate; to ensure compliance with certain standards; to provide that JBCC establishes the qualification for obtaining and maintaining a registration certificate; to provide for the expiration date of a registration certificate; to prescribe procedures for accepting complaints and conducting investigations of alleged violations by guardianship programs with which JBCC, after notice and hearing, may suspend or revoke a registration certificate; and to prescribe procedures for addressing a guardianship for which a guardianship program is the appointed guardian, if the guardianship program's registration certificate is expired or refused renewal or has been revoked and not been reissued. Provides that a registration certification does not apply to guardianship and related services provided by a guardianship program under contract with HHSC.

Requires JBCC to make available on its website a publicly accessible list of all registered programs to be updated quarterly that contains certain information regarding each program, including whether a program holds in good standing a registration certificate.

Prohibits a guardianship program from being appointed guardian if the program is not registered or if the certificate is expired, refused renewal, revoked, or suspended. Provides that a lack of registration does not prevent the appointment of an individual who is employed by or contracts with a guardianship program to provide guardianship and related services independently of the guardianship program. Prohibits a guardianship program from employing an individual to provide, or directly supervise the provision of, guardianship and related services on the program's behalf, if the individual's registration certificate is expired or refused renewal, revoked and not reissued, or suspended. Requires that JBCC adopt minimum standards for individuals employed by or contracting with guardianship programs to provide the assistance or services on behalf of the programs.

Guardianships, Guardianship Substitutes, Estates, and Powers of Attorney—S.B. 39

by Senator Zaffirini—House Sponsor: Representative Farrar

Interested parties assert the benefits of enacting certain changes to the law relating to guardianships, substitutes for guardianships, and durable powers of attorney for persons with disabilities or who are incapacitated. S.B. 39 implements these changes. This bill:

Authorizes the court to remove a personal representative on the court's own motion, or on the complaint of any interested person, after the representative has been cited by personal service to answer at a time and place set in the notice if the representative, as executor or administrator, fails to make a final settlement by a certain date.

Authorizes the court on the court's own motion, if a personal representative, as executor or administrator, fails to timely file the required affidavit or certificate, to remove the personal representative after providing 30 days' written notice to the personal representative.

Authorizes the probate court, on the court's own motion, to remove an appointed independent executor after providing 30 days' written notice of the court's intention to the independent executor if the independent executor, among certain other actions, fails to timely file the required affidavit or certificate.

Authorizes the probate court, on its own motion or on a motion of any interested person, after the independent executor has been cited by personal service to answer at a time and place set in the notice, to remove an independent executor under certain circumstances.

Authorizes the court in which a guardianship is pending, on the court's own motion and with certain notice, to transfer the transaction of the business of the guardianship to another county if the ward resides in the county to which the guardianship is to be transferred. Requires that the sureties on the bond of the guardian be cited by personal service to appear and show cause why the guardianship should not be transferred.

Authorizes the court to remove a guardian under certain conditions. Sets forth an amended "statutory durable power of attorney" form.

Authorizes a probate court, on the petition of certain interested persons, after a hearing, to enter an order removing a person named and serving as an attorney in fact or agent under a durable power of attorney; authorizing the appointment of a successor attorney in fact or agent who is named in the durable power of attorney if the court makes a certain finding; and, if compensation is allowed by the terms of the durable power of attorney, denying all or part of the removed attorney in fact's or agent's compensation.

Authorizes a court to enter this removal order if the court finds that the attorney in fact or agent has breached the attorney in fact's or agent's fiduciary duties to the principal; has materially violated or attempted to violate the terms of the durable power of attorney and the violation or attempted violation results in a material financial loss to the principal; is incapacitated or is otherwise incapable of properly performing the attorney in fact's or agent's duties; or has failed to make certain accountings.

Provides that the supporter owes to the adult with a disability certain fiduciary duties, regardless of whether the supported decision-making agreement form is used. Provides that the relationship between an adult with a disability and the supporter with whom the adult enters into an agreement is one of trust and confidence and does not determine the decision-making authority of the adult. Authorizes armament of the supported decision-making agreement to designate an alternate person to act as the adult's supporter for certain purposes.

Increasing the Bond for Certain Guardianship and Probate Judges—S.B. 40*by Senators Zaffirini and Hall—House Sponsor: Representative Murr*

Interested parties assert that the amount of the required bond for certain judges who preside over guardianship or probate proceedings is inadequate considering the number of cases these judges handle and the value of the estates in question. S.B. 40 increases the amount of the bond required for certain judges presiding over these cases. This bill:

Requires the judge of a statutory county court to execute a bond that is payable to the treasurer of the county in an amount set by the commissioners court (between \$1,000 and \$10,000). Requires a judge presiding over guardianship or probate proceedings to be bonded in an amount not less than \$100,000 for a court in a county with a population of 125,000 or less, or \$250,000 for a court in a county with a population of more than 125,000, in addition to faithfully performing all duties of office required by the Estates Code.

Provides that the bond must be approved by the commissioners court, or, in lieu of this bond, a county may elect to obtain insurance, the premium of which must be paid by the commissioners court, against losses caused by the gross negligence of a judge of a statutory county court in performing the duties of office.

Provides that this does not apply to a judge of a statutory county court who does not preside over guardianship proceedings; a judge of a statutory probate court who executes a bond, obtains insurance, or self-insures; or judge who presides over a county criminal court.

Elimination of Caliber Requirements for Handgun Proficiency Tests—S.B. 263*by Senator Perry—House Sponsors: Representative Springer et al.*

Interested parties suggest that certain caliber handguns used to demonstrate handgun proficiency for purposes of obtaining a handgun license may be uncomfortable for those who regularly operate a lesser-caliber handgun or who are physically unable to comfortably handle a larger-caliber handgun. These parties assert that Texans should not be prevented from obtaining a handgun license because of injuries or caliber preferences. S.B. 263 addresses this issue by revising handgun proficiency requirements for purposes of obtaining a handgun license. This bill:

Eliminates the .32 or above caliber requirement for a handgun license applicant to demonstrate the degree of proficiency that is required to effectively operate a handgun.

Update of Employees Retirement System of Texas—S.B. 301*by Senator Watson et al.—House Sponsor: Representative Flynn*

The board of trustees (board) of the Employees Retirement System of Texas (ERS) is subject to review but not to abolishment under Chapter 325, Government Code (Texas Sunset Act). S.B. 301 updates the board's sunset review schedule with several statutory modifications. This bill:

Requires the board to be reviewed during the period in which state agencies abolished in 2029, and every 12th year after that year, are reviewed.

Prohibits a person who is appointed to and qualifies for office as a board member from voting, deliberating, or being counted as a member in attendance at a board meeting until the person completes a training program regarding certain information relating to ERS and applicable laws. Provides that a person appointed to the board is entitled to reimbursement for travel expenses incurred in attending the training program.

Requires the board to develop a policy to encourage the use of certain procedures relating to alternative dispute resolution (ADR) that conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for state agencies' use of ADR. Requires the board to coordinate the implementation of the adopted policy, provide training as needed to implement procedures for negotiated rulemaking or ADR, and collect data concerning the effectiveness of those procedures.

Requires the board, at least once every four years, to adopt interest rates and mortality, service, and other tables that the board considers necessary for ERS after considering the results of the actuary's investigation of the mortality, service, and compensation experience of ERS members and beneficiaries.

Authorizes the board to delegate its authority to the executive director of ERS and authorizes the board and the executive director to specifically delegate any right, power, or duty imposed or conferred on the executive director by law to another ERS employee. Authorizes the board or the executive director to make certain investments and reinvestments.

Requires the actuary, under the direction of the board, at least once every four years, to make an actuarial investigation of the mortality, service, and compensation experience of the members and beneficiaries and to make a valuation of the assets and liabilities of ERS funds.

Requires the board to develop a consistent method, guided by best industry practices and standards, to collect or calculate and consistently track profit share data in connection with alternative investments of ERS and the amount of realized gains for ERS. Requires the board to report, at minimum, the aggregate amount of profit shares received by private, professional investment managers in connection with alternative investments of ERS, categorized by asset class, in the annual financial and investment report.

Prohibits the executive director; a private, professional investment manager; or any other person delegated authority to invest or reinvest ERS assets from investing ERS assets in a single alternative investment that exceeds 0.6 percent of the total market value of the trust fund established by Section 815.310 (Trust Fund), Government Code, as reported in the most recent annual financial report, unless the board votes to approve the investment.

Authorizes the board to hold a closed meeting to consider and discuss an alternative investment or a potential alternative investment. Prohibits members of the board, during a closed meeting, from deliberating public business or agency policy that affects public business. Authorizes that a final action, decision, or vote on a matter considered or discussed in a closed meeting only be made in an open meeting held in compliance with the notice provisions of Chapter 551 (Open Meetings), Government Code.

Requires the board to submit a written report not later than February 1, rather than January 1, of each year to the governor, lieutenant governor, speaker of the house of representatives, and the Legislative

Budget Board concerning the coverages provided and the benefits and services being received by all participants under the Texas Employees Group Benefits Act (Chapter 1551, Insurance Code).

Requires the board to develop and implement a process to allow an employee, participant, annuitant, or covered dependent who is affected by the executive director's determination relating to enrollment or payment of claims to participate directly in the process of appealing the determination. Requires the board to develop and maintain a precedent manual relating to enrollment and claims determinations and to appeals of those determinations.

Removal of Uncollectible Fees from County Record Books—S.B. 413
by Senator Van Taylor—House Sponsor: Representative Laubenberg

Interested parties note that while most court-ordered fees are collected expediently, defendants who are deceased or who are serving a lifelong prison sentence cannot pay these fees. These parties contend that the costs of collecting these fees outweigh the fees' value to some counties and that counties should have authority to remove uncollectible fees from their fee records. S.B. 413 addresses this issue by providing a mechanism for designating certain fees or items of cost as uncollectible in certain counties' records. This bill:

Provides that any officer authorized to collect a fee or an item of cost under Chapter 103 (Payment, Collection, and Recordkeeping), Code of Criminal Procedure, may request the trial court in which a criminal action or proceeding was held to make a finding that the fee or item of cost imposed is uncollectible if the officer believes that the defendant is deceased, is serving a life sentence for imprisonment or life without parole, or has not paid the fee for at least 15 years.

Provides that a court, on finding any of these conditions to be true, may order an officer to designate a fee or item of cost as uncollectible in a fee record. Requires the officer to attach a copy of the court's order to the fee record.

Applies only to a county with a population of more than 780,00 but less than 790,000.

Composition of the Board of Directors of the State Bar of Texas—S.B. 416
by Senators Watson and West—House Sponsor: Representative Smithee

Interested parties contend that there is a need to revise the composition of the board of directors of the State Bar of Texas (state bar) to address concerns that the minority member requirements violate the United States Constitution. S.B. 416 removes those requirements while ensuring that the board continues to represent the interests of attorneys from the varied backgrounds that compose the membership of the state bar by providing for the appointment of outreach directors who demonstrate certain sensitivity and knowledge. This bill:

Amends the Government Code by changing the composition of the membership of the board from four minority directors to four at-large directors, among other requirements listed in existing statute. Requires the president of the state bar to appoint the at-large directors, rather than appoint minority directors, who demonstrate knowledge gained from experience in the legal profession and

community necessary to ensure that the board represents the interests of attorneys from the varied backgrounds that compose the membership of the state bar.

Provides that at-large directors serve three-year terms. Requires that to be eligible for appointment as an at-large director, a person may not be serving as an elected director or an at-large director at the time of appointment.

Repeals Section 81.002(7), Government Code, relating to the definition of a "minority member" of the state bar board of directors.

Uniform Partition of Heirs' Property Act—S.B. 499
by Senator West—House Sponsor: Representative Wray

Interested parties note that many families in Texas own real property as cotenants through intestate succession and contend that the current partition process for such property, in the name of expediency and simplicity, does not adequately account for ancestral or historical factors, aspects such as the property providing shelter for a family of limited means, or the fair market value of the property. S.B. 499 provides a remedy through adoption of the Uniform Partition of Heirs' Property Act. This bill:

Requires the court, in an action to partition real property, to determine whether the property is heirs' property. Requires that the property, if the court determines that the property is heirs' property, be partitioned unless all of the cotenants otherwise agree in a record.

Requires the court, if the court determines that the property that is the subject of a partition action is heirs' property, to determine the fair market value of the property by ordering an appraisal, or to adopt a value if all cotenants have agreed to the value of the property or to another method of valuation.

Requires the court, after the determination of value, if any cotenant requested partition by sale, to send notice to the parties that authorizes any cotenant, except a cotenant who requested partition by sale, to buy all the interests of the cotenants that requested partition by sale. Authorizes any cotenant, except a cotenant who requested partition by sale, to give notice to the court that the cotenant elects to buy all the interests of the cotenants who requested partition by sale.

Requires the court, if only one cotenant elects to buy all the interests of the cotenants that requested partition by sale, to notify all the parties of that fact; if more than one cotenant elects to buy all the interests of the cotenants who requested partition by sale, to allocate the right to buy those interests among the electing cotenants based on certain criteria, and to send notice to all the parties of that fact and of the price to be paid by each electing cotenant; or, if no cotenant elects to buy all the interests of the cotenants who requested partition by sale, to send notice to all the parties of that fact and resolve the partition action.

Requires the court, after a certain date, if all electing cotenants timely pay their apportioned price into court, to issue an order reallocating all the interests of the cotenants and disburse the amounts held by the court to the persons entitled to them; if no electing cotenant timely pays its apportioned price, to resolve the partition action as if the interests of the cotenants that requested partition by sale

were not purchased; or, if one or more but not all of the electing cotenants fail to pay their apportioned price on time, to give notice to the electing cotenants who paid their apportioned price of the interest remaining and the price for all that interest.

Requires the court to order partition in kind under certain circumstance. Requires the court, if the court does not order partition in kind, to order partition by sale under or, if no cotenant requested partition by sale, to dismiss the action.

Requires that the sale, if the court orders a sale of heirs' property, be an open-market sale unless the court finds that a sale by sealed bids or at an auction would be more economically advantageous and in the best interest of the cotenants as a group.

Certain Felony Convictions of Public Elected Officers—S.B. 500

by Senator Van Taylor et al.—House Sponsor: Representative Geren et al.

Interested parties contend that certain elected officials who commit certain felonies arising from the official duties of office while in office should not receive payments from the public retirement systems and should also vacate such office on final conviction of any felony so as not to erode the public's trust and confidence in public officials. S.B. 500 makes certain public officials ineligible for service retirement annuities under the applicable public retirement system and provides for such vacation of office. This bill:

Provides that this Act applies only to a person who is a member of the elected class of the Employees Retirement System of Texas or otherwise eligible for membership in a public retirement system wholly or partly because the person held an elected office.

Provides that a member of a public retirement system is not eligible to receive a service retirement annuity under the retirement system if the member is convicted of a qualifying felony committed while in office and arising directly from the official duties of that elected office.

Requires the retirement system, on receipt of notice of a conviction of a qualifying felony, to suspend payments of a service retirement annuity to a person the system determines is ineligible to receive the annuity.

Provides that a person whose conviction is overturned on appeal or who meets the requirements for innocence is entitled to receive an amount equal to the accrued total of payments and interest earned on the payments withheld during the suspension period and may resume receipt of annuity payments on payment to the retirement system of an amount equal to the contributions refunded to the person.

Provides that a member who is ineligible to receive a service retirement annuity is entitled to a refund of the member's service retirement annuity contributions, including interest earned. Provides that a refund is subject to an award of all or part of the member's service retirement annuity contributions to a former spouse.

Provides that, notwithstanding any other provision of this section, if the spouse of a member convicted of a qualifying felony is convicted of the felony as a party to the offense, or of another qualifying offense arising out of the same criminal episode, the spouse forfeits the member's service retirement annuity and service retirement contributions to the same extent as the member.

Provides that a member of the legislature, the governor, or a state elected official convicted of a felony vacates the member's, governor's, or official's office on the date the conviction becomes final.

Written Declaration for Designating a Guardian—S.B. 511

by Senator Rodríguez—House Sponsor: Representative Wray

Interested parties assert the need to update the law relating to written declarations that designate a guardian before the need for a guardian arises to reflect developments in relevant case law. S.B. 511 provides this update. This bill:

Provides that if a declaration does not expressly disqualify any individual from serving as guardian of the declarant's person or estate, the declaration must be signed by the declarant and, instead of being attested to in the declarant's presence by at least two credible witnesses who are 14 years of age or older and who are not named as guardian or alternate guardian in the declaration, may be acknowledged by a notary public.

Provides that a declaration signed by the declarant and acknowledged by a notary public may, but is not required to, be in a form that is not written wholly in the declarant's handwriting and that is signed by another person on behalf of the declarant under the direction and in the presence of the declarant—except that instead of attaching the statutorily required self-proving affidavit, an acknowledgement form stating certain information shall be attached.

Provides that a declaration that is signed by the declarant and acknowledged by a notary public and that has the statutorily required self-proving affidavit attached, of which is signed both by the declarant and by witnesses attesting to the declarant's competence and to the declaration's execution, is considered self-proved.

Qualifications for Impartial Third Parties in Certain Civil Disputes—S.B. 539

by Senators Hinojosa and Kolkhorst—House Sponsors: Representatives Hunter and Herrero

Interested parties cite the potential for violence during child custody exchanges and assert the importance of providing family violence dynamics training to a person who wishes to qualify for an appointment as an impartial third party in a dispute relating to a parent-child relationship. S.B. 539 provides qualifications for an impartial third party in certain civil disputes. This bill:

Amends the Civil Practice and Remedies Code to require that a person who wishes to qualify for an appointment as an impartial third party in a dispute relating to a parent-child relationship complete a minimum of four hours of certain family violence dynamics training, in addition to other established statutory requirements.

Refunding of Certain Bingo Licensing and Registration Fees—S.B. 549*by Senator Kolkhorst—House Sponsor: Representative Bell*

Concerns have been raised regarding the inability of certain organizations, particularly nonprofit organizations, to receive a refund of applicable bingo licensing and registration fees upon withdrawal of a related application. S.B. 549 addresses these concerns by providing for the refund of such fees, subject to certain conditions. This bill:

Requires the Texas Lottery Commission (commission), on request, to refund to an authorized organization the \$25 fee authorizing an organization to receive a temporary license to conduct bingo by a certain date if the authorized organization does not use the temporary license to conduct bingo before the first anniversary of the date of the license's issuance; or the authorized organization requests withdrawal of the application before the temporary license is issued, in which case the commission is authorized to retain an amount not to exceed 50 percent of the license fee to defray any administrative costs.

Requires the commission to refund by a certain date the fee for an initial or renewal license to conduct bingo if the applicant requests withdrawal of the application before the license is issued or if the commission denies the application. Authorizes the commission to retain a certain amount to defray any administrative costs.

Requires the commission to refund by a certain date the fee for an initial or renewal commercial lessor license, manufacturer's license, distributor's license, or unit manager license if the applicant requests withdrawal of the application before the license is issued or if the commission denies the application. Authorizes the commission to retain a certain amount to defray any administrative costs.

Requires the commission to refund by a certain date the fee for amending an issued license if the applicant requests withdrawal of the amendment application before the amended license is issued or if the commission denies the amendment application. Authorizes the commission to retain a certain amount to defray any administrative costs.

Requires the commission to refund by a certain date the fee for an initial or renewal registration application if the applicant requests withdrawal of the application before the applicant is listed on the registry or if the commission denies the registration and listing. Authorizes the commission to retain a certain amount to defray any administrative costs.

Update of Trust Law—S.B. 617*by Senator Rodriguez—House Sponsor: Representative Wray*

Interested parties assert the need to update provisions of law relating to trusts to reflect recent developments in relevant case law and to clarify, correct, and simplify those provisions. The purpose of S.B. 617 is to provide for this update. This bill:

Prohibits a beneficiary of the trust from being considered a settlor merely because of lapse, waiver, or release of a certain amount with respect to the contributions by each donor.

Authorizes a court, on the petition of a trustee or beneficiary, to order that the trustee be changed, that the terms of the trust be modified, that the trustee be directed or permitted to do acts that are not

authorized or that are forbidden by the terms of the trust, that the trustee be prohibited from performing acts required by the terms of the trust, or that the trust be terminated in whole or in part for certain reasons.

Requires the court to exercise its discretion to order a modification or termination or reformation in the manner that conforms as nearly as possible to the probable intention of the settlor. Requires the court to consider spendthrift provisions as a factor in making its decision whether to modify, terminate, or reform, but provides that the court is not precluded from exercising its discretion to modify, terminate, or reform solely because the trust is a spendthrift trust.

Authorizes a court, on the petition of a trustee or a beneficiary, to order that the terms of the trust be reformed if reformation of administrative, nondispositive terms of the trust is necessary or appropriate reasons to prevent waste, correct error, or achieve certain tax objectives.

Authorizes an authorized trustee who has the full discretion to distribute the principal of a trust to distribute all or part of the principal of that trust in favor of a trustee of a second trust for the benefit of one, more than one, or all of the current beneficiaries of the first trust and for the benefit of one, more than one, or all of the successor or presumptive remainder beneficiaries of the first trust.

Prohibits an authorized trustee from exercising power to distribute principal of a trust to materially limit a trustee's fiduciary duty under the terms of the trust or in a certain manner and add a provision exonerating a trustee from liability for failure to exercise reasonable care, diligence, and prudence.

Authorizes a trustee, without limiting the trustee's discretion, to grant an agent powers with respect to property of the trust to act for the trustee in any lawful manner for purposes of real property transactions. Provides that a trustee who delegates a power is liable to the beneficiaries or to the trust for an action of the agent to whom the power was delegated.

Establishment of Guardianship Compliance Program—S.B. 667 [VETOED]
by Senator Zaffirini et al.—House Sponsor: Representative Smithee

Stakeholders note that courts handling guardianship cases would benefit from additional resources in monitoring these guardianships. S.B. 667 addresses this issue by providing for the establishment of a guardianship compliance program (program). This bill:

Requires the Office of Court Administration of the Texas Judicial System (OCA) to establish and maintain a program designed to provide additional resources and assistance to courts that have jurisdiction over guardianship proceedings.

Establishes that the program engage guardianship compliance specialists (specialists) to review the guardianships of wards and identify reporting deficiencies by guardians; audit certain accounts required of guardians and report their findings to appropriate courts; work with courts to develop best practices in managing guardianship cases; and report any concerns relating to the well-being or the potential financial exploitation of a ward to appropriate courts.

Establishes that the program maintain an electronic database to monitor certain filings required of guardians under current statute, including inventories, appraisements, certain lists of claims, and certain reports and accounts.

Requires a court to participate in the program if selected by OCA, including allowing specialists to conduct reviews and audits. Authorizes a court to apply to OCA to participate in the program. Authorizes the appointed administrative director of the courts to notify the State Commission on Judicial Conduct if OCA has reason to believe that a judge's actions or failure to act with respect to a report received from a specialist indicates acts constituting judicial misconduct.

Requires the OCA to submit a report to the legislature regarding the performance of the program by January 1 of each year that includes the number of courts involved in the program, the number of guardianships reviewed by specialists, the number of cases found to be out of compliance with statutory reporting requirements, the number of reviewed cases reported to a court because of concerns for the well-being or to the potential financial exploitation of a ward, and the status of any technology developed to monitor guardianship cases.

Duration of Protective Orders Involving Family Violence—S.B. 712

by Senator Hinojosa et al.—House Sponsor: Representatives Hunter and Herrero

Interested parties contend that applicants for a protective order are too often unable to receive an effective protective order that exceeds two years when the person who is the subject of the protective order has committed an act constituting a felony offense involving family violence against the applicant or a member of the applicant's family or household.

S.B. 712 addresses this issue by providing a protective order under those circumstances, regardless of whether the person has been charged with or convicted of the offense. This bill:

Authorizes a court to render a protective order sufficient to protect an applicant and members of the applicant's family or household for a period that exceeds two years, if the court finds that the person who is the subject of the protective order commits a felony offense involving family violence against the applicant, or a member of the applicant's family or household, regardless of whether the person has been charged with or convicted of the offense.

Prohibits a person from being required to complete the range instruction portion of the course to obtain a license issued if the person has, within 10 years preceding the date of the person's application for the license, completed as part of the person's service with the armed forces or Texas military forces, a course of training in firearm proficiency or familiarization or a range qualification process for firearm usage.

Authorizes the director of the Texas Public Safety Commission (director) to certify as an approved online course provider a person who has at least three years' experience in providing online instruction, experience working with governmental entities, and direct knowledge of handgun training. Requires a qualified handgun instructor or approved online course provider to be qualified to instruct persons in certain information and techniques regarding handguns.

Provides that an applicant for an LTC who is a peace officer, a county jailor, or a correctional officer with the Texas Department of Criminal Justice and who submits to DPS certain employment and firearm proficiency information is not required to complete the course to obtain a license. Requires DPS to waive any fee required for a license issued to these applicants.

Beneficiary Designation Transferring Motor Vehicle at Owner's Death—S.B. 869
by Senator Huffman—House Sponsor: Representatives Farrar and Smithee

According to interested parties, there is currently no mechanism for the owner of a motor vehicle to arrange for the transfer of the vehicle at the owner's death without going through probate. Interested parties note that for many low-income individuals, a car is their only asset, and the cost of probate can be more than the vehicle is worth. S.B. 869 addresses this issue by authorizing a beneficiary designation outside of probate that transfers certain motor vehicles at the owner's death. This bill:

Authorizes an owner of a motor vehicle to transfer the owner's interest in the motor vehicle to a sole beneficiary effective on the owner's death by designating a beneficiary. Provides that a beneficiary designation is revocable and may be changed at any time without the consent of the designated beneficiary. Provides that a beneficiary designation is a nontestamentary instrument and effective without notice or delivery to or acceptance by the designated beneficiary during the owner's life or effective without consideration.

Prohibits a will from revoking or superseding a beneficiary designation, regardless of when the will is made. Authorizes a designated beneficiary to disclaim the designated beneficiary's interest in the motor vehicle.

Requires that the beneficiary designation, if a motor vehicle that is the subject of a beneficiary designation is owned by joint owners with right of survivorship, be made by all of the joint owners. Authorizes a beneficiary designation made by joint owners with right of survivorship to be revoked or changed only if it is revoked or changed by all of the joint owners and to be revoked or changed by the last surviving joint owner.

Provides that, during a motor vehicle owner's life, a beneficiary designation does not affect an interest or right of the owner or owners making the designation, including the right to transfer or encumber the motor vehicle that is the subject of the designation; create a legal or equitable interest in favor of the designated beneficiary; affect an interest or right of a secured or unsecured creditor or future creditor of the owner or owners making the designation; or affect an owner's or the designated beneficiary's eligibility for any form of public assistance.

Provides that, if an owner is a joint owner with right of survivorship who is survived by one or more other joint owners, the motor vehicle that is the subject of the beneficiary designation belongs to the surviving joint owner or owners. Provides that, if an owner is a joint owner with right of survivorship who is the last surviving joint owner, the beneficiary designation is effective.

Provides that a designated beneficiary takes the motor vehicle subject to all encumbrances, assignments, contracts, liens, and other interests to which the vehicle is subject at the owner's or last surviving owner's death, as applicable. Provides that the transfer to the designated beneficiary does not affect the ability of a lienholder to pursue an existing means of debt collection permitted under Texas laws.

Authorizes the owner of a motor vehicle to designate a sole beneficiary to whom the owner's interest in the vehicle transfers on the owner's death. Authorizes the Texas Department of Motor Vehicles (TxDMV) to transfer the motor vehicle's title to a designated beneficiary if the beneficiary submits certain documents. Authorizes a beneficiary designation to be changed or revoked by submitting a new application for title.

Authorizes TxDMV to adopt rules.

Authority of Landlords to Change Tenant Water Usage—S.B. 873

by Senator Creighton—House Sponsor: Representative Murphy

Landlords often bill tenants for water usage to limit consumption and promote conservation. This process is governed by the Public Utility Commission of Texas (PUC) under Chapter 13 (Water Rates and Services), Water Code. Under current law, tenants have extensive protections, including: notification before signing leases; required leak audits; repairs; and installation of water-efficient devices. Landlords may not profit from water bills.

Current law provides that a tenant may pursue a billing dispute at PUC or in court. Even though a billing miscalculation may be off by a few dollars on a monthly bill, the penalty structure incentivizes attorneys to bypass PUC's water billing complaint process to file class action lawsuits against landlords. In recent months, there has been a marked increase in such lawsuits, resulting in costly and time-consuming litigation that is ultimately passed on to other tenants. This bill:

Defines "condominium manager," "manager of a condominium," "utility costs" and "utility service costs," and "overcharge" and redefines "owner."

Amends Section 13.503 (Submetering Rules), Water Code, by adding Subsection (f) to provide that Section 13.503 does not limit the authority of certain individuals to charge, bill for, or collect certain rent, assessments, and fees that are unrelated to utility costs.

Provides that Section 13.5031 (Nonsubmetering Rules), Water Code, does not limit the authority of certain individuals to charge, bill for, or collect rent, an assessment, an administrative fee, a fee relating to the upkeep or management of chilled water, boiler, heating, ventilation, air conditioning, or other building system, or any other amount that is unrelated to utility costs.

Provides that PUC has exclusive jurisdiction over violations under this subchapter (Submetering and Nonsubmetering for Apartments and Manufactured Home Rental Communities and Other Multiple Use Facilities), Water Code.

Authorizes the person claiming the violation to file a complaint with PUC if a certain individual violates a PUC rule regarding utility costs. Requires PUC and the State Office of Administrative Hearings (SOAH) to establish an online and telephone formal complaint and hearing system through which a person is authorized to file a complaint and to appear remotely for a hearing before PUC or SOAH.

Requires PUC to require an owner or condominium manager, as applicable, to repay a complaining tenant the amount overcharged, if PUC determines that the owner or condominium manager overcharged a complaining tenant for water or wastewater service from the retail public utility.

Provides that nothing in this section limits or impairs PUC's enforcement authority under Subchapter K (Violations and Enforcement), Water Code.

Authorizes PUC to assess an administrative penalty under Section 13.4151 (Administrative Penalty), Water Code, for a violation of Chapter 13 (Water Rates and Services), Water Code, or of any rule adopted under this chapter.

Deletes existing text that provides that certain individuals are not liable for a civil penalty if the owner or condominium manager proves the violation was a good faith, unintentional mistake.

Joint Interim Committee to Study Construction Contracts—S.B. 1215 [VETOED]

by Senator Hughes—House Sponsor: Representative Shine et al.

Interested parties contend that a person constructing or repairing real property under contract should not be responsible for the consequences of defects in plans, specifications, or related documents provided to the contractor by certain other persons. S.B. 1215 creates a joint interim committee (committee) to study the effects of possible changes to current legislation concerning construction contracts. This bill:

Creates a committee composed of certain members of the house and senate charged to conduct a study on issues relating to construction contracts in this state to the extent the committee determines appropriate. Authorizes the issues studied to include the allocation of liability among persons involved in a construction project, relationships among parties to construction contracts, liens on real property arising from construction contracts, indemnification and insurance issues, warranties, standards for care for persons involved in construction projects, and civil actions and other forms of dispute resolution arising from construction defects and remedies for construction defects.

Requires the committee to report the results of the study to certain members of the house and senate no later than December 1, 2018. Provides for the expiration of the committee on September 1, 2019.

Nonsubstantive Revision of Texas Statutes—S.B. 1488

by Senator West—House Sponsor: Representative Landgraf

The Texas Legislative Council (TLC) is required by law to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order; employing a numbering system and format that will accommodate future expansion of the law; eliminating repealed, invalid, duplicative, and other ineffective provisions; and improving the draftsmanship of the law, if practicable—all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law.

As part of its duties relating to continuing statutory revision, TLC:

monitors the acts of each session and proposes nonsubstantive codifications of laws that should be included in previously enacted codes;

identifies duplicate official citations in enacted codes and proposes appropriate renumbering;

identifies organizational, reference, and terminology problems in enacted codes and nonsubstantively corrects those problems; and

makes necessary corrections to enacted codes to conform the codes to the source law from which they were derived.

Under Section 43 (Revision of Laws), Article III, Texas Constitution, S.B. 1488 is recognized as a "revision" for purposes of the legislature's obligation under that section to provide a revision of the laws. As such a revision, S.B. 1488 is not subject to the constitutional rule prohibiting more than one subject in a single bill or the rule prohibiting amendments by reference.

This bill has the purposes of:

codifying, without substantive change, various statutes that were omitted from enacted codes;

renumbering sections and articles of codes that duplicate section and article numbers;

correcting, without substantive change, organizational, reference, and terminology problems; and

making necessary corrections to enacted codes to conform the codes to the source law from which they were derived.

S.B. 1488 amends current law relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 84th Legislature to other acts of that legislature.

Unverified Cemeteries—S.B. 1630

by Senator Buckingham—House Sponsor: Representative Howard

Legislation passed in 2009 protects all graves regardless of location or date of interment or whether they are marked. Legislators have expressed concerns that changes made to the law that protect grave sites have resulted in unintended consequences.

Currently, a landowner is not notified when a person files a notice with a county clerk of a potential grave site on that owner's land. Stakeholders and legislators note that if landowner were notified of such a filing, the landowner could provide information regarding whether the suspected cemetery is in fact such.

Statute does not currently require verification of a suspected grave site prior to a filing, which legislators note can result in mistaken or otherwise unnecessary filings that could allow right-of-access to an unverified site on private property.

The issuance of a written order from the state registrar is required before human remains may be removed from a cemetery. The state registrar's permit requires that the name, death date, and place of death of the exhumed be provided, which is often unavailable in the case of unmarked graves. Furthermore, the state registrar requires the issuance of an individual order for each removal made

during the course of archeological investigations, which can result in several finds, thus necessitating multiple orders in such cases. This bill:

Requires a person who discovers an unverified cemetery to provide notice to the Texas Historical Commission (THC) and to the applicable landowner on record. Establishes requirements and procedures for THC to investigate an unverified cemetery and determine whether sufficient evidence supports the existence of a cemetery, and provides that notification of THC's determination be given to the landowner. Authorizes a justice of the peace, acting as a coroner or medical examiner, to investigate or remove remains in an unmarked grave without a written order by the state registrar. Exempts an unverified cemetery from statutory provisions relating to access to a cemetery.

Certain Revisions to the Teacher Retirement System of Texas—S.B. 1664

by Senator Huffman—House Sponsor: Representative Flynn

Interested parties note the important role the Teacher Retirement System of Texas (TRS) plays in delivering retirement and related benefits to members and beneficiaries and contend that certain revisions in state law are needed to ensure that TRS can efficiently deliver benefits. S.B. 1664 provides for such revisions. This bill:

Requires that certain factors be considered in determining whether a school district's health coverage is comparable to specified basic health coverage. Requires each district that does not participate in the uniform group coverage program to prepare a report addressing the district's compliance with this section (Group Health Benefits for School Employees). Requires that the report include certain information, including information concerning the ease of completing the report.

Requires TRS, in determining whether an individual is an employee or independent contractor of an employer, to use the test applied under common law and any guidance issued by the Internal Revenue Service regarding factors to consider when determining an individual's employment status.

Requires that payments for certain work service and other kinds of services be completed for a member's retirement by a certain date. Places certain restrictions on annuity payments and the purchase of service credits.

Authorizes a member applying for service retirement, with certain exceptions and not later than certain dates, and before the later of the due date for the first monthly annuity payment or the date on which TRS issues the first monthly annuity payment, to, after providing notice to TRS, reinstate withdrawn contributions, make deposits for military service and equivalent membership service, and receive service credit.

Prohibits an effective retirement date from being changed after it is established except by revocation of retirement.

Requires TRS to deposit certain credits in the individual savings accounts of members.

Authorizes a certain eligible portion of a rollover distribution to be transferred only for distributions occurring on or after January 1, 2007, to a qualified plan if the plan agrees to separately account for the amounts transferred and the earnings on the amounts transferred; and for the portion of the

distribution that is includable in gross income and the portion of the distribution that is not includable in gross income

Requires the Texas Higher Education Coordinating Board by a certain date and in coordination with the Legislative Budget Board to certify to the Texas comptroller of public accounts for review and adoption an estimate of the amount necessary to pay the state's contributions to TRS for the following biennium.

Application for a Marriage License and Marriage of a Minor—S.B. 1705

by Senator Van Taylor—House Sponsor: Representative Senfronia Thompson

In Texas minors under the age of 16 can marry with a judge's approval. Minors aged 16 and 17 can be married with parental consent and do not even have to be present to be married away by their parents. Most of these minors, who have not been emancipated, lack the same legal rights as an adult. This is known as having the disabilities of minority. These minors without the full legal rights of an adult are often marrying adults with full legal rights. This creates a situation ripe for abuse. Interested parties contend that minors attempting to marry face legal obstacles, such as lacking the right to contract that is needed to contract with an attorney, and can be unable to legally protect themselves in a marriage proceeding before they reach the age of maturity, at 18. Inexplicably, minors are considered adults with full rights under law immediately after marriage, but not before when the ability to contract an attorney and make their own decisions could be impactful. This bill:

Ends the practice of marriage under the age of 16 in Texas and authorizes minors to petition the court in the minor's own name for permission to marry.

Prohibits a person under 18 years of age from marrying unless the person has been granted by this state or another state a court order removing the disabilities of minority of the person for general purposes.

Requires a person under 18 years of age applying for a license, in addition to the other requirements provided by Chapter 2 (The Marriage Relationship), Family Code, to provide to the county clerk a court order granted by this state under Chapter 31 (Removal of Disabilities of Minority), Family Code, removing the disabilities of minority of the person for general purposes or, if the person is a nonresident minor, a certified copy of an order removing the disabilities of minority of the person for general purposes filed with this state under Section 31.007 (Registration of Order of Another State or Nation), Family Code.

Authorizes any adult person or the other applicant, if an applicant who is 18 years of age or older is unable to appear personally before the county clerk to apply for a marriage license, to apply on behalf of the absent applicant.

Prohibits the county clerk, except as provided by certain exceptions in statute, from issuing a license if either applicant is under 18 years of age and has not presented, or if the applicant is a nonresident minor, a certified copy of an order removing the disabilities of minority of the applicant for general purposes filed with this state.

Prohibits a county clerk from issuing a marriage license if either applicant is under 18 years of age, unless each underage applicant shows that the applicant has been granted by this state or another state a court order removing the disabilities of minority of the applicant for general purposes. Provides that a marriage is void if either party to the marriage is younger than 18 years of age, unless a court order removing the disabilities of minority of the party for general purposes has been obtained in this state or in another state.

Repeal of Certain Obsolete Statutes—S.B. 1735

by Senator Hughes—House Sponsor: Representative Springer

Interested parties observe that over the course of several decades the Texas Legislative Council has carried out its mandate of revising, digesting, and publishing the state's civil and criminal laws by codifying the vast majority of statutes contained in Vernon's Texas Civil Statutes. The parties note that some uncodified statutes remain in Vernon's Texas Civil Statutes, many of which are now obsolete. S.B. 1735 repeals certain obsolete statutes governing state pensions and other similar benefits. This bill:

Repeals part of the enabling legislation for a state pension for Confederate veterans and their surviving spouses.

Repeals authorization of a state pension for veterans of the Texas Revolution and their surviving spouses.

Repeals authorization of a state pension for certain Texas Rangers who served before September 1, 1947, and their surviving spouses.

Repeals several statutes from the 1930s providing transitional funding mechanisms and appropriations for the original Texas "old age assistance fund."

Changes to State Flag Code—S.B. 1968

by Senator Zaffirini—House Sponsor: Representative Gutierrez

The state last updated the Texas flag code to conform with the United States flag code in 1993. Since then, however, the federal code has been amended, particularly with regard to military salutes made by veterans and members of the military who are not in uniform at patriotic ceremonies. Accordingly, S.B. 1968 would update Texas law with more recent changes to the federal code. This bill:

Authorizes each person who is present, not in uniform, and a member of the armed forces or a veteran, during the ceremony of hoisting or lowering the state flag or if the flag is passing in a parade or in review, to make the military salute.

Authorizes each person who is present and not in uniform and a member of the armed forces or a veteran, if the pledge to the state flag is recited, to make the military salute and recite the pledge.

Authorizes each person who is present, not in uniform, and a member of the armed forces or a veteran, during a retirement ceremony, to make the military salute at the appropriate time as designated by the ceremony.

Provides that the official retirement ceremony for the state flag encouraged for public use includes the text "I am at the Johnson Space Center in Houston and atop the oil wells of West Texas," rather than "I am the space station at Houston and atop the oil wells of West Texas."

Authorizes each person who is present, not in uniform, and a member of the armed forces or a veteran, during the performance of the state song, to make the military salute at the first note of the state song and retain that position until the last note.

Codifying the Texas Racing Act—S.B. 1969

by Senator Kolkhorst—House Sponsor: Representative Cyrier

The Texas Legislative Council is required by law to carry out a nonsubstantive revision of the Texas statutes in an effort to make the statutes more accessible, understandable, and usable without altering the sense, meaning, or effect of the law. This bill provides such a revision by codifying the Texas Racing Act.

Licensing Requirements Regarding Individuals with a Criminal History—H.B. 91
by Representatives White and Swanson—Senate Sponsors: Senators Huffman and Campbell

The state licenses many occupations to protect consumers, employees, and employers, as well as to ensure that all goods or services provided meet an appropriate standard. Certain licenses have eligibility requirements related to an applicant's criminal history and legislators say that state policy regarding occupational licensing for individuals with a criminal history must be kept current. This bill:

Requires each licensing authority to review eligibility requirements and recommend whether those requirements should be retained, modified, or repealed in a one-time report to the legislature, prior to the commencement of the 86th Legislature.

Authority of Retail Water Utility Regarding Correctional Facilities—H.B. 965
by Representative Springer—Senate Sponsor: Senator Perry

Interested parties note that in the recent drought, a number of municipalities placed water restrictions on private businesses and citizens but that correctional facilities, which consume large amounts of water, generally did not have to comply with the same restrictions. This bill:

Provides that this Act applies only to a correctional facility operated by the Texas Department of Criminal Justice (TDCJ) or operated under a contract with TDCJ.

Authorizes a retail public utility (RPU) to require the operator of a correctional facility that receives retail water or sewer utility service from the RPU to comply with water conservation measures adopted or implemented by the RPU.

Provides that a correctional facility is not required to comply with a water conservation measure if the facility's operator submits to the RPU a written statement from TDCJ that states that the measure would endanger health and safety at the facility or unreasonably increase the facility's operating costs.

Requires the operator of a correctional facility that received an exemption from the original measure if an RPU suspends a water conservation measure and later implements the same measure, to submit a new written statement from TDCJ to obtain an exemption from the newly implemented measure.

Reduced Water Utility Rates for the Elderly—H.B. 1083
by Representatives Perez and Guillen—Senate Sponsor: Senator Rodríguez

Currently, not all individuals have access to affordable water rates. This can be particularly difficult for senior citizens on fixed incomes. Investor-owned utilities, also known as IOUs, can help address this issue by subsidizing water rates for the elderly via voluntary donations. This bill:

Authorizes the regulatory agency, in establishing a utility's rates, to authorize the utility to establish reduced rates for a minimal level of service to be provided solely to a class of elderly customers 65

years of age or older to ensure that those customers receive that same level of service at more affordable rates.

Requires the regulatory authority to allow a utility to establish a fund to receive donations to recover the costs of providing the reduced rates. Prohibits a utility from recovering those costs through charges to the utility's other customer classes.

Provides that an authorized reduced rate does not make or grant an unreasonable preference or advantage to any corporation or person, subject a corporation or person to an unreasonable prejudice or disadvantage, or constitute an unreasonable difference as to rates of service between classes of service.

Licensure Examination for Journeyman Lineman—H.B. 1284 [VETOED]
by Representative Senfronia Thompson—Senate Sponsor: Senator Garcia

The Institute of Electrical and Electronics Engineers publishes the National Electric Safety Code to set standards for the installation, operation, and maintenance of electricity supply, communication lines, and other equipment.

A journeyman lineman performs electrical work limited to work that involves the maintenance and operation of equipment associated with the transmission and distribution of electricity from its source to a substation, whereas a master electrician is authorized to perform any electrical work. Journeymen linemen have expressed concern that they must pass the master electrician licensure examination, which includes information and skills that are irrelevant to their work, and have suggested creating a licensure examination that contains solely skills and knowledge relating to work performed by a journeyman lineman. Supporters contend that establishing such an examination would reduce a barrier to entry. This bill:

Requires the Texas Department of Licensing and Regulation to establish a journeyman lineman examination that tests applicants' knowledge and skills relating to their duties as provided by statute, and the standards prescribed by the National Electrical Safety Code. Requires the Texas Commission of Licensing and Regulation to adopt the National Electrical Safety Code.

State Agency Rulemaking Adoption Requirements—H.B. 1290
by Representative Roberts et al.—Senate Sponsor: Senator Kolkhorst et al.

H.B. 1290 prohibits a state agency from adopting a proposed rule unless the agency repeals at least one agency rule on or before the proposed rule's effective date, with certain exceptions. This bill:

Defines "state agency" to not include an agency under the authority of an elected officer of this state.

Provides that a state agency rule proposal that contains more than one rule in a single rulemaking action is considered one rule. Prohibits a state agency from adopting a proposed rule for which the fiscal note for a certain required notice states that the rule imposes a cost on certain regulated persons unless, on or before the effective date of the proposed rule, the state agency repeals a rule that imposes a total cost on regulated persons that is equal to or greater than the total cost imposed

on regulated persons by the proposed rule or amends a rule to decrease the total cost imposed on regulated persons by an amount that is equal to or greater than the cost imposed on the persons by the proposed rule. Provides that this does not apply to certain rules. Requires each state agency that adopts a rule to comply with the requirements imposed by Subchapter B (Rulemaking), Chapter 2001 (Administrative Procedure), Government Code, and Chapter 2002 (Texas Register and Administrative Code), Government Code, for publication in the *Texas Register*. Requires a state agency to prepare a government growth impact statement (impact statement) for a proposed rule. Requires a state agency, during the first five years that a rule would be in effect, to reasonably describe certain implications of the rule in an impact statement. Requires the Texas comptroller of public accounts (comptroller) to adopt rules and requires that the rules require that an impact statement be in plain language. Authorizes the comptroller to prescribe a chart that a state agency may use to disclose certain items. Requires each state agency to incorporate an impact statement into a certain required notice. Provides that failure to comply does not impair the legal effect of an adopted rule.

Makes application of Section 2001.0045 (Requirement for Rule Increasing Costs to Regulated Persons), Government Code, as added by this Act, prospective.

Provides that Section 2001.0221 (Government Growth Impact Statements), Government Code, as added by this Act, applies only to a proposed rule for which a certain required notice is filed on or after November 1, 2017.

Eligibility of Former Offenders for an Occupational License—H.B. 1508

by Representative Giddings—Senate Sponsor: Senator West

Occupational licensing requirements pose a barrier for former criminal offenders who seek entry into trade industries and vocations. Stakeholders contend that preventable harm occurs when such an individual's criminal history prevents him or her from obtaining a license despite committing to a positive lifestyle and learning a trade skill.

While the Texas Occupations Code requires a licensing authority to prepare an evaluation letter to a potential applicant regarding why a license may or may not be granted, this letter is not widely known to those who would be affected by a criminal history. Additionally, some vocational training program providers accept state assistance intended to help former offenders afford the programs, despite the provider's knowledge that a student is not eligible for licensure. This bill:

Requires all entities providing an educational training program for a profession which requires licensure to inform a student that a criminal history may impact his or her eligibility for licensure and that he or she has a right to request a criminal history evaluation letter from a licensing authority. Requires an educational training program that accepts state tuition assistance on behalf of a student to refund the assistance to the state or pay the amount to the student if it fails to provide notice of potential ineligibility for an occupational license.

Transferring Certain ESD function to TDEM—H.B. 1510*by Representative Isaac—Senate Sponsor: Senator Zaffirini*

Currently, emergency services districts (ESDs) are required to submit annual reports to the Texas Department of Agriculture (TDA), into which the Texas Department of Rural Affairs (TDRA) was subsumed in 2011. While this information is intended to be made available to the public, reportedly it is difficult to access. TDA is also charged with providing general information and technical advice to ESD commissioners. ESDs, however, are unrelated to agriculture and could be better served by another agency more closely tied to their mission of public health. This bill:

Requires the Texas Division of Emergency Management (TDEM), rather than TDA, to serve as a resource to provide interested rural communities with certain information.

Authorizes TDEM to provide certain information to fire departments and homeowners in rural areas.

Requires an ESD, on or before January 1 of each year, to file with TDEM, rather than TDRA, a certain annual report.

Transfers, not later than January 1, 2018 certain powers, activities, obligations, and properties from TDA to TDEM.

Solicitation of Pest Control Services—H.B. 1586 [VETOED]*by Representative Tracy O. King—Senate Sponsor: Senator Estes*

The Occupations Code provides that a person is engaged in the business of structural pest control if that person solicits or performs pest control services for compensation. It also requires the Texas Department of Agriculture (TDA) to develop standards for issuing structural pest control licenses to individuals engaged in pest control services. Stakeholders have suggested strengthening TDA's authority to take administrative action against individuals soliciting or performing pest control services without the required licensure, training, and insurance. This bill:

Requires a person to hold a pest control license if the person solicits certain pest control services, including identifying infestations, making inspection reports or recommendations, or submitting a bid to address an infestation.

Administrative Civil Penalty Administered by TABC—H.B. 1612*by Representative Romero Jr.—Senate Sponsor: Senator Hancock*

The Texas Alcoholic Beverage Commission (TABC) allows permit holders to pay an administrative civil penalty, rather than have their permit suspended, for certain violations. However, statute specifies the violations for which a violator is not entitled to pay a fine in lieu of a permit suspension, and TABC decides whether a permit holder is allowed to pay such a fine in lieu of a suspension in these cases. Stakeholders have suggested adding drug-related violations to the list of violations for which a violator is not automatically entitled to pay a fine in lieu of a permit suspension. This bill:

Adds violations relating to controlled substances or drugs to the list of violations committed by an alcohol permit holder or license holder for which TABC is responsible for determining whether a violator may pay a fine in lieu of a suspension of the violator's license.

Water Conservation Coordinator Retail Public Utility—H.B. 1648

by Representative Price—Senate Sponsor: Senator Seliger

Current law requires a retail public utility to develop and submit a water conservation plan to the Texas Water Development Board (TWDB). H.B. 1648 further requires a retail public utility to designate and identify a person responsible for carrying out the plan. This bill:

Requires the Texas Commission on Environmental Quality to require a certain retail public utility, in addition to another existing statutory requirement, to designate a person as water conservation coordinator responsible for implementing the water conservation plan and to identify in writing the water conservation coordinator to the executive administrator of TWDB.

Interior Designers—H.B. 1657

by Representatives Phelan and Arévalo—Senate Sponsor: Senators West and Nichols

Certain persons who had been practicing interior design were exempted from the state's examination requirements when the legislature began regulating interior design. Stakeholders have raised concern that recent legislation, which has eliminated the ability for these exempted designers to renew their registration unless they pass the interior design examination, requires grandfathered designers to recertify themselves after being exempted from renewal and having practiced for decades. Legislators have suggested providing an additional 10-year extension to the exemption for these grandfathered designers. This bill:

Extends the grandfather exemption to 2027.

Primary Standards of Weights and Measures—H.B. 1730

by Representative Cyrrier—Senate Sponsor: Senator Kolkhorst

The Texas Department of Agriculture (TDA) metrology laboratory (laboratory), located in Giddings, is the only state-run metrology laboratory in Texas and maintains the primary standards by which all state and local standards of weights and measures are tried, authenticated, proved, and certified. In 2009, an assessment of the facility found that its environmental conditions were not meeting standards established by the National Institute of Standards and Technology (NIST), thus placing the laboratory in jeopardy of losing its recognition from NIST, which is essential to its continuation as the state meteorology laboratory.

The financial impact of the laboratory losing its recognition would be substantial, potentially causing the laboratory to be shut down and its consumer protective and cost-recovery capabilities lost. Calibrations are likely to be more expensive at private labs, or if other states' labs are utilized, shipping or delivery of equipment to the out-of-state labs would create an additional cost for TDA.

H.B. 1730 enables the laboratory to continue to receive funding by changing the frequency with which TDA submits information required to maintain recognition. This bill:

Requires TDA to submit for certification the state's primary standards of weights and measures to NIST or to a laboratory approved by NIST with the frequency required to maintain the laboratory's recognition, rather than with a frequency of at least once each 10 years.

Exemption of Certain Commercial Weighing or Measuring Devices—H.B. 2029

by Representative Lozano et al.—Senate Sponsor: Senator Perry

H.B. 2029 relates to the exemption of certain commercial weighing or measuring devices from registration and inspection requirements. This bill:

Provides that, notwithstanding any other law, a commercial weighing or measuring device that is exclusively used to weigh food sold for immediate consumption is exempt from this subchapter, (Inspection and Registration of Weighing or Measuring Devices), including the inspection requirements under Section 13.101 (Inspection of Devices), Agriculture Code, and the registration requirements under Section 13.1011 (Required Registration), Agriculture Code.

Eligibility for Transferring a Plumbing License—H.B. 2095

by Representative Kuempel—Senate Sponsor: Senator Zaffirini

Many family-owned plumbing business operators contend that the continuous number of years for which a license holder under plumbing licensing law must hold the license for the licensee's license number to transfer on the date of the person's retirement or death to another licensee is too restrictive. This bill:

Reduces the minimum number of continuous years a plumbing license holder must hold a plumbing license for transfer eligibility from 50 years to 35 years.

Mixed Beverage Sales at Restaurants—H.B. 2101

by Representatives Frullo and Villalba—Senate Sponsor: Senator Creighton

The Alcoholic Beverage Code currently allows a restaurant with a mixed beverage permit to obtain a food and beverage certificate if the restaurant does not have mixed beverage sales greater than 50 percent of its gross receipts and provides food service during all hours of alcohol services, as well as multiple entrée items. A food and beverage certificate is vital in many jurisdictions in which local option elections have been held allowing mixed beverages to be sold in restaurants. The 199 successful local option elections allowing for mixed beverage service in restaurants since 2000 has created a significant positive economic impact in previously dry jurisdictions in which many restaurants now operate and provide communities a more diverse choice of restaurants. Many restaurants' mixed beverage sales receipts are approaching 50 percent of gross receipts and these restaurants may lose their mixed beverage permit, which according to legislators, will result in a significant economic impact on businesses and customers. This bill:

Increases the threshold for mixed beverage sales from 50 percent to 60 percent. Specifies that the Texas Alcoholic Beverage Commission must determine whether a business derives 60 percent or less of its profits from the sale of alcohol.

Repealing Licensing of For-Profit Legal Service Contract Companies—H.B. 2113
by Representatives Goldman and Rinaldi—Senate Sponsor: Senator Zaffirini

Under a strategic initiative, the Texas Department of Licensing and Regulation (TDLR) identified licensing programs that could be deregulated without threatening public health, safety, or welfare. TDLR recommended repealing a program licensing for-profit legal service contract companies, which sell contracts that enable a consumer to receive a set amount of counsel or representation for a set time and rate. In 2016, this program licensed 15 companies out of 29 applicants and conducted one disciplinary action. This bill:

Repeals the statewide licensing requirement for for-profit legal service contract companies.

Regulation of Gas Pumps—H.B. 2174
by Representative Darby et al.—Senate Sponsor: Senator Nichols

The Agriculture Code requires owners or operators of commercial weighing or measuring devices such as gas pumps, to register their devices with the Texas Department of Agriculture (TDA) and renew the registration annually. Owners and operators of these devices are responsible for ensuring the devices are inspected by TDA at least once every four years and TDA may implement risk-based inspections and assess fees to recover costs of registration and inspection of these devices. Observers raise concerns regarding the effectiveness of the inspection process. This bill:

Provides that a motor fuel metering device is exempt from inspections if the device is not used to calculate the amount of fuel sold in a transaction or to compute the charge for the gas pumped in that transaction.

Requires TDA to receive complaints regarding motor fuel metering device. Limits the amount of money by which TDA may increase a fee for the registration and inspection of such devices. Changes the criteria under which TDA may stop the sale of motor fuel or mark a gas pump as "out of order."

Testing Alcohol Content of Alcoholic Beverages—H.B. 2299
by Representative Senfronia Thompson—Senate Sponsor: Senator Creighton

Testing of alcoholic malt beverage products ensures compliance with state alcoholic beverage regulations. However, the increase in malt beverage producers has greatly increased the number of products submitted for testing, resulting in backlogs and longer processing times, which encumbers the introduction of new or seasonal beverages to the market. Statute provides that either an independent laboratory or a laboratory operated by the Texas Alcoholic Beverage Commission (TABC) must test products, but TABC has recommended allowing manufacturers to submit their

own certified laboratory analysis that, according to TABC, would eliminate redundant testing and advance approvals of new products. This bill:

Allows alcoholic beverage manufacturers to submit an analysis of a product's alcohol by volume performed by a certified independent laboratory.

Regulation of Savings Banks—H.B. 2579

by Representatives Holland and Longoria—Senate Sponsor: Senator Buckingham

Legislators contend that a financial institution bond is critical to the overall risk-management strategy of a savings bank, which faces numerous potential exposures, including losses from fraud, theft, and misplacement, that are covered by a financial institution bond. Legislators suggest that a financial institution bond with adequate coverage limits would help mitigate potential losses that may occur in a savings bank. This bill:

Requires a savings bank to maintain a financial institution bond, rather than an indemnity bond. Requires a collection agent who is not covered by the bond to ensure that the savings bank is included as a loss payee in the collection agent's crime coverage.

Repealing Dual Licensing for Towing and Storage Operators—H.B. 2615

by Representative Goldman et al.—Senate Sponsor: Senator Hancock

The Occupations Code requires a worker at a vehicle storage facility to hold a vehicle storage facility license issued by the Texas Department of Licensing and Regulation, but stakeholders have suggested that individuals with other related licenses, such as tow truck drivers who hold a towing license, should be able to work at a vehicle storage facility without being required to obtain the additional vehicle storage facility license. This bill:

Authorizes a person holding an incident management towing operator's license, a private property towing operator's license, or a consent towing operator's license to work at a vehicle storage facility without being required to hold an additional vehicle storage facility license. Repeals requirements relating to the issuance of a dual license for a person who is both a vehicle storage facility employee and a towing operator.

Instructional Hours at Barbering and Cosmetology Schools—H.B. 2738

by Representative Hernandez—Senate Sponsor: Senator Larry Taylor

Stakeholders contend that the manner in which hours of instruction at barbering and cosmetology programs are credited to students is confusing, specifically whether instructional hours are calculated on the basis of clock hours or credit hours. This bill:

Authorizes the Texas Commission of Licensing and Regulation to adopt rules to authorize and administer standards allowing a barbering or cosmetology school to account for hours of instruction on the basis of clock hours or credit hours.

Regulation of Barbering and Cosmetology Facilities—H.B. 2739

by Representative Hernandez—Senate Sponsor: Senator Zaffirini

The Texas Department of Licensing and Regulation (TDLR) has identified certain regulations and licensing requirements for barbering and cosmetology programs that are too burdensome and that can be revised without endangering public health, safety, or welfare. Legislators have suggested providing greater flexibility for these programs and related facilities by revising the applicability of requirements relating to square footage, equipment, and inspections. This bill:

Authorizes TDLR to approve an application for a permit for a barber school that offers instruction and that meets certain requirements. Repeals the requirement authorizing a person holding a private beauty culture school license to maintain an establishment in which cosmology is taught.

Physical Therapy Licensure Compact—H.B. 2765

by Representative Clardy—Senate Sponsor: Senator Van Taylor

Stakeholders contend that Texas would benefit from the enactment of a physical therapy licensure compact that would explore the possibility of establishing a multistate compact for physical therapy licensure and suggested that such a compact would increase access to physical therapy services. This bill:

Establishes the Physical Therapy Licensure Compact and the Physical Therapy Compact Commission (PTCC) and sets forth requirements for states wishing to participate in the compact, including participating in PTCC's data system and conducting criminal background checks on license applicants. Provides that each member state has one delegate on the PTCC selected by that member state's licensing board and that each delegate is entitled to one vote with regard to the promulgation of rules and the creation of bylaws.

Marriage and Family Therapists—H.B. 2818

by Representatives Romero Jr. and Clardy—Senate Sponsor: Senator Van Taylor et al.

The Texas Medical Association (TMA) filed suit against the Texas State Board of Examiners of Marriage and Family Therapists in 2008 for adopting two administrative rules relating to the practice of marriage and family therapy. The suit claimed that by including the terms "diagnosis" and "diagnostic assessment" in the challenged rules, the rules expanded the practice of marriage and family therapy beyond its statutory limits and unlawfully intruded on what TMA considers to be a physician's exclusive right to diagnose physical and mental conditions.

The Supreme Court of Texas ruled unanimously in favor of the ability of marriage and family therapists to diagnose patients, concluding that the ability of medical doctors to diagnose does not preclude therapists from making diagnostic assessments of emotional, mental, and behavioral problems as part of their effort to evaluate and remediate mental dysfunctions within the marriage and family setting. This bill:

Amends the statutory definition of "marriage and family therapy" to include the evaluation, diagnostic assessment, and remediation of certain disorders in the context of marriage or family.

Notification of Fee Increase—H.B. 2949

by Representative Holland et al.—Senate Sponsor: Senator Creighton

Car dealers are required to notify the Finance Commission of Texas (commission) about a proposed increase in the maximum amount of a documentary fee charged in a retail installment contract so that the commission can conduct a reasonableness review on the proposed increase. Stakeholders contend that this requirement constitutes an unnecessary burden on business. This bill:

Provides that a car dealer is not required to notify the commission if the maximum amount intended to be charged is less than or equal to the amount of the documentary fee presumed reasonable by rule of the commission.

Authorizing Brewers to Hold a Promotional Sweepstakes—H.B. 3003

by Representative Kuempel—Senate Sponsor: Senator Estes

Stakeholders contend that greater flexibility in what promotional activities are permitted would benefit the marketing of beer. Currently, a manufacturer may offer a consumer a prize as part of a promotional sweepstakes activity, but brewers are not permitted to do so. This bill:

Includes a brewer among the entities authorized to offer a prize to a consumer of legal drinking age as part of a promotional sweepstakes. Provides that such a prize may include food, beverages, entertainment, recreations, gifts, or attendance at a private event.

Training for Air Conditioning and Refrigeration Technicians—H.B. 3029

by Representative Frullo—Senate Sponsor: Senator Whitmire

Stakeholders contend that the demand for jobs in the air conditioning and refrigeration industry will increase significantly in the future and that the supply of trained workers is inadequate to meet the anticipated demand. Legislators suggest policy changes that will encourage people to enter this industry.

Currently, an applicant for an air conditioning and refrigeration contractor license must have at least 48 months of practical experience in the preceding 72 months. This bill:

Introduces a process by which a student may receive 12 months of credit toward licensure upon completion of an approved "certification training program."

Provides that an applicant for an air conditioning and refrigeration contractor license must have held a technician certification for the preceding 12 months and have at least 36 months of practical experience in the preceding 48 months, as an alternative to the current requirement that such an applicant have at least 48 months of experience in the preceding 72 months.

Plumber's License Requirements—H.B. 3049

by Representative Guillen—Senate Sponsor: Senator Creighton

Legislators contend that the demand for skilled and licensed plumbers in Texas remains steady while recruiting people into the plumbing trade has become increasingly difficult. Legislators suggest incentivizing high school students to learn trade skills, including plumbing, by crediting applicants for certain plumbing licenses with hours of work experience for completing coursework in the construction trade offered through a career and technical education program. This bill:

Authorizes the Texas State Board of Plumbing Examiners to credit an applicant for a license as a journeyman plumber or tradesman plumber-limited license holder with up to 250 hours of the work experience required before taking the examination, if the applicant has completed a sequence of courses in the construction trade offered through a career and technical education program approved by the State Board of Education.

Administration and Enforcement of Produce Safety Standards by TDA—H.B. 3227

by Representative Tracy O. King—Senate Sponsor: Senator Lucio

Interested parties note the need to revise provisions relating to the coordination of food safety to align regulations with recently developed objectives that shift safety concerns from a system focused on responding to contaminations to one that focuses on preventing contaminations. H.B. 3227 relates to the administration and enforcement of produce safety standards by the Texas Department of Agriculture (TDA). This bill:

Amends Section 12.020 (Administrative Penalties), Agriculture Code, to include Section 91.009 (Coordination of Produce Safety), Agriculture Code, as amended by this bill, among the provisions of law subject to Section 12.020, with an applicable penalty amount of not more than \$5,000.

Provides that TDA is the lead agency for the administration, implementation, and enforcement of, and education and training relating to, the United States Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption (21 C.F.R. Part 112) or any successor federal produce safety rule or standard.

Requires TDA to assist the fresh fruit and vegetable industries with produce safety issues and authorizes TDA to provide assistance to federal agencies in their implementation of guidelines relating to sound agricultural practices.

Requires that a program inform and educate producers and packers regarding certain information, including proper produce handling procedures and the enhancement of overall produce safety.

Deletes existing text requiring TDA to approve training and awareness programs for producers and packers of fresh fruits and vegetables.

Includes the Texas A&M AgriLife Extension Service and Texas A&M AgriLife Research and nongovernmental organizations among the entities with which TDA is required to coordinate the planning and implementation of training and awareness programs.

Authorizes TDA to enter into a cooperative agreement, interagency agreement, grant agreement, or memorandum of understanding with a federal or state agency for the administration, implementation, or enforcement of Section 91.009, Agriculture Code. Authorizes TDA to adopt rules to administer, implement, and enforce Section 91.009, Agriculture Code, and in the development of rules under Section 91.009, to consider relevant state, federal, or national standards and consult with federal or state agencies.

Deletes existing text requiring TDA, in the development of rules for the certification of approved food safety curriculum or training, to consult and coordinate with the Department of State Health Services.

Portable Boiler Inspection Requirements—H.B. 3257
by Representative Paddie—Senate Sponsor: Senator Hancock

Statute requires each boiler operated in the state to be registered with the Texas Department of Licensing and Regulation and to have qualified for a current certificate of operation. Currently, a portable boiler is required to be inspected externally each time the boiler is moved to a new location and is required to be inspected internally at least once per year. Stakeholders have contended that these requirements are insufficient to ensure safe and proper operation of a boiler. This bill:

Requires the Texas Commission of Licensing and Regulation to establish the subsequent intervals and manner of inspection for a portable boiler. Provides that espresso machines are exempt from state laws relating to boiler inspections. Prohibits a state agency or political subdivision from restricting the use or installation of a specific fuel gas pipe product that is approved for such use by the International Fuel Gas Code.

Lapsing Residential Mortgage Loan Originator Licenses—H.B. 3342
by Representative Parker—Senate Sponsor: Senator Buckingham

An individual is required to retake the preclicensing education requirements established by the federal Secure and Fair Enforcement for Mortgage Licensing Act if that individual allows his or her residential mortgage loan originator license to lapse for five consecutive years. This bill:

Provides that individuals must retake the preclicensing education requirements after failing to maintain a residential mortgage loan originator license for the period of time established by the Finance Commission of Texas, rather than for at least five consecutive years.

State Agency Adoption of Rules Affecting Rural Communities—H.B. 3433
by Representative Lambert et al. —Senate Sponsor: Senators Perry and Kolkhorst

Interested parties contend that state agencies should give serious consideration to the impact that the adoption of an agency rule could have on rural communities in Texas. This bill:

Defines "rural community."

Requires a state agency considering adoption of a rule that would have an adverse economic effect on small businesses, micro-businesses, or rural communities to reduce that effect if doing so is legal and feasible considering the purpose of the statute under which the rule is to be adopted.

Authorizes a state agency to reduce an adverse effect on small businesses and rural communities, by (1) establishing separate compliance or reporting requirements for small businesses and rural communities; (2) using performance standards in place of design standards for small businesses and rural communities; or (3) exempting small businesses and rural communities from all or part of the rule.

Requires a state agency, before adopting a rule that may have an adverse economic effect on small businesses or rural communities, rather than only on small businesses, to prepare an economic impact statement that estimates the number of small businesses or rural communities subject to the proposed rule; that projects the economic impact of the rule on small businesses, or rural communities; and that describes alternative methods for achieving the purpose of the proposed rule.

Requires that an analysis under Section 2006.002(c), Government Code, consider, if consistent with the health, safety, and environmental and economic welfare of the state, using regulatory methods to accomplish the objectives of applicable rules while minimizing adverse impacts on small businesses or rural communities rather than only on small businesses.

Requires a state agency to include an analysis several proposed methods for reducing the adverse impact of a proposed rule on a small business or rural community, rather than only a small business.

Requires a state agency to include the economic impact statement and the regulatory flexibility analysis as part of the notice of the proposed rule that the agency files with the secretary of state for publication in the *Texas Register* and to provide copies, if feasible, to each member of the legislature who represents a rural community adversely impacted by the proposed rule.

Requires the Texas attorney general, in consultation with the Texas comptroller of public accounts, to prepare guidelines to assist a state agency in determining a proposed rule's potential adverse economic effects on small businesses and rural communities, as applicable, rather than only on small businesses.

New Liability for Dramshops—S.B. 341

by Senators Perry and Garcia—House Sponsor: Representative Goldman

Currently, establishments that sell alcohol to visibly intoxicated persons who subsequently cause death or injury are liable to third parties for alcohol-related car crashes and other accidents. However, there is concern that while some drivers involved in fatal accidents also test positive for cannabis, there is no statutory liability for a retail establishment that sells a synthetic cannabinoid to a person whose intoxication subsequently causes death or injury to a third party. This bill:

Provides for the denial of an application for a retail dealer's on-premise license on a finding by a county judge that the applicant or the applicant's spouse was convicted of a synthetic cannabinoid offense in the five years preceding the application. Prohibits the possession of a synthetic cannabinoid by a beer retailer or the retailer's agent.

Provides a statutory cause of action for providing, selling, or serving a synthetic cannabinoid on proof that the intoxication of the recipient of the cannabinoid was a proximate cause of the damages suffered.

Behavior Analyst Licensing Act—S.B. 589

by Senator Lucio et al.—House Sponsor: Representative Simmons et al.

Applied behavior analysis (ABA) is a clinical practice consisting of evidence-based techniques effective for building skills and reducing problematic behaviors. Behavior analysts primarily treat vulnerable populations who have severe, complex disorders and, therefore, must be highly skilled. As ABA continues to develop, behavior analysts are required to undergo extensive ongoing professional development to stay abreast of new research and techniques.

Currently, ABA is not regulated by the state. Legislators contend that a regulatory framework administered by the Texas Department of Licensing and Regulation (TDLR) should exist to protect the public and practitioners from inadequate training and practices that are inconsistent with professional and ethical standards. This bill:

Creates the Behavior Analyst Advisory Board (advisory board) to advise TDLR in the licensing of behavior analysts. Sets forth requirements for the advisory board.

Requires behavior analysts and assistant behavior analysts to hold a state-issued license, administered and enforced by TDLR, to practice in Texas. Sets forth requirements for the license.

Allows a person who holds a similar license in another state or jurisdiction to be licensed in Texas.

Enhancing Rate Review Schedules for Electric Utilities—S.B. 735

by Senator Hancock—House Sponsor: Representatives Cook and Senfronia Thompson

The Public Utility Commission of Texas (PUC) regulates electric utilities by setting transmission and distribution rates to ensure fair and timely recovery for costs incurred by a utility for providing service. PUC monitors utility earnings and may initiate a rate proceeding if it believes that a utility is earning more than a reasonable rate of return.

However, legislators note that a recent report from PUC indicates that many electric utilities have not been subject to a rate proceeding in over 10 years and that the current cost recovery system may not hold electric utilities accountable throughout all utility classes. This bill:

Requires PUC to establish a schedule for certain electric utilities to make periodic filings to modify or review base rates charged by the utility. Authorizes such an electric utility to adjust its rates more than four times between base rate proceedings.

Protection Against Frivolous Regulatory Actions by State Agencies—S.B. 813 [VETOED]
by Senator Hughes et al.—House Sponsor: Representative Meyer

Interested parties have expressed concern regarding instances in which Texans facing regulatory action by a state agency find themselves at a distinct financial disadvantage because of limited available resources and the relative absence of restraints against the state. The parties assert that, given this disparity, some individuals and businesses may feel compelled to accept unfair sanctions because they cannot afford to challenge an agency's pursuit of regulatory action. S.B. 813 addresses this issue by providing the recovery of damages, attorney's fees, and costs related to frivolous regulatory actions by state agencies. This bill:

Provides that a claimant may bring an action against a state agency if the state agency takes a regulatory action against the claimant that is frivolous, unreasonable, or without foundation and may recover, in addition to all other costs allowed by law or rule, the damages caused by the state agency's frivolous regulatory action, reasonable attorney's fees, and court costs. Provides that a claimant may bring an action only after the claimant has exhausted all other administrative remedies with respect to the regulatory action against the claimant.

Provides that a person may recover, in addition to all other costs allowed by law or rule, reasonable attorney's fees and costs incurred in defending against a frivolous regulatory action during an administrative proceeding and judicial review of that proceeding if the person prevails in the judicial review of an administrative proceeding and if the state agency is unable to demonstrate that the agency has good cause for the regulatory action.

Certification of Food Service Workers—S.B. 1089

by Senators Perry and Garcia—House Sponsor: Representatives Burkett and Frullo

Prior to the 84th Legislature a food handler training course accredited by the Department of State Health Services had to be accepted by a local health jurisdiction as sufficient to meet the jurisdiction's training and testing requirements. S.B. 582 (Kolkhorst; SP: Harless) (relating to training courses for certain food handlers), 84th Legislature, Regular Session, 2015, added a food handler training course accredited by the American National Standards Institute (ANSI) as also meeting a local health jurisdiction's training and testing requirements, as well as satisfying the jurisdiction's permitting requirements, and allowing the jurisdiction to require a food establishment to maintain on its premises a certificate of completion of the training course for its employees. S.B. 1089 creates consistency in the treatment of accredited food handler training courses by treating both DSHS-accredited and ANSI-accredited training courses in the same manner. This bill:

Provides that a food service worker trained in a certain course is considered to have met a local health jurisdiction's training, testing, and permitting requirements only as to food service performed for a certain entity.

Deletes existing text requiring a local health jurisdiction to accept as sufficient to meet the jurisdiction's training, testing, and permitting requirements a training course accredited DSHS and listed by a certain registry (registry).

Provides that a food service worker trained in a food handler training course that is accredited by ANSI or by DSHS and is listed with the registry, rather than a food service worker trained in a food handler training course accredited by ANSI, is considered to have met a local health jurisdiction's training, testing, and permitting requirements.

Prohibits a local health jurisdiction from charging a fee or from requiring or issuing a local food handler card for a certificate issued to a food service worker who provides proof of completion of an accredited course described under Subsection (b-1), Section 438.046(List of Accredited Programs), Health and Safety Code, as amended by this bill.

Deletes existing text prohibiting any fee from exceeding the lesser of certain amounts if the fee is charged by a local health jurisdiction for a certificate issued to a food service worker trained by an accredited course listed in the registry.

Money Services Businesses—S.B. 1403

by Senator Campbell—House Sponsor: Representative Burrows

The Money Services Act (Chapter 151, Finance Code) established a licensing framework for money services businesses, which transmit money and exchange currency. The Act excludes certain persons from licensure, requires such businesses to maintain a certain minimum net worth and provide a security bond, and sets forth certain enforcement mechanisms. This bill:

Excludes certain state trust companies from licensure under the Act. Revises provisions relating to the minimum net worth required of a money transmission license applicant.

Authorizes the banking commissioner to order payment of restitution to harmed individuals. Sets forth provisions regarding cease and desist orders issued by the commissioner of banking for unlicensed persons.

Revision of Administrative Procedures Act—S.B. 1446

by Senator Estes—House Sponsor: Representative Clardy

Interested parties contend that recent reforms made to the Administrative Procedures Act resulted in several inadvertent ambiguities with regard to the procedures for handling a contested case that should be clarified. S.B. 1446 revises that act to clarify those ambiguities and make certain other changes. This bill:

Requires that notice of a hearing in a contested case include either a short, plain statement of the factual matters asserted or an attachment that incorporates by reference the factual matters asserted in the complaint or petition filed with the state agency. Requires a state agency that intends to rely on a section of a statute or rule not previously referenced in the notice of hearing, in a proceeding in which the state agency has the burden of proof, to amend the notice, or the complaint or petition, if applicable, to refer to the section of the statute or rule not later than a certain date.

Requires that a state agency's failure to comply with the statutory revocation, suspension, annulment, or withdrawal of a license, in a suit for judicial review of a final decision or order of the agency

brought by a license holder, constitutes a prejudice to the substantial rights of the license holder unless the court determines that the failure did not unfairly surprise and prejudice the license holder or that the license holder waived the opportunity provided to show compliance with all requirements of law for the retention of the license.

Requires a state agency to notify each party to a contested case of any decision or order of the agency using personal service, or service by a method required under the state agency's rules or orders for a party to serve copies of pleadings in a contested case, among other methods.

Provides that a specified period relating to a decision or order or motion for rehearing begins on the date the affected party or the party's attorney of record receives the notice or acquires actual knowledge of the signed decision or order. Prohibits the period from beginning earlier than the 15th day or later than the 45th day after the date the decision or order was signed.

Requires the adversely affected party to prove, in establishing a revised period on sworn motion and notice, that they exercised due diligence by keeping the state agency and all other parties to the contested case apprised of the adversely affected party's or attorney's current mailing address and electronic contact information, and that the adversely affected party and the party's attorney of record did not take any action that impeded or prevented receipt of notice of the signing of the decision or order. Requires the state agency or a person authorized to act for the state agency to grant or deny the sworn motion not later than a certain date and that the motion is considered granted if the agency or person fails to grant or deny the motion by a certain date.

Requires that all the specified periods, if a sworn motion by the adversely affected party is granted, begin for the movant on the date specified in the sworn motion that the movant or the movant's attorney of record first received the required notice or acquired actual knowledge of the signed decision or order.

Provides that a decision or order in a contested case is final if a motion for rehearing is timely filed on the date the order overruling the latest filed motion for rehearing is signed or the latest filed motion for rehearing is overruled by operation of law.

Requires the movant, on filing the motion for rehearing, to send copies of the motion to all other parties using certain notification methods. Requires a party to file with the state agency a reply, if any, to a motion for rehearing by a certain date.

Deregulation of Vehicle Booting—S.B. 1501

by Senators Zaffirini and Burton—House Sponsor: Representative Kuempel

The Texas Department of Licensing and Regulation (TDLR) undertook a strategic initiative to identify licensing programs that could be deregulated without jeopardizing public safety or welfare. One such program is the licensing of vehicle booting companies and operators. "Booting" is an alternative to towing, which involves locking a large metal weight to the tire of an unlawfully parked car, thus rendering the vehicle unusable until the owner pays to have the boot removed.

Statute requires those engaged in booting to be licensed and subjects companies and operators to disciplinary penalties. Booting companies pay initial and renewal licensing fees of \$250, while

operators pay \$75. Legislators note that only 11 companies and 54 operators are licensed by the state and that there has been negligible enforcement activity. Legislators suggest repealing the license requirement because enforcing it provides no obvious benefit to the public. This bill:

Repeals provisions of the Vehicle Storage Facility Act (Chapter 2303, Occupations Code) and the Texas Towing and Booting Act (Chapter 2308, Occupations Code) relating to risk-based inspections and, effective September 1, 2018, eliminates training licenses, boot operator licenses, and booting company licenses issued under the Texas Towing and Booting Act.

Authorizes a local authority to regulate booting activities.

Deregulating "Threading"—S.B. 1502

by Senator Zaffirini—House Sponsor: Representative Kuempel

The Texas Department of Licensing and Regulation (TDLR) undertook a strategic initiative to identify licensing programs and activities that could be deregulated without jeopardizing public safety or welfare. One such activity is the practice of "threading," which involves the removal of unwanted hair using a piece of thread. Legislators note that no law expressly regulates this practice but express concern that the practice may be construed to constitute barbering. This bill:

Excludes threading from the services that constitute the practices of barbering and cosmetology.

Shampooing and Conditioning Hair—S.B. 1503

by Senator Zaffirini—House Sponsor: Representative Goldman

The Texas Department of Licensing and Regulation (TDLR) undertook a strategic initiative to identify licensing programs and activities that could be deregulated without threatening public safety or welfare. One such activity is the shampooing and conditioning of a person's hair. Legislators note that TDLR has taken few enforcement actions relating to these activities and suggest that deregulating this practice poses a minimal risk to consumers. This bill:

Remove shampooing and conditioning a person's hair from the services that constitute the practices of barbering and cosmetology. Repeals shampoo apprentice permits and shampoo specialty certificates.

Expanding Certain Protections to Physician Assistants—S.B. 1625

by Senator Uresti—House Sponsor: Representative Cortez et al.

Interested parties assert that insufficient protections are in place to prevent physician assistants (PA) from being suspended, terminated, or otherwise disciplined, or from being discriminated or retaliated against for refusing to engage in conduct that constitutes grounds for reporting the PA to the Texas Physician Assistant Board (PAB) or that violates Chapter 204 (Physician Assistants), Occupations Code, or a rule adopted under Chapter 204. S.B. 1625 protects PAs who refuse to engage in such conduct and addresses certain other issues relating to the licensing and regulation of PAs. This bill:

Requires that a prescriptive authority agreement, at a minimum, describe a prescriptive authority quality assurance and improvement plan and specify methods for documenting the implementation of the plan that include, if the agreement is between a physician and an advanced practice registered nurse (APRN), periodic face-to-face meetings between the APRN and the physician at a location determined by both and, if the agreement is between a physician and a PA, periodic meetings between the PA and the physician.

Requires that certain periodic face-to-face meetings be documented and occur for a certain amount of time, if during the seven years preceding the date the agreement is executed the APRN for at least five years was in a practice that included the exercise of prescriptive authority with required physician supervision.

Requires that certain periodic meetings include the sharing of information relating to patient treatment and care, needed changes in patient care plans, and issues relating to referrals; include a discussion of patient care improvements; be documented; and occur at least once a month in a manner determined by the physician and the PA.

Authorizes PAB, after hearing all evidence and arguments in an open meeting, to conduct deliberations relating to a license application or to disciplinary action in an executive session. Requires PAB to vote and announce its decision in an open session.

Requires that the training program provide a person who is appointed to and qualifies for office as a member of PAB with information regarding the:

- law governing PAB operations;

- programs, functions, rules, and budget of PAB;

- scope of and limitations on the rulemaking authority of PAB; and

- requirements of laws relating to certain matters, including disclosing conflicts of interest, and other laws applicable to members of PAB in performing their duties.

Requires the executive director of the Texas Medical Board (executive director; TMB) to create a training manual that includes the information required by this bill and requires the executive director to distribute a copy of the training manual annually to each PAB member. Requires each PAB member, on receipt of the training manual, to sign and submit to the executive director a statement acknowledging receipt of the training manual.

Requires PAB to require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by PAB, to PAB or to the Texas Department of Public Safety (DPS) for the purpose of obtaining criminal history record information from DPS and from the Federal Bureau of Investigation.

Prohibits PAB from issuing a license to a person who does not comply with the background check requirement; requires PAB to conduct a criminal history record information check for each applicant for a license using certain information; authorizes PAB to enter into an agreement with DPS to administer background checks; and authorizes DPS to collect certain costs.

Requires an applicant, to be eligible for a license under Chapter 204 (Physician Assistants), Occupations Code, to meet any other requirement established by PAB rule. Requires such applicants to submit fingerprints for the purposes of performing a background check and requires the fingerprints to meet certain requirements set forth in the bill.

Provides that a license issued under Chapter 204 is valid for a term of two or more years, as determined by PAB rule. Authorizes PAB to refuse to renew such license if a license holder is in violation of a PAB order.

Prohibits a person from suspending, terminating, or otherwise disciplining, or from discriminating or retaliating against, a PA who refuses to engage in an act or omission or a person who advises a PA of the PA's rights under Section 204.210 (Protection for Refusal to Engage in Certain Conduct), Occupations Code, as added by this bill.

Authorizes a PA to refuse to engage in an act or omission relating to patient care that would constitute grounds for reporting the PA to PAB under Section 204.208 (Duty to Report; Medical Peer Review), Occupations Code, or that violates Chapter 204 or a rule adopted under Chapter 204 if the PA notifies the person at the time of the refusal of certain reasons for refusing.

Provides that an act by a person who refuses to engage in an act or omission does not constitute a violation of this bill if a medical peer review committee, of which one person is required to be a licensed PA, makes certain determinations.

Requires PAB, not later than September 1, 2019, to obtain criminal history record information on each person who, on the effective date of this bill, holds a license issued under Chapter 204, Occupations Code, and did not undergo a fingerprint background check on the initial licensing application. Authorizes PAB to suspend the license of a license holder who does not provide criminal history record information as required by PAB and statute.

Interior Design Certification Examination—S.B. 1932

by Senator West—House Sponsor: Representative Lucio III

The Texas Board of Architectural Examiners (TBAE) adopts rules to enumerate qualifications for taking the interior design registration examination, which is administered by the National Council for Interior Design Qualification. This examination is used throughout the country for this type of certification. Legislators express concerns that current TBAE rules prohibit people who have completed an associate's degree in interior design from sitting for the examination. Stakeholders also contend that people who have completed an associate's degree of interior design at a public institution of higher education are equally prepared and qualified to sit for the examination as people who have graduated from a for-profit, private program. This bill:

Revises the eligibility requirements for admission to the interior designer registration examination by repealing the requirement that an applicant has graduated from an interior design education program recognized and approved by TBAE.

Continuation and Functions of the Railroad Commission, Providing for Fees—H.B. 1818
by Representative Larry Gonzales et al.—Senate Sponsor: Senators Van Taylor and Estes

The Railroad Commission of Texas (railroad commission) has primary oversight of the state's oil and natural gas industry and is subject to the Texas Sunset Act, but it will be abolished September 1, 2017, unless continued by the legislature. This bill:

Continues the railroad commission for 12 years.

Requires the railroad commission to publish an oil and gas monitoring and enforcement strategic plan to make the best use of limited regulatory resources.

Authorizes the railroad commission to create a pipeline permit fee to cover administrative costs of issuing the permit and to address funding shortfalls. Authorizes the railroad commission to enforce damage-prevention requirements for interstate pipelines, adding to its existing authority for intrastate pipeline damage prevention.

Prohibits the railroad commission from awarding contracts, unless contractors and subcontractors used the E-verify program to verify employee information. Requires the railroad commission to develop and implement a policy to encourage alternative procedures for dispute resolution.

Repeals Sections 81.0681 (Alternative Fuels Programs) and 91.1135 (Oil and Gas Regulation and Cleanup Fund Advisory Committee), Natural Resources Code. The advisory committee has not met since February 2012 and has not issued a report since 2009, missing both its quarterly meeting and biennial reporting requirements.

Repeals Sections 81.0681 (Alternative Fuels Programs) and 91.1135 (Oil and Gas Regulation and Cleanup Fund Advisory Committee), Natural Resources Code.

Sunset Recommendations for the Palo Duro River Authority—H.B. 1920
by Representative Flynn—Senate Sponsor: Senator Nichols

The purpose of H.B. 1920 is to enact the recommendations of the Texas Sunset Advisory Commission (Sunset) regarding the Palo Duro River Authority of Texas (PDRA). The legislature created PDRA in 1973 to develop supplemental water supplies for Hansford and Moore Counties and for the City of Stinnett by constructing a reservoir, known as Lake Palo Duro, that was completed in 1991. PDRA receives no state appropriations and in fiscal year 2015 operated on a budget of about \$413,000, which was funded by property taxes assessed on residents who were members of PDRA. PDRA paid off the bond debt for construction of the reservoir in 2013 and now collects only a maintenance and operations tax to maintain its dam and park.

Sunset found that while PDRA is generally well-managed, it lacks a river and essentially runs a park. Lake Palo Duro is only three percent full, making it impractical to build a pipeline and fulfill PDRA's mission to pump water to local cities. Sunset recommends a process by which members of PDRA could withdraw from or dissolve PDRA, allowing PDRA flexibility to locally decide its future structure and role in the region, while ensuring that its PDRA's only ongoing obligation—maintaining its dam—is met. This bill:

Follows the recommendations of Sunset and amends current law relating to PDRA.

Sunset Recommendations for the Upper Colorado River Authority—H.B. 1921

by Representative Flynn—Senate Sponsor: Senator Nichols

The purpose of H.B. 1921 is to enact the recommendations of the Texas Sunset Advisory Commission (Sunset) regarding the Upper Colorado River Authority (UCRA). The legislature created UCRA in 1935 to preserve, store, and distribute the water of the upper portion of the Colorado River. UCRA receives no state appropriation and, in fiscal year 2015, operated on a budget of about \$658,000.

Sunset found that UCRA performs its functions in a well-run, successful fashion and recommends updating UCRA's boundaries to match its service area. This bill:

Follows the recommendations of Sunset and amends current law relating to UCRA's territory; application of Chapter 325, Government Code (Texas Sunset Act); the director training program; separation of policymaking and management functions; negotiated rulemaking and alternative dispute resolution; UCRA's public comment policy; and complaints.

Continuation and Functions of TSBP—H.B. 2561

by Representative Senfronia Thompson—Senate Sponsor: Senator Van Taylor

The legislature created the Texas State Board of Pharmacy (TSBP) in 1907 to regulate the practice of pharmacy in the state of Texas. To achieve its mission, TSBP licenses pharmacies and pharmacists, registers pharmacy technicians, trainees, and interns, sets standards for the practice of pharmacy, and investigates complaints against licensees and registrants. TSBP is subject to abolishment under the Sunset Act on September 1, 2017, unless continued by the legislature. Sunset recommended continuing TSBP for 12 years. As a result of its review of TSBP, Sunset recommended several statutory modifications that are contained in this legislation.

H.B. 2561 relates to the continuation and functions of TSBP and the regulation of certain prescription drugs, prescription drug prescribers and dispensers, and colleges of pharmacy, authorizing a reduction in fees. This bill:

Requires each dispensing pharmacist to send certain required information to TSBP by electronic transfer or another form approved by TSBP not later than the next business day after the date the prescription is completely filled.

Requires TSBP, in consultation with the Texas Department of Public Safety and certain regulatory agencies, to identify prescribing practices that may be potentially harmful and patient prescription patterns that may suggest drug diversion or drug abuse. Requires TSBP to determine the conduct that constitutes a potentially harmful prescribing pattern or practice and develop indicators for levels of prescriber or patient activity that suggest a potentially harmful prescribing pattern or practice may be occurring or a drug diversion or drug abuse may be occurring. Authorizes TSBP, based on those indicators, to send an electronic notification to a dispenser or prescriber if the information submitted indicates that a potentially harmful prescribing pattern or that a practice may be occurring or drug

diversion or drug abuse may be occurring. Authorizes TSBP, by rule, to develop guidelines identifying behavior suggesting a patient is obtaining controlled substances that indicate drug diversion or drug abuse is occurring. Requires a pharmacist who observes certain behavior by a person who is to receive a controlled substance to access certain information regarding the patient for whom the substance is to be dispensed.

Requires a pharmacist to access certain information with respect to a patient before dispensing opioids, benzodiazepines, barbiturates, or carisoprodol for the patient. Requires a wholesale distributor to report to TSBP, in the same format and with the same frequency as, the information that a distributor is required to report to the Automation of Reports and Consolidated Orders System of the Federal Drug Enforcement Administration for the distribution of a controlled substance by a distributor to a person in this state. Provides that information reported to TSBP is confidential and not subject to disclosure.

Authorizes a person to assert as an affirmative defense in an administrative hearing or as a claim or defense in a judicial proceeding that a TSBP rule, regulation, or policy, or a penalty imposed by TSBP, limits an applicant's ability to be licensed or registered based on the applicant's sincerely-held religious belief or burdens a licensee's or registrant's free exercise of religion, regardless of whether the burden is the result of a rule generally applicable to all licensees or registrants, as applicable; freedom of speech regarding a sincerely held religious belief; or membership in any religious organization.

Requires the training program to provide to a person information regarding the law governing TSBP's operations; the programs, functions, rules, and budget of TSBP; the scope of and limitations on the rulemaking authority of TSBP; the results of the most recent formal audit of TSBP; the requirements of certain laws, including other laws applicable to members of TSBP in performing their duties; and any applicable ethics policies adopted by TSBP or the Texas Ethics Commission. Requires the executive director of TSBP (executive director) to create a training manual that includes certain information and to distribute a copy of the training manual annually to each TSBP member. Requires each TSBP member, on receipt of the training manual, to sign and submit to the executive director a statement acknowledging receipt of the training manual. Requires TSBP to publish a copy of each signed statement on TSBP's Internet website.

Requires the executive director, under the direction of TSBP, to perform certain duties.

Requires TSBP to develop a policy to encourage the use of certain rulemaking and alternative dispute resolution procedures. Sets forth requirements for TSBP's procedures relating to alternative dispute resolution.

Deletes the requirement that a completed application on a form prescribed by TSBP with satisfactory sworn evidence that the applicant is of good moral character be submitted to TSBP by an applicant for licensing by examination. Deletes the requirement of good moral character for an applicant for licensing by reciprocity. Authorizes TSBP to refuse to renew a license to practice pharmacy for a licensee who is in violation of a TSBP order. Deletes the requirement that an applicant for registration as a pharmacy technician or pharmacy technician trainee be of good moral character.

Requires a registrant, to renew a pharmacy technician registration, before the expiration date of the registration, to meet certain requirements. Authorizes a person whose pharmacy technician registration has been expired for 90 days or less to renew the expired registration by paying to TSBP

a renewal fee that is equal to one and one-half times the normally required renewal fee for the registration. Authorizes a person whose pharmacy technician registration has been expired for more than 90 days but less than one year to renew the expired registration by paying TSBP a renewal fee that is equal to two times the normally required renewal fee for the registration. Prohibits a person whose pharmacy technician registration has been expired for one year or more from renewing the registration. Authorizes such person to register by complying with the requirements and procedures for initially registering, including the examination requirement. Authorizes TSBP to refuse to renew a pharmacy technician registration for a registrant who is in violation of a TSBP order.

Requires TSBP to adopt rules relating to the continuing education required for pharmacy technicians. Requires that the rules include certain requirements.

Provides that a pharmacist is not required to comply with a rule adopted under Section 481.0761, Health and Safety Code, as added by this Act, before January 1, 2018.

Provides that Section 481.0763 (Duty of Pharmacists), Health and Safety Code, as added by this Act, applies only to a pharmacist who dispenses a controlled substance on or after January 1, 2018.

Provides that Section 552.006 (Board Member Training), Occupations Code, as amended by this Act, applies to a TSBP member appointed before, on, or after the effective date of this Act. Provides that a TSBP member who, before the effective date of this Act, completed the training program required by Section 552.006, as that law existed before the effective date of this Act, is required to complete additional training only on subjects added by this Act to the training program. Prohibits a TSBP member from voting, deliberating, or being counted as a member in attendance at a TSBP meeting held on or after December 1, 2017, until the member completes the additional training.

Continuation of Texas Board of Nursing—H.B. 2950

by Representative Burkett et al.—Senate Sponsor: Senator Hinojosa

The Texas Board of Nursing (BON) safeguards public health and safety by regulating nurses and nursing education programs in Texas. BON is subject to Chapter 325 (Texas Sunset Act), Government Code, and will be abolished on September 1, 2017, unless continued by the legislature. This bill:

Updates statute relating to allowing an advanced practice registered nurse to sign a death certificate if the patients has elected hospice care or a patients is receiving palliative care.

Authorizes an advanced practice registered nurse or a physician assistant to pronounce a person dead in certain situations.

Continues BON for 12 years.

Prohibits BON from adopting a rule, regulation, or policy that violates Chapter 110 (Religious Freedom), Civil Practice and Remedies Code. Authorizes a person to assert a violation of the previous prohibition as an affirmative defense in an administrative hearing or as a claim or defense in a judicial proceeding under Chapter 37 (Declaratory Judgments), Civil Practice and Remedies Code.

Requires the executive director of BON to create a training manual that meets certain requirements to be distributed to and signed by BON members.

Authorizes BON to recognize and accept as approved under Section 301.157 (Programs of Study and Approval), Occupations Code, a school of nursing or educational program operated in another state and approved by a state board of nursing or other regulatory body of that state. Requires BON to adopt rules to ensure that the other state's standards are substantially equivalent to BON's standards. Requires BON, by rule, to develop a process for students enrolled in a school of nursing or educational program operated in another state that does not meet standards substantially equivalent to BON's standards to apply for an initial license under Chapter 301 (Nurses), Occupations Code.

Updates a list of requirements that a nursing program must meet in order to be substantially equivalent to BON's standards.

Creates a process, similar to steps for an in-state program, for program improvement if a program's national examination passage rate falls below BON's standard for consecutive years. Provides that this process applies beginning with the passage rates available in January 2018, reflecting the passage rates for the preceding year.

Requires BON to remove a disciplinary action from the nurse licensure verification page on BON's Internet website under certain conditions.

Requires a disciplinary action that is removed from the nurse license verification page on BON's Internet website to be removed from the public portion of the coordinated licensure information system, as defined by the Nurse Licensure Compact.

Requires each applicant for a registered nurse license or a vocational nurse license to submit to BON a sworn application that demonstrates the applicant's qualifications under Chapter 301, Occupations Code, accompanied by evidence that the applicant has good professional character related to the practice of nursing.

Provides that an applicant who provides satisfactory evidence that the applicant has not committed a violation of Chapter 301, Occupations Code, or a rule adopted under that chapter is considered to have good professional character related to the practice of nursing. Requires a determination by BON that an applicant does not have good professional character related to the practice of nursing to be based on a showing by BON of a clear and rational connection between a violation of Chapter 301, Occupations Code, or a rule adopted under that chapter and the applicant's ability to effectively practice nursing.

Increases flexibility and oversight of the peer assistance program for impaired nurses; requires BON's peer assistance program to develop and use flexible program requirements in line with nurses' needs and diagnoses; and requires BON to develop guidelines for evaluating the success of peer assistance programs.

Updates statute and rulemaking authority relating to denial of licenses and disciplinary action for unprofessional conduct in the practice of nursing that is likely to deceive, defraud, or injure a patient or the public.

Prohibits BON from charging a nurse for the administrative costs of conducting an administrative hearing, as well as from changing a finding of fact or a conclusion of law of an administrative law judge.

Adopts the new Nurse Licensure Compact. Updates statutory provisions in Chapter 301, Occupations Code, to include new references to the updated Nurse Licensure Compact.

Requires BON, before the effective date of this Act, to complete the training program required by this bill.

Requires BON, before May 31, 2018, to adopt rules necessary to implement change in law made by this Act to Section 301.157, Occupations Code. Requires BON, in adopting rules, to provide an opportunity for public comment and, through BON's Advisory Committee on Education, seek comment from interested parties. Requires the rules to meet certain criteria.

Requires BON, not later than March 1, 2018, to adopt the rules necessary to implement the changes in law made by this Act to Sections 301.252 (License Application) and 301.452 (Grounds for Disciplinary Action), Occupations Code. Requires BON, in adopting rules, to seek comments from relevant interested parties.

Transferring Powers from TSBPME to TDLR—H.B. 3078

by Representative Senfronia Thompson—Senate Sponsor: Senator Schwertner

The Texas State Board of Podiatric Medical Examiners (TSBPME) licenses and regulates the approximately 1,100 podiatrists in Texas. TSBPME is subject to abolishment under Chapter 325 (Texas Sunset Act), Government Code, on September 1, 2017, unless continued by the legislature. The Texas Sunset Advisory Commission (Sunset) has found this small agency, with only four staff and a budget of about \$280,000, to be struggling to carry out its mission effectively, with slow complaint resolution times, unmet performance measures, and nonstandard enforcement practices. To address these concerns and the challenges faced by this small agency, Sunset recommends transferring the regulation of podiatry to the Texas Department of Licensing and Regulation (TDLR) to provide institutional stability and administrative savings, improve licensing and enforcement outcomes, and better protect the people of Texas. This bill:

Extends the Sunset date for the Texas Commission of Licensing and Regulation (TCLR) and TDLR to September 1, 2021.

Defines "advisory board," "commission," and "department."

Prohibits TCLR from adopting a new rule relating to the scope of practice of, a health-related standard of care for, or the ethical practice of the profession of podiatry unless the rule has been proposed by the Podiatric Medical Examiners Advisory Board (PMEAB). Requires TCLR to adopt rules prescribing the procedure by which PMEAB may propose rules described by Section 51.2032 (Rules Regarding Podiatry; Provision of Information), Occupations Code, as added by this bill.

Requires TCLR to either adopt the rule as proposed or return the rule to PMEAB for revision. Provides that TCLR retains authority for final adoption of all rules and is responsible for ensuring compliance with all laws regarding the rulemaking process. Requires TCLR to adopt certain rules.

Changes references to TSBPME to the PMEAB in various sections of the Occupations Code. Changes references to TSBPME to TCLR in various sections of the Occupations Code.

Updates the membership of PMEAB to include nine members appointed by the governor: six who are licensed in this state to practice podiatry and three who represent the public.

Updates the terms that members of PMEAB serve and creates a process for the governor to fill vacancies.

Prohibits members of PMEAB from receiving compensation, but entitles members of PMEAB to seek reimbursement for actual and necessary expenses incurred in performing the functions of PMEAB, subject to the General Appropriations Act.

Requires the governor to appoint one of the PMEAB members to serve as the presiding officer and requires PMEAB to meet at the call of the presiding officer or of the executive director of TDLR.

Requires the executive director of TDLR to create a training manual that meets certain requirements to be distributed to and signed by PMEAB members.

Requires PMEAB to provide advice and recommendations to TDLR on technical matters relevant to the administration of Chapter 202 (Podiatrists), Occupations Code.

Requires the executive director of TDLR to administer and enforce Chapter 202, Occupations Code, and to develop, implement, and enforce a written policy for determining the complaints filed under Chapter 202, Occupations Code, that will be given priority for investigation as resolution by TDLR. Requires TCLR to adopt rules necessary to administer and enforce Chapter 202, Occupations Code.

Requires TDLR to notify a license holder who is the subject of a complaint filed with TDLR, unless the notice would jeopardize an investigation, that a complaint has been filed and to notify the license holder of the nature of the complaint.

Amends provision relating to anonymous complaints and prohibits TDLR from accepting such complaints.

Requires TDLR, by rule, to establish the information and documentation required to be submitted as part of an application for a license under Chapter 202, Occupations Code, including evidence satisfactory to TCLR and TDLR that the applicant meets certain requirements.

Requires TDLR to conduct a fingerprint-based criminal background check of all applicants and licensees. Requires TDLR to establish a process to search at least one national practitioner database to determine whether another state has taken any disciplinary action against an applicant or license holder before issuing an initial or renewal license. Authorizes TDLR to administratively suspend or refuse to renew the license of a person who does not comply with the fingerprinting requirements.

Authorizes TCLR to refuse to issue a license or certificate to a person who violates Chapter 202, Occupations Code; a rule adopted under Chapter 202, Occupations Code; or an order of TCLR or the executive director of TDLR.

Requires TDLR to recognize, prepare, administer, or arrange for the administration of an examination under Chapter 202, Occupations Code.

Requires a person licensed under Chapter 202, Occupations Code, to conspicuously display both the license and an unexpired renewal certificate at the location where the person practices.

Requires a license holder to, if a license issued by TDLR is lost, destroyed, or stolen from the person to whom it was issued, report the fact to TDLR and include certain detailed information.

Requires TDLR to issue a duplicate or amended license on receiving an application by a license holder and a payment of a fee set by TDLR for the duplicate or amended license.

Provides that a license issued under Chapter 202, Occupations Code, is valid for one or two years as determined by TDLR rule.

Updates rules relating to podiatrist continuing education.

Requires TDLR or the executive director of TDLR to revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for violating the law regulating the practice of podiatry or a rule adopted by TDLR under Chapter 202, Occupations Code.

Authorizes a person whose license to practice podiatry has been revoked or suspended by order of TDLR or the executive director of TDLR to appeal the action to a district court in Travis County. Prohibits the decision of TDLR or the executive director of TDLR from being enjoined or stayed, except on application to the district court after notice to TDLR.

Authorizes TDLR or the executive director of TDLR to probate an order revoking a podiatrist's license on the podiatrist conforming to any order or rule TDLR adopts as the condition of probation to probate an order revoking or suspending a podiatrist's license conditioned on the podiatrist conforming to any order or rule TSBPME adopts as the condition of probation.

Authorizes TDLR to refuse to reinstate a license or to issue a new license until a podiatrist has passed the regular license examination.

Authorizes TDLR to issue subpoena as provided by Section 51.3512 (Subpoenas), Occupations Code.

Authorizes TDLR or the executive director of TDLR to order a person licensed under Chapter 202, Occupations Code, to reimburse a consumer as provided in an agreed settlement, a default order, or a TDLR order instead of or in addition to imposing an administrative penalty against the person. Prohibits the reimbursement from exceeding a certain amount.

Updates statute relating to confidentiality and disclosure of investigative information and creates new exceptions under statute.

Requires TDLR, by rule, to develop a standardized penalty schedule, including recommended penalty amounts for each category of punishable conduct listed in the schedule, based on the criteria listed in Section 51.302(b) (relating to the basis of the amount of a penalty), Occupations Code.

Includes the executive director of TDLR or the executive director's designee in the list of individuals who compose the work group.

Repeals nearly three dozen sections of Chapter 202, Occupations Code.

Defines "former board."

Transfers certain functions, activities, procedures, assets, items, and matters from TSBPME to TDLR on September 1, 2017.

Requires TSBPME to provide TDLR access to any systems or information necessary for TDLR to accept the program transferred under this Act, including certain systems, rights, judgments, and expenditures.

Provides that unless the context indicates otherwise, a reference to TSBPME in a law or administrative rule means TDLR or TDLR, as applicable.

Provides that a license or certificate issued by TSBPME is continued in effect as a license or certificate of TDLR.

Provides that, on September 1, 2017, all full-time equivalent employee positions at TSBPME that primarily concern the administration or enforcement of Chapter 202, Occupations Code, become positions at TDLR. Requires TDLR to post the positions for hiring and, when filling the positions, to give first consideration to, but not be required to hire, an applicant who, as of August 31, 2017, is an employee at TSBPME primarily involved in administering or enforcing Chapter 202, Occupations Code.

Continuation and Functions of the State Bar—S.B. 302

by Senator Watson et al.—House Sponsor: Representative Senfronia Thompson

The State Bar of Texas (state bar), which oversees the legal profession in the state, is subject to the Texas Sunset Act and will be abolished on September 1, 2017, unless continued by the legislature. S.B. 302 continues the state bar with several statutory modifications. This bill:

Extends the expiration of the state bar to September 1, 2029.

Requires that the training program for board members of the state bar provide information regarding state bar operations; the scope of and limitations on rulemaking authority of the state bar; the requirements of open meetings, public information, administrative procedure, and the disclosure of conflicts of interest; and other laws regarding state policymaking.

Requires the Texas Supreme Court (supreme court) to promulgate the rules governing the state bar. Authorizes the supreme court to adopt rules for disciplining state bar members. Requires the supreme court to set membership and other fees for state bar members during the supreme court's annual budget process.

Requires that the report of the Commission for Lawyer Discipline (commission) provide certain data concerning the number and final disposition of grievances filed, dismissed, and investigated under and the disciplinary decisions issued under the Texas Disciplinary Rules of Professional Conduct relating to barratry.

Requires the chief disciplinary counsel to develop guidelines and a procedure for an attorney to self-report any criminal offense by the attorney and any disciplinary action taken by another state's bar

against the attorney. Requires the chief disciplinary counsel to develop a process to identify a complaint that is appropriate for a settlement attempt or an investigatory hearing before a trial.

Requires the chief disciplinary counsel to propose, and the supreme court to adopt, by rule, certain sanction guidelines, provide aggravating and mitigating factors that justify deviating from the established sanctions, and provide consistency between certain complaints heard. Requires the chief disciplinary counsel to create and maintain a grievance tracking system.

Establishes and sets forth the composition of the Committee on Disciplinary Rules and Referenda (committee). Requires the committee to regularly review the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure and oversee the initial process for proposing a disciplinary rule. Authorizes the committee to initiate the process for proposing a disciplinary rule for the state bar.

Requires the committee, on initiation of the process for proposing a disciplinary rule, to study the issue to be addressed by the proposed rule, hold a public hearing on the issue, and draft the proposed rule following certain guidelines and procedures, submitting it to the board of directors of the state bar (board) for review and consideration.

Requires the board to vote on each proposed disciplinary rule recommended by the committee by a certain date. Requires the board, if a proposed disciplinary rule is approved by a majority of the directors, to petition the supreme court to order a referendum on the rule by the members of the state bar.

Authorizes the supreme court by majority vote to approve or reject a proposed disciplinary rule in its entirety. Provides that, if the supreme court does not vote on the rule by a certain date, the rule is considered approved by the supreme court.

Requires the state bar to fund one full-time equivalent position of ombudsman for the attorney discipline system (ombudsman; system). Provides that the ombudsman is selected by the members of the supreme court and is independent of the state bar, the board, the commission, and the chief disciplinary counsel, and reports directly to the supreme court. Sets forth the ombudsman's duties.

Requires the chief disciplinary counsel, a district grievance committee, the board, the commission, and state bar members to share with the ombudsman requested information that is necessary to determine whether the state bar followed procedural rules related to a particular grievance or evaluate the system's efficacy and adequacy.

Continuation and Function of the Board of Law Examiners—S.B. 303

by Senator Watson et al.—House Sponsor: Representative Senfronia Thompson

The Board of Law Examiners (board), which performs functions relating to licensing attorneys in Texas, is subject to the Texas Sunset Act, and will be abolished on September 1, 2017, unless continued by the legislature. S.B. 303 continues the board with several statutory modifications. This bill:

Requires the Texas Supreme Court (supreme court) to appoint the members of the board for staggered six-year terms, with the terms of one-third of the members expiring May 31 of each odd-

numbered year. Provides that the board, unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), is abolished September 1, 2029. Authorizes the board, subject to supreme court rules, to delegate routine decisions to the board's executive director (executive director), including waiver requests.

Requires that the board's training program to contain information regarding the law governing board operations; the board's programs, functions, rules, and budget; the results of the most recent formal audit of the board; the requirements of laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest, and other laws applicable to members of a state policymaking body in performing their duties; and any applicable ethics policies adopted by the board or the Texas Ethics Commission.

Provides that a board member who completed the training program as that law existed before the effective date of this Act is required to complete additional training only on subjects added to the training program by this Act. Prohibits such a member from voting, deliberating, or being counted as a member in attendance at a board meeting held on or after December 1, 2017, until the member completes the additional training.

Requires the supreme court, in adopting rules on eligibility for examination for a license to practice law, to ensure that no rule violates Chapter 110 (Religious Freedom), Civil Practice and Remedies Code.

Requires that the form for the declaration of intention to study law required from those individuals intending to apply for admission to the State Bar of Texas (state bar) clearly identify those conditions of character and fitness that the board is authorized to investigate that may result in the denial of the declarant's application to take the examination. Requires the board to notify each declarant who files the declaration of the board's decision by a certain date as to the student's acceptable character and fitness.

Requires the board to develop specific guidelines based on certain criteria for determining the moral character and fitness of license applicants, overseeing probationary license holders, and granting waiver requests. Provides that the board is not required to take any specific action provided in the guidelines.

Requires the board, if the board determines that an applicant may suffer from chemical dependency, to require the applicant to submit to evaluation by a licensed mental health professional designated by the board. Authorizes the board to seek advice and consultation from the Lawyers' Assistance Program of the State Bar of Texas or a similar program of the state bar in designating mental health professionals qualified to conduct evaluations of applicants who may suffer from chemical dependency.

Requires each applicant taking a bar examination to file an application with the board by a certain date and to pay a certain fee, each established by the supreme court by rule. Requires that the application include a statement certifying that since the filing of the applicant's original declaration of intention to study law, the applicant has not been formally charged with any violation of the law, excluding certain minor infractions.

Authorizes the supreme court to set reasonable fees for additional services provided by the board, but prohibits the fee for any single additional service, other than the late fee for an examination application, from exceeding \$150.

Repeals Sections 82.023(g) (relating to defining "chemical dependency" and "treatment facility") and 82.030(f) (relating to the definition of "treatment facility"), Government Code.

Continuation of the Texas Board of Chiropractic Examiners—S.B. 304

by Senator Van Taylor et al.—House Sponsor: Representative Raymond

The purpose of the bill is to enact the recommendations of the Texas Sunset Advisory Commission (Sunset) on the Texas Board of Chiropractic Examiners (TBCE). To achieve its mission of protecting the public, TBCE licenses chiropractors, registers chiropractic facilities, investigates complaints, and takes disciplinary action against individuals who violate TBCE's statute or rules. TBCE is subject to abolishment under Chapter 325 (Texas Sunset Act), Government Code, on September 1, 2017, unless continued by the legislature. Overall, Sunset's recommendations aim to focus TBCE on high-risk enforcement activities instead of on administrative regulations that do not add to public safety. This bill:

Continues TBCE for 12 years.

Provides that a person practices chiropractic if the person, among certain other functions, uses objective or subjective means to diagnose, analyze, examine, or evaluate the biomechanical condition of the spine and musculoskeletal system of the human body.

Requires the executive director of TBCE to create a training manual that meets certain requirements, to be distributed to and signed by TBCE members..

Provides that each complaint, adverse report, investigation file and report, and all other investigative information relating to certain matters that is in the possession of or received or gathered by TBCE or TBCE employees or agents is privileged, confidential, and not subject to certain means of legal compulsion for release to anyone other than TBCE or an employee or agent of TBCE involved in any disciplinary action relating to a license holder.

Provides that TBCE's providing of information under certain provisions of statute does not constitute a waiver of a privilege or confidentiality or any other law.

Defines "anonymous complaint," "insurance agent," "insurer," and "third-party administrator."

Amends provisions relating to anonymous complaints and prohibits TOB from accepting such complaints.

Requires that a complaint filed with TBCE by certain individuals or entities against a license holder, notwithstanding any confidentiality requirements under Chapter 552 (Public Information), Government Code, include the name and address of the complainant.

Requires TBCE, 15 days after the date a complaint is filed, to notify the license holder who is the subject of the complaint of the name and address of the complainant unless the notice would jeopardize an investigation.

Requires TBCE by rule to develop an expert review process, that meets certain requirements, to assist in the investigations of complaints filed with TBCE that require additional chiropractic expertise and requires the rules adopted under this bill to address certain standards relating to the expert review process.

Provides that a bona fide reputable doctor of chiropractor degree program that satisfies Section 201.302(a)(3), Occupations Code, is one that fulfills certain criteria.

Requires TBCE to conduct a fingerprint-based criminal background check of all applicants and licensees. Requires TBCE to establish a process to search at least one national practitioner database to determine whether another state has taken any disciplinary action against an applicant or license holder before issuing an initial or renewal license.

Prohibits a chiropractor from practicing chiropractic in this state unless the chiropractor registers with TBCE. Requires such chiropractor to file with TBCE both a written registration application and a registration fee.

Requires TBCE, if TBCE determines that an applicant is licensed to practice chiropractic in this state, to issue a registration receipt certifying that the applicant has completed certain tasks.

Provides that a license issued under provisions of statute is valid for two or more years, as determined by TBCE rule.

Provides that a renewal fee applies to each person licensed by TBCE, even if the person is not practicing chiropractic in this state. Provides that a person who practices chiropractic without a renewal receipt for the current year practices chiropractic without a license.

Requires an applicant renewing a license issued to submit a complete and legible set of fingerprints for purposes of performing a criminal history record information check of the applicant as provided by statute.

Provides that a license holder is not required to submit fingerprints to renew the license if the license holder has previously submitted fingerprints.

Repeals Subchapter F (Peer Review Committees), Chapter 201, Occupations Code, and Section 201.312 (Registration of Facilities), Occupations Code.

Requires TBCE, not later than September 1, 2019, to obtain criminal history record information on each person who, on the effective date of this bill, holds a license issued under statute and did not undergo a criminal history record information check, based on the license holder's fingerprints on the initial licensing application. Authorizes TBCE to suspend a license if the license holder does not provide criminal history record information as required by TBCE and by certain provisions of this bill.

Authorizes TBCE to administratively suspend or refuse to renew the license of a person who does not comply with certain requirements.

TxDOT Sunset Legislation—S.B. 312*by Senator Nichols et al.—House Sponsor: Representatives Larry Gonzales et al.*

The legislature routinely applies expiration dates to a state agency's or other governmental entity's enabling legislation. These provisions also require the Texas Sunset Advisory Commission (Sunset) to review the agency or entity to determine whether it should continue and to recommend changes to the agency or entity in a report to the legislature. The Sunset provision for the Texas Department of Transportation (TxDOT) provides that TxDOT is discontinued on September 1, 2017, unless continued with new legislation.

The Sunset review of TxDOT found that TxDOT generally has made good faith efforts to address concerns raised in previous Sunset reviews but that critical improvements are incomplete. This bill's provisions reflect Sunset findings and recommendations, including continuing TxDOT for 12 years. This bill:

Continues TxDOT until September 1, 2029.

Revises requirements relating to TxDOT's strategic planning functions, including the statewide transportation plan, the long-term plan for a statewide passenger rail system, the unified transportation program, and TxDOT district project portfolios.

Revises provisions relating to contractor performance on state highway projects and provides for TxDOT to coordinate with municipalities for highway closures during certain periods.

Revises provisions relating to the use and operation of toll projects and systems in Texas, including turnpikes and toll projects of regional tollway authorities and regional mobility authorities.

Repeals provisions establishing and administering the State Aircraft Pooling Board and updates related provisions to reflect the transfer of the State Aircraft Pooling Board's powers and duties.

Includes additional requirements in the long-range plan for the state aircraft pool and provides for the inclusion of capital aircraft replacement costs in rates for interagency aircraft services.

Continuation of the Texas State Board of Dental Examiners—S.B. 313*by Senator Schwertner et al.—House Sponsor: Representative Burkett et al.*

The purpose of this bill is to enact recommendations of the Texas Sunset Advisory Commission (Sunset) on the Texas State Board of Dental Examiners (TSBDE). TSBDE seeks to safeguard public health and safety by regulating dental care in Texas. This bill:

Continues TSBDE for 12 years.

Reduces the number of TSBDE members from 15 to 11.

Redefines "Texas trade association" (TTA).

Requires the training program required of TSBDE board members to include:

laws governing TSBDE operations;

programs, functions, rules, and budget of TSBDE;

scope and limitation on the rulemaking authority of TSBDE;

types of TSBDE rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business that TSBDE regulates; and

laws relating to open meetings.

Requires the executive director of TSBDE to create a training manual that meets certain requirements.

Provides that certain information, records, and proceedings of TSBDE relating to the participation or evaluation of an applicant or license holder in a peer-assistance program are not subject to open record rules. Authorizes TSBDE to disclose a disciplinary action taken against a license holder within certain limitations.

Requires rules adopted by TSBDE to include procedures to periodically review reports filed with the National Practitioner Data Bank for any report of disciplinary action taken against a license holder by another state.

Amends provisions relating to anonymous complaints and prohibits TSBDE from accepting such complaints.

Deletes an existing requirement that an applicant for a license to practice dentistry or the practice of dental hygiene be of good moral character. Requires a school of dentistry or dental hygiene to include at least two full academic years of instruction, or its equivalent, at the postsecondary level.

Updates licensing procedures, licensing terms, and licensing renewal for dentists and dental hygienists.

Requires TSBDE to adopt a rule that authorizes TSBDE to temporarily or permanently appoint a person as custodian of a dentist billing or dental patient records and requires TSBDE to consider certain conditions when adopting such a rule.

Requires TSBDE to adopt rules to administer requirements relating to dental anesthesia. Requires that these rules be designed to protect the health, safety, and welfare of the public and include requirements relating to, among certain other requirements, methods authorized to be used to administer an anesthetic or the anesthetic agents authorized to be used, for each type of permit held. Requires dentists licensed in this state who administer anesthesia to comply with the new rules, which are intended to protect patient safety.

Amends rules relating to the administration of anesthesia by a dentist. Requires TSBDE to issue certain permits to administer dental anesthesia in certain categories based on the extent to which the intended procedure could alter the patient's mental status and the method of anesthetic delivery. Prohibits a dentist from administering anesthesia unless the dentist has obtained the appropriate permit. Requires TSBDE, by rule, to establish qualifications to obtain such permits. Requires a permit holder to pass an online jurisprudence examination developed by TSBDE once every five years. Requires TSBDE to adopt rules to establish emergency-preparedness standards and

requirements for the administration of anesthesia under a permit. Sets forth certain provisions related to emergency preparedness protocols and to inspection of dentists who apply for anesthesia permits.

Creates an advisory committee on dental anesthesia to assist TSBDE in analyzing and reporting data and associated trends concerning anesthesia-related deaths or other incidents described in statute.

Authorizes TSBDE to refuse to issue a license if an applicant meets certain criteria. Provides that TSBDE's deliberations with regard to a licensure application are exempt from certain open meetings laws.

Authorizes TSBDE or an authorized agent of TSBDE, in enforcing certain sections and on probable cause as determined by TSBDE or an agent, to request an applicant or license holder to submit a mental or physical evaluation by a physician or other health care professional designated by TSBDE. Sets forth certain requirements relating to a mental or physical evaluation.

Empowers an individual to a hearing under Chapter 2001 (Administrative Procedure), Government Code, if TSBDE were to propose to take certain actions, including to refuse to issue a license to an applicant.

Provides more detailed language on the structure and conduct of information proceedings between TSBDE and license holders.

Creates the Dental Review Committee, consisting of nine governor-appointed members and creates an informal settlement conference panel on which members of TSBDE and the dental review committee serve as panelists on a rotating basis.. Sets forth roles and responsibilities of participants in informal settlement conferences.

Prohibits a dental assistant, unless the dental assistant is registered under certain provisions created by this bill, from making a dental X-ray or monitoring an administration of nitrous oxide.

Repeals Sections 256.0531(h) (relating to requiring TSBDE to adopt an alternative dental hygiene training program by a certain date), (i) (relating to requiring TSBDE to appoint certain members for a committee related to the alternative dental hygiene training program), and (j) (relating to requiring such committee to consider standards adopted by the Commission on Dental Accreditation), Occupations Code. Authorizes TSBDE to adopt and enforce rules requiring a dental assistant to register with TSBDE to perform certain dental acts. Provides certain eligibility requirements for the registration of dental assistants and procedures for renewing a registration.

Authorizes an unregistered dental assistant to be employed by and work in an office of a licensed and practicing dentist and to perform one or more delegated dental acts under the direct or general supervision, direction, and responsibility of the dentist. Provides that a dentist who delegates dental tasks to a dental assistant is responsible for those dental acts.

Updates provisions relating to dental laboratories registered with TSBDE.

Repeals the following from the Occupations Code:

Sections 262.001(1) (relating to defining "committee"), 262.102(c) (relating to prohibiting TSBDE from adopting a certain rule before a certain date), 262.1025 (Authority of Advisory Committee to Recommend Rules; Adoption by Board), and 262.103 (Notice of Meetings);

Subchapter B (Dental Hygiene Advisory Committee), Chapter 262 (Regulation of Dental Hygienists);

Section 263.0075 (Informal Settlement Conference; Restitution);

Section 265.003(b) (relating to a certain dental assistant cleansing certain surfaces of the teeth immediately before and for the sole purpose of preparing the tooth area for the placement of the pit and fissure sealant or orthodontic bonding resin);

Section 265.004 (Pit and Fissure Sealant Certificate);

Section 265.006 (Coronal Polishing Certificate);

Subchapter B (Dental Laboratory Certification Council), Chapter 266 (Regulation of Dental Laboratories); and

Sections 266.001(1) (relating to defining “council”), 266.101 (Council Powers and Duties), 266.102(a) (relating to requiring TSBDE to take certain actions relating to proposed rules), and 266.102(d) (relating to requiring TSBDE to allow the Dental Laboratory Certification Council to review and comment on proposed rules for a certain period).

Requires TSBDE, not later than March 1, 2018, to adopt rules and fees necessary to implement certain sections of the bill. Requires the governor, not later than December 1, 2017, to appoint 11 members to TSBDE in accordance with statute. Requires TSBDE, not later than December 1, 2017, to appoint members to an advisory committee on dental anesthesia. Requires the governor, not later than December 1, 2017, to appoint members of the Dental Review Committee. Requires TSBDE, not later than September 1, 2022, to conduct certain inspections. Requires TSBDE, on and after September 1, 2018, to issue a dental X-ray registration. Requires TSBDE, on and after September 1, 2018, to issue a nitrous oxide monitoring registration.

Continuation of the Texas Optometry Board—S.B. 314

by Senator Schwertner et al.—House Sponsor: Representative Flynn

The purpose of this bill is to enact the recommendations of the Texas Sunset Advisory Commission (Sunset) regarding the Texas Optometry Board (TOB), which is the agency responsible for licensing and regulating optometrists. To achieve its mission, TOB reviews initial license applications, renews licenses annually, and investigates complaints against optometrists, taking action when necessary. TOB is subject to abolishment under the Texas Sunset Act on September 1, 2017, unless continued by the legislature. Sunset has concluded that Texas has an ongoing need for the functions of TOB but that opportunities exist to strengthen licensing and enforcement practices to be more consistent with standard best practices. This bill:

Continues TOB as an independent agency for 12 years.

Updates the training program for member of TOB to include certain required information.

Requires the executive director of TOB to create a training manual that meets certain requirements to be distributed to and signed by TOB members.

Requires TOB to deposit in the University of Houston development fund 15 percent of each renewal fee collected by TOB.

Requires the executive director to number and record each licensure or renewal certificate issued by TOB.

Provides that complaints, adverse reports, investigation files, and reports and all other investigative information in the possession of, or received or gathered by, TOB or TOB employees or agents that relates to a license holder, to an application for a license, or to a criminal investigation or proceeding is privileged and confidential and is not subject to discovery, subpoena, nor any other means of legal compulsion for release to anyone other than TOB or an employee or agent of TOB involved in any disciplinary action relating to a license holder.

Defines "anonymous complaint," "insurance agent," "insurer," and "third-party administrator."

Amends provision relating to anonymous complaints and prohibits TOB from accepting such complaints.

Requires TOB, not later than 15 days the date the complaint was filed with TOB, to notify the license holder, who is the subject of the complaint, of the name and address of the entity who filed the complaint, unless the notice would jeopardize an investigation.

Updates eligibility requirements for an applicant to take a licensing exam. Requires TOB to conduct fingerprint-based criminal background checks on all licensure applicants and licensees and to check for disciplinary or other legal actions in other states for licensure applications and renewals. Requires TOB, not later than September 1, 2022, to obtain criminal history record information on each person who, on the effective date of this Act, holds a license issued under Chapter 351 (Optometrists and Therapeutic Optometrists), Occupations Code, and did not undergo a fingerprint-based criminal history check on the initial application for a license.

Requires an optometrist or therapeutic optometrist—not later than the date provided under Section 351.302 (License Renewal), Occupations Code—to pay TOB a fee for the renewal of a license to practice optometry or therapeutic optometry.

Updates requirements that allow a person to be exempt from continuing education requirements of Section 351.308 (Continuing Education), Occupations Code.

Updates disciplinary provisions and authorizes TOB to: refuse to issue a license to an applicant; revoke or suspend a license; place on probation a person whose license has been suspended; impose a fine, stipulation, limitation, or condition relating to continued practice; and reprimand a license holder if TOB determines that a license holder has developed an incapacity preventing him or her from practicing optometry or therapeutic optometry with reasonable skill, competence, and safety to the public.

Authorizes TOB to order a physical or mental examination if probable cause exists.

Repeals Section 351.152(c) (relating to prohibiting TOB from setting a fee that existed on September 1, 1993, for an amount less than the amount of the fee on that date), Occupations Code.

Provides that a TOB member who, before the effective date of this Act, completed the training program as that law existed before the effective date of this Act, is required to complete additional training on the subjects added by this Act. Prohibits a TOB member from voting, deliberating, or being counted as a member in attendance at a meeting of TOB held on or after December 1, 2017, until the member completes the additional training

Requires TOB, as soon as possible after the effective date of this Act, to revise its rules as necessary to implement certain provisions of this bill.

Continuing ECPTOTE, TBPTE, and TBOTE—S.B. 317

by Senator Nichols et al.—House Sponsor: Representative Burkett et al.

The purpose of this bill is to enact the recommendations of the Texas Sunset Advisory Commission (Sunset) regarding the Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE), the Texas Board of Physical Therapy Examiners (TBPTE), and the Texas Board of Occupational Therapy Examiners (TBOTE).

The legislature established TBPTE as an independent agency in 1971 and established the Texas Advisory Board of Occupational Therapy in 1983 as a licensing board housed within the Texas Rehabilitation Commission. In 1993, the legislature created ECPTOTE to provide administrative support and executive oversight to TBPTE and the newly created TBOTE in their mission to protect public health and safety by licensing and regulating physical and occupational therapy professionals and registering physical and occupational therapy facilities. In addition, ECPTOTE investigates and enforces violations of the physical therapy and occupational therapy statutes and rules, establishes fees, and approves rule proposals from TBPTE and TBOTE.

ECPTOTE, TBPTE, and TBOTE are subject to abolishment under the Sunset Act on September 1, 2017, unless continued by the legislature. This bill:

Continues ECPTOTE, TBPTE, and TBOTE for 12 years.

Requires ECPTOTE, TBPTE, and TBOTE to develop a policy to encourage the use of negotiated rulemaking under Chapter 2008 (Negotiated Rulemaking), Government Code, for the adoption of rules by ECPTOTE, TBPTE, and TBOTE, and appropriate alternative dispute resolution (ADR) procedures under Chapter 2009 (Alternative Dispute Resolution for Use by Governmental Bodies), Government Code, to assist in the resolution of internal and external disputes under ECPTOTE, TBPTE, and TBOTE jurisdiction.

Requires ECPTOTE, TBPTE, and TBOTE procedures relating to ADR to conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of ADR by state agencies.

Requires ECPTOTE, TBPTE, and TBOTE to coordinate the implementation of the adopted policy to provide training as needed to implement the procedures for negotiated rulemaking or ADR, and collect data concerning the effectiveness of those procedures.

Amends a ground for removal from ECPTOTE, TBPTE, and TBOTE and requires the presiding officer to notify the governor and the Texas attorney general that a potential ground for removal exists.

Updates to ECPTOTE statutory provisions:

Redefines "Texas trade association."

Changes a reference to "officer," "employee," or "paid consultant of a Texas trade association in the field of health care" to "person." Prohibits certain persons or those persons' spouses from being a member of ECPTOTE or from being an employee of ECPTOTE.

Requires the director of ECPTOTE to create a training manual that meets certain requirements to be distributed to and signed by ECPTOTE members. Requires a training program for ECPTOTE and requires members to attending the training in order to be eligible for reimbursement of certain expenses.

Updates to TBPTE statutory provisions:

Prohibits a person or paid consultant of a Texas trade association in the field of health care from being a member of TBPTE if the person is a certain person associated with a Texas trade association in the health care field or the person's spouse has certain positions in a Texas trade association in the health care field.

Requires the governor to designate a TBPTE member as the presiding officer of TBPTE to serve in that capacity at the pleasure of the governor.

Requires the director of ECPTOTE create a training manual that meets certain requirements to be distributed to and signed by TBPTE members. Requires a training program for TBPTE and requires members to attending the training in order to be eligible for reimbursement of certain expenses. Requires a TBPTE member who, before the effective date of this article, completed the training program as that law existed before the effective date of this article, to complete additional training only on subjects added to the training program. Prohibits a TBPTE member from voting, deliberating, or being counted as a member in attendance at a meeting of TBPTE held on or after December 1, 2017, until the member completes the additional training.

Requires TBPTE to develop and implement policies that clearly separate the policymaking responsibilities of TBPTE and the management responsibilities of the director and staff of ECPTOTE.

Authorizes TBPTE to require that a license holder provide current information in a readily accessible and usable format regarding the license holder's place of employment as a physical therapist or physical therapist assistant.

Deletes text relating to qualifications for a physical therapist or physical therapist assistant license.

Requires TBPTE, by rule, to recognize a national testing entity to administer the examination required to obtain a physical therapist or physical therapist assistant license, rather than requiring TBPTE to examine applicants for licenses at least once each year at a reasonable place and time designated by TBPTE. Sets forth the requirements for the licensure examination. Authorizes TBPTE to require an applicant for a physical therapist or physical therapist assistant license to pass a

jurisprudence examination. Sets forth provisions for an individual that fails the examination to retake the examination under certain conditions.

Requires TBPTE to issue a physical therapist license or a physical therapist assistant license, as applicable, to an applicant who holds a current, unrestricted license in another jurisdiction that maintains licensing requirements substantially equivalent to those under Chapter 453 (Physical Therapists), Occupations Code. Requires TBPTE to adopt rules for issuing a provisional license under Section 453.209 (Provisional License), Occupations Code, to an applicant for a license by endorsement who encounters a delay outside the applicant's control in submitting documentation to TBPTE.

Provides that a physical therapist or physical therapist assistant license expires on the later of the second anniversary of the date the license is issued, or another date determined by TBPTE.

Adopts the Physical Therapy Licensure Compact.

Updates to TBOCTE statutory provisions:

Provides that of licensing provisions of Chapter 454 (Occupational Therapists), Occupations Code, do not apply to, among certain other persons, an occupational therapist or occupational therapy assistant who does not live in this state. Changes a reference to the American Occupational Therapy Association to the National Board for Certification in Occupational Therapy.

Prohibits a person from being a member of TBOTE if the person is an officer, employee, or paid consultant of a Texas trade association in the health care field or the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the health care field.

Requires the governor to designate a TBOTE member as the presiding officer of TBOTE to serve in that capacity at the pleasure of the governor.

Requires the director of ECPTOTE create a training manual that meets certain requirements to be distributed to and signed for by TBOTE members. Requires a training program for TBOTE and requires members to attend the training to be eligible for reimbursement of certain expenses. Requires a member of TBOTE who, before the effective date of this article, completed the training program as that law existed before the effective date of this article, to complete additional training only on subjects added to the training program. Prohibits a TBOTE member from voting, deliberating, or being counted as a member in attendance at a TBOTE meeting held on or after December 1, 2017, until the member completes the additional training.

Requires TBOTE to develop and implement policies that clearly separate the policymaking responsibilities of TBOTE and the management responsibilities of the director and staff of ECPTOTE.

Requires an applicant for an occupational therapist license or an occupational therapy assistant license to present evidence satisfactory to TBOTE that the applicant has successfully completed the academic and supervised field work experience requirements of a certain educational program and passed an examination.

Removes provisions prescribing educational requirements beyond completion of an accredited program or substantially equivalent to an accredited program.

Requires TBOTE, by rule, to recognize a national testing entity to administer the examination required to obtain a physical therapist or physical therapist assistant license, rather than requiring TBOTE to examine each applicant for a license by a written examination. Sets forth the requirements for the licensure examination. Authorizes TBOTE to require an applicant for an occupational therapist or occupational therapist assistant license to pass a jurisprudence examination. Sets forth provisions for an individual that fails the examination to retake the examination under certain conditions.

Requires TBOTE to issue an occupational therapist license or an occupational therapy assistant license, as applicable, to an applicant who holds a current, unrestricted license in another jurisdiction that maintains licensing requirements substantially equivalent to the requirements under Chapter 453, Occupations Code. Requires an applicant for a license to meet certain criteria.

Sunset updates for both TBPTE and TBOTE (the boards):

Requires the boards to develop a disciplinary matrix, including administrative penalties.

Requires the boards to adopt rules relating to the approval of continuing competence or continuing education courses inclusive of a request for proposal and bidding process and implement that process within 12 months, and at least once every four years thereafter.

Requires the boards to conduct fingerprint-based criminal background checks of licensure applicants and licensees. Authorizes the boards to take administrative action for applicants who refuse to comply with the fingerprint-based criminal background checks.

Repeals the following sections of the Occupations Code:

Section 452.153(b) (relating to the appropriate board's responsibility regarding the administration of practical and other examinations);

Sections 453.001(8) (relating to the definition of "physical therapy facility"), 453.202(c) (relating to a refundable examination fee), 453.206 (Examination Results), and 453.213 (Physical Therapy Facility Registration); and

Sections 454.205(b) (relating to the requirement of TBOTE to require a foreign-trained applicant to furnish certain proof before allowing the applicant to take the examination), 454.206 (Application for Examination), 454.208 (Examination Results), 454.209 (Reexamination), and 454.215 (Occupational Therapy Facility Registration).

Continuation and Functions of TBVME—S.B. 319

by Senator Watson et al.—House Sponsor: Representative Raymond

The Sunset Advisory Commission (Sunset) found significant administrative and operational failures at the Texas State Board of Veterinary Medical Examiners (TBVME), including poor financial management and significant data reliability problems. Sunset concluded that the problems ultimately resulted from a lack of leadership and oversight from TBVME.

Sunset also made troubling findings regarding TBVME's enforcement procedures. Texas veterinarians have a high risk of controlled substances diversion, reporting the highest theft and loss of controlled substances among all practitioners over the last five years. However, the state does not collect data on the controlled substances veterinarians dispense directly to their clients, and TBVME has only inspected about seven percent of its licensees in each of the last five years.

Finally, when TBVME has received a complaint or initiated an investigation, enforcement proceedings have been inconsistent, creating significant distrust between licensees, the public, and the agency. This bill:

Requires the veterinarian or local rabies control authority (authority), as applicable, at the time an owner submits a certain animal for quarantine, to provide certain information to the animal's owner. Requires a veterinarian or authority, as applicable, to identify each animal quarantined under this section (Quarantine of Animals) in certain ways.

Prohibits a veterinarian or authority from destroying an animal following the final day of the quarantine period unless the veterinarian or authority has notified the animal's owner, if available, of the animal's scheduled destruction.

Provides that TBVME is abolished and this Chapter 801 (Veterinarians), Occupations Code, expires September 1, 2021, rather than September 1, 2017.

Provides that Chapter 801, Occupations Code, does not apply to a licensed health care professional who, without expectation of compensation and under the direct supervision of a veterinarian on staff, provides treatment or care to an animal owned by or in the possession, control, or custody of an entity accredited by the Association of Zoos and Aquariums, or the Global Federation of Animal Sanctuaries or the Zoological Association of America that has a veterinarian on staff.

Amends the composition and training of TBVME.

Requires that the training program provide a person appointed to TBVME with certain information.

Authorizes TBVME to conduct a risk-based inspection of a veterinarian's practice based on information obtained from the veterinarian or another source concerning the veterinarian's use, handling, prescribing, dispensing, or delivery of controlled substances.

Requires that a certain complaint be reviewed by one or more veterinarians designated by TBVME.

Establishes the confidentiality of each complaint, investigation file and record, and other investigation report and all other investigative information in the possession of or received or gathered by TBVME or TBVME's employees or agents relating to a license holder, an application for license, or a criminal investigation or proceeding and provides that the information is not subject to certain means of legal compulsion for release to anyone other than TBVME or TBVME's employees or agents involved in discipline of a license holder.

Requires TBVME to protect the identity of a complainant to the extent possible.

Requires TBVME, not later than the 30th day after the date of receipt of a written request from a license holder who is the subject of a formal complaint or from the license holder's counsel of record, and subject to any other privilege or restriction set forth by rule, statute, or legal precedent,

and unless good cause is shown for delay, to provide the license holder with access to all information in its possession that TBVME intends to offer into evidence in presenting its case in chief at the contested hearing on the complaint. Provides that TBVME is not required to provide certain documents and information and that furnishing information does not constitute a waiver of privilege or confidentiality.

Sets forth the conditions of TBVME's notification to a complainant regarding final complaint disposition.

Defines "anonymous complaint," "insurance professional," and "insurer."

Prohibits TBVME from accepting anonymous complaints.

Requires that a complaint filed with TBVME against a license holder by a pharmaceutical company or by an insurance professional or insurer relating to insurance covering veterinary services include certain information.

Requires TBVME, not later than the 15th day after the complaint is filed with TBVME, to notify the license holder who is the subject of the complaint of the name and address of the pharmaceutical company, insurance professional, or insurer who filed the complaint, unless the notice would jeopardize an investigation.

Sets forth the conditions relating to criminal history record information for license issuance and renewal.

Requires TBVME to provide that each type of license under this chapter is valid for a term of one year or two years and to provide for the renewal of a license.

Authorizes TBVME, by rule, to provide for the placement of a license holder on inactive status. Prohibits, rather than requires, that the adopted rules include a limit on the time a license holder may remain on inactive status.

Authorizes TVBME, to, for a license valid for two years, provide a one-year or two-year period for the completion of continuing education.

Requires TBVME to periodically check the prescribing and dispensing information submitted to the Texas State Board of Pharmacy (TSBP) to determine whether a veterinarian is engaging in potentially harmful prescribing or dispensing patterns or practices, as determined by TBVME in coordination with TSBP. Authorizes TBVME to take certain actions based on the prescribing and dispensing information discovered.

Requires Sunset to conduct a special-purpose review of TBVME for the 87th Legislature. Provides that, in conducting the special-purpose review, the Sunset staff evaluation and report is required to be limited to reviewing the effectiveness of recommendations made by Sunset to the 85th Legislature and Sunset's recommendations to the 87th Legislature are authorized to include any recommendation Sunset considers appropriate based on the special-purpose review.

Tax Abatement on Residence Homesteads—H.B. 217

by Representative Canales et al.—Senate Sponsor: Senator Hinojosa

Individuals who are 65 years of age or older or who are disabled are entitled to defer the collection of their property taxes, to abate a suit to collect a delinquent tax, or to abate a sale to foreclose a tax lien, as long as the tax has been imposed on a residence homestead. However, these same options are not granted to a disabled veteran. This bill:

Provides that an individual is entitled to defer the collection of a tax, to abate a suit to collect a delinquent tax, or to abate a sale to foreclose a tax lien if certain conditions are met, including if the individual is qualified to receive an exemption as a disabled veteran.

Teleconferences for Appraisal Review Board Protest Hearings—H.B. 455

by Representative Metcalf et al.—Senate Sponsor: Senator Nichols

The process for protesting a property appraisal can be difficult and time-consuming, and many individuals express frustration that they are unable to either appear in person due to their jobs or adequately explain their situation through a written affidavit. Property owners have requested the flexibility to maintain their work schedules and to fully explain their positions to an appraisal review board (ARB) by allowing hearings to proceed via telephone conference calls. This bill:

Authorizes a property owner to offer evidence or argument by affidavit without personally appearing and to appear by telephone conference call to offer argument. Requires an owner who appears by conference call to offer any evidence by affidavit.

Requires a property owner to submit an affidavit to the ARB that will hear the protest before the board begins the hearing on the protest.

Requires an ARB to conduct a hearing on a protest by conference call if a property owner has notified the ARB of his or her intent to appear by conference call in the owner's notice of protest or in a written notice filed with the board not later than a certain date, or if the board has proposed that a hearing be conducted by conference call and the owner has agreed to the hearing being conducted in that manner.

Requires an ARB to provide a telephone number for a property owner to call to participate in the hearing and to hold the hearing in a location equipped with telephone equipment that will allow each board member and other parties to the protest who are present at the hearing to hear the owner offer an argument.

Provides that a property owner does not waive the right to appear in person at a protest hearing by submitting an affidavit to the board or by electing to appear by conference call.

Authorizes an ARB to consider a submitted affidavit only if the property owner did not appear in person at the hearing.

Requires a property owner, for purposes of scheduling a hearing, to state in the affidavit that the owner does not intend to appear at the hearing or that the owner intends to appear at the hearing in

person or by conference call. Requires that the affidavit is authorized to be used only if the owner did not appear at the hearing in person.

Late Applications for Ad Valorem Exemptions—H.B. 626

by Representatives Workman and Fallon—Senate Sponsor: Senator Campbell

Current law stipulates that late applications for residence homestead exemptions, including late applications from the partially or totally disabled veterans exemptions, are due one year after the delinquency date of the taxes for the year the exemption is claimed. In some instances, documentation of a disability, including a veteran's disability, may take longer than one year to establish, resulting in certain individuals missing their opportunity to apply for these exemptions. This bill:

Requires the chief appraiser to accept or deny an application for a residence homestead exemption, including certain exemptions related to disabled veterans or members of the United States armed services who were killed in action, after the deadline for filing the application has passed, if it is filed not later than two years (rather than not later than one year) after the delinquency date for the taxes on the homestead.

Requires the chief appraiser to make a certain required notification relating to the approval of a late application not later than 30 days after the date the late application is approved and requires the collector to pay a certain refund not later than 60 days after the date the chief appraiser notifies the collector of the approval of the exemption.

Requires the chief appraiser to accept and approve or to deny certain disabled veterans' applications for an exemption after a certain filing deadline, if an application is filed not later than five years (rather than not later than one year) after the delinquency date for the property taxes and requires the chief appraiser to make a certain notification relating to the approval of a late application not later than 30 days after the date the late application is approved.

Preserving the Open-Space Land Exemption for Service Members—H.B. 777

by Representative Ashby et al.—Senate Sponsor: Senators Nichols and Nelson

Generally, property in Texas must have been producing income for five of the preceding seven years to be eligible for an agricultural exemption. Because the state's military personnel are often deployed or are serving outside the state of Texas, they are often unable to file the appropriate documents or keep the property in the production of income for the five year rule. This bill:

Provides that the eligibility of land for appraisal does not end because the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area if the land owner is a member of the United States armed services who is deployed or stationed outside this state and intends to resume using the land in that manner and to that degree of intensity not later than 180 days after the date the owner ceases to be deployed or stationed outside this state.

Requires the land owner to notify the appraisal office in writing of certain facts, not later than 30 days after the date the owner is deployed or stationed outside this state.

Notifying Lessees of Appraised Property Values—H.B. 804
by Representative Dale—Senate Sponsor: Senator Van Taylor

Lessees who are responsible for paying property taxes on the property that they rent do not have a fair chance to protest the value of the property. While property owners are required to furnish a notice of a property's appraised value in a timely manner, state law does not specify this time period. Consequently, a lessee may learn of a change in the rented property's appraised value after the deadline for protesting that valuation has lapsed. This bill:

Requires a property owner to send a copy of any notice of appraised property value received to the person leasing the property under a contract and to send the notice not later than 10 days after the date the property owner receives the notice.

Provides that failure of a property owner to send a copy of the notice to the lessee does not affect the time within which the lessee is authorized to protest the appraised value.

Authorizes a person leasing property under a contract described to request the chief appraiser of the appraisal district in which the property is located to send a notice to the person. Requires the chief appraiser to send the notice to the person leasing the property not later than five days after the date the notice is sent to the property owner, if the person has demonstrated that he or she is contractually obligated to reimburse the property owner for the taxes imposed on the property.

Provides that a chief appraiser who receives a request is not required to send a notice requested under the conditions set forth in the bill if the appraisal district in which the property subject to the notice is located posts the property's appraised value on the district's Internet website not later than five days after the date the notice is sent to the property owner.

Tax and Registration Relief for Open-Enrollment Charter School Vehicles—H.B. 897
by Representative Ashby et al.—Senate Sponsor: Senator Schwertner

H.B. 897 includes open-enrollment charter schools in the definition of "public agency" and expands the definition of "motor vehicle used for religious purposes." This bill:

Redefines "public agency" and "motor vehicle used for religious purposes" in Chapter 152 (Taxes on Sale, Rental, and Use of Motor Vehicles), Tax Code.

Authorizes an owner of a motor vehicle, trailer, or semitrailer to annually apply for registration under Section 502.451 (Exempt Vehicles), Transportation Code, and to be exempt from the payment of a registration fee if the vehicle is owned by and used exclusively in service of an open-enrollment charter school.

Applications for Ad Valorem Exemptions for Disabled Veterans—H.B. 1101
by Representatives Pickett and Guillen—Senate Sponsor: Senator Rodriguez

The chief appraiser of an appraisal district may require a person who is allowed an exemption from property taxation on a residence homestead to annually file a new application to confirm the person's

qualification for the exemption, unless the person is 65 years of age or older. United States military veterans who have a non-recoverable and permanent disability are still required to submit an annual application, which veterans consider to be laborious, cumbersome, and even disrespectful. This bill:

Prohibits a chief appraiser from requiring a veteran who qualifies as 100 percent or totally disabled to file a new application to determine the veteran's current qualification for the exemption, if the veteran has a permanent or total disability determined by the United States Department of Veterans Affairs.

Dallas County Utility and Reclamation District Ad Valorem Exemptions—H.B. 1186
by Representative Rodney Anderson—Senate Sponsor: Senator Huffines

The Dallas County Utility and Reclamation District (DCURD) may enter into tax abatement agreements that establish specific tax rate minimums for certain property types. Many property owners do not fully understand the requirements to claim the exemption regarding single-family residential properties, specifically the requirement to annually file a request for the exemption. Property owners have expressed interest for DCURD to be authorized to file the annual exemption request on behalf of these property owners with the chief appraiser. This bill:

Authorizes the tax assessor-collector for DCURD or a person designated by the tax assessor-collector, if the district enters into a tax abatement agreement with the owner of single-family residential property, to exempt a portion of property's taxable value from taxation as authorized and to file an application for the exemption on behalf of the property owner with the chief appraiser for the appraisal district in which the property is located.

Provides that all governmental and proprietary actions of the district taken before the effective date of this Act are validated, ratified, and confirmed in all respects as if the actions had been taken as authorized by law and as set forth in this bill.

Prepayment of Heavy Equipment Taxes—H.B. 1346

by Representative Button et al.—Senate Sponsor: Senators Van Taylor and Bettencourt

Heavy-equipment dealers must pay property taxes one a month on such inventory as bulldozers, excavators, dump trucks, skid loaders, and farm tractors that is held for sale or rental. Dealers are required by law to pay these taxes on or before the 10th day of each month and to file a statement of sales with the applicable county tax collector. Separate from paying property taxes, dealers must also pay sales taxes on or before the 20th day of each month. Heavy-equipment dealers wish to align the property tax submission deadline with the sales taxes deadline to ease compliance burdens. This bill:

Requires a dealer, on or before the 20th day (rather than the 10th day) of each month, to deposit to the collector an amount equal to the total of unit property tax assigned to all items of heavy equipment sold, leased, or rented from the dealer's heavy-equipment inventory in the preceding month to which a unit property tax was assigned.

Requires a dealer, on or before the 20th day (rather than the 10th day) of each month, to file with the collector a statement covering the sale, lease, or rental of each heavy-equipment item sold, leased, or rented by the dealer in the preceding month.

Requires a dealer, on or before the 20th day (rather than the 10th day) of each month following a month in which the dealer did not sell, lease, or rent heavy-equipment item, to file a statement with the collector and indicate that no sales, leases, or rentals were made in the prior month.

Registration of Certain Finance Companies—H.B. 2067
by Representative Oliveira—Senate Sponsor: Senator Nichols

State law that provides for the annual registration of related finance companies to which motor vehicle dealers who finance sales in-house assign receivables does not reflect current practice by the Texas Office of the Comptroller of Public Accounts (comptroller's office). This bill:

Provides that the registration of a related finance company, as defined by Section 152.0475 (Registration of Related Finance Company), Tax Code, is to remain effective until cancelled by the registration holder or by the comptroller's office.

Repeals charging an annual fee for such a registration.

Applying the Franchise Tax to Companies Selling Prepaid Calling Cards—H.B. 2126
by Representative Button—Senate Sponsor: Senator Birdwell

A retailer or wholesaler of telephone prepaid calling cards may be disqualified for the lower franchise tax rate for retailers and wholesalers based on an interpretation of statute that the sale of such cards constitutes the provision of telecommunications services. This bill:

Provides that selling telephone prepaid calling cards does not count as providing telecommunications services under Section 171.002 (Rates; Computation of Tax), Tax Code.

County Assistance District Authority to Impose Sales Tax—H.B. 2182 [VETOED]
by Representative Reynolds et al.—Senate Sponsor: Senator Miles

Taxing units express confusion regarding what constitutes the territory of a proposed county assistance district or the proposed area for a district or territory for purposes of determining the combined tax rate of all local sales and use taxes in relation to an election to create a district or the imposition of a sales and use tax by a district. This bill:

Provides that in determining the combined tax rate, the following are considered not to be included in a territory of a proposed district or in a proposed area for a district:

rights-of-way; and

any area where a county facility is located and in which no person has a place of business that has been issued a sales tax permit under the conditions set forth in the bill.

Deadlines in the Ad Valorem Tax System—H.B. 2228
by Representative Murphy—Senate Sponsor: Senator Bettencourt

Property owners contend the deadlines for performing various functions in connection with property taxes, especially in relation to freeport goods, allocation applications, and rendition statements cause unnecessary taxpayer confusion. This bill:

Requires a chief appraiser to accept and approve or deny certain applications for an exemption for freeport goods after the filing deadline has passed if an application is filed not later than June 15, rather than having to be filed before an appraisal review board has approved the appraisal records.

Requires a person claiming an allocation to file a completed allocation application before April 1, rather than before May 1, and to provide the information required by the form. Provides that if a property was not on an appraisal roll in the preceding year, the filing deadline for the allocation application would be extended for 30 days after receipt of a certain notice.

Requires a chief appraiser, for good cause shown, to extend by written order the filing deadline of an allocation application for no more than 30 days, rather than 60 days.

Requires rendition statements and property reports for property located in an appraisal district in which one or more taxing unit exempts property under Section 11.251 (Tangible Personal Property Exempt), Tax Code, to be delivered to the chief appraiser not later than April 1.

Requires a chief appraiser, on written request by a property owner, to extend the filing deadline for a rendition statement or for a property report to May 1 and authorizes the chief appraiser to further extend the deadline 15 days for good cause shown in writing by the property owner.

Requires rendition statements and property reports for property regulated by the Public Utility Commission of Texas, the Railroad Commission of Texas, the federal Surface Transportation Board, or the Federal Energy Regulatory Commission to be delivered to the chief appraiser not later than April 30 and authorizes the chief appraiser to extend the filing deadline 15 days for good cause shown in writing by the property owner.

Requires a property owner who initiates a protest, except as provided by certain provisions, to file a written notice of the protest with the appraisal review board that has authority to hear the matter protested.

Provides that a land owner who files a notice of protest is entitled to a hearing and to a determination of the protest, regardless of whether the appraisal records are approved.

Tax Reduction for Certain High-Cost Gas—H.B. 2277
by Representative Darby—Senate Sponsor: Senator Watson

Natural gas producers pay a 7.5 percent severance tax, though some wells are eligible for a reduced tax rate after certification by the Railroad Commission of Texas as a high-cost natural gas well. The extent of the rate reduction is based in part on the median drilling and completion costs from all high-cost gas wells in the previous fiscal year, as reported to the Texas comptroller of public accounts (comptroller). The comptroller has stated that it is unclear whether such costs should be recalculated when amended reports come in after the close of a tax year. This bill:

Establishes that the median drilling and completion cost for all high-cost wells for which an application for a gas production tax reduction was made during the previous state fiscal year is to be fixed on the date the comptroller determines that cost.

Provides that the cost is fixed on the date of the comptroller's determination under conditions set forth in the bill.

Prohibits the report of drilling and completion costs from being amended after March 1 of the year following the state fiscal year in which the application is made.

Provides that a person who remits a tax is entitled to a refund in a certain amount under the conditions set forth in the bill.

Prohibits the total allowable refund for certain taxes from exceeding an amount approved by the comptroller.

Sales and Use Tax Exemption for Amusement Services—H.B. 2475 [VETOED]
by Representative Sarah Davis—Senate Sponsor: Senator Bettencourt

Historically, sales and use tax exemptions have been allowed on the sale of tickets for certain amusement services, such as theatrical productions offered by an eligible nonprofit organization, resulting in significant revenue to support the arts. However, the scope of the sales and use tax exemption for certain amusement services has been narrowed. This bill:

Provides that an amusement service remains exempt from sales, excise, and use taxes, including if such an entity as described within the bill contracts with another entity to provide touring Broadway productions.

Ad Valorem Tax Refunds from Tax Roll Corrections—H.B. 2989
by Representative Dennis Bonnen—Senate Sponsor: Senator Larry Taylor

Property owners and taxing units contend that in cases of a tax roll correction resulting in a property tax refund, the law is not clear regarding who should receive the refund after property ownership has transferred. This bill:

Requires a taxing unit to refund to the property owner who paid the tax the difference between the tax paid and the tax legally due, if a tax correction that decreases the liability of the property owner is made after the owner has paid the tax.

Provides that a property owner is not required to apply for a refund to receive the refund.

Property Tax Exemptions for Medical Center—H.B. 2999

by Representative Dennis Bonnen—Senate Sponsor: Senators Huffman and Bettencourt

Recent changes to the Texas Constitution require updates to the law relating to a tax exemption for property owned by certain medical centers in certain counties. Certain nonprofit medical centers wish to clarify that the updated tax law will still apply to for-profit lessees on medical center property. This bill:

Provides that all real and personal property owned by a nonprofit corporation organized exclusively for benevolent, charitable, and educational purposes and held for use in the development or operation of a medical center area in which the nonprofit corporation has donated land for a state medical, dental, or nursing school, and for other hospital, medical, educational, research, or nonprofit uses—including the invention, development, and dissemination of materials, tools, technologies, processes, and similar means for translating and applying medical and scientific research for either practical applications to advance public health or for governmental or public purposes, including relieving traffic congestion—is exempt from all ad valorem taxation.

Provides that the conditions set forth in the bill may not be construed to exempt from taxation any interest in real or personal property, including a leasehold or other possessory interest, of a for-profit lessee of property for which a nonprofit corporation is entitled to an exemption from taxation.

Sales and Use Tax Elections for Type B Development Corporations—H.B. 3045

by Representative Dale—Senate Sponsor: Senator Schwertner

Current law allows an election to be held to reduce Type A economic development corporation sales tax imposed by a municipality. However, a similar election cannot be held to reduce Type B sales tax. The only lawful option currently available is a complete repeal of Type B sales tax. This bill:

Authorizes a municipality that has imposed a sales and use tax to reduce or increase the tax rate by a majority vote from voters in the municipality at an election held for that purpose in the same manner when imposing the tax.

Requires the governing body of a municipality, on petition of 10 percent or more of registered voters in the authorizing municipality requesting such an election, to order an election on the issue.

Authorizes the tax rate to be reduced or increased by any rate incremental of one-eighth of one percent that has been determined appropriate by the authorizing municipality and that will not result in a combined rate that exceeds the maximum combined rate provided by law.

Combined Municipal Sales Tax Ballot Propositions—H.B. 3046
by Representative Dale—Senate Sponsor: Senator Schwertner

A combined ballot can be used when reallocating from one dedicated or special purpose district fund to another. However, two separate ballots are required to reallocate from a dedicated purpose fund to a municipal general fund, which could result in voters approving to lower one tax while disapproving an increase in another tax, thereby ultimately causing the municipality to either lose sales tax revenue or gain unnecessary tax revenue. This bill:

Authorizes a municipality to use a combined ballot proposition to lower, repeal, or adopt any municipal sales tax, including additional sales tax for property tax relief.

Taxation of Tangible Personal Property Used Continually in the State—H.B. 3103
by Representative Darby—Senate Sponsor: Senator Bettencourt

The state currently has jurisdiction to tax tangible personal property of trucking companies that operate their tractors and trailers throughout the United States. These companies have stated that the circumstances are unclear under which property is considered to be used continually in Texas. This bill:

Provides that property is considered to be used continually in the state, whether regularly or irregularly, if the property is used in Texas three or more times on regular routes or for three or more completed assignments occurring in close succession throughout the year.

Provides that a series of events are considered to occur in close succession throughout the year if they occur in sequential, short intervals from the beginning to the end of the year.

Open-Space Land Exemption for Oil and Gas Production—H.B. 3198
by Representative Darby—Senate Sponsor: Senator Estes

Property can be appraised as open-space land on meeting various criteria. However, certain oil and gas explorations and productions and land that is used for drilling pads, production facilities, or tank batteries are often disqualified land from being appraised as open-space land, resulting in the landowner owing five years of back taxes. Landowners express concern that they often have little control of how mineral estates are exercised for a property, which can result in a loss of the open-space land appraisal. This bill:

Provides that eligibility of land for appraisal does not end because a lessee under an oil and gas lease begins conducting oil and gas operations on the land over which the Railroad Commission of Texas has jurisdiction if a portion of the land, on which oil and gas operations are not being conducted, otherwise continues to qualify for appraisal under the conditions set forth in this bill.

Penalty on Delinquent Oil and Gas Severance Taxes—H.B. 3232*by Representative Darby—Senate Sponsor: Senator Bettencourt*

The Texas comptroller of public accounts (comptroller) assesses a penalty on delinquent oil and gas production taxes in certain circumstances, including when reports are amended. Oil and gas producers express concern that they could be penalized on delinquent oil and gas production taxes if the delinquent tax is a result from filing an amended producer's or first purchaser's report for a report that was originally filed on time. This bill:

Provides that a producer or first purchaser is not subject to penalty under the following conditions:

a delinquent tax results from filing with the comptroller an amended report for a report that was originally filed on time;

the full amount of tax due is paid on time as indicated in the original report;

the amount of additional tax due, as a result of all amended reports for an original report, does not exceed 25 percent of the tax due as indicated in the original report;

all errors identified by the comptroller on an amended or original report that could affect the amount of tax due are resolved not later than 60 days after the date on which the amended or original report, as applicable, is filed; and

an amended report is not filed later than 730 days after the date on which the original report was due, along with the full amount of additional tax due.

Fees for Delinquent Tax Suit—H.B. 3389*by Representative Schofield—Senate Sponsor: Senator Bettencourt*

The remuneration for a master in chancery who is appointed in a delinquent tax suit is uncertain, and taxpayers express concern that such remuneration is not reasonable compensation. Taxpayers state that a master in chancery must be adequately compensated to ensure that qualified individuals serve in this position. This bill:

Requires a district clerk to collect fees taxed as costs of suit and award those fees to a master, regardless of the disposition of the suit.

Prohibits fees from being collected or awarded in a suit that is dismissed by a master, unless the master either has held at least one hearing on the suit or has spent a minimum number of hours preparing for the suit that is equal to the time typically required to conduct a hearing.

Franchise Tax Exemption for Fruit Growers—H.B. 3992*by Representative Murphy—Senate Sponsor: Senator Perry*

Certain fruit farmers request that existing law be clarified to ensure that a certain type of agricultural cooperative is exempt from franchise tax. This bill:

Amends Section 171.071 (Exemption—Farmers' Cooperative Society), Tax Code, to provide that a cooperative that is either a farmers' cooperative society incorporated under Chapter 51 (Farmers' Cooperative Societies), Agriculture Code, or a cooperative whose single member is a farmers' cooperative described in Section 521(b)(1), Internal Revenue Code, that has at least 500 farmer-fruit grower members, is exempt from franchise tax.

Provides that the amendment made by the bill is a clarification of existing law.

Determining the Cost of Goods Sold to Pay the Franchise Tax—H.B. 4002

by Representative Dennis Bonnen—Senate Sponsor: Senator Nelson

The Texas comptroller of public accounts has historically interpreted the definition of "production" in determining a deductible production costs for franchise tax purposes to include the cost for installing items during production. However, interested parties contend that the cost for an item installation is not part of the production of an item and therefore should not be deductible. This bill:

Amends Section 171.1012 (Determination of Costs of Goods Sold), Tax Code, to redefine "production" so that installation is not included. Specifies that this amendment is a clarification of existing law and in no way construes that Section 171.1012, Tax Code, before being amended by this bill, may be inconsistent with Section 171.1012 as amended by this bill.

Sales and Food Tax on Bakery Food Items—H.B. 4054

by Representative Murphy—Senate Sponsor: Senator Bettencourt

Bakers express concern that the Tax Code is currently unclear on which bakery items are exempt from sales and use tax, specifically with regard to bakery items that are heated or are served on a plate and eaten with a fork. Bakers state that clarifying how bakery items are taxed would help bakeries collect and remit the appropriate taxes. This bill:

Amends Section 151.314 (Food and Food Products), Tax Code, by defining "bakery" to mean a retail location that primarily sells bakery items from a display case or counter, predominantly for consumption off premises and "bakery items" to mean bread, rolls, buns, biscuits, bagels, croissants, pastries, doughnuts, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas, and similar items.

Provides that bakery items sold by a bakery or at a retail location other than a bakery, regardless of whether the items are heated by the consumer or the seller or are served on a plate or with an eating utensil, are exempt from the tax.

Tax Exemptions for Surviving Spouses of First Responders—S.B. 15

by Senator Huffines et al.—House Sponsors: Representative Fallon et al.

With property taxes rising across the state, many Texas families have faced serious financial problems, with some being taxed out of their homesteads. Interested parties contend that after

already giving so much, the families of fallen first responders should never have to bear the burden of losing their home because of rising property taxes. This bill:

Provides the surviving spouse of a first responder who is killed or fatally injured in the line of duty an exemption from taxation of the total appraised value of the surviving spouse's residence homestead under certain conditions.

Provides that the tax exemption need not be claimed in subsequent years and that the exemption applies to the property until it changes ownership or the qualification for the exemption changes, subject to confirmation by the chief appraiser.

Subjects the exemption to statutory provisions relating to the calculation of taxes on residence homesteads of certain persons who qualify for exemptions and to the proration of taxes following the loss of an exemption.

Amends the Government Code to establish that a residence homestead that receives the exemption established by the bill in the year that is the subject of the study of public school district property values is not considered to be taxable property.

Property Exemptions for Land with Wind-Powered Energy Devices—S.B. 277

by Senator Campbell et al.—House Sponsor: Representative Frank

The Texas Military Preparedness Commission has found that military installations in Texas generate \$136 billion in economic activity each year and contribute almost 900,000 jobs both directly and indirectly to the state. However, if these installations do not successfully fulfill their mission, the United States Department of Defense would be more likely to relocate those activities, which would negatively impact the state's economy and the communities around the bases.

Military experts note that encroaching wind farms around military bases can create adverse conditions that impede operations and create safety risks for pilots and related personnel. Because of their enormous size, wind turbines can also cause interference with radar systems. Moreover, their height and location affect the altitude of flights and the ability for training missions to meet their flight goals. This poses a serious threat to mission readiness at the state's military aviation installations, thus increasing the likelihood for base reductions or closures by the U.S. Department of Defense through the Base Closure and Realignment (BRAC) Commission or both. This bill:

Prohibits, notwithstanding any other provision of Chapter 312 (Property Redevelopment and Tax Abatement Act), Tax Code, an owner or lessee of a parcel of real property that is located wholly or partly in a reinvestment zone from receiving an exemption from taxation of any portion of the value of the parcel of real property or of tangible personal property located on the parcel of real property under a tax abatement agreement that is entered into on or after September 1, 2017, if on or after that date, a wind-powered energy device is installed or constructed on the same parcel of real property at a location within 30 nautical miles of the boundaries of a military aviation facility located in this state. Provides that this prohibition applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone.

Prohibits, notwithstanding any other provision of Subchapter B (Limitation on Appraised Value of Certain Property Used to Create Jobs), Chapter 313 (Texas Economic Development Act), Tax Code, an owner of, or certain structures on, a parcel of land that is located wholly or partly in a reinvestment zone from receiving a limitation on appraised value for the parcel of land, building, improvements, or tangible personal property under an agreement that is entered into on or after September 1, 2017, if on or after that date, a wind-powered energy device is installed or constructed on the same parcel of land at a location within 30 nautical miles of a military aviation facility located in this state. Provides that this prohibition applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone.

Defines "military aviation facility" and "wind-powered energy device."

Tax Revenue Use for Hotel-Related Bonds in Certain Municipalities—S.B. 345

by Senator West—House Sponsor: Representative Yvonne Davis

Currently, certain municipalities can use tax revenue for the payment of certain hotel-related bonds or other obligations. This bill:

Amends Section 351.102 (Pledge for Bonds), Tax Code, to permit a city with a population of 173,000 or more that is located within two or more counties to use the financing permitted by that section for a project on land owned by the federal government.

Enables the City of Grand Prairie to explore economic development opportunities for the city and the region.

Amends current law relating to the use of tax revenue by certain municipalities for the payment of certain hotel-related bonds or other obligations.

Tax Credits for Rehabilitating Certified Historic Structures—S.B. 550

by Senator Campbell—House Sponsor: Representative Justin Rodriguez

The 83rd Legislature established the Texas Historic Preservation Tax Credit Program, which provides a state franchise tax credit for the rehabilitation of certified historic structures. As part of the preservation tax program, an entity can sell credits earned under the program to other entities for use against a franchise tax liability, which allows investors to monetize credits and improve their return on investment. Since restoration of historic structures is a complex and expensive process, a tax credit is often the deciding factor in whether to proceed with a rehabilitation project. However, insurance companies are exempt from a franchise tax because they pay premium tax under the Insurance Code. This bill:

Amends the Tax Code to authorize an entity to which all or part of a franchise tax credit for the rehabilitation of certified historic structures is sold or assigned and of which is subject to a premium tax for property and casualty insurance; life, health, and accident insurance; title insurance; or a reciprocal and interinsurance exchange to claim all or part of the credit against the premium tax.

Requires that certain statutory provisions relating to tax credits for rehabilitating certified historic structures still apply to a tax credit claimed against an insurance premium tax to the same extent that statutory provisions, under which a premium tax is imposed, apply to a tax credit claimed against a franchise tax.

Provides that an entity claiming all or part of a credit is not required to pay any additional retaliatory tax levied under applicable provisions of the Insurance Code as a result of claiming that credit.

Miscellaneous Gross Receipts Tax—S.B. 559

by Senator Hancock—House Sponsor: Representative Darby

The miscellaneous gross receipts tax is imposed on gas, electric, and water utility companies and is based on the gross receipts from business done in cities and towns with certain population ranges. The deregulation of electric utilities in 1999 allowed most Texans to choose their electricity service from retail electric providers.

Some observers contend that the wording of statute regarding which utility companies are subject to the miscellaneous gross receipts tax has led some to conclude that the location of a utility company, rather than the location of a consumer, is the determining factor of whether tax is due. Legislators suggest resolving the ambiguity. This bill:

Provides that the miscellaneous gross receipts tax is imposed on each utility company that sells to an ultimate consumer in a jurisdiction having a population of more than 1,000, regardless of the company's location.

Appraisal Rules Regarding Open-Space Land and Qualified Timber Land—S.B. 594

by Senator Creighton—House Sponsor: Representative Springer

The Texas Comptroller of Public Accounts (comptroller) is required to develop and distribute manuals that detail how to appraise qualified open-space land and timber land. These appraisal manuals establish eligibility requirements for farm land and timber land to qualify for productivity appraisals and include procedures and methodologies that appraisal districts are required to follow. Under current law, the appraisal manuals must be approved by a majority vote of the governor, comptroller, Texas attorney general, commissioner of agriculture, and commissioner of the Texas General Land Office, which is a process that is unnecessarily cumbersome. This bill:

Requires the comptroller to develop and approve the rules for appraising qualified open-space land with the review and counsel of the Texas Department of Agriculture.

Requires the comptroller to develop and approve the rules for appraising qualified timber land with the review and counsel of the Texas A&M Forest Service.

Appraisal Review Board Appeals through Binding Arbitration—S.B. 731

by Senator Bettencourt—House Sponsor: Representative Bohac

Under current law, only owners of residence homesteads (of any value) and non-homestead properties worth \$3 million or less can appeal a ruling of an appraisal review board (ARB) to arbitration. Property owners have noted that qualifying more properties for binding arbitration will create a more fair appeals process. This bill:

Increases the maximum appraised or market value of property as determined by an ARB order determining a protest concerning the value of the property that triggers a property owner's entitlement to appeal such an order through binding arbitration from \$3 million to \$5 million.

Sets the amount of the arbitration deposit to appeal an ARB order through binding arbitration at \$1,550, if the property does not qualify as the owner's residence homestead under statutory provisions concerning residence homestead exemptions and the appraised or market value of the property is more than \$3 million but not more than \$5 million, as determined by the order.

Sets the maximum fee for which an eligible person must agree to conduct an arbitration to qualify to serve as an arbitrator at \$1,500.

Sales and Use Tax Exemptions for Services Provided by Employees—S.B. 745

by Senator Kolkhorst—House Sponsor: Representative Murphy

Many businesses rely on temporary employment and staffing agencies to supplement their regular workforce on a temporary basis. Specifically, insurance carriers frequently hire limited-term, project-specific adjusters from staffing companies, most commonly in response to large weather events. Recent litigation (*Allstate Ins. Co. v. Hegar*) has prompted the need to clarify when a host employer may claim a sales and use tax exemption for certain services provided by certain temporary employees. This bill:

Revises the sales and use tax exemption for a service performed by an employee of a temporary employment service for a certain employer to temporarily supplement the employer's existing workforce under certain conditions by:

clarifying that the employer is a host employer, which is defined as the employer who owns, manages, or controls the property or work site where an employee of a temporary employment service performs a service;

specifying that certain supplies and equipment are those necessary to perform the service, other than personal protective equipment provided by the temporary employment service under a federal law or regulation;

including that the host employer not rent, lease, purchase, or otherwise acquire for use such supplies and equipment necessary to perform the service from the temporary employment service or an entity that is a member of an affiliated group of which the temporary employment service is also a member, and the condition that the host employer have the sole right to supervise, direct, and control the work performed by the employee of the temporary

employment service as necessary to conduct the host employer's business or to comply with any licensing, statutory, or regulatory requirement applicable to the host employer; and

removing the condition that the help be under the direct or general supervision of the employer to whom the help is furnished.

Provides that the Texas Comptroller of Public Accounts prescribe by rule certain criteria the comptroller deems necessary to properly implement provisions relating to the taxability of certain employee services to a service performed by covered employees of a professional employer organization for a client under a written contract that provides for shared employment responsibilities between the professional employer organization and the client for the covered employees, most of whom must have been previously employed by the client.

County Tax Assessor-Collector Continuing Education Requirements—S.B. 929
by Senator Hughes—House Sponsor: Representative Ed Thompson

Currently, county tax assessor-collectors must undergo 20 hours of continuing education per year, which allows assessor-collectors to be comprehensively educated in all areas of the statutory and constitutional responsibilities of their elected office. Although the continuing education will be sufficient for experienced tax assessor-collectors, new assessor-collectors may need additional education so that they perform tax assessment and collection duties competently. This bill:

Requires newly elected county tax assessor-collectors to complete at least 40 hours of continuing education courses on the assessment and collection of property taxes not later than nine months after the date on which the assessor-collector first takes office, if the assessor-collector assesses or collects property taxes, in addition to current continuing education requirements.

Correcting an Ad Valorem Tax Appraisal Roll—S.B. 945
by Senator Bettencourt—House Sponsor: Representative Murphy

Property owners who are elderly, ill, or disabled may inadvertently fail to requalify or reapply for the owner's residence homestead exemption, which can lead to the cancellation of the exemption. Additionally, a chief appraiser does not have the authority to change the appraisal roll at any time to correct an erroneous denial or cancellation of certain residence homestead exemptions. This bill:

Authorizes a chief appraiser to change the appraisal roll at any time to correct an erroneous denial or cancellation of any residence homestead tax exemption when the applicant or recipient is disabled or is 65 years of age or older; when the residence homestead exemption was authorized for the surviving spouse of certain homestead tax exemption recipients for 100 percent or totally disabled veterans and their surviving spouses, or when the applicant or recipient is a disabled veterans and a surviving spouse.

Installment Payments of Ad Valorem Taxes—S.B. 1047

by Senators Creighton and West—House Sponsor: Representative Faircloth

Installment payments are allowed on the homestead property of those over age 65, disabled persons, disabled veterans (or the unmarried surviving spouse of a disabled veteran), and those affected by a disaster. Certain individuals who fail to make a timely first quarter payment can still enter a payment plan after paying a penalty of six percent plus interest on the unpaid installment. However, the option of partaking in the payment plan after missing a quarterly payment has been applied inconsistently across qualifying individuals. This bill:

Provides that statutory provisions authorizing installment payments of property taxes imposed on certain residence homesteads apply to an individual who is either disabled or at least 65 years of age and who is entitled to an exemption from taxation by a public school district of \$10,000 of the appraised value of the individual's residence homestead or to a disabled veteran or the unmarried surviving spouse of a disabled veteran who qualifies for an exemption under statutory provisions relating to exemptions on the donated residence homestead of a partially disabled veteran or exemptions on certain property owned by a disabled veteran.

Sets the dates by which penalty-free and interest-free installment payments of property taxes imposed on certain property in a disaster area must be paid, provided the first installment is paid before the delinquency date under the provisions in the bill.

Authorizes an applicable person to pay taxes imposed on certain property in a disaster area that the person owns in four equal installments without penalty or interest if the first installment is paid and the required notice is provided before the first day of the first month after the delinquency date.

Sales and Use Tax on Insurance Services—S.B. 1083

by Senator Perry—House Sponsor: Representative Frullo

Even though traditional certified public accountancy services are not intended to be subject to the sales and use tax applicable to certain insurance services, there are instances in which the tax has been applied to the services they provide. Certified public accountants express frustration in how the sales and use tax is applied to such insurance services. This bill:

Exempts from the sales and use tax a service performed by a certified public accountancy firm, if less than one percent of the firm's total revenue in the prior calendar year is from services in Texas that would otherwise constitute a taxable insurance service, and a service performed on behalf of a certified public accountancy firm by an owner of the firm or a member of the firm's affiliated group, if less than one percent of the owner's or member's total revenue in the prior calendar year is from services in Texas that would otherwise constitute a taxable insurance service.

Tax Redeterminations and Refund Claims—S.B. 1095

by Senator Larry Taylor—House Sponsor: Representative Cook

Under current law, taxpayers who disagree with the deficiency determination by the Texas Comptroller of Public Accounts (comptroller) have 30 days from the issuance of the determination

to file a petition for redetermination and to obtain an administrative hearing. Since the 30-day deadline cannot be waived and is generally not extended, the taxpayer has insufficient time to review an assessment and is in turn forced to file boilerplate petitions that include numerous transactions and legal theories for the purpose of preserving potential claims. This bill:

Amends the filing deadline for a petition for redetermination of taxes filed with the comptroller from before the expiration of 30 days after the date on which the service of the notice of determination is completed to before the expiration of 60 days after the date the notice is issued.

Amends the date on which the comptroller's order or decision on such a petition becomes final from 20 days after service on the petitioner of the notice of the order or decision to the time at which a decision or order in a contested case is final under the federal Administrative Procedure Act (Act).

Entitles a taxpayer who is dissatisfied with the decision on a motion for redetermination to file a motion for a rehearing in the time provided by that Act for filing a motion for rehearing in a contested case.

Amends the deadline by which a person claiming a tax refund must request a hearing on the claim to be entitled to such a hearing from on or before the 30th day after the date the comptroller issues a letter denying the claim for a refund to on or before the 60th day after the date the comptroller issues such a letter.

Amends the date on which the comptroller's decision following such a hearing becomes final from 20 days after service on the claimant of the notice of the order or decision to the time at which a decision or order in a contested case is final under the Act.

Prohibition of Local Tax on Natural Gas Fuels—S.B. 1120

by Senator Zaffirini—House Sponsor: Representative Wray

Texas statute prohibits a political subdivision of the state from imposing its own motor fuel tax on gasoline, diesel fuel, or liquefied gas. Prior to 2013, compressed natural gas (CNG) and liquefied natural gas (LNG) were generally included in the definition of "liquefied gas," and thus subdivisions were prohibited from taxing CNG and LNG. When a new collection mechanism for those taxes were separated in statute to increase the efficiency of the tax structure, both CNG and LNG were removed from the definition of "liquefied gas," thereby creating an unintended loophole allowing a local entity to impose its own motor fuel tax on these fuels. This bill:

Prohibits any excise or occupation tax imposed by a political subdivision of the state on the sale, use, or distribution of CNG or LNG among the taxes in lieu of which state motor fuel taxes are imposed.

Appealing Ad Valorem Tax Determinations—S.B. 1286

by Senator Bettencourt—House Sponsor: Representative Murphy

Property owners have raised issues with their presentation of evidence at appraisal review board (ARB) hearings and with conflicts of interest when ARB arbitrators are chosen. Although property owners or their agents are currently allowed to present written evidence or electronic, magnetic, or

digital reproductions of evidence preserved on portable devices at ARB hearings, statute does not provide further details regarding the maintenance of electronic evidence submitted by a chief appraiser, a property owner, or an owner's agent in an ARB hearing record. Furthermore, the rapid development and proliferation of electronic media outpaces current statute regarding the presentation of evidence. Additionally, current statute provides property owners an option to arbitrate certain property tax disputes, though the current selection process for arbitrators may create a conflict of interest. This bill:

Requires the Texas comptroller of public accounts (comptroller) to prescribe the manner and form, including security requirements, in which a person must provide a copy of any written material or material preserved on a certain portable device that the person intends to offer or submit to an ARB at a taxpayer protest hearing; to require that an ARB retain the material as part of the board's hearing record; and to prescribe specifications for the audiovisual equipment provided by an appraisal district for use by a property owner, or the property owner's agent, during a hearing.

Removes statutory language that limits the reproduction of a document or image designed to be maintained by a portable device to an electronic, magnetic, or digital reproduction and requires the chief appraiser and the property owner, or the owner's agent, to provide a copy of the material in the manner and form prescribed by the comptroller.

Provides that the comptroller is required to remove a person from the registry of qualified persons who have agreed to serve as arbitrators in property tax appeals, if on request for binding arbitration the comptroller has determined by clear and convincing evidence that there is good cause to remove a person from the registry, including evidence of repeated bias or misconduct by the person while acting as an arbitrator.

Repeals provisions relating to a property owner and an appraisal district's selection of an arbitrator to request for binding arbitration and to the comptroller's appointment of an arbitrator, if the parties are unable to make a selection and instead requires the comptroller to appoint an eligible arbitrator who is listed in the comptroller's registry and to send notice to the appointed arbitrator requesting the individual to conduct the hearing on the arbitration.

Provides conditions of eligibility for appointment as an arbitrator and conditions under which a person is not eligible for such appointment.

Prohibits the comptroller from appointing an arbitrator if the comptroller has determined that there is good cause not to appoint the arbitrator, including information or evidence indicating repeated bias or misconduct by the person while acting as an arbitrator.

Ad Valorem Tax Exemptions for Charitable Organizations—S.B. 1345
by Senators Watson and Garcia—House Sponsor: Representative Darby

A wide variety of charitable organizations receive a property tax exemption for their buildings and tangible personal property, as long as the property is used exclusively by the qualified charitable organization. Some organizations that are eligible for a property tax exemption provide important services. Nonprofit community tax centers, however, do not currently qualify for an exemption,

despite their work to help low-income Texans with financial matters or to complete tax forms or student financial aid forms. This bill:

Provides certain charitable organizations that provide tax return preparation services and assistance with other financial matters, without regard to beneficiaries' ability to pay, with the same property tax exemption as other charitable organizations receive.

Taxes and Fees Imposed on Cigarettes and Other Tobacco Products—S.B. 1390

by Senator Hinojosa—House Sponsor: Representative Wray

The Texas Office of the Comptroller of Public Accounts (comptroller's office) has identified several issues governing the sale of and reporting requirements for cigarettes and other tobacco products, as well as the taxing of cigarettes used for research purposes. These concerns are an administrative burden to taxpayers and the comptroller's office. This bill:

Amends the Health and Safety Code to replace the requirement that the comptroller's office compute the fee rate for certain cigarettes, or cigarette tobacco products, applicable during a calendar year by increasing the rate for the preceding calendar year by a certain amount.

Requires the comptroller's office to adjust the fee rate for certain cigarettes, or cigarette tobacco products, applicable during a calendar year.

Provides that the adjusted rate take effect on February 1 of the year in which the adjusted rate is determined and remain in effect until January 31 of the following year.

Removes language subjecting the entitlement of a cigarette, or cigarette tobacco product, distributor who remits a monthly fee for certain non-settling manufacturer cigarettes and cigarette tobacco products to a stamping allowance under provisions of the Tax Code relating to the cigarette tax recovery trust fund.

Exempts from the cigarette tax cigarettes that are contained in a package labeled with wording indicating the manufacturer intends for the product to be used exclusively for experimental purposes in compliance with federal regulations, are sold directly by a manufacturer to a research facility in Texas, are used by the research facility exclusively for experimental purposes, and are not resold by the research facility. Exempts such cigarettes from statutory provisions relating to the required stamping of a package of cigarettes.

Gasoline and Diesel Motor Fuels Taxes and Delivery Fees—S.B. 1557

by Senator Kolkhorst—House Sponsor: Representatives Shine and Darby

The tax on gasoline and diesel fuel does not apply to fuel exported by either a licensed supplier or a licensed exporter, which allows a state licensed exporter, serving as first purchaser of the motor fuel, to purchase motor fuel in Texas for export to another state without having to pay Texas's taxes on the fuel. Existing statute does not reflect current industry practices, as first purchasers—which are generally the exporter of record—are making "flash title sales" of fuel. First purchasers are not

exporting the fuel as indicated and instead are immediately reselling the fuel in Texas, a practice that avoids tax payment as tracking the fuel is difficult after a flash title sale. This bill:

Imposes a tax on gasoline and diesel fuel that is otherwise exempt from motor fuel taxation on the basis of being exported to another state or foreign country, if the gasoline or diesel fuel is sold in Texas to a person who does not hold a certain license. Provides that the person who sells the gasoline or diesel fuel is liable for the tax and requires that person to collect the tax.

Imposes a tax on gasoline and diesel fuel, if before export the gasoline or diesel fuel is sold in Texas to a person who holds a certain license and is delivered to a destination in Texas. Provides that the person who redirects the delivery of the gasoline or diesel fuel to a destination in Texas is liable for the tax and requires that person to pay the tax. Requires a person who fails to pay the tax when due to pay an additional penalty equal to the greater of \$2,000 or five times the amount of the tax due on the motor fuel.

Requires a person who purchases or removes gasoline or diesel fuel on a tax-free basis for purpose of being exported to another state or a foreign country and who, before export, sells the gasoline or diesel fuel in Texas on a tax-free basis to a person who holds a certain license to report that transaction to the Texas comptroller of public accounts (comptroller) and requires each seller, if the gasoline or diesel fuel is subsequently sold one or more times in Texas before export and on a tax-free basis to a person who holds such a license, to report the transaction to the comptroller.

Requires each person who sells tax-free gasoline or diesel fuel in Texas to provide the comptroller the bill of lading number issued at the terminal, the terminal control number, the remove date of the gasoline or diesel fuel from the terminal, the number of gallons invoiced, and any other information required by the comptroller.

Requires the sales invoice for each applicable transaction to include the names of the seller and the purchaser and the original bill of lading number and requires the person required to report a transaction to report the transaction on a form prescribed by the comptroller and with the required tax return.

Requires a person who fails to report a subsequent sale in Texas of tax-free motor fuel purchased for export to pay a penalty of \$200 for each sale that is not reported.

Provides that a supplier is liable for the fee imposed on the delivery of a petroleum product.

Procedures for Tax Elections in an Emergency Services District—S.B. 1727

by Senator Birdwell—House Sponsor: Representative Cook

Interested parties suggest that certain clarification is needed with regard to the procedure for an election to adopt a sales and use tax or to change the tax rate in an emergency services district. S.B. 1727 provides that clarification. This bill:

Authorizes an emergency services district that otherwise would be precluded from adopting a sales and use tax under current statute to adopt such tax, change the rate of the tax, or abolish the tax at tax election, if the board of emergency services commissioners excludes certain territories from the applicability of any proposed sales and use tax.

Requires that the ballot at an election to adopt the sales and use tax be prepared to permit voting for or against a proposition, and sets forth the text of that proposition. Authorizes an emergency services district to take any further action or conduct any further proceeding necessary to complete the imposition of the sales and use tax approved at the tax election.

Protests of Appraisal Review Board Ad Valorem Tax Determinations—S.B. 1767

by Senators Buckingham and West—House Sponsor: Representative Darby

Property owners have raised concerns that the appraisal review process is biased in favor of the appraisal district. Property owners fear that complex property-value information that is provided to property owners before a protest hearing is not helpful to their cause. Property owners seek to be guaranteed an opportunity to respond to the evidence used to determine the value of their property, which will protect them when they protest their assessments. This bill:

Entitles a property owner in a hearing on a motion to correct an appraisal roll to elect to present the owner's evidence and argument before, after, or between the cases presented by the chief appraiser and each taxing unit.

Entitles a property owner who is party to a protest to elect to present the owner's case at the protest hearing either before or after the appraisal district presents the district's case.

Resolving Taxation of the Same Property by Multiple Taxing Units—S.B. 2242

by Senators Hinojosa and Zaffirini—House Sponsor: Representatives Lozano and Herrero

Since 1973, the boundaries of certain counties, such as San Patricio and Nueces Counties, and other local taxing units have been in dispute. Since 2010, certain properties along a boundary have been taxed by both counties. These property owners wish to settle in which county their property resides, thus eliminating the taxation of the property by both counties. This bill:

Defines "like taxing units" as counties or other taxing units that are of the same type as one another and that by law may not include the same geographic territory.

Authorizes a property owner, if multiple similar taxing units have imposed property taxes on the same property, to file suit in the Supreme Court of Texas (supreme court) to establish the correct geographic boundary between the taxing units and determine the amount of taxes owed on the property and the taxing unit or units to which the taxes are owed.

Provides that the supreme court has original jurisdiction to hear and determine a suit, authorizes the supreme court to issue injunctive or declaratory relief in connection with a suit, and requires the supreme court to enter a final order determining a suit by a certain time.

Authorizes similar taxing units, to which a property owner has made tax payments under protest as a result of a dispute or error relating to geographic taxing unit boundaries, to enter into an agreement to resolve the dispute or error and requires such an agreement to establish the correct geographic boundary between the taxing units and to refund to the property owner any amount by which the amount paid by the owner to the taxing units exceeds the amount due.

Requires any property tax refund, if a dispute or error has been resolved by an agreement of the taxing units, to be made not later than 90 days after the date on which the agreement was made and, if a dispute or error has not been resolved by an agreement and the supreme court has entered a final order in a suit determining the amount of taxes owed on a property and on the taxing unit or units to which the taxes are owed.

Requires the chief appraiser of each applicable appraisal district to correct the appraisal roll and other appropriate records as necessary to reflect an agreement or order.

Requires the commissioner of education to adjust the amounts due to a public school district, under the Foundation School Program, with regard to state assistance for instructional facilities and to payment of existing debt as necessary to account for the resolution of a dispute or error involving the district and another district by an agreement between the districts or by a final order of the supreme court, as authorized by the bill.

Use of HOT Revenue by Certain Municipalities—H.B. 1494*by Representative Morrison—Senate Sponsor: Senator Kolkhorst*

The City of Rockport would like to use a portion of its existing hotel occupancy tax (HOT) to promote the arts, specifically "the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms," as described under Section 351.101(a)(4), Tax Code. This bill:

Prohibits a municipality to which Section 351.101 applies—notwithstanding any other provisions of Chapter 351 (Municipal Hotel Occupancy Taxes), Tax Code, and subject to a certain subsection—from using more than 30 percent of the revenue derived from a municipal HOT for the purposes provided by Section 351.101(a)(4) (relating to limiting the use of revenue from the municipal hotel occupancy tax for actions relating to certain major art forms), Tax Code.

Use and Application of Hotel Occupancy Tax Revenue—H.B. 1896*by Representative Bohac—Senate Sponsor: Senator Larry Taylor*

Interested parties suggest that the law relating to the application and use of revenue from hotel occupancy taxes (HOTs) imposed by municipalities and counties is in need of clarification. This bill:

Amends the Local Government Code to make the consideration of a facility that is financed wholly or partly with HOT revenue and that is used or planned for use for one or more professional or amateur sporting events, community events, or other civic or charitable events as a venue for purposes of local funding of certain sporting and community venues, contingent on the facility not being primarily used for community, civic, or charitable events that are attended only by residents of the community.

Makes the same consideration of an improvement that is financed wholly or partly with HOT revenue and that is related to a convention center or a convention center facility, contingent on the improvement being in the vicinity of the convention center.

Amends the Tax Code to define "meetings" of people that enhance and promote tourism and the convention and hotel industry with regard to the consideration of facilities that are primarily used to host conventions and meetings as convention center facilities or a convention center complex for purposes of the imposition of a municipal HOT as gatherings.

Extends the applicability of an exemption from a municipality's or county's increase in the applicable HOT rate for a tax imposed on the use or possession of a room under a contract executed before October 1, 1989, that provides a tax payment at the rate in effect when the contract was executed, barring a certain exception, to the tax imposed on the use or possession, or the right to the use or possession, of a room under a contract that was executed before the date on which the increased rate takes effect and that provides a tax payment at the rate in effect when the contract was executed, barring the same exception.

Exempts from a municipality's adopted ordinance or a county commissioners court's adopted order or resolution imposing an applicable HOT that is not imposed at any rate before its effective date the use or possession, or the right to the use or possession, of a room under a contract that provides for the one or more tax payments imposed on the use or possession, or the right to the use or possession, of a hotel room and that is executed before the date on which the imposition of the tax takes effect, unless the contract is subject to change or modification by reason of the new tax's imposition.

Expressly does not impose a municipal or county HOT on the use or possession, or the right to the use or possession, of a room under such a contract.

Uses of Municipal Hotel Occupancy Tax Revenue—H.B. 2445
by Representatives Stucky et al.—Senate Sponsor: Senator Estes

H.B. 2445 is an omnibus bill that relates to the use of municipal hotel occupancy tax (HOT) revenue in certain municipalities. This bill:

Authorizes municipal HOT revenue to be used only to promote tourism and the convention and hotel industries, and provides that the use is limited to, among certain other restrictions, the promotion of tourism by enhancing and upgrading existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, flag football, and rodeos, if the municipality contains an intersection of Interstates 35E and 35W and at least two public universities.

Use of HOT Revenue by Certain Municipalities—H.B. 3484
by Representative Paddie—Senate Sponsor: Senator Hughes

Interested parties suggest that certain municipalities should be able to use municipal hotel occupancy tax (HOT) revenue for sporting facilities and fields. This bill:

Amends the Tax Code to authorize a municipality that has a population of at least 6,000, that is the county seat of a county bordering Louisiana, that is bisected by a U.S. highway, and that has a population of 75,000 or less to use all or any portion of the revenue derived from the municipal HOT to construct, improve, maintain, and operate sporting facilities and fields to promote tourism and the convention and hotel industries if certain requirements are met.

Use of Municipal HOT Revenue for Sporting Infrastructure—H.B. 4029
by Representative Oliveira—Senate Sponsor: Senator Lucio

The City of South Padre Island seeks to increase sport fishing tourism; however, lack of adequate facilities limits consideration of the city for major events. Fishing tournaments have been reluctant to select South Padre Island because of the city's lack of boat launching and parking facilities. The city is optimistic that new and adequate facilities could attract new major sport fishing tournaments. This bill:

Authorizes an eligible barrier island coastal municipality, notwithstanding any other provision of Chapter 391 (Municipal Hotel Occupancy Taxes), Tax Code, to use revenue from municipal hotel occupancy taxes (HOT) for expenses directly related to the construction, improvement, equipping, repair, operation, and maintenance of coastal sporting facilities owned by the municipality, including boat docks, boat ramps, and fishing piers used by hotel guests, if the coastal sports facility has been used in the preceding calendar year a combined total of more than five times for district, state, regional, or national sports tournaments or events.

Accountability for Use of Hotel Occupancy Tax—H.B. 4187

by Representatives Raney and Kacal—Senate Sponsor: Senator Schwertner

Prior legislatures made local level hotel occupancy tax revenues available for the construction of sports facilities or fields to benefit tourism and the local economy. These measures also eliminated the need to raise existing property taxes. However, interested parties note that municipalities should be held accountable for hotel occupancy tax revenue later spent on facilities and fields and should develop specific plans that detail how the new facilities add additional hotel occupancy tax revenue for municipalities. This bill:

Requires a municipality that uses hotel occupancy tax revenue to build new sports fields or facilities to compare the area hotel revenue that is attributable to sporting events held at the sports-related facility or sports field to the projected annual amount of that revenue anticipated by the municipality to be generated as a result of the construction or expansion of the facility or field.

Requires a municipality to develop and implement a plan to increase the area hotel revenue attributable to sporting events held at the facility or field if the actual amount of revenue is less than the projected amount.

Use of HOT Revenue to Improve or Expand Certain Airports—S.B. 440

by Senator Rodríguez—House Sponsor: Representative Nevárez

Marfa, a small town of 2,000 residents and an increasingly popular tourist destination, does not have a commercial airport capable of accommodating the increasingly large charter aircraft coming into Presidio County. The asphalt on the Marfa Municipal Airport runway has begun to sink as a result of the increased air traffic from large modern charter turbines. Marfa hopes to resolve this issue by constructing new runways and taxiways. The city hopes that hotel occupancy tax dollars can be used to qualify for grant dollars available through the Texas Department of Transportation's Aviation Capital Improvement Program. Marfa's geography, growing tourism appeal, and boom in air traffic create a unique situation requiring legislation. Tourism is a highly important part of Marfa's economy. According to the city, more than half of Marfa's total taxable sales is related to tourism, with over 30 percent coming from hotel receipts alone. This bill:

Amends Chapter 351 (Municipal Hotel Occupancy Taxes), Tax Code, to authorize the City of Marfa to recover its hotel occupancy tax revenue for infrastructure development.

Limits how the hotel occupancy tax funds may be expended. First, the city may not retain more than 15 percent of its hotel occupancy tax revenue. Further, that cap is limited to no more tax revenue than would be reasonably attributable to guests traveling through the Marfa airport during the 15-year period beginning when taxes are first expended on the airport.

Requires the City of Marfa to enter into a memorandum of understanding with Presidio County to ensure adequate control over the funds so that the funds accomplish a public purpose and the city protects the public's investment and ensures a return benefit, in this case the benefits associated with encouraging tourism to the area.

Authorizing Certain Counties to Impose a Hotel Occupancy Tax—S.B. 686
by Senator Uresti—House Sponsor: Representative Murr

Currently, Section 352.002(a)(16), Tax Code, describes Real County as having two incorporated municipalities located on the Frio River. However, only one of Real County's two incorporated municipalities is located on the Frio River. The existing statutory language thus fails to allow Real County to set a hotel occupancy tax as was originally intended. This bill:

Corrects this oversight by amending the Tax Code to accurately describe Real County as having two incorporated municipalities at least one of which is located on the Frio River.

Authorizing Certain Counties to Impose a Hotel Occupancy Tax—S.B. 799
by Senator Rodríguez—House Sponsor: Representative Blanco

Currently, El Paso County is authorized to collect a hotel occupancy tax. Specifically, Section 352.002(a)(2), Tax Code, authorizes a county located on the United States-Mexico border that has a population over 90,000 and three municipalities with a population less than 17,500 to collect the hotel occupancy tax. Population brackets for purposes of statutes are based on the most recent decennial census. In 2010, El Paso met these criteria, given that it had three municipalities under 17,500. However, in 2020, El Paso will no longer meet these criteria due to growth in the eastern region of the county. This bill:

Amends current law relating to the authority of certain counties to impose a hotel occupancy tax.

Allows El Paso County to continue to be able to collect the hotel occupancy tax by amending Section 352.002(a), Tax Code, to provide that a hotel occupancy tax may be imposed in certain counties, including a county that has a population of 90,000 or more, borders the United Mexican States, and does not have four or more cities that each have a population of more than 25,000, rather than not having three or more cities that each have a population of more than 17,500.

Use of HOT Revenue in Certain Municipalities—S.B. 942

by Senator Hughes—House Sponsor: Representative Paddie

There are concerns that certain municipalities, such as Queen City, are not permitted to use hotel occupancy tax funds to enhance or upgrade existing sports facilities. Interested parties contend that such municipalities as Queen City want to have upgraded sports facilities and events to attract overnight visitors to local hotels. Due to the lack of a permanent concession stand and bathrooms, the sports facilities in Queen City are unable to attract the tournaments to realize the full potential of the facilities. This bill:

Amends current law relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

Authorizes a municipality that has a population of not more than 1,500 and is located in a county that borders Arkansas and Louisiana, in addition to other authorized uses, to use revenue from the municipal hotel occupancy tax for the promotion of tourism by enhancing and upgrading an existing sports facility or field as specified by Subsection (a)(7) (relating to the authorization to use municipal hotel tax revenue for the promotion of tourism by enhancing and upgrading of existing sports facilities or fields), provided that the requirements of Subsections (a)(7)(A) (relating to the condition that the municipality owns the facilities or fields) and (C) (relating to the requirement that the sports facilities and fields have been used, in the proceeding calendar year for a certain time period) are met.

Using Municipal HOT Revenue for Sporting Facilities—S.B. 1136

by Senator Hinojosa—House Sponsor: Representative Canales

The city of Edinburg, Texas, is experiencing rapid growth and is quickly becoming a tourist destination. Edinburg will soon finish construction of a 9,000-seat professional soccer arena. Surrounding the arena are sports fields, including a professional soccer team's practice field, and several recently built hotels that have been attracting tourists and that have been experiencing escalating room rentals and revenue. This bill:

Allows the City of Edinburg to use municipal hotel occupancy tax (HOT) revenue to pay for the construction, maintenance, and expansion of sporting-related facilities surrounding its soccer arena.

Amends the Tax Code to allow for HOT revenue collection if certain criteria are met—i.e., if a municipality's sporting facilities and fields have been used in the preceding year a combined total of 10 times for district, state, regional, or national sports tournaments.

Applies only to the City of Edinburg.

Annual Reporting of Municipal Hotel Occupancy Taxes—S.B. 1221

by Senators Watson and Creighton—House Sponsor: Representative Gina Hinojosa

The hotel occupancy tax (HOT) is designed to help fund programs that increase tourism in cities. It allows cities to place a tax on occupied hotel rooms and the generated revenue can help fund art

programs, exposition centers, sports arenas, and more. Cities are allowed to allocate up to 15 percent of the tax revenue to art programs, making HOT the largest source of arts funding in the state.

According to the Texas comptroller of public accounts (comptroller), there is no comprehensive list of local HOT rates, or even of jurisdictions levying the tax. In 2016, the Office of the Comptroller of Public Accounts of the State of Texas surveyed eligible Texas cities to collect more information about HOT, but only 27.2 percent of cities responded, further showing the need for a reporting requirement to the state. This bill:

Amends current law relating to an annual report submitted to the comptroller by a municipality that imposes certain HOTs.

Improves transparency of HOT by requiring municipalities to file with the comptroller an annual report of the tax rate imposed by a municipality, the amount of revenue generated by the tax, and the amount and percentage of the revenue sent to art programs. Authorizes cities to report the information either through a form prescribed by the comptroller or by supplying to the comptroller a direct link on the city website where the information can be found.

Use of HOT Revenue by Certain Municipalities—S.B. 1365

by Senator Miles—House Sponsor: Representative Reynolds

The state hotel occupancy tax (HOT) is a dedicated tax imposed on hotel guests in cities and counties that have adopted the tax. HOT can only be used to fund specific items provided for in statute. Current law has nine categories for using HOT revenue with a few special provisions for its use in specific cities. This bill:

Authorizes the City of Missouri City to use HOT revenue for promotional expenses directly related to attracting sporting events of which a majority of its participants are tourists who will stay in local hotels and motels.

Authorizes the City of Missouri City to use HOT revenue to update old sporting-event facilities.

Use of HOT Revenue by Certain Municipalities—S.B. 2056

by Senator Perry—House Sponsor: Representative Burrows

Although the City of Brownfield qualifies under multiple sections of Chapter 351.101 (Use of Tax Revenue), Tax Code, as a municipality allowed to use hotel occupancy tax (HOT) revenue to promote tourism, the city is not permitted to use these funds to promote tourism through upgrades to existing sporting facilities. If such upgrades were allowable, the city could host more baseball tournaments in a facility that could hold more people, generating valuable tax revenue for the city through hotel stays. This bill:

Provides that Section 351.10711 (Allocation of Revenue for Maintenance, Enhancement, and upgrade of Sports Facilities and Fields by Certain Municipalities), Tax Code, applies only to a municipality that is the county seat of a county that has a population of more than 10,000 and contains a portion of Mound Lake.

Authorizes a municipality to which Section 351.10711 applies, in addition to other authorized uses, to use all or any portion of the municipal HOT revenue to maintain, enhance, or upgrade a sporting facility or field.

Use of HOT Revenue in Certain Municipalities—S.B. 2166
by Senator Creighton—House Sponsor: Representative Keough

Currently, certain municipalities can collect revenue pursuant to Chapter 351 (Municipal Hotel Occupancy Taxes), Tax Code. However, Chapter 351 does not provide municipalities the right to use hotel occupancy tax (HOT) revenue to construct sporting-related facilities. This bill:

Amends Chapter 351 to provide the City of Shenandoah, along with other cities similarly situated, the ability to use HOT revenue that is currently being collected to construct a multi-use facility with a sports component.

Restricting Use of Wireless Communication Device While Driving—H.B. 62
by Representative Craddick et al.—Senate Sponsor: Senator Zaffirini

Interested parties contend that a statewide prohibition against the use of a wireless communications device while driving would greatly improve the safety of Texas roads. H.B. 62 addresses this issue by establishing provisions relating to the use of such a device while driving. This bill:

Authorizes this Act to be cited as the Alex Brown Memorial Act.

Requires that the examination of driver's license applicants include a test of the applicant's knowledge of the effect of using a wireless communication device, or engaging in other actions that may distract a driver, on the safe or effective operation of a motor vehicle.

Redefines "hands-free device."

Defines "electronic message" and "wireless communication device."

Establishes that an operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped. Requires that the behavior, to be prosecuted, be committed in the presence of or within the view of a peace officer or established by other evidence. Provides that this does not apply to an operator of an authorized emergency or law enforcement vehicle acting in an official capacity, or an operator licensed by the Federal Communications Commission while operating a certain radio frequency device.

Provides that it is an affirmative defense to prosecution that the operator used a portable wireless communication device in conjunction with a hands-free device; to navigate using a global positioning system or navigation system; to report illegal activity, summon emergency help, or enter information into a traffic application software; to read an electronic message believed to be an emergency; to relay information in the course of certain occupational duties on a device affixed to the vehicle; or to activate a function that plays music.

Provides that an offense is a misdemeanor punishable by a fine of at least \$25 and not more than \$99 unless it is shown on the trial of the offense that the defendant has been previously convicted, in which event the offense is punishable by a fine of at least \$100 and not more than \$200. Provides that the offense is a Class A misdemeanor punishable by a fine not to exceed \$4,000 and jail time not to exceed one year if it is shown that the defendant caused the death or serious bodily injury of another person.

Provides that if conduct constituting an offense under Section 545.4251 (Use of Portable Wireless Communication Device for Electronic Messaging; Offense), Transportation Code, also constitutes an offense under any other law, to be prosecuted under Section 545.4251, the other law, or both.

Requires the Texas Department of Transportation to post a sign at each point at which an interstate highway or United States highway enters this state that informs an operator that the use of a portable wireless communication device for electronic messaging while operating a motor vehicle is prohibited in this state and is subject to a fine.

Prohibits a peace officer who stops a motor vehicle for an alleged violation from taking possession of or otherwise inspecting a portable wireless communication device in the possession of the operator unless authorized by the Code of Criminal Procedure, the Penal Code, or other law.

Provides that Section 545.4251, Transportation Code, preempts all local ordinances, rules, or other regulations adopted by a political subdivision relating to the use of a portable wireless communication device by the operator of a motor vehicle to read, write, or send an electronic message.

Prohibits the Texas Department of Public Safety from assigning points to a person's license if the offense of which the person was convicted is the offense of using a portable wireless communication device for electronic messaging.

Regulation of Transportation Network Companies—H.B. 100
by Representative Paddie et al.—Senate Sponsor: Senator Schwertner

Interested parties contend that recently adopted municipal ordinances regulating transportation network companies (TNCs) have resulted in a patchwork of regulations across the state, making it difficult for these companies to maintain uniform policies and procedures. H.B. 100 remedies this situation by implementing uniform requirements and operational standards for these companies statewide. This bill:

Provides that TNCs and drivers logged in to TNC's digital network are not common carriers, contract carriers, or motor carriers.

Provides that the regulation of TNCs, drivers logged in to a digital network, and vehicles used to provide digitally prearranged rides is an exclusive power and function of this state and that power may not be exercised by a municipality or other local entity, including by imposing certain requirements.

Prohibits a person from operating a TNC in this state without obtaining and maintaining a permit issued under this bill. Requires the Texas Department of Licensing and Regulation (TDLR) to issue a permit to each applicant who meets the requirements of this bill and pays the fee required.

Provides that the requirements of Chapter 1954 (Insurance for Transportation Network Company Drivers), Insurance Code, apply to TNCs and drivers logged in to a digital network.

Requires a TNC that charges a fare for a digitally prearranged ride to disclose to passengers the fare calculation method on the digital network and, before the passenger enters the vehicle for the ride, provide certain information through the digital network to the passenger requesting the ride. Requires the TNC whose digital network was used to prearrange the ride, within a reasonable time following the completion of a digitally prearranged ride, to transmit, through e-mail or text message, a receipt to the passenger who requested the ride that includes certain information.

Requires a TNC to implement an intoxicating substance policy that prohibits a driver who is logged in to the TNC's digital network from any amount of intoxication.

Requires a TNC, before permitting an individual to log in as a driver on the TNC's digital network, to confirm that the individual meets certain criteria; conduct, or cause to be conducted, a local, state, and national criminal background check for the individual that includes the use of certain databases; and obtain and review the individual's driving record.

Prohibits a driver who is logged in to a digital network from soliciting or providing a ride for compensation, unless the passenger has been matched to the driver through the digital network.

Authorizes a driver who has accepted a digitally prearranged ride to refuse to transport a passenger acting in an unlawful, disorderly, or endangering manner.

Requires a TNC, for each motor vehicle used by a driver, to require the vehicle to meet certain requirements and confirm that the vehicle meets certain criteria.

Requires a TNC to adopt a policy that prohibits discrimination on the basis of certain characteristics of a passenger or potential passenger and that prohibits refusal to provide service to a potential passenger who has a service animal.

Provides that a driver who is authorized to log in to a TNC's digital network is considered an independent contractor for all purposes and not an employee of the TNC in any manner, if the TNC does not impose certain restrictions or requirements on the driver and the TNC and the driver agree in writing that the driver is an independent contractor.

Provides that, on the effective date of this bill, any municipal or other local ordinance or policy related to TNCs or drivers authorized to access TNCs' digital networks is void and has no effect.

Operation of Delivery Vehicles—H.B. 561

by Representative Murphy—Senate Sponsor: Senator Kolkhorst

Observers contend that delivery companies' use of small utility vehicles in certain residential communities will improve operational efficiency of those companies' fleets and reduce noise and traffic congestion in those communities. This bill:

Authorizes the Texas Department of Motor Vehicles to issue distinguishing license plates for small utility vehicles used by delivery companies. Provides that all-terrain vehicles, golf carts, neighborhood electric vehicles, recreational off-highway vehicles, and utility vehicles that are equipped with certain equipment qualify for a distinguishing license plate. Limits the operation of a vehicle bearing such a license plate from operating on certain roadways.

Licensing and Regulation of Driver Education Providers—H.B. 912

by Representative Romero Jr. et al.—Senate Sponsor: Senator Van Taylor

State law requires Texas residents under the age of 18 to complete a driver education course to obtain a driver's license. Driver education courses can be completed at a driver education school for a significant fee or at a public high school that offers the course. However, legislators contend that

the number of public schools offering driver education courses has decreased significantly due to liability and cost concerns.

Currently, parents may teach a driver education course to their child if the parent meets certain criteria, such as not having had any suspensions or revocations of their driver's license or moving violations in the previous three years. Noting the decline in driver education courses being offered in public school, the fees for private courses, and the criteria for parent instructors, legislators express concern that some rural and low-income Texans lack avenues to completing a driver education course. This bill:

Provides for the electronic issuance and delivery of driver education certificates.

Expands the persons eligible for conducting the parent-taught driver education course. Prohibits the Texas Department of Licensing and Regulation from charging a fee for the submission of proof of completion of a parent-taught driver education course.

Decreases the amount in a corporate surety bond that a driver education course provider must hold to be issued a license from \$25,000 to \$10,000.

Use of All-Terrain Vehicles on Public Roads—H.B. 920

by Representatives Kacal and Metcalf—Senate Sponsor: Senator Creighton

The Transportation Code currently allows only peace officers, agricultural producers, and utility workers, while in their official capacity, to use all-terrain vehicles (ATVs) on public roads, and statute requires that an eight-foot-tall flag be attached to the ATV in use. Legislators suggest that emergency services in many rural areas could be improved by authorizing emergency services to use ATVs on public roads.

Rural areas have more trees and bushes next to roadways than urban areas have, which legislators contend poses a problem for ATVs with a tall flag attached. The flag height poses a particular challenge to firefighters who need to move over rough terrain or travel certain roads when battling brushfires. Legislators suggest the flag height requirement is a burden because ATVs already stand a few feet tall so the flag can stand much higher than the required eight feet when it is in use. This bill:

Provides that the flag attached to an ATV must stand no less than six feet above the ground. Extends a peace officer's authority to operate an ATV on public roads to other first responders.

Transportation Funding Allocation—H.B. 1140

by Representative Charles "Doc" Anderson et al.—Senate Sponsor: Senator Hinojosa

The Transportation Code requires the Texas Transportation Commission (TTC) to distribute certain public transportation funding to local entities in accordance with formulas developed by TTC. TTC categorizes areas into three categories, based on population: urban area, urbanized area, and rural area. The Transportation Code defines "urbanized area" as an area having a population greater than 50,000. However, legislators express concern that many urbanized areas have experienced

population growth that exceeds the 50,000 threshold but still receive funding in the urbanized area category. This bill:

Creates and defines new funding categories to replace the previous categories by splitting the urbanized area category into two areas: a large urbanized area and a small urbanized area.

Notice Provided by Vehicle Impound Lots—H.B. 1247
by Representative Pickett—Senate Sponsor: Senator Nichols

Statute requires notice to be given within five days for a vehicle registered in Texas, or within 14 days for a vehicle registered outside of Texas, to a vehicle owner and lienor of record when the owner's vehicle is impounded. However, statute prevents impound lots from requesting this information electronically. This bill:

Authorizes a vehicle storage facility to electronically request from the applicable governmental body or private entity the owner or lienor address information for a car that the facility is storing.

Misrepresenting Expired Ambulances—H.B. 1249
by Representatives Goldman and Fallon—Senate Sponsor: Senators Hinojosa and Garcia

Certain emergency medical services (EMS) providers may sell an ambulance when the useful life of the ambulance has expired. Currently, such EMS providers are not required to remove any insignia, such as the star of life emblem or emergency lights, which can mislead a person to think the expired vehicle is still an official one. This bill:

Provides that a person commits an offense if the person operates a vehicle that resembles an ambulance in a manner that could mislead a person to think that the vehicle is still in service as an ambulance. Specifies certain insignia that constitutes an offense, if the insignia were to appear on the vehicle. Provides that such an offense is a Class C misdemeanor.

Driver's License Photographs—H.B. 1345
by Representative Dale—Senate Sponsor: Senator Birdwell

Legislators suggest that a color photograph, as opposed to a black and white photograph, is not necessary for a driver's license. This bill:

Removes the specification that a photograph required on a driver's license be a color photograph.

Midlothian Police Department—H.B. 1355
by Representative Wray—Senate Sponsor: Senator Birdwell

The Transportation Code requires the Texas Department of Public Safety to establish procedures for certification of municipal police officers to enforce commercial vehicle safety standards and

provides a list of municipalities in which police officers are eligible to apply for this certification. Certified officers may stop, inspect, and prohibit the operation of commercial motor vehicles if the operator is in violation of certain safety regulations.

Trucks that are overweight or in disrepair have been operating out of cement and steel manufacturing plants near the city of Midlothian and are in violation of transportation regulations but the Midlothian Police Department cannot enforce those regulations without special authorization, due to an irregularity in jurisdictional enforcement. This bill:

Provides that a police officer of the City of Midlothian is eligible to apply for certification to enforce commercial motor vehicle safety standards.

Driver Education Course Information—H.B. 1372

by Representative Koop et al.—Senate Sponsor: Senator Hughes

Legislators note that information regarding the proper use of child passenger safety seats is absent from the driver education curriculum in Texas. Observers contend that including that information could prevent injuries to young children. This bill:

Requires the Texas Commission of Licensing and Regulation to require information relating to the proper use of child passenger safety seat systems to be included in the curriculum of each driver education and driving safety course.

Informational Materials in Driver's License Offices—H.B. 1434

by Representative Simmons et al.—Senate Sponsor: Senator Nelson

The Transportation Code requires the Texas Department of Public Safety (DPS) to print on the back of a driver's license any medical information relating to a licensee's health that may impede communication with a peace officer. However, observers contend that autism may impede a person's communication with an officer and raise concerns that that educational material regarding driving with autism is not available to the public. This bill:

Authorizes DPS to make available, in a driver's license office, informational materials and videos on driving with autism.

Alvarado Police Department—H.B. 1570

by Representative Burns—Senate Sponsor: Senator Birdwell

The Transportation Code requires the Texas Department of Public Safety to establish procedures for certification of municipal police officers to enforce commercial vehicle safety standards and provides a list of municipalities in which police officers are eligible to apply for this certification. Certified officers are authorized to stop, inspect, and prohibit the operation of commercial motor vehicles if the operator or vehicle is in violation of certain safety regulations.

Observers contend that some smaller cities in Texas face a constant danger and disruption posed by commercial motor vehicles that exceed vehicle weight and size restrictions and that certain local police officers lack authority to enforce those regulations. This bill:

Provides that a police officer of the City of Alvarado is eligible to apply for certification to enforce commercial motor vehicle safety standards.

Revisions to Driver Record Monitoring Pilot Program—H.B. 1699

by Representative Geren—Senate Sponsor: Senator Nichols

The Transportation Code authorizes the Texas Department of Public Safety (DPS) to establish a driver record monitoring pilot program (pilot program). Under the pilot program, DPS is authorized to enter into contracts with entities to monitor drivers' records and may provide certain information from individual driver's license records to employers, insurers, or other specified entities that are eligible to receive information under the Motor Vehicle Records Disclosure Act (Chapter 730, Transportation Code). Under the contracts, DPS is required to monitor and report any changes in the status of licenses or traffic offense convictions.

Stakeholders contend that during the implementation of the pilot program, rules were adopted that limited the number of pilot program participants too strictly, given the number of applicants qualified to provide certain services under the pilot program. This bill:

Revises the requirements for a person to be qualified to participate in the DPS pilot program and prohibits DPS from limiting the number of qualified persons who can participate in the pilot program.

Disabled Parking Placards—H.B. 1790

by Representative Pickett—Senate Sponsor: Senator Rodríguez

Previous state law required the Texas Department of Motor Vehicles (TxDMV) to, on request, conduct a hearing to confirm or rescind the revocation of a disabled parking placard.

Legislators contend that the process for revoking and reinstating disabled parking placards that were seized by peace officers is outdated, costly, and time-consuming. Stakeholders note that the owner of a seized placard may apply for a replacement placard with the county before TxDMV has revoked the previous placard in the registration and titling system. This bill:

Authorizes a person from whom a disabled parking placard was seized to apply for a new placard. Repeals the requirement that TxDMV conduct a hearing to determine whether a revoked placard should remain revoked or returned to the person from whom it was seized.

Connected Braking Systems—H.B. 1791

by Representative Pickett—Senate Sponsor: Senator Rodríguez

H.B. 1791 provides clarity in the law regarding the use of connected braking systems in Texas. This bill:

Authorizes an operator of a vehicle equipped with a connected braking system who is following another vehicle equipped with that system to be assisted by the system to maintain an assured clear distance or sufficient space as required.

Defines "connected braking system."

Commercial Motor Vehicle Inspections—H.B. 1793

by Representative Pickett—Senate Sponsor: Senator Hancock

The Transportation Code requires a commercial motor vehicle registered in Texas to meet the state's inspection standards. The Texas Department of Motor Vehicles (TxDMV) is authorized to enter into an agreement with another state to register the vehicles of Texas residents. The Texas Administrative Code recognizes Washington, D.C., and 19 states as having inspection programs that meet federal standards equivalent to those required for a Texas-registered commercial vehicle.

Observers note that many Texas trucks and trailers registered as commercial motor vehicles are not domiciled in Texas, which effectively requires those vehicles to be in their domicile state for mandatory vehicle inspections. Legislators contend that the expense of returning such vehicles to their domicile state constitutes a burden for truckers and fleet operators. This bill:

Exempts from state inspection requirements a commercial motor vehicle that is not domiciled in Texas but is registered in Texas or under the International Registration Plan and has been issued a certificate of compliance with federal motor carrier safety regulations. Subjects such a commercial vehicle to certain fees if the vehicle is subject to state inspection requirements.

Operation of Utility Vehicles—H.B. 1956

by Representative Springer—Senate Sponsor: Senator Nichols

Legislators contend that, over time, applicable statutes have resulted in confusion for both drivers and some law enforcement officers as to the proper operation of all-terrain vehicles, utility vehicles, and recreational off-highway vehicles. This bill:

Extends the applicability of statutory provisions relating to the operation of all-terrain vehicles and recreational off-highway vehicles to the operation of a utility vehicle.

Alternative Technologies for Commercial Motor Vehicle Registration—H.B. 1959

by Representatives Senfronia Thompson and Morrison—Senate Sponsor: Senator Larry Taylor

Legislators contend that the current registration procedure for commercial fleet vehicles management is cumbersome, outdated, and expensive for fleet owners, local governments, and law enforcement. This bill:

Requires the Texas Department of Motor Vehicles to conduct a study assessing alternative technologies to replace current documentation and registration methods for registering commercial motor vehicles. Provides for the creation of a pilot program that identifies, implements, and assesses such technologies.

Commercial Motor Vehicle Fines—H.B. 2065

by Representative Phillips et al.—Senate Sponsor: Senator Hancock

Currently, certain municipalities and counties are authorized to apply for a certification to conduct commercial vehicle inspections and to issue citations from which money collected can be retained by the cities or counties to recover their enforcement costs. In each fiscal year, a county or municipality can retain fines in an amount not to exceed 110 percent of the county's or municipality's actual expenses for enforcement. All fines that exceed this limit are reported to the Office of the Comptroller of Public Accounts of the State of Texas (comptroller's office) and deposited to the credit of the Texas Department of Transportation. This bill:

Requires a municipality or county that retains a fine from the enforcement of commercial motor vehicle safety standards to annually file with the comptroller's office a report that details the amount of fines retained and the actual expenses claimed for enforcement during the previous fiscal year. Requires a municipality or county that fails to file the report to send to the comptroller's office an amount equal to the amount retained by the municipality or county in the fiscal year the report would cover.

Commercial Truck Highway Weight Limits—H.B. 2319

by Representative Paddie et al.—Senate Sponsor: Senator Creighton

Commercial trucks operating on natural gas fuel systems weigh up to 2,000 pounds more than comparable diesel trucks as a result of the different fuel system technologies. As a result, natural gas trucks must have their loads reduced to comply with statutory weight limitations, which, according to stakeholders, causes a loss in revenue of up to three percent per load. In response, Congress passed the Fixing America's Surface Transportation Act in 2015 to exempt the increased weight in natural gas systems from interstate weight limits. Legislators suggest extending the exemption to state highways. This bill:

Authorizes a natural gas truck to exceed certain vehicle weight limitations.

Provides for the issuance of a permit for the international transportation of an intermodal shipping container along certain routes in Bowie County.

Texas Transportation Commission Authority to Acquire Property—H.B. 2646
by Representatives Martinez and Guerra—Senate Sponsor: Senator Hinojosa

Current law authorizes the Texas Transportation Commission (TTC) to purchase an option to acquire property for use in connection with a transportation facility before a final decision has been made as to whether the transportation facility will be located on that property.

Congress recently passed a law providing federal funding to states for acquiring rights-of-way for transportation projects before receiving final environmental clearance to commence development. Observers contend that this law has caused confusion regarding the authority of TTC to acquire certain rights-of-way. This bill:

Authorizes TTC to acquire real property before finalizing a facility's location and to authorize such an acquisition before environmental clearance has been issued for the transportation facility. Requires TTC, before disposing of property acquired in advance that is not needed for a transportation facility, to first offer the property for sale to the person from whom TTC acquired the property.

Installation of Unsafe Tires—H.B. 2774 [VETOED]
by Representative Phelan—Senate Sponsor: Senator Rodríguez

Observers note that tire blowouts, tire thread separations, and bald tires greatly increase the likelihood of an accident while driving. Legislators wish to reduce the incidence of vehicle accidents resulting from unsafe tires. This bill:

Creates the offense of installation of unsafe tires. Provides that such an offense is a misdemeanor punishable by fine.

Operation of Golf Carts and Utility Vehicles on Highways—H.B. 2968
by Representative Dennis Bonnen—Senate Sponsor: Senator Kolkhorst

Currently, golf carts and utility vehicles may operate on public highways in certain municipalities and counties. However, observers contend that this authorization does not adequately account for the unincorporated areas of other counties with similar features to those in which such vehicles are authorized to operate. This bill:

Authorizes the Matagorda County Commissioners Court to allow a golf cart or utility vehicle to operate on a public highway that is located in the unincorporated area of the county and that has a posted speed limit of not more than 35 miles per hour.

Driver's Licenses—H.B. 3050

by Representative Phil King—Senate Sponsor: Senator Nichols

The Transportation Code requires a driver's license to include a color photograph of the license holder's entire face, full name and date of birth, home address, and a brief description of the license holder. The Transportation Code further allows the Texas Department of Public Safety (DPS) to sell a magnetic tape containing the names, addresses, and dates of birth of all license holders contained in DPS's basic driver's license record file to an approved purchaser. This bill:

Expands the definition of "driver's license" to include a learner's license.

Authorizes DPS to establish a program for the provision of renewal and duplicate driver's licenses, election identification certificates, and personal identification certificates services in certain counties and municipalities. Repeals the requirement that the photograph on a driver's license be a color photograph.

Authorizes DPS, when selling driver's license information, to provide the information in any format.

TxDOT Vehicle Lighting Standards—H.B. 3087

by Representative Morrison—Senate Sponsor: Senator Nichols

The Texas Department of Transportation (TxDOT) operates highway maintenance and service vehicles in field operations and projects and sets specifications and standards for the lighting of those vehicles to promote safety and efficiency. However, observers contend that the types of vehicles for which TxDOT adopts standards is unclear. This bill:

Changes the equipment to which certain TxDOT lighting standards and specifications apply from highway maintenance and service equipment to highway maintenance and service vehicles.

Motor Carrier Regulations—H.B. 3254

by Representative Phillips—Senate Sponsor: Senator Nichols

"Chameleon carriers" are motor carriers that change names or operate under various aliases to continue operating without remedying previous penalties or sanctions for safety violations. In 2008, one such reckless carrier killed 17 people in a crash after the carrier had several violations and had changed names to evade paying penalties for the violations.

Legislators contend that the Texas Department of Motor Vehicles (TxDMV) needs additional authority in regulating motor carriers and in enforcing those regulations, including the authority to deny a motor carrier registration to a chameleon carrier. This bill:

Expands the conditions under which TxDMV may deny a motor carrier registration or renewal. Sets forth requirements for a motor carrier to obtain a motor carrier reregistration. Creates a Class A misdemeanor offense for a person who knowingly operates a commercial motor vehicle in violation of an out-of-service order or who owns, leases, or assigns a person to drive such a vehicle.

Driver's License Suspension—H.B. 3272

by Representative Wray—Senate Sponsor: Senator Rodríguez

Current statute limits enforcement actions against drivers under the age of 18 who hold a learner's license but not against drivers who hold a common provisional license. Observers express concern that the current limitations allow for some drivers to avoid suspension of their license for moving violations.

The Transportation Code requires that an administrative hearing for a person whose driver's license is being suspended, revoked, or disqualified to be heard in a municipal court or a justice of the peace court. However, full dockets and the inability of drivers to appear in person delay hearings and enforcement actions against potentially unsafe drivers. This bill:

Authorizes an administrative hearing for license suspensions to be conducted by telephone or videoconference call. Prohibits a justice of the peace court or a municipal court from ordering the confinement of a child for the failure to appear in court for an offense committed by the child. Removes certain conditions of failure to appear and certain defaults in payment for fine-only misdemeanors as conditions under which the Texas Department of Public Safety is required to revoke a driver's license.

Bone Marrow Donor Registry Information in Driver's License Offices—H.B. 3359

by Representative Cosper—Senate Sponsor: Senator Rodríguez

Under current Texas statute, the Texas Department of Public Safety (DPS) must make educational information provided by the Glenda Dawson Donate Life registry publicly accessible in each office authorized to issue driver's licenses or personal identification certificates. The registry covers the donation of many types of human tissue, but does not include the donation of living bone marrow, which can benefit people with various diseases and cancers. This bill:

Authorizes DPS to make informational available materials and videos on bone marrow donation in a publicly accessible area of a driver's license office.

Enforcement Notices from DPS—H.B. 3376

by Representatives Holland and Fallon—Senate Sponsor: Senator Perry

The Texas Department of Public Safety (DPS) is required to provide notice regarding enforcement proceedings or actions to a person by mail but does not have a valid mailing address all people, which prevents DPS from fulfilling this obligation. Legislators suggest authorizing DPS to provide notice using other methods. This bill:

Authorizes DPS to send notification of suspension, revocation, or certain other driver's license enforcement proceedings and actions by e-mail, if requested by the recipient.

Definition of "Road Machinery"—H.B. 3654

by Representative Wray—Senate Sponsor: Senator Perry

Observers note that while the state law governing vehicle equipment applies to road machinery, "road machinery" is not clearly defined in statute. Legislators suggest clarifying the term to prevent the misapplication of vehicle equipment laws. This bill:

Defines "road machinery" as a self-propelled vehicle that was originally and permanently designed as machinery, is not designed or used primarily to transport persons or property, and is only incidentally operated on a highway.

Permits for Oversize or Overweight Trucks—H.B. 4156

by Representative Dennis Bonnen—Senate Sponsor: Senator Kolkhorst

Current law allows the Texas Transportation Commission (TTC) to authorize a port authority to issue permits for the movement of oversize or overweight trucks carrying cargo on state highways in certain counties. An overweight corridor places a fee on overweight trucks transporting goods for the purpose of maintaining and operating the overweight corridors highways. These overweight corridors allow the efficient and safe movement of goods and incentivize cargo transport companies to call on these ports.

Legislators express the state's need to create such a corridor connecting Bay City to the entrance of Port Freeport. This bill:

Includes Matagorda County among the counties in which TTC may authorize a port authority to issue permits for the movement of certain oversize or overweight vehicles. Includes a specified route through Matagorda and Brazoria Counties among the routes TTC is required to designate for purposes of such a permit. Raises the cap on the fee collected by a port authority for such a permit from \$80 per trip to \$120 per trip.

Road Infrastructure Contractors—S.B. 82

by Senators Nelson and Garcia—House Sponsor: Representative Capriglione

In 2014, exit ramps on State Highway 114 in the city of Grapevine were closed for improvements during Grapevine's largest public annual event, Grapefest—a wine festival that attracts visitors from across the state. The road closures made it a challenge for festival goers to attend Grapefest. This bill:

Prohibits a contractor from temporarily closing a highway on the date that an event is scheduled to be held in the city of Grapevine if the city notifies the Texas Department of Transportation and the contractor of that date.

Paratransit Services—S.B. 402

by Senators Zaffirini and Garcia—House Sponsor: Representative Allen

Federal law requires a public transportation provider to make paratransit services available on a limited basis to visitors from another jurisdiction who can demonstrate paratransit eligibility in their home jurisdiction. Specifically, such persons are entitled to use another provider's service for not more than 21 days per rolling 365-day period without an additional application. Community stakeholders representing persons with disabilities have raised concern regarding a lack of awareness of this federal requirement, which may result in affected persons refraining from traveling outside their jurisdiction of residence due to an erroneous belief that they either would have to use fixed-route public transit in the destination jurisdiction or would be required to apply for or receive eligibility certification in that jurisdiction. This bill:

Requires a public transportation provider that provides services designed for people with disabilities to notify individuals who are who are eligible to use those services with their local provider that they are eligible to use those services, on a temporary basis, when traveling with another provider.

Seat Belts on School Buses—S.B. 693

by Senator Garcia et al.—House Sponsor: Representative Phelan et al.

Legislators express concern that, with no equipment restraining a student in his or her seat, students can be thrown around and even ejected from a school bus during a crash. Legislators further note that multiple school bus accidents in Texas have led to fatalities and have caused injuries that could have been prevented if these buses were equipped with three-point seat belts. This bill:

Requires certain multifunction school activity buses and school-chartered buses to be equipped with a three-point seat belt for each passenger, including the operator. Repeals a provision making a school district's compliance with the requirement to equip certain buses with such a seat belt contingent on legislative reimbursement for expenses incurred in complying with the requirement.

Driver Education Courses—S.B. 848

by Senator Huffines—House Sponsor: Representatives Romero Jr. and Frullo

The Texas Department of Licensing and Regulation (TDLR) made recommendations to the legislature to streamline the licensing process. S.B. 848 reflects those recommendations for the licensing of driver education course providers. This bill:

Provides for the electronic issuance and delivery of driver education certificates, expands the persons eligible to be a parent-taught driver course provider, and revises the eligibility requirements for a person conducting a driver education course.

Prohibits TDLR from charging a fee for the submission of proof of completion of a driver education course or passage of an examination under a parent-taught course provider.

Decreases from \$25,000 to \$10,000 the amount of a corporate surety bond that a course provider must hold to be issued a license.

Safety Inspections for Fleet Vehicles and Trailers—S.B. 1001

by Senators Larry Taylor and Hall—House Sponsor: Representative Paul et al.

Most vehicles are required to undergo a safety inspection that ensures a vehicle and its components, such as brakes, headlights, mirrors, tires, seat belts, and window tint, comply with state law. Stakeholders note that certain vehicles in commercial fleets that are subject to periodic safety inspections also are required to be inspected under the state's vehicle inspection program.

Under current law, trailers with a gross vehicle weight rating of 4,501 pounds or more require inspection for registration. As a result, some boat trailers and campers are included in the inspection requirement, which some legislators feel is inappropriate. This bill:

Creates an alternative vehicle inspection procedure for a motor vehicle or trailer that is part of a commercial fleet and that is registered or is in the process of being registered in Texas. Increases the maximum gross weight of a trailer, semitrailer, pole trailer, or mobile home that is exempt from compulsory inspection from 4,500 pounds to 7,500 pounds; subjects such a vehicle to a fee at the time of registration; and provides for the disposition of the fee.

Security Vehicles at DFW Airport—S.B. 1024

by Senator Nelson—House Sponsor: Representative Yvonne Davis

Current law authorizes certain emergency vehicles, such as police, fire, and emergency medical services, to use red and blue emergency lighting. Security forces at the Dallas/Fort Worth International Airport (DFW) wish to equip their security vehicles with red and blue emergency lights to achieve similar visibility at airports; however, their security vehicles are not included in the current statutory definition of an emergency vehicle that may use the lighting. This bill:

Authorizes an airport security vehicle to be equipped with flashing blue and amber lights that are visible from directly in front of the center of the vehicle.

Deaf or Hard of Hearing Accommodations in Driver Education Courses—S.B. 1051

by Senator Watson—House Sponsor: Representative Dutton

According to legislators, most driver education schools do not offer any kind of accommodation for deaf students. In turn these students may instead be forced to wait or to travel to Austin to take a driver education course in American Sign Language. This bill:

Requires the Texas Department of Licensing and Regulation to establish an online driver education course for deaf or hard of hearing students. Requires the Texas Commission of Licensing and Regulation to require a driver education school providing a driver education course to provide certain accommodations for deaf or hard of hearing students.

Electronic Forms for Transfer of Vehicle Ownership—S.B. 1062*by Senator Perry—House Sponsor: Representative Dean*

The Transportation Code requires a seller of a motor vehicle to provide a buyer a written disclosure of the vehicle's odometer reading at the time of the sale on a form prescribed by the Texas Department of Motor Vehicles (TxDMV). To prevent tampering, the odometer disclosure is required to be made on a secure form, which TxDMV has implemented. However, mailing a paper form adds significant delay and inconvenience to the transfer of ownership process, especially for total loss automobile claims. Legislators contend that odometer forms could be completed and transmitted more quickly if done electronically. This bill:

Requires TxDMV to provide an electronic power of attorney form and an electronic reassignment form for licensed motor vehicle dealers. Establishes a process to accept electronic signatures on secure documents.

Weight Exemption for Oversize or Overweight Natural Gas Trucks—S.B. 1102*by Senator Creighton—House Sponsor: Representative Paddie*

Natural gas trucks weigh approximately 2,000 pounds more than comparable diesel fuel trucks because natural gas fuel systems weigh more than diesel fuel systems. According to legislators, this weight disparity causes full-load carriers operating natural gas trucks to reduce their loads to comply with the weight limitations, resulting in revenue losses of up to two to three percent per load. To address this, Congress passed the Fixing America's Surface Transportation Act in December 2015. That Act allows states to exempt the added weight of natural gas fuel tanks, up to 2,000 pounds, from interstate weight limitations. Many states have extended the exemption to their highways. This bill:

Authorizes a vehicle or combination of vehicles that is powered by an engine fueled primarily by natural gas to exceed certain vehicle weight limitations. Provides that the maximum gross weight of such a vehicle or combination of vehicles is capped at 82,000 pounds.

Negotiating Contracts without Competitive Bidding—S.B. 1179*by Senator Nelson—House Sponsor: Representative Simmons*

Current law authorizes a coordinated county transportation authority's governing board to authorize the negotiation of a contract for construction, services, or property without competitive sealed bids or proposals under certain conditions. This bill:

Expands those conditions to include a contract for items available from only one source, certain utilities, and captive replacement parts or components for equipment; planning services; or an authority project awarded for alternate project delivery using design-build procedures, requirements, and limitations.

Showing Proof of Car Insurance to Peace Officers—S.B. 1187

by Senators West and Hinojosa—House Sponsor: Representative Phillips

Texas law requires drivers to maintain automobile insurance and to show proof of insurance when requested by a peace officer during a traffic stop. However, a driver may not have proof of insurance available when asked by an officer. According to legislators, a citation will be issued to the driver in some instances, despite the driver having insurance and the officer having verified it.

Legislators note that a driver who receives a conviction for failure to show proof of insurance is also placed in the Driver Responsibility Program (DRP) and is automatically required to pay a surcharge for three years. Under Texas law, a citation for driving without car insurance may be dismissed by the court if the citation is issued to a driver who has insurance at the time the citation is issued. However, a driver would still be required to pay a surcharge, despite having the conviction dismissed. This bill:

Requires a citation for a violation of the motor vehicle liability insurance requirement to include an affirmative indication that the peace officer was unable, at the time of the alleged offense, to verify financial responsibility for the vehicle. Prohibits the Texas Department of Public Safety from assessing a surcharge on a driver's license based on such an offense if the person files certain satisfactory evidence.

Oversize or Overweight Vehicle Permits in Chambers County—S.B. 1291

by Senator Creighton—House Sponsor: Representative Faircloth

The 83rd Legislature, Regular Session, 2013, expanded portions of two state highways within Chambers County for which the county is authorized to issue permits for oversize or overweight vehicles, including the frontage road of State Highway 99. During the construction of Grand Parkway 99, observers raised questions regarding what is considered the frontage road to State Highway 99, specifically from Cedar Bayou Bridge to Interstate 10. This bill:

Revises the designated portion of State Highway 99 for which Chambers County may issue an oversize or overweight vehicle permit for the transport of cargo.

County Energy Transportation Reinvestment Zones—S.B. 1305

by Senator Nichols—House Sponsor: Representative Darby

The Transportation Code establishes procedures for the creation of a county energy transportation reinvestment zone (CETRZ), which allows a county to establish an account that captures revenue from increases in property tax revenues in specific areas and is dedicated to transportation infrastructure projects in those areas. However, Section 1(a), Article VIII (Taxation and Revenue), Texas Constitution, requires taxation to be equal and uniform, and legislators express concern that CETRZ would not hold up in court. This bill:

Repeals provisions relating to CETRZs and their advisory boards.

TxDMV Headquarters—S.B. 1349

by Senator Watson—House Sponsor: Representative Pickett

The Texas Department of Motor Vehicles (TxDMV) is currently headquartered in Austin at the Camp Hubbard complex. This complex is owned by the Texas Department of Transportation (TxDOT) and is located at the intersection of 35th Street and MoPac Expressway in the city of Austin. The TxDMV transition plan that was developed when the legislature created the agency in 2009 recommended maintaining this location until new facilities could be acquired.

The 84th Legislature, Regular Session, 2015, authorized the Texas Facilities Commission to issue roughly \$58 million in bonds for land acquisition and construction of a new TxDMV headquarters. However, Governor Abbott vetoed funding for this project. Since then, TxDMV has worked with the Office of the Governor, members of the legislature, and TxDOT on a proposal to transfer existing Camp Hubbard property from TxDOT to TxDMV. Before this plan can be implemented, TxDMV must be given statutory authority to own real property. This bill:

Authorizes TxDMV to own, control, manage, maintain, improve, lease, trade, sell, transfer, and otherwise dispose of real property, including improvements.

Requires the Texas General Land Office, if requested by TxDMV, to negotiate and close a sale of real property on behalf of TxDMV.

Authorizes TxDMV to enter into a contract regarding the disposition of real property, and sets forth provisions regarding TxDMV's compliance with requirements and processes relating to state property.

Provides for the transfer of specified real property from TxDOT to TxDMV and for the sale of such property.

Milk Trucks—S.B. 1383

by Senator Perry—House Sponsor: Representative Ken King

Current statute allows commercial trucks hauling milk to operate at weights as heavy as 80,000 pounds on county roads, farm-to-market roads, and state highways. Legislators note that statute relating to the transportation of milk has not been updated since 1995, when, according to legislators, dairy processing facilities were close to urban areas. This bill:

Authorizes the Texas Department of Motor Vehicles to issue a permit for the movement of fluid milk by a truck-tractor and semitrailer combination with a maximum gross weight of 90,000 pounds. Sets forth permit conditions and requirements and restricts operation under the permit to counties designated in the permit application.

The Justin Little Act—S.B. 1384

by Senator Perry—House Sponsor: Representative Burrows

On August 14, 2005, the driver of a contracted carrier lost control of the vehicle and struck a tree near the City of Coleman. Justin Little, a BNSF Railway conductor, was riding in the vehicle and suffered injuries from the accident that disabled him for life. The driver of the contract carrier tested positive for methamphetamines after the accident. The contract carrier company had hired the driver without taking an application, performing a background check, or administering a preemployment drug screen.

In response to this incident, the legislature passed S.B. 481 (Carona; SP: Veasey) (relating to safety regulations for certain contract carriers), 81st Legislature, Regular Session, 2009, which requires the Texas Department of Public Safety to adopt regulations for drug and alcohol testing and minimum liability insurance for contract carriers. This bill:

Renames Chapter 126 (S.B. 481), Acts of the 81st Legislature, Regular Session, 2009, relating to safety regulations for certain contract carriers, as the Justin Little Act.

Texas Aviation Advisory Committee—S.B. 1522

by Senator Nichols—House Sponsor: Representative Ed Thompson

The Texas Aviation Advisory Committee (AAC) provides input to the Texas Department of Transportation (TxDOT) on its aviation development programs and serves as its representative among aviation users. Currently, AAC consists of six members appointed by the Texas Transportation Commission (TTC). However, TTC and AAC have stated that a six-member committee does not adequately represent the Texas aviation community. This bill:

Provides that TTC shall determine the number of members of AAC. Requires that a majority of members of AAC members have five years of successful experience as an aircraft pilot, an aircraft facilities manager, or fixed-base operator.

Road Transport of Sealed Intermodal Shipping Container—S.B. 1524

by Senators Nichols and Bettencourt—House Sponsor: Representative Morrison et al.

According to legislators, manufacturers on the Gulf Coast have been shipping containers by truck under the 2060 weight tolerance permit that authorizes a vehicle to operate up to 84,000 pounds, which is heavier than the normal weight limit of 80,000 pounds. However, shipping containers are so heavy that shippers are forced to leave portions of a container empty to comply with the permit limit, which, according to legislators, results in inefficiency and a competitive disadvantage. Legislators contend that allowing trucks to ship full containers would enable fewer trucks to transport the same amount of cargo, which would result in less road consumption. This bill:

Authorizes the Texas Department of Motor Vehicles to issue an annual permit for the movement of a sealed intermodal shipping container moving in international transportation by a six-axle or seven-axle truck-tractor and semitrailer combination. Sets forth permit conditions, requirements, and route

restrictions and requires the Texas Department of Transportation to conduct a biennial study concerning vehicles operating under the permit.

Electronic Notice of Highway Construction and Maintenance Contracts—S.B. 1877

by Senator Perry—House Sponsor: Representative Wray

The Texas Department of Transportation (TxDOT) is required to provide notice by mail of proposed highway construction and maintenance contracts. Nonexempt requestors are required to pay a \$65 annual fee for this service. However, the majority of requestors are exempted by law from the \$65 annual fee because such requestors are disadvantaged business enterprises or historically underutilized businesses. Legislators suggest authorizing TxDOT to provide notice of highway construction and maintenance contracts electronically. This bill:

Authorizes TxDOT to electronically send notice of any proposed contracts for highway projects requiring competitive bids to a designated e-mail address as an alternative to sending such notice by mail.

Regulation of Outdoor Advertising—S.B. 2006

by Senator Watson—House Sponsor: Representative Morrison

The Texas Highway Beautification Act (TxHBA) was enacted in 1972 to comply with the federal Highway Beautification Act of 1965, which requires states to regulate outdoor advertising located in certain areas. Federal noncompliance would cost the state 10 percent of its federal highway funding.

Legislators note that a decision from a Texas court of appeals holds that TxHBA is unconstitutional because several of its billboard regulations violate the First Amendment right to free speech. More specifically, the court of appeals ruled that the plain language of TxHBA defines "outdoor advertising" so broadly that TxHBA restrictions on speech apply to both commercial and noncommercial speech. The court of appeals also determined that it could not disentangle the constitutional provisions from the unconstitutional ones and that it therefore had to rule that two subchapters in their entirety were unconstitutional and that only the legislature could fix the problem. The decision was stayed pending a decision from the Supreme Court of Texas, but legislators argue that the state will have no billboard regulations if the decision stands. This bill:

Revises statutory provisions to reflect the regulation of commercial signs in compliance with the federal Highway Beautification Act of 1965.

Legislative Recommendations from TxDMV—S.B. 2075

by Senator Rodríguez—House Sponsor: Representative Pickett

The board of the Texas Department of Motor Vehicles makes legislative recommendations to each legislature. S.B. 2075 reflects those recommendations. This bill:

Revises certain requirements and procedures for registering or renewing the registration of a motor vehicle, trailer, semitrailer, or commercial fleet vehicle. Revises certain procedures affecting a county tax assessor-collector relating to vehicle registration and the collection and disposition of associated fees.

Changes the classification for license plates issued to certain people from "specialty license plates" to "distinguishing license plates."

Repeals provisions relating to the designation of a registration period by a person who owns more than one motor vehicle or trailer. Repeals provisions relating to the calculation of additional vehicle registration fee amounts retained by a county tax assessor-collector.

Titling of Motor Vehicles—S.B. 2076

by Senator Rodriguez—House Sponsor: Representative Pickett

The board of the Texas Department of Motor Vehicles (TxDMV) makes legislative recommendations to each legislature. S.B. 2076 reflects recommendations, regarding vehicle titles.

The Certificate of Title Act (Chapter 501, Transportation Code) governs the requirements for vehicle titles, vehicle identification numbers, transfers of title, nonrepairable and salvage motor vehicles, security interests, and penalties and enforcement. Under the Act, knowingly providing false or incorrect information or, without legal authority, signing the name of another person on any document, including a vehicle title transfer, is a felony of the third degree. This bill:

Revises provisions relating to vehicle titling requirements, the assignment and reassignment of a vehicle identification number by TxDMV, and the issuance of a title for trailers and semitrailers.

Establishes the circumstances under which a motor vehicle, trailer, or semitrailer is required to have an identification number inspection and provides for the identification number inspection process and the authority of TxDMV to establish an alternative identification number inspection process.

Revises the process for an odometer disclosure statement to be provided to comply with federal law.

Revises the process for an owner or lienholder of a motor vehicle to obtain a certified copy of a lost or destroyed title, effective January 1, 2019.

Autonomous Vehicle Technology—S.B. 2205

by Senator Hancock et al.—House Sponsor: Representative Geren

Autonomous vehicle technology is advancing rapidly and is already being tested on public roads. Legislators suggest implementing minimum safety requirements and statutorily defining terms relating to autonomous vehicles and automated driving systems in statute. This bill:

Authorizes an automated motor vehicle on which an automated driving system is installed to operate in Texas with that system engaged, regardless of whether a human operator is physically present in the vehicle.

Prohibits a political subdivision or a state agency from imposing a franchise or other regulation related to the operation of such a vehicle or system.

Hidalgo County Regional Mobility Authority—S.B. 2227
by Senator Hinojosa—House Sponsor: Representative Martinez

A regional mobility authority (RMA) may issue permits for the movement of an oversize or overweight vehicle carrying cargo in Hidalgo County on certain highways and roads. Currently, the maximum amount assessed for such a permit may not exceed \$80 per trip, and fees collected must be used for the construction and maintenance of these roads and for administrative costs, which may not exceed 15 percent of the fees collected, incurred by Hidalgo County RMA.

According to legislators, the increase in brokers using the current system to register for permits has forced the Hidalgo County to use extensive staff time to correct input errors. This bill:

Raises the cap on the fee for a permit issued for the movement of oversize or overweight vehicles carrying cargo in Hidalgo County from \$80 to \$200.

"Back the Blue" License Plates—H.B. 263

by Representative Lozano—Senate Sponsor: Senators Zaffirini and Campbell

Legislators contend that recent attacks against law enforcement call for increased public awareness and support for law enforcement. This bill:

Requires the Texas Department of Motor Vehicles to issue "Back the Blue" specialty license plates.

Specialty License Plates for Star of Texas Award Recipients—H.B. 979

by Representatives Kacal and Metcalf—Senate Sponsor: Senator Birdwell

Some observers contend that specialty license plates for recipients of the Star of Texas Award would honor and pay respect to peace officers, firefighters, and emergency medical first responders who have been seriously injured or killed in the line of duty. This bill:

Requires the Texas Department of Motor Vehicles to issue specialty license plates for recipients of the Star of Texas Award. Sets forth certain requirements for the award.

Blessed are the Peacemakers Specialty License Plates—H.B. 1256

by Representative Kacal—Senate Sponsor: Senator Hancock

Legislators suggest that the creation of a new specialty license plate will honor the service of Texas peace officers and support the maintenance of the Texas Peace Officers' Memorial on the Capitol grounds. This bill:

Requires the Texas Department of Motor Vehicles to issue "Blessed are the Peacemakers" specialty license plates that include a certain image and the words at the bottom of each plate. Sets forth specifications for the image.

Issuance of License Plates Honoring Recipients of Military Awards—H.B. 2115

by Representatives Klick and Sanford—Senate Sponsor: Senators Hancock and Uresti

Individuals who serve or have served in specific military units deserve additional recognition. H.B. 2115 provides that recognition by establishing a specialty license plate for such individuals serving in the Third United States Infantry Regiment as a guard for the Tomb of the Unknown Soldier. This bill:

Requires the Texas Department of Motor Vehicles to issue a specialty license plate for persons who serve or have served in the Third United States Infantry Regiment as a guard for the Tomb of the Unknown Soldier and who are awarded the Guard, Tomb of the Unknown Soldier Identification Badge. Requires the license plates to include a likeness of the Guard, Tomb of the Unknown Soldier Identification Badge and the words "Tomb Guard" at the bottom of each plate.

Replacement Registration Insignia and License Plates—H.B. 2663

by Representatives Pickett and Frullo—Senate Sponsor: Senator Hinojosa

The Texas Department of Motor Vehicles has raised concerns regarding the ability of local tax assessor-collectors to issue replacement registration insignia and replacement license plates without charging a replacement fee and has recommended clarifying the tax assessor-collector's authority to do so. This bill:

Exempts an owner of a motor vehicle from the replacement registration insignia fee or the replacement license plate fee if a county tax assessor-collector determines that the owner did not receive an insignia or license plate issued to the owner by mail.

Childhood Cancer Awareness License Plates—H.B. 2700

by Representative Hunter—Senate Sponsor: Senator Hinojosa

The Texas General Land Office and the Snowdrop Foundation have an agreement providing for a childhood cancer awareness license plate. Interested parties and legislators wish to codify that agreement. This bill:

Requires the Texas Department of Motor Vehicles to issue childhood cancer awareness specialty license plates.

Issuance of Specialty License Plates for Veterans—H.B. 3521

by Representative Lambert et al.—Senate Sponsor: Senator Buckingham

Interested parties note that a number of service award emblems for which Texas veterans may be eligible are not currently offered by the Texas Department of Motor Vehicles (TxDMV) for inclusion on a specialty license plate. H.B. 3521 addresses this issue by expanding the types of military specialty license plates issued by TxDMV. This bill:

Adds Section 504.3161 (Military Specialty License Plates for Recipients of Certain Military Campaign and Service Awards), Transportation Code, to require TxDMV to issue specialty license plates to recipients of certain enumerated military awards and to include on the plate the name of the award.

Authorizes license plates issued under Section 504.202 (Veterans with Disabilities), Transportation Code, other than license plates issued under Section 504.202(h), Transportation Code, to include on request one emblem from another license plate to which a person is entitled under certain sections, including Section 504.3161, Transportation Code.

Provides that, to the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

Issuance of Specialty License Plates to Persons in Certain Regiments—H.B. 3567
by Representative Dennis Bonnen—Senate Sponsor: Senator Huffman

The 11th Armored Cavalry Regiment has served the United States in the Philippine-American War, World War II, Vietnam War, Cold War, Operation Desert Storm, and Operation Iraqi Freedom. Currently, the Texas Department of Motor Vehicles (TxDMV) has over 140 specialty license plates that recognize military service. H.B. 3567 adds the 11th Armored Cavalry Regiment to that roster of available license plates. This bill:

Adds Section 504.323 (11th Armored Cavalry Regiment), Transportation Code, to require TxDMV to issue specialty license plates for persons who have served in the 11th Armored Cavalry Regiment of the United States Army. Requires that the license plates include the 11th Armored Cavalry Regiment emblem and include the words "11th Armored Cavalry Regiment" at the bottom of each plate.

Authorizes license plates issued under Section 504.202 (Veterans with Disabilities), Transportation Code, other than license plates issued under Section 504.202(h), Transportation Code, to include on request one emblem from another license plate to which a person is entitled under certain sections, including Section 504.323, Transportation Code.

Specialty License Plates for Surviving Spouses of Disabled Veterans—S.B. 441
by Senator Rodriguez—House Sponsor: Representative Blanco

Section 504.317 (Surviving Spouses of Disabled Veterans Specialty License Plates), Transportation Code, provides that a surviving spouse of a veteran may apply for a specialty license plate, with "surviving spouse" meaning the individual married to a disabled veteran at the time of the veteran's death. However, the law does not allow a surviving spouse to apply for a plate if his or her deceased veteran spouse chose not to apply for his or her own specialty license plate prior to death. Accordingly, the Texas Department of Motor Vehicles (TxDMV) requires proof that such a plate was first issued to a veteran prior to death and, if proof is not given, a surviving spouse cannot receive his or her own specialty license plate.

To qualify for a disabled veteran license plate, a veteran must have suffered as a result of military service at least a 50 percent service-connected disability, or a 40 percent service-connected disability because of an amputation of a lower extremity, and have received federal compensation because of the disability. Consistent with federal law, TxDMV also requires the veteran to have been honorably discharged or to have received a general discharge under honorable conditions to receive any sort of benefits for service-related disabilities. This bill:

Provides that a person is eligible to receive a specialty license plate under Section 504.317 (Surviving Spouses of Disabled Veterans Specialty License Plates), Transportation Code, if the person is the surviving spouse of a person who had been entitled to a specialty plate for veterans with disabilities under Section 504.202 (Veterans With Disabilities), Transportation Code, regardless of whether the deceased spouse was issued plates under that section.

Specialty License Plate for Combat Medical Badge Recipients—S.B. 769

by Senator Watson—House Sponsor: Representative Israel

Combat medics are subjected to similar hazards as combat troops and have the additional responsibility of administering medical care in extreme conditions. However, while Texas has specialty license plates for equally ranked badges, there is currently no such plate for recipients of the Combat Medical Badge. This bill:

Provides the issuance of specialty license plates for recipients of the Combat Medical Badge.

Specialty License Plates for Certain Military Decorations—S.B. 1371

by Senator Menéndez—House Sponsor: Representative Arévalo

The Commendation Medal is awarded to members of the United States Armed Forces for sustained acts of heroism or meritorious service, and the Commendation Medal with Valor is awarded for valorous actions while in direct contact with an enemy. The Military Outstanding Volunteer Service Medal is awarded for performing substantial volunteer service in the local community above and beyond the duties required as a member of the United States military. Legislators wish to honor the recipients of these decorations with specialty license plates. This bill:

Provides for the issuance of specialty license plates for recipients of the Commendation Medal with Valor and recipients of the Military Outstanding Volunteer Service Medal.

Specialty License Plate for Distinguished Flying Cross Medal with Valor—S.B. 1944

by Senator Hughes—House Sponsor: Representatives Price and Cain

The Distinguished Flying Cross is a military decoration awarded to a member of the United States Armed Forces for heroism or extraordinary achievement while participating in an aerial flight. When awarded for these actions in combat, the suffix "with valor" is added to the decoration. Legislators note that specialty license plates exist for other military decorations with valor but that none exists for the Distinguished Flying Cross medal with Valor. This bill:

Provides the issuance of Distinguished Flying Cross medal with Valor license plates with the letter "V" as a prefix or suffix to the numerals on each plate for recipients of the Distinguished Flying Cross medal with Valor.

Term Length for Port Mansfield Land Leases—H.B. 2610

by Representative Guillen—Senate Sponsor: Senator Lucio

Port Mansfield in Willacy County currently leases property to commercial and residential lessees for term lengths as long as 50 years. Observers contend that while a maximum lease term length of 50 years is appropriate for commercial lessees, a longer maximum term length is appropriate for residential lessees. This bill:

Authorizes Port Mansfield in Willacy County to lease the surface of land for not more than 99 years or extend a lease to a period not to exceed 99 years.

Financing Improvements to Texas Ports—S.B. 28

by Senator Creighton et al.—House Sponsor: Representative Deshotel et al.

Texas ports are responsible for over 30 percent of Texas's gross domestic product and are integral to the Texas manufacturing and energy economies. Legislators note, however, that neighboring states have already begun deepening their ports and improving port infrastructure to accommodate new, larger ships that have traveled through the Panama Canal, which was recently deepened to accommodate such ships. Legislators contend that commensurate improvements to Texas ports will help to sustain economic growth for the state and maintain its competitiveness with other states. This bill:

Establishes the ship channel improvement revolving fund as an account in the general revenue fund administered by the Texas Transportation Commission (TTC). Requires TTC to establish a revolving loan program to use money from the fund to finance projects for navigation districts.

Franchises at Texas Ports—S.B. 1129

by Senator Hinojosa—House Sponsor: Representative Herrero

Texas ports are prohibited from granting franchises for terms lasting longer than 30 years. Before a franchise can be granted, the franchise must receive approval from the navigation and canal commission of a navigation district and notice of the franchise must be published. Stakeholders contend that extending the period for which a franchise may be granted is reasonable and practical. This bill:

Extends from 30 years to 50 years the maximum period for which certain navigation districts may grant a franchise on property owned or controlled by the district. Revises notice requirements for such a grant.

Port Authorities—S.B. 1395

by Senator Creighton et al.—House Sponsor: Representative Perez

Texas port authorities, which operate as navigation districts and as political subdivisions of the state, are governed by Chapters 60–63 (relating to navigation districts), Water Code. Legislators express

the need to clarify, update, and improve certain statutes governing the lease or sale of real property and the procurement process as they relate to port authorities. This bill:

Transfers certain powers and duties from a navigation district's navigation and canal commission to the navigation district itself. Decreases the amount of security required for bids submitted on certain real property to be sold or leased for a period of more than 50 years. Revises navigation district provisions relating to the improvement of port facilities, competitive bidding requirements, and purchase contracts. Sets forth provisions relating to the granting of a franchise by a navigation district, including extending the maximum period for which a self-liquidating navigation district may grant a franchise from 30 years to 50 years.

Port of Houston Authority Omnibus Bill—S.B. 1864

by Senators Larry Taylor and Garcia—House Sponsor: Representative Perez

S.B. 1864 is the omnibus bill for the Port of Houston Authority (PHA) of Harris County, Texas. PHA is a navigation district, governed by the Special District Local Laws Code and the Water Code, that was created to facilitate commerce along the Houston Ship Channel. Legislators suggest modernizing statutes relating PHA to clarify its role in maintaining the Houston Ship Channel and in providing maritime services and facilities. This bill:

Specifies that areas to which PHA's powers and duties apply include the Houston Ship Channel and dredge material management areas.

Provides for the leasing of facilities.

Provides an exception, as provided by general statutory provisions governing navigation districts, to the requirement that a contract, lease, or agreement entered into by PHA be approved by action of the navigation and canal commission of PHA (port commission).

Removes the requirement that authority traffic control facilities be financed from available revenue. Removes the provision prohibiting PHA traffic control facility from using bond revenue funds.

Authorizes the chair of the port commission to designate an officer or employee of PHA to serve on behalf of the chair as a director of a freight rail district.

Capital Metropolitan Transportation Authority—H.B. 1764 [VETOED]

by Representative Israel—Senate Sponsor: Senator Watson

The Capital Metropolitan Transportation Authority (CapMetro) is the metropolitan rapid transit authority that serves the Austin area. During a recent state-mandated performance audit, it was discovered that several sections of Chapter 451 (Metropolitan Rapid Transit Authorities), Transportation Code, are out of date with CapMetro's current operations. Legislators contend that a cleanup bill will address the issue. This bill:

Increases the dollar threshold that triggers a formal competitive bid process from \$50,000 to the federal standard of \$150,000, and makes other changes relating to the operations of the transit authority.

Rail Line Development in Brazoria and Fort Bend Counties—H.B. 2557

by Representative Miller et al.—Senate Sponsor: Senator Kolkhorst

The Panama Canal connects the Atlantic and Pacific Oceans with an artificial 48-mile waterway that cuts across Panama, providing a key route for international maritime trade. Between 2007 and 2016, the Panama Canal underwent an expansion that has allowed the transit of larger ships and new traffic to ports in the Atlantic Ocean.

Stakeholders wish to build a short rail line connecting Port Freeport with the City of Rosenberg to accommodate an increase in cargo traffic. This bill:

Authorizes Fort Bend and Brazoria Counties to adopt an order that provides the development of certain rail facilities and the issuance of bonds for those facilities.

Securing Future High-Speed Passenger Rail Service—S.B. 975

by Senator Birdwell et al.—House Sponsor: Representative Schubert et al.

Texas Central Partners is planning a high-speed passenger rail service that will connect the cities of Dallas and Houston. While the rail service will be privately funded, legislators contend that, if such a rail service is going to be built in Texas, the legislature should ensure the safe passage of passengers and employees and the safety of communities near the route. This bill:

Requires a private operator of a high-speed passenger rail service to implement all security requirements of the federal Transportation Security Administration, conduct periodic risk-based threat and vulnerability assessments, and implement security measures in response to the findings of such assessments.

Requires certain employees of a high-speed passenger rail service operator to complete emergency management training under the Texas Disaster Act of 1975 (Chapter 418, Government Code).

Requires a high-speed passenger rail service operator to coordinate security activities and investigations with federal, state, and local law enforcement agencies, including communication about threats, major events, and rail service vulnerabilities.

State Funds for High-Speed Rail Projects—S.B. 977

by Senator Schwertner et al.—House Sponsor: Representatives Ashby and Kacal

Texas Central Partners is planning a high-speed passenger rail system that will connect the cities of Dallas and Houston. Legislators note that the project's investors have repeatedly claimed that the entire project will be funded privately and without state funds. Legislators further note the concerns of taxpayers that, should development of the rail system fail, Texans would be left with an incomplete or failed high-speed rail project that could potentially require state bailouts to complete the project or mitigate any damage caused by an unfinished project. This bill:

Prohibits the legislature from appropriating money for certain costs associated with high-speed rail operated by a private entity, and prohibits a state agency from accepting or using state money to pay for such costs.

State Safety Oversight Program—S.B. 1523

by Senator Nichols—House Sponsor: Representative Yvonne Davis

In 1996, the Federal Transit Administration established the State Safety Oversight (SSO) program, which oversees rail fixed guideway public transportation systems. Under the SSO program, an eligible state must obtain statutory authority for the state's SSO program and designate a state agency to oversee and enforce safety at the rail fixed guideway public transportation systems in its jurisdiction from engineering, construction, and revenue operations. In 1997, the 75th Legislature, Regular Session, passed S.B. 735 (West; SP: Marchant), relating to the oversight of rail fixed guideway system safety, which designated the Texas Department of Transportation (TxDOT) as Texas's SSO agency.

Pursuant to the federal Moving Ahead for Progress in the 21st Century Act and the Fixing America's Surface Transportation Act, the state must make changes to comply with federal SSO requirements that must be met to receive certain federal funding. This bill:

Creates an SSO program for rail fixed guideway public transportation systems. Requires TxDOT to oversee all safety aspects of those systems. Sets forth provisions for federal and state laws on rail fixed guideway public transportation safety.

Henry H. King Memorial Highway Designation—H.B. 216

by Representative Springer—Senate Sponsor: Senator Estes

Henry H. King of Bryson, Texas, was captured as a prisoner of war during World War II. He survived confinement, forced labor, and the Bataan Death March. After returning home, King graduated from the University of North Texas and had a career in technology at Texas Instruments and Motorola. Members of King's community wish to honor his life, service, and contributions to his community and country. This bill:

Designates a portion of U.S. Highway 380 in Young and Jack Counties as the Henry H. King Memorial Highway.

Luther G. Prunty Memorial Highway Designation—H.B. 409

by Representative Springer—Senate Sponsor: Senator Estes

Luther G. Prunty served in the United States Army during World War II. He was captured in the Burmese Jungle as a prisoner of war and forced to build a bridge in the events that inspired the film *The Bridge on the River Kwai*. Members of Prunty's community wish to honor his life and service. This bill:

Designates a portion of Farm-to-Market Road 1810 in Jack County as the Luther G. Prunty Memorial Highway.

Officer Endy Ekpanya Memorial Highway Designation—H.B. 938

by Representative Ed Thompson—Senate Sponsor: Senator Larry Taylor

Endy Ekpanya was an officer of the Pearland Police Department who passed away. Members of Ekpanya's community wish to acknowledge his courage, dedication, and altruism by dedicating a portion of a local highway in his name. This bill:

Designates a portion of Farm-to-Market Road 518 in Pearland as the Officer Endy Ekpanya Memorial Highway.

Lieutenant Colonel Roy Lin Tisdale Memorial Highway Designation—H.B. 947

by Representatives Ed Thompson and Larry Gonzales—Senate Sponsor: Senator Larry Taylor

Roy Lin Tisdale served honorably as a lieutenant colonel in the United States Army and as the commander of the 525th Brigade Special Troops Battalion. Members of Tisdale's community wish to honor the leadership and courage he displayed during his service by dedicating a portion of a local road in his name. This bill:

Designates a portion of Farm-to-Market Road 1462 in Brazoria County as the Lieutenant Colonel Roy Lin Tisdale Memorial Highway.

State Trooper David Lee Nevarez Memorial Highway Designation—H.B. 1162

by Representative Guillen—Senate Sponsor: Senator Zaffirini

David Lee Nevarez served as a captain with the Jim Hogg County Sheriff's Department and as a Texas state trooper. Nevarez succumbed to cancer in 2012. Members of Nevarez's community wish to memorialize his life and service. This bill:

Designates a portion of Farm-to-Market Road 649 in Jim Hogg County as the State Trooper David Lee Nevarez Memorial Highway.

Johnnie David Hutchins Memorial Highway Designation—H.B. 1221

by Representative Stephenson—Senate Sponsor: Senator Kolkhorst

Johnnie Hutchins served in the United States Navy during World War II. During an assault against a Japanese-held beach, Hutchins's landing ship was struck by a torpedo that killed the craft's helmsman and fatally wounded Hutchins. As he succumbed to his wounds, Hutchins was able to regain control of the helm to steer the ship away from incoming torpedoes. He died clutching the helm. This bill:

Designates a portion of U.S. Highway 90 Alternate in Wharton County as the Johnnie David Hutchins Memorial Highway.

Roy P. Benavidez Memorial Highway Designation—H.B. 1303

by Representative Stephenson—Senate Sponsor: Senator Kolkhorst

Roy P. Benavidez was awarded the Congressional Medal of Honor for his extraordinary heroism during the Vietnam War when he joined a mission, being equipped with only a knife and medic bag, to rescue a special forces patrol. During the course of the mission, he was shot 37 times and stabbed. Despite his significant injuries, Benavidez recovered and returned home to his family. This bill:

Designates a portion of State Highway 71 in Wharton County as the Roy P. Benavidez Memorial Highway.

Tom Lea Trail and Memorial Highway Designations—H.B. 1317

by Representative Ken King—Senate Sponsor: Senator Seliger

Tom Lea was a Texas artist, author, and war correspondent who made significant contributions to Texas art, literature, and culture. Lea was born on the Texas-Mexico border in 1907 and created timeless works of art and literature during his life, including murals dramatizing Texas history and novels considered to be classics of southwestern American literature. H.B. 1317 establishes an historical trail highlighting the communities and places that have ties to Lea's work.

Charles Howard Roan gave his life to protect his fellow United States Marines during a beach assault on Peleliu on September 18, 1944. He was a recipient of the Purple Heart, the Asiatic-Pacific

Campaign Medal, and the Congressional Medal of Honor. H.B. 1317 honors his life and service by designating a portion of U.S. Highway 287 in the City of Claude as the Charles H. Roan Memorial Highway.

H.B. 1317 a portion of State Highway 31 in Navarro County as the Navarro County Vietnam Memorial Loop.

Chris Kyle Memorial Highway Designation—H.B. 1483
by Representative Landgraf—Senate Sponsor: Senator Seliger

Chris Kyle, known as one of the most lethal snipers in United States military history, was a United States Navy SEAL and following his retirement, was known for helping fellow veterans transition to civilian life. Members of Kyle's community wish to honor his service to his country and community by. This bill:

Designates a portion of State Highway 191 in Ector County as the Chris Kyle Memorial Highway.

Nelda Laney Safety Rest Stops—H.B. 1691
by Representative Smithee et al.—Senate Sponsor: Senators Seliger and Perry

Nelda Laney was the wife of a former speaker of the Texas House of Representatives, James E. "Pete" Laney. Nelda Laney made numerous contributions and had countless achievements as both a private citizen and as wife of a former house speaker, and is responsible for beginning the tradition of placing a Christmas tree in the house chamber. Legislators and members of Laney's community wish to honor her life and her contributions to the culture of the Texas Legislature. This bill:

Designates rest areas on Interstate Highway 27 in Hale County as the Nelda Laney Safety Rest Areas.

Jack Ward Memorial Highway Designation—H.B. 2675
by Representative Dean—Senate Sponsor: Senator Hughes

Jack Ward was a civic leader in the City of Kilgore. Members of Ward's community wish to honor his life and service. This bill:

Designates a portion of State Highway 31 in Gregg County as the Jack Ward Memorial Highway.

Al Dean Memorial Highway Designation—H.B. 3283
by Representative Guillen—Senate Sponsor: Senators Zaffirini and Garcia

Al Dean formed his first band, the Texas Teenagers, in 1952 and began recording music within that decade. In 1967, Dean recorded "Cotton Eyed Joe," a fiddle tune dating back generations that would become a standard in bars, clubs, and dance halls throughout the country, and become the most

programmed record in the history of the jukebox. Members of Dean's community wish to honor his life and contributions. This bill:

Designates a portion of State Highway 16 in Duval County as the Al Dean Memorial Highway.

Sergeant Wade Daniel Wilson Memorial Highway Designation—H.B. 3536

by Representative Ashby—Senate Sponsor: Senator Schwertner

Sergeant Wade Daniel Wilson of Centerville was killed while defending his platoon from enemy fire in Afghanistan, for which he posthumously was awarded the Silver Star. Members of Wilson's community wish to honor his life and service. This bill:

Designates a portion of Interstate Highway 45 in Leon County as the Sergeant Wade Daniel Wilson Memorial Highway.

Trooper Billy Jack Zachary Memorial Highway Designation—H.B. 3917

by Representative Landgraf—Senate Sponsor: Senator Perry

Billy Jack Zachary was a Texas state trooper. Members of his community wish to honor his life and service. This bill:

Designates a portion of Interstate Highway 20 in Ward County as the Trooper Billy Jack Zachary Memorial Highway.

Harold C. Simmons Memorial Highway Designation—H.B. 3964

by Representatives Meyer and Burkett—Senate Sponsor: Senator Huffines

Harold C. Simmons was a philanthropist who made countless contributions to the City of Dallas. Members of his community wish to honor his life and philanthropy. This bill:

Designates a portion of State Highway 289 in Dallas County as the Harold C. Simmons Memorial Highway.

Sheriff Ronnie Dodds Memorial Highway Designation—S.B. 364

by Senator Kolkhorst—House Sponsor: Representative Schubert

Ronnie Ray Dodds, born January 8, 1920, in Edna, Texas, had a passion to serve his community. Before serving in the military during World War II, Dodds worked as a part-time deputy in Jackson County and, after returning home and becoming popular in his community, was elected sheriff of Lavaca County. Dodds was shot and killed while transporting prisoners from the City of Shiner to the City of Hallettsville. Members of Dodds's community wish to honor his life and service. This bill:

Designates a portion of Alternate United States Highway 90 in Lavaca County as the Sheriff Ronnie Dodds Memorial Highway.

Sergeant David M. Furrh Memorial Highway Designation—S.B. 365

by Senator Kolkhorst—House Sponsor: Representative Schubert

Sergeant David M. Furrh was killed in the line of duty on December 6, 2000, while serving a narcotics search warrant. Furrh was the first full-time police officer in the City of Moulton. Members of Furrh's community wish to honor his life and service. This bill:

Designates a portion of State Highway 95 in Lavaca County as the Sergeant David M. Furrh Memorial Highway.

Texas Game Warden Teyran "Ty" Patterson Memorial Highway Designation—S.B. 396

by Senator Zaffirini—House Sponsor: Representatives Kuempel and Geren

Texas Game Warden Ty Patterson, a native of Seguin, lost his life on May 30, 2007, when the boat carrying Patterson and his partner, Game Warden Danny Tuggle, capsized in swift flood waters while the two men were attempting to recover the body of a suspected drowning victim. Patterson courageously sacrificed his life to save his partner's. Members of Patterson's community wish to honor his life, service, and sacrifice. This bill:

Designates Business State Highway 123-B in Guadalupe County as the Texas Game Warden Teyran "Ty" Patterson Memorial Highway.

Colonel Charles Goodnight Memorial Highway Designation—S.B. 867

by Senator Seliger—House Sponsor: Representative Ken King

Colonel Charles Goodnight was a Texas Ranger and one of the best known ranchers in all of Texas history. He is often referred to as the "father of the Texas Panhandle" and is well known for his role in establishing the Goodnight-Loving Trail. This bill:

Designates a portion of U.S. Highway 287 in Armstrong and Donley Counties as the Colonel Charles Goodnight Memorial Highway.

Tom Lea Historical Trail—S.B. 928

by Senator Rodríguez et al.—House Sponsor: Representative Pickett et al.

Tom Lea was an artist, author, and war correspondent who made numerous significant contributions to Texas art, literature, and culture. He painted murals dramatizing events in Texas history, and his novels *The Brave Bulls* and *The Wonderful Country* are widely considered to be classics of southwestern American literature. Interested parties wish to honor Tom Lea's contributions to Texas. This bill:

Requires the Texas Historical Commission to develop a Tom Lea Trail program to commemorate the life and art of Tom Lea. Designates certain segments of several Texas highways as the Tom Lea Trail.

Bedford-Carmichael Bridge Designation—S.B. 1037

by Senator Perry—House Sponsor: Representative Lang

A portion of State Highway 6 in Eastland County was destroyed when flooding swept away a large portion of the roadway and bridge in June 2016 due to the lack of proper drainage. The Texas Department of Transportation is finalizing repairs to the bridge that will improve drainage to accommodate this kind of flooding in the future.

Residents of the Eastland County area have decided to dedicate the new bridge to two fallen law enforcement officers killed during the "Santa Claus Bank Robbery" of 1927: Chief of Police G. E. "Bit" Bedford and Deputy George Carmichael. This bill:

Designates a structure on State Highway 6 in Eastland County as the Bedford-Carmichael Bridge.

Trooper Jonathan Thomas McDonald Memorial Highway Designation—S.B. 1099

by Senator Perry—House Sponsor: Representative Springer

Jonathan Thomas McDonald grew up in Greenwood, Texas, and attended Texas Tech University. With the support of his family, McDonald joined the Texas Department of Public Safety and became a highway patrol trooper. McDonald was killed in an on-duty related motor vehicle crash on U.S. Highway 84 in Garza County on November 15, 2010. Members of McDonald's community wish to honor his life and service. This bill:

Designates the portion of U.S. Highway 84 in Garza County as the Trooper Jonathan Thomas McDonald Memorial Highway.

Deputy Clifton Taylor Memorial Highway—S.B. 1732

by Senator Birdwell—House Sponsor: Representative Burns

Clifton Taylor was an officer at the Johnson County Sheriff's Office who succumbed to injuries sustained while responding to a disturbance call in aid of another officer. Members of Taylor's community wish to honor his life and sacrifice. This bill:

Designates a portion of Interstate Highway 35W in Johnson County as the Deputy Clifton Taylor Memorial Highway.

Hike and Bike Trails on Electric Utility Company Property—H.B. 931

by Representative Miller et al.—Senate Sponsor: Senator Kolkhorst

Public hike and bike trails supplement transportation infrastructure, reduce congestion, connect communities, and encourage recreation and a healthy lifestyle but acquiring real estate in an urban area for such public infrastructure can be difficult and expensive. Prior to this bill, an electric utility company located in a county with a population of four million or more, which bracketed solely Harris County, was authorized to enter into an agreement with a local governmental entity to allow the construction of hike and bike trails for public use on the utility's property. Furthermore, statute limited the liability for such a utility company if a lawsuit were to result from an incident occurring during public use of the utility's property. This pilot authorization was a success and legislators have suggested unbracketing the statute to permit such agreements statewide. This bill:

Repeals the bracketing provision restricting such agreements to Harris County, thus allowing utility companies statewide to partner with local governmental entities for the construction and public use of their land for hike and bike trails.

Hike and Bike Trails on the Property of a Utility Company—H.B. 1166 [VETOED]

by Representative Stephenson et al.—Senate Sponsor: Senator Kolkhorst

Public hike and bike trails supplement transportation infrastructure, reduce traffic congestion, connect communities, and encourage a healthy lifestyle, but acquiring real estate in an urban area to develop hike and bike trails can be difficult and expensive. Legislators have suggested that hike and bike trails could be developed at virtually no cost by acquiring land on the public property of an electric utility company. However, current law imposes tort liability against electric utilities for events that occur in a utility's right-of-way.

The 83rd Legislature allowed electric utility companies in Harris County to provide their land for the development of hike and bike trails while limiting the liability to a utility for certain incidents that occur on their property. This bill:

Similarly limits the liability of an electric utility company in Fort Bend County.

Continuing the Texas Universal Service Fund—S.B. 586

by Senator Perry et al.—House Sponsor: Representative Geren

The 70th Legislature established the Texas universal service fund (TUSF) in 1987 to help local telephone companies in high-cost rural areas provide service at a reasonable rate. The Small and Rural Incumbent Local Exchange Company Universal Service Plan is one of the two plans that assists local telephone companies, and certain provisions for this plan are set to expire September 1, 2017, which will deprive 45 small and rural telephone companies of \$23 million in annual support from TUSF. Some parties are concerned that telecommunications infrastructure would be adversely affected by the expiration, as would rate cases at the Public Utility Commission of Texas (PUC). This bill:

Provides for the continued support of qualifying small and rural incumbent local exchange companies through distributions from TUSF until 2023. Requires PUC to initiate proceedings to review and evaluate the efficacy of TUSF distributions and whether TUSF distributions should be continued or amended.

Texas Lifeline Program—S.B. 1003

by Senator Hancock—House Sponsor: Representative Paddie

The Lifeline program began in 1991 and is administered by the Public Utility Commission of Texas (PUC). The program provides a discount to qualified low-income individuals to help pay the monthly cost of basic dial tone telephone service. To qualify for this program, a customer must receive benefits from certain aid programs or have income at or below 150 percent of the federal poverty level.

The Lifeline program is part of the Texas universal service fund, which is financed by a charge on all taxable receipts of telecommunications providers. However, the telecommunications industry has changed dramatically in Texas since the inception of the Lifeline program, and legislators suggest updating statute to maintain the Lifeline program's legislative intent. This bill:

Removes statutory provisions relating to the Lifeline program services provided to qualifying low-income consumers from the provisions that apply to a deregulated incumbent local exchange company.

Small Cell Wireless Networks—S.B. 1004

by Senators Hancock and Bettencourt—House Sponsor: Representative Geren

The continuing innovation of wireless devices has dramatically changed how people live, work, and communicate. Consequently, telecommunications providers have adapted to the increasing consumer demand of these advances by installing small cell wireless networks in municipal rights-of-way, but statute does not address this technology and, in turn, confusion, disputes, and disparate treatment have arisen between cities and telecommunications providers. This bill:

Provides uniform rules and regulations for the deployment of small cell network nodes in a public right-of-way.

Advanced Metering Networks—S.B. 1145

by Senator Nichols—House Sponsor: Representatives Deshotel and Phelan

Advanced meters and meter information networks have been deployed across Texas in six million homes in Electric Reliability Council of Texas (ERCOT) areas, providing customers with cost savings and operational benefits, including enhanced energy management tools and faster outage response times. ERCOT utilities deployed these advanced metering systems by filing with the Public Utility Commission of Texas (PUC) a deployment plan that adhered to relevant PUC consumer

protection rules and then recovered the costs associated with the deployment through a surcharge authorized by the Texas Legislature.

Legislators contend that the law is ambiguous regarding whether statute and PUC rules relating to surcharges and consumer protections apply to the deployment of advanced metering by Entergy Texas. This bill:

Authorizes certain investor-owned electric utilities that elect to deploy advance metering networks to recover reasonable and necessary costs incurred in deploying the meters. Provides that certain PUC rules relating to metering and billing apply to such an electric utility.

Texas Universal Service Fund—S.B. 1476

by Senator Seliger—House Sponsor: Representative Ken King

The Texas universal service fund (TUSF) was enacted in 1987 to telecommunications providers supply basic local service at reasonable rates in high-cost rural areas. To that end, TUSF assists two programs: the Texas High-Cost Universal Service Plan and the Small and Rural Incumbent Local Exchange Company Universal Service Plan.

Incumbent local exchange carriers are telecommunications providers that historically were regulated in the Texas market before the Federal Communications Commission deregulated the local exchange market in the federal Telecommunications Act of 1996. In comparison, competitive local exchange carriers are nonincumbent companies operating in an exchange that provides competition to incumbent local exchange carriers.

The 83rd Legislature, Regular Session, 2013, enacted S.B. 583 (Carona and West; SP: Cook), which amended eligibility criteria for telecommunications providers receiving support from the TUSF. The bill gradually reduced support from the fund, on specified dates, based on whether a provider was an incumbent local exchange carrier or another telecommunications provider and on the number of access lines served by a provider. This bill:

Provides for a periodic review, to be conducted by the Public Utility Commission of Texas, of support received by certain telecommunications providers from TUSF under specified circumstances for purposes of determining whether such support should continue. Repeals the entitlement of certain providers to continued support. Provides that the support received by eligible providers expires on December 31, 2023.

Electric Bill Assistance—S.B. 1976

by Senator Whitmire—House Sponsor: Representative Paddie

The system benefit fund was established in 1999 to provide electric bill assistance to low-income Texans, to fund customer education programs, and to cover administrative costs. Under the system benefit fund, customers were eligible for benefits if they qualified for food stamps, Medicaid, or other governmental benefits, and the Health and Human Services Commission (HHSC) maintained a database of eligible customers that it shared with the Public Utility Commission of Texas (PUC) to assist with the administration of the program. In 2013, the legislature established a mechanism to

exhaust the remainder of the fund, which will cause statutes providing for the HHSC database to expire. Concerns have been raised that retail electric providers cannot provide their own assistance programs without the database of eligible customers that they access through PUC. This bill:

Allows HHSC to continue sharing its database with PUC.

Exemption from Ad Valorem Taxation of Certain Residence Homesteads—H.B. 150
by Representative Bell et al.—Senate Sponsors: Senator Creighton et al.

Several charitable organizations donate specially adapted homes to returning soldiers who have sustained injuries while serving their country. Occasionally, these donations result in a foreclosure because a disabled veteran is unable to pay property taxes on the donated home. In 2013, the 83rd Legislature, Regular Session, enacted H.B. 97 (Representative Perry et al.; SP: Senators Van de Putte and Hinojosa) to establish a property tax exemption of a percentage of the appraised value of a residence homestead equal to the disability rating of a partially disabled veteran, if the homestead were donated to the disabled veteran by a charitable organization.

Under current law, a partially disabled veteran who receives a home from a charitable organization is only entitled to an exemption if the home was donated at no cost to the veteran. If the charitable organization does not completely donate the home, the veteran is not entitled to an exemption. H.B. 150 remedies this by extending the exemption to a home that has been donated to a veteran at some cost to the veteran. This bill:

Provides that a disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating, if the residence homestead were donated to the disabled veteran by a charitable organization at no cost to the disabled veteran or at some cost in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date the donation is made.

Provides that this Act only applies to ad valorem taxes imposed for an ad valorem tax year that begins on or after the effective date of this Act.

TWC Report on Transition from Military Service to Employment—H.B. 257
by Representative Hernandez et al.—Senate Sponsors: Senators Buckingham and Menéndez

Currently, the Labor Code requires the Texas Workforce Commission (TWC) to administer the College Credit for Heroes program (CCH) to identify, develop, and facilitate methods of maximizing academic or workforce educational credits awarded to veterans and military service members for any military experience, education, or training obtained through their tenure in military service. CCH, after consultation with the Texas Higher Education Coordinating Board, also provides an annual report that aims to inform veterans and service members of the best practices to achieve maximum educational credits, measures needed to facilitate the awarding of educational credits, and other related measures to expedite their entry into the workforce. However, a growing number of veterans and service members are experiencing challenges in transitioning to the civilian workforce. These obstacles are a result of the Labor Code not providing a job-matching service that effectively pairs employers with jobseekers who have qualifying military occupation specialties (MOS). This bill:

Requires TWC, in consultation with the Texas Coordinating Council for Veterans Services, not later than September 1 of each year, to submit to the governor, lieutenant governor, speaker of the house of representatives, and chairs of the legislative committees with appropriate jurisdiction a report that identifies the five most common MOSs of service members who are transitioning from military

service to employment, the five occupations for which identified MOSs best offer transferable skills that meet the needs of employers, and any industry-based certifications that align with the identified MOSs and includes any other data or other information identified by TWC in administering CCH under Section 302.0031, Labor Code, as useful for supporting the transition of service members and veterans into the identified occupations.

Requires TWC, not later than September 1, 2018, to submit the initial report required by Section 302.020, Labor Code, as added by this Act.

Establishing a Veterans Recovery Pilot Program—H.B. 271
by Representative Miller et al.—Senate Sponsor: Senator Buckingham

According to a recent report by the United States Department of Veterans Affairs (VA) approximately 10 percent of military veterans have some type of combat-related injury or disorder, such as traumatic brain injury (TBI) or post-traumatic stress disorder (PTSD). These injuries and disorders are often difficult to detect and can cause such symptoms as headaches, confusion, memory loss, fatigue, insomnia, and depression, which, without proper treatment, can seriously impact a veteran's quality of life. Citing the increased rate of suicide and attempted suicide among the over one million veterans in Texas, concerned parties affirm that many treatments approved and provided by the VA for these conditions are drugs with potentially serious side effects that mask symptoms without curing the underlying issues. For some veterans, hyperbaric oxygen treatment can provide an effective alternative treatment, resulting in long-term improvement in cognitive function and quality of life. This bill:

Defines "facility," "health care practitioners," "hyperbaric oxygen treatment," "physician," "pilot program," "traumatic brain injury," and "veteran."

Requires the Health and Human Services Commission (HHSC), using existing resources, except as provided by this bill, to establish and operate the Veterans Recovery Pilot Program (pilot program) to provide diagnostic and support services and hyperbaric oxygen treatment to eligible veterans who have PTSD or TBI.

Prohibits HHSC, if insufficient money is in the veterans recovery account (recovery account) established by this bill to cover HHSC's expenses in administering the pilot program, from operating the pilot program.

Authorizes the executive commissioner of HHSC (executive commissioner) to appoint an advisory board to assist HHSC in developing the pilot program.

Requires the executive commissioner to adopt rules, including standards for veteran and facility eligibility and standards to ensure patient confidentiality under the pilot program and to adopt standards for the provision of the treatment under the pilot program to veterans who have been diagnosed with PTSD or a traumatic brain injury, have been prescribed treatment by a health care practitioner, and voluntarily agree to treatment under the pilot program.

Requires the standards to require that eligible facilities comply with applicable fire codes, oversight requirements, and any treatment protocols provided in HHSC rules and that eligible participants in the pilot program reside in this state.

Provides that the recovery account established by this bill is a dedicated account in the general revenue (GR) fund and consists of gifts, grants, and other donations received for the account, as well as interest earned on the investment of money in the GR. Provides that Section 403.0956 (Reallocation of Interest Accrued on Certain Dedicated Revenue), Government Code, does not apply to the recovery account.

Requires the executive commissioner to administer the recovery account. Authorizes money in the account to be used only to pay for certain expenses. Requires the executive commissioner to seek reimbursement for payments made under the pilot program from the TRICARE program of the United States Department of Defense, appropriate federal agencies, and any other responsible third-party payor.

Requires that a facility submit a treatment plan to HHSC before providing treatment under the pilot program. Requires that the treatment plan include certain information.

Requires HHSC to approve or disapprove a treatment plan within a reasonable time, as established by HHSC rule. Requires HHSC to notify a facility whether the treatment plan is approved or disapproved by HHSC. Prohibits HHSC from approving the provision of treatment under the pilot program unless the facility is in compliance with applicable HHSC standards and rules and the veteran is eligible for such treatment.

Requires HHSC, if sufficient money is in the recovery account, to approve each treatment plan that meets certain requirements and the standards.

Requires the executive commissioner to reserve in the recovery account an amount equal to certain estimated treatment costs and expenses specified in the treatment plan for each veteran who is approved for treatment under the pilot program.

Authorizes a facility to provide treatment under the pilot program to a veteran who has PTSD or a TBI if HHSC approves a treatment plan under this bill for the veteran.

Requires that a facility that elects to provide treatment to a veteran under this bill provide the treatment without charge to the veteran. Provides that a veteran receiving treatment under the pilot program is not liable for the cost of treatment or expenses incurred under the pilot program. Authorizes the facility to submit to HHSC a request for reimbursement from the recovery account for expenses incurred for the treatment.

Requires that a facility that elects to provide treatment under the pilot program submit to HHSC regular reports, in the form prescribed by HHSC, of the veteran's measured health improvements under the treatment plan.

Requires the executive commissioner to reimburse a facility for expenses the facility incurred in providing treatment from the recovery account, if certain criteria are met. Provides that, if expenses for the treatment exceed funds reserved for the treatment under provisions in this bill, the state and the recovery account are not liable for the amount in excess of the reserved funds.

Authorizes a facility to submit a modified treatment plan to request the funds be reserved in addition to those funds being reserved under the original treatment plan.

Requires the executive commissioner, from money in the recovery account, to reimburse a veteran who is required to travel to obtain treatment under the pilot program for the travel and living expenses approved by HHSC in the treatment plan. Prohibits the expenses from exceeding the amount reserved for those expenses, as provided by this bill.

Requires HHSC, if a facility or veteran fails to request reimbursement for either treatment or travel and living expenses under the pilot program for at least six months following the conclusion of treatment, to notify the facility and the veteran receiving treatment under the facility's treatment plan that the funding reserved for the treatment and such expenses will be terminated on the 90th day after the date HHSC provides notice, unless the facility or veteran notifies HHSC of continued treatment and expenses under the pilot program or requests reimbursement for treatment already provided or expenses already incurred under the pilot program.

Requires the executive commissioner, if a facility or veteran fails to notify HHSC of continued treatment and expenses in the time required by this bill, to terminate the reservation of funds in the recovery account under the facility's treatment for that veteran.

Requires HHSC, not later than October 1 of each even-numbered year, to submit to certain persons and legislative entities a report that includes an evaluation of the pilot program's effectiveness and the number of veterans and facilities participating in the pilot program.

Provides that certain provisions of this bill expire September 1, 2023. Provides that any remaining balance in the recovery account on the expiration of this chapter is transferred to GR.

Requires the executive commissioner to adopt the rules necessary to implement provisions of this bill not later than January 1, 2018.

Specialty License Plates, Driver's Licenses, and Personal ID Certificates—H.B. 377
by Representative Oliverson et al.—Senate Sponsor: Senator Campbell

Texas is home to one of the largest veteran populations in the country. Active and retired service members may choose from the Texas Department of Motor Vehicles a selection of specialty license plates honoring their military service. Under current law, spouses of military veterans are able to register specialty plates for their vehicle, even if the veteran precedes them in death. The spouse may continue to register and keep the specialty plates but cannot newly register specialty plates. This loophole prevents spouses from being able to honor their loved ones' service to our nation upon the sale and purchase of a new vehicle, or if they moved to Texas after the death of the veteran. This loophole was not the intent of the program, which was to provide the families of decorated veterans with certain benefits. This bill:

Provides that the surviving spouse of a person who would be eligible for a specialty license plate under Section 504.308 (Distinguished Flying Cross Medal Recipients), 504.310 (World War II Veterans), 504.315 (Military Specialty License Plates for Extraordinary Service), 504.316 (Legion of Merit Medal Recipients), or 504.319 (Defense Superior Service Medal Recipients), Transportation

Code, is entitled to register one vehicle under the applicable section as long as the spouse remains unmarried.

Requires an applicant, rather than an applicant for registration, under Section 504.302 (Surviving Spouses of Certain Military Veterans), Transportation Code, to submit proof of the eligibility of the applicant's deceased spouse for the applicable specialty license plate.

Reporting Requirements for the College Credit for Heroes Program—H.B. 493

by Representative Perez et al.—Senate Sponsor: Senator Campbell

The College Credit for Heroes program was created in 2011 to help veterans transition more quickly into the workforce. Participating colleges award credit hours based on prior training, education, or military experience. Each institution of higher education determines how many credit hours they will award, which varies from college to college. Lack of data on how much credit is awarded makes it difficult to track the success of the program. This bill:

Amends Section 302.0031(g) (relating to reporting certain information to the legislature and the governor by the Texas Higher Education Coordinating Board and the Texas Workforce Commission), Labor Code, to require the Texas Workforce Commission, after consultation with the Texas Higher Education Coordinating Board, not later than November 1 of each year, to report to the legislature and the governor on the number of academic or workforce education semester credit hours awarded under the program and applied toward a degree or certification program at an institution of higher education during the most recent academic year, disaggregated by the subject area for which the credit hours are awarded and the number of transfer credit hours awarded under the program and applied toward a degree or certification program at an institution of higher education during the most recent academic year.

Provides that the change in law made by this bill to Section 302.0031(g), Labor Code, applies beginning with the report due under that subsection not later than November 1, 2018.

Student Financial Assistance Programs for Veterans and Their Families—H.B. 846

by Representative Raney et al.—Senate Sponsor: Senator Menéndez

Interested parties point out that certain students in Texas who have attempted to use financial assistance for veterans and their families have faced additional hurdles in using that assistance to pay for college courses. H.B. 846 will help these students by implementing assistance programs for veterans and their families. This bill:

Defines a "private or independent institution of higher education."

Prohibits an institution of higher education (IHE) or a private or independent IHE from imposing additional fees, obligations, or burdens concerning payment or registration on a student eligible for state or federal military-related student financial assistance programs for military veterans or their family members who are not otherwise required by those programs to be imposed for the purpose of receiving that assistance.

Requires an IHE or a private or independent IHE to provide for a student as described under a certain subsection, by deferring payment of tuition and fees when the receipt of military-related financial assistance awarded to the student is delayed by less than 60 days. Requires the Texas Veterans Commission, in cooperation with IHEs and private or independent IHEs, to prescribe a standard deferment request form for the purposes of the bill.

Provides that Section 55.0065 (Student Financial Assistance Programs for Veterans and Families; Equal Protection), Education Code, does not prohibit an IHE or a private or independent IHE from requiring a student, as described under the bill, to submit a free application for federal application for federal student aid.

Provides that the changes in law made by this Act apply beginning with the 2017–2018 academic year.

Veterans Services Coordinator and Reentry Program for TDCJ—H.B. 865
by Representatives Blanco and Minjarez—Senate Sponsor: Senator Rodríguez

Concerns have been raised about the frequency with which veterans returning home from deployment are turning to drugs and alcohol to cope with emotional and physical harm from service, which in turn leads many such veterans to enter the criminal justice system with prescription drug or substance abuse issues. H.B. 865 requires the Texas Department of Criminal Justice (TDCJ) to establish a veterans services coordinator (coordinator) to coordinate responses to the needs of veterans under TDCJ supervision and to establish and administer a voluntary rehabilitation and transition program (program) for veterans confined in a state jail felony facility. This bill:

Requires TDCJ to establish a veterans services coordinator (coordinator) to coordinate responses to the needs of veterans under the supervision of TDCJ, including veterans who are released on parole or mandatory supervision. Requires the coordinator, with the cooperation of the community justice assistance division of TDCJ, to provide information to community supervision and corrections departments to help those departments coordinate responses to the needs of veterans who are placed on community supervision. Requires the coordinator to coordinate veterans' services for all of TDCJ's divisions.

Requires TDCJ, in coordination with the Texas Veterans Commission, to establish and administer a voluntary rehabilitation and transition program (program) for defendants confined in a state jail felony facility who are veterans of the United States armed forces, including veterans of the reserves, national guard, or state guard, who suffer from a brain injury, mental illness, mental disorder, including post-traumatic stress disorder, or substance abuse, or who were victims of certain military sexual trauma.

Requires that the program:

provide for investigating and verifying the veteran status of each defendant confined in a state jail felony facility by using data made available from the Veterans Reentry Search Service operated by the United States Department of Veterans Affairs, or a similar service;

be available to male defendants and, if resources are available, female defendants;

include provisions regarding interviewing and selecting defendants for participation in the program;

allow a defendant to decline participation in the program or to withdraw from the program at any time;

place defendants participating in the program in housing that is designed to mimic the squadron structure familiar to veterans;

coordinate and provide certain available services and programming approved by TDCJ; and

to the extent feasible, match a defendant with certain community-based veteran peer support services and transfer the defendant to a certain state jail felony facility.

Texas Armed Services Scholarship Program Eligibility—H.B. 1117

by Representative Wray—Senate Sponsor: Senator Zaffirini

The Texas Armed Services Scholarship Program was created to support and encourage students who participate in a Reserve Officers' Training Corps (ROTC) program and who contract with a service branch to serve after graduation. To be awarded a scholarship, a student must meet certain criteria and be nominated by the governor, lieutenant governor, or his or her member of the legislature. The governor and lieutenant governor each may nominate two students, and members may nominate one student, meaning that a total of only 185 students may receive initial awards each year.

The United States Marine Corps commissions many of its officers through its Platoon Leader Class (PLC). These programs operate similarly to ROTC programs, yet separately from institutions of higher education. PLCs consist of two six-week summer sessions: the first between freshman and sophomore year and the second the following summer or one 10-week session at the Marine Corps Officer Candidates School located in Quantico, Virginia. Program participants meet twice a month during school for training. This bill:

Requires a student who desires to receive an initial scholarship under this bill to enroll in and be a member in good standing of a ROTC program or another undergraduate officer commissioning program such as the United States Marine Corps Platoon Leaders Class while enrolled in a public or private institution of higher education in this state.

Requires a student, to receive a scholarship under this subchapter, to enter into an agreement with the Texas Higher Education Coordinating Board (THECB) as provided by Section 61.9773 (Agreement Requirements), Education Code. Requires that the agreement require the student to complete four years of ROTC training or complete another undergraduate officer-commissioning program such as the United States Marine Corps PLC.

Provides that the changes in law made by this Act apply beginning with the first awarding of a Texas Armed Services Scholarship for the 2017–2018 academic year. Provides that a Texas Armed Services Scholarship awarded for an academic year before that academic year is covered by the law in effect when the scholarship was awarded, and that law is continued in effect.

Requires THECB to adopt rules for the administration of Sections 61.9772 (Eligibility; Nomination and Selection) and 61.9773, Education Code, as amended by this Act, as soon as practicable after this Act takes effect.

Texas Military Department's Authority to Purchase Food and Beverages—H.B. 1606
by Representative Huberty—Senate Sponsor: Senator Lucio

The Texas Military Department (TMD) currently lacks specific authority in statute to purchase food or water for the Texas military forces or the Texas Challenge Academy. The Office of the Comptroller of Public Accounts of the State of Texas has stated that for a state agency to legally purchase food or water, that agency must have explicit authority either in statute or in the General Appropriations Act.

TMD has experienced several issues in various operations involving Texas military forces, as well as students enrolled in the Texas Challenge academy, regarding the authority to purchase food and water. This bill:

Deletes existing text authorizing TMD to use appropriated money to purchase food and beverages for charged military housing and training functions required of the Texas military forces.

Authorizes TMD to use appropriated money to purchase food and beverages for certain entities and individuals.

Approval of Expenditures for the Texas Military Department—H.B. 1630
by Representative Dale—Senate Sponsor: Senator West

The Office of the Adjutant General (OAG) worked with the Office of the Comptroller of Public Accounts of the State of Texas (comptroller's office) to find language that would address concerns with the delegation of signatory authority. The comptroller indicated that certain statute specifically mentions the adjutant general as being able to designate someone to approve expenditures. However, statute does not specifically authorize the adjutant general to delegate the designating function to someone else. Given that such a function is a discretionary duty, the comptroller's office told OAG that the adjutant general may not delegate the function. This change will remedy the adjutant general's ability to delegate the signatory authority. This bill:

Authorizes the adjutant general to delegate the authority to approve Texas Military Department (TMD) expenditures to the executive director of TMD.

Waiver of Certain Fees for Assumed Name Certificate Filed by Veteran—H.B. 1646
by Representatives Lozano and Herrero—Senate Sponsor: Senator Hinojosa

Interested parties contend that waiving certain fees relating to an assumed business or professional name certificate or a statement of abandonment of use of an assumed name for a registrant who is a

military veteran is a simple way to honor veterans' service. H.B. 1646 authorizes such a fee waiver. This bill:

Requires a county clerk, except as provided by provisions of the bill, to collect a fee of a certain amount for documentation.

Authorizes a county clerk to waive all fees under provisions of the bill for a registrant who is a military veteran and defines "military veteran."

Reporting Certain Offenses Committed by Texas Military Forces Members—H.B. 1655

by Representative Phil King—Senate Sponsor: Senator Huffines

Current law requires incidences of domestic violence involving members of the Texas military forces to be reported to the staff judge advocate at Joint Force Headquarters. This requirement, however, causes confusion at the local law enforcement level because it is unclear to whom to report. This bill:

Requires the clerk of a court in which a conviction or deferred adjudication has been entered, as soon as possible after the date on which a defendant is convicted or granted deferred adjudication on the basis of an offense, to provide written notice of the conviction or deferred adjudication to the staff judge advocate general, rather than the staff judge advocate at Joint Force Headquarters, or the provost marshal of the military installation to which the defendant is assigned with the intent that the commanding officer will be notified, as applicable.

Provides that the change in law made by this Act applies only to a judgment of conviction entered on or after the effective date of this Act or a grant of deferred adjudication made on or after the effective date of this Act.

Access to Criminal History Record Information by the Adjutant General—H.B. 1860

by Representative Cyrrier—Senate Sponsor: Senator Menéndez

The Texas Military Department (TMD) needs greater authority to obtain criminal history record information on an applicant for enlistment in the Texas military forces or for employment with TMD. H.B. 1860 repeals the requirement that the Texas Adjutant General's Department (adjutant general) provide the Texas Department of Public Safety (DPS) a signed statement from such an applicant authorizing the adjutant general to obtain the information prior to obtaining criminal record history information from DPS. This bill:

Repeals Section 411.121(c) (relating to providing that the adjutant general is entitled to certain criminal history record information only if certain requirements are met), Government Code.

General Officers Within the Texas Military Department—H.B. 1905

by Representative Guillen—Senate Sponsor: Senator Hall

The 84th Texas Legislature created new general officer positions within the Texas National Guard. However, the federal National Guard Bureau failed to recognize the position titles and subsequently did not fund them. H.B. 1905 clarifies these new general officer titles and duties to allow proper recognition and funding. This bill:

Authorizes the Texas Adjutant General's Department (adjutant general) to appoint as general officers one or more assistant deputy adjutants general, rather than an assistant deputy adjutant general for army, an assistant deputy adjutant general for air, an assistant adjutant general for homeland security, and an assistant adjutant general for domestic operations, rather than an assistant deputy adjutant general for homeland security and an assistant deputy adjutant general for governmental affairs.

Requires the assistant deputy adjutant general for air to support the deputy adjutant general for air, to represent the command staff at events as needed, and to manage the activities assigned by the adjutant general or by the deputy adjutant general for air.

Requires the assistant adjutant general for homeland security, rather than the assistant deputy adjutant general for the Army National Guard or the Air National Guard, as determined by the adjutant general, to coordinate with other state agencies in matters pertaining to homeland security, rather than matters pertaining to homeland security to ensure state emergency services are provided and organized to support the State Operations Center.

Requires the assistant adjutant general for domestic operations, rather than the assistant deputy adjutant general for the Army National Guard or the Air National Guard, as determined by the adjutant general, to coordinate activities of the Texas military forces with the National Guard Bureau to ensure state emergency services are provided and organized to support the State Operations Center, rather than to ensure funding and coordination with other federal, state, and local jurisdictions and officials in matters relating to the operations of the Texas military forces occurring in the assistant deputy adjutant general's jurisdiction or oversight.

Military Dentists Providing Voluntary Charity Dental Hygiene Care—H.B. 2007

by Representative Cosper et al.—Senate Sponsor: Senator Buckingham

Under current law, active and retired military physicians in good standing and licensed in other states are able to provide charitable care in Texas. By extending this provision to dentists and dental hygienists, H.B. 2007 enables communities to use an existing resource to provide needed dental care to indigent and uninsured Texans. This bill:

Requires the Texas State Board of Dental Examiners (TSBDE) to adopt rules relating to the issuance of a military limited volunteer license.

Authorizes TSBDE to issue a volunteer license to practice dentistry to a volunteer dentist or a license to practice dental hygiene to a dental hygienist who is licensed and in good standing, or was licensed and retired in good standing, as a dentist or dental hygienist in another state; is or was authorized as

a dentist or dental hygienist to treat personnel enlisted in a branch of the United States armed forces or to veterans; and meets any other requirements prescribed by TSBDE rule.

Prohibits TSBDE from issuing a volunteer license to an applicant who holds a dental or dental hygienist license who is currently under active investigation, or is or was subject to a disciplinary order or action or to denial by another jurisdiction; holds a license to prescribe, dispense, administer, supply, or sell a controlled substance who is currently under active investigation, or is or was subject to a disciplinary order or action or to denial by another jurisdiction; or has been convicted of, is on deferred adjudication community supervision or deferred disposition for, or is under active investigation for the commission of a felony or a misdemeanor involving moral turpitude.

Authorizes a volunteer licensed dentist or dental hygienist to practice dentistry or dental hygiene only at a clinic that primarily treats indigent patients and prohibits a volunteer licensed dentist or dental hygienist from receiving compensation for dental or dental hygiene services rendered at the clinic.

Provides that a volunteer license holder is subject to TSBDE rules, including rules regarding disciplinary action, license registration and renewal, and continuing education.

Deferred Presentment Transactions with Military Borrowers—H.B. 2008
by Representative Cospers et al.—Senate Sponsor: Senator Buckingham et al.

Informed observers have raised concerns regarding potential noncompliance with federal requirements by certain lenders who engage in deferred presentment transactions with members of the United States military or their dependents. H.B. 2008 emphasizes the importance of compliance with any such requirements. This bill:

Requires a lender who engages in a deferred presentment transaction with a member of the United States military or a dependent of a member of the United States military to comply with 10 U.S.C. Section 987 and any regulations adopted under that law, to the extent applicable.

Restoring Public Employment for Returning Service Members—H.B. 2486
by Representatives Stucky et al.—Senate Sponsor: Senator Menéndez

Interested parties note that while a state employee who is a member of the Texas military forces, or of a state or federally authorized urban search and rescue team, and who is ordered to duty is entitled to have his or her position restored upon returning from duty, such persons employed by political subdivisions of the state are not entitled to reemployment upon returning from duty. H.B. 2486 ensures the economic well-being of all who serve our nation by extending the state reemployment entitlement to qualifying employees of any political subdivision of the state. This bill:

Provides that an employee of the state, or of a municipality, county, or other political subdivision of the state that has at least five full-time employees—rather than a state employee who is a member of the Texas military forces or of a state or federally authorized urban search and rescue team, and who is ordered to duty by proper authority—is entitled to have his or her position restored upon returning from duty.

Authorizing BDA Participation in Redevelopment Projects—H.B. 2761

by Representative Cortez—Senate Sponsor: Senator Uresti

Brooks City Base is a former Air Force base in San Antonio that was closed as a result of the 1995 Base Realignment and Closure and later transitioned into the Brooks Development Authority (BDA), a public-private partnership created to redevelop the area after closure. The Air Force officially left in 2011, and the base is now the home of Texas A&M University-San Antonio, Mission Trail Baptist Hospital, University of the Incarnate Word School of Osteopathic Medicine, and a STEM-focused charter school (a school that focuses on science, technology, engineering, and math). H.B. 2761 allows BDA to set up limited liability corporations (LLCs), also known as special purpose entities (SPEs), as a vehicle for private investment in real estate projects. BDA would be able to move a single parcel of land (or a ground lease for the land) into an LLC and allow private investors to contribute equity funds to that project. This bill:

Authorizes a defense base development authority to exercise power necessary or convenient to carry out a purpose of Chapter 379B (Defense Base Development Authorities), Local Government Code, including the power to participate as a member or partner of a limited liability company, a limited liability partnership, or other entity organized to finance a project designated as a redevelopment project under Section 379B.009 (Redevelopment Projects), Local Government Code.

Military or Therapeutic Optometrists Providing Voluntary Care—H.B. 2933

by Representatives Dennis Bonnen and Cosper—Senate Sponsor: Senator Larry Taylor

Interested parties express concern over the inability of certain military optometrists who are not licensed in Texas to lawfully provide charitable care to other patient populations in Texas. H.B. 2933 addresses this concern by providing a military limited volunteer license under which certain active or retired military optometrists and therapeutic optometrists who do not hold an appropriate license issued in Texas may provide care to certain underserved patients in Texas. This bill:

Requires the Texas Optometry Board (TOB) to adopt rules relating to the issuance of a military limited volunteer license (MLVL) under Section 351.266 (Military Limited Volunteer License), Occupations Code.

Authorizes TOB to issue an MLVL to practice optometry or therapeutic optometry to an applicant who meets certain TOB requirements.

Prohibits TOB from issuing an MLVL under Section 351.266, Occupations Code, to an applicant who holds an optometry or therapeutic optometry license and who is under investigation for certain violations, has been convicted of certain offenses, or is on deferred adjudication community supervision or deferred disposition for certain offenses.

Authorizes an optometrist or therapeutic optometrist to practice optometry or therapeutic optometry under an MLVL only at a clinic that primarily treats indigent patients. Prohibits the optometrist or therapeutic optometrist from directly or indirectly receiving compensation or anything of monetary value for optometric services rendered at the clinic.

Provides that an MLVL holder is subject to TOB rules, including rules regarding disciplinary action, license registration and renewal, and continuing medical education.

Extending Federal Protections to Texas Military Service Members—H.B. 3066

by Representative Guillen—Senate Sponsor: Senator Menéndez

Interested parties assert that state law that extends certain protections under federal law to members of the Texas military forces who are ordered to state active duty or to state training and other duty should be updated to reflect changes in federal law. H.B. 3066 provides that update. This bill:

Provides that a service member of the Texas military forces who is ordered to state active duty or to state training and other duty by the governor, the adjutant general, or another proper authority under the law of this state is entitled to the same benefits and protections that are provided to persons in uniformed services as provided by 38 U.S.C. Sections 4301-4313 and 4316-4319, rather than those sections as they existed on April 1, 2003; and to persons in the military service of the United States as provided 50 U.S.C. Sections 3901-3959; 3991; and 4011-4026, rather than by 50 App. U.S.C. Sections 501-536, 560, and 580-594 as they existed on April 1, 2003.

Veterans Treatment Court Program—H.B. 3069

by Representative White—Senate Sponsor: Senators Campbell and Garcia

Interested parties believe that the structure of veterans treatment court (VTC) programs should more closely resemble the structure that exists for drug courts. H.B. 3069 revises the administration of and eligibility for participation in a VTC program. This bill:

Requires a certain court, if a defendant who was arrested for, or charged with but not convicted of, or placed on deferred adjudication community supervision for an offense successfully completes a VTC program, to dismiss the case against the defendant after certain notice and after a certain hearing.

Authorizes the commissioners court of a county to establish a VTC program for persons arrested for, charged with, convicted of, or placed on deferred adjudication community supervision for any misdemeanor or felony offense. Provides that a defendant is eligible to participate in a VTC program only if certain conditions are met.

Requires the VTC program to ensure that a defendant eligible for participation in the program is provided legal counsel before volunteering to proceed through the program and while participating in the program, and to allow a participant arrested for or charged with an offense to withdraw from the VTC program at any time before a trial on the merits has been initiated.

Provides that a person who successfully completes a VTC program under Chapter 124 (Veterans Treatment Court Program), Government Code, or other former law is entitled to file with the court that placed the person in the VTC program a petition for an order of nondisclosure of criminal history record information, if the person meets certain requirements.

Requires a court, regardless of whether a person was convicted of or placed on deferred adjudication community supervision for the offense for which the person entered the VTC program or whether

the case against the person was dismissed, after certain required procedures, to issue an order prohibiting criminal justice agencies from publicly disclosing criminal history record information relating to the offense for which the person entered the VTC program.

Provides that a person is not entitled to petition a court for an order of nondisclosure of criminal history record information if the person's entry into the VTC program arose as the result of a conviction of an offense involving the operation of a motor vehicle while intoxicated.

Mental Health Program and Trauma Center for Veterans—S.B. 27

by Senator Campbell et al.—House Sponsor: Representative Blanco

Local mental health authorities employ licensed mental health professionals to provide clinical services in local communities. Most communities, however, do not have dedicated staff with knowledge or licensure to provide mental health services to veterans. The 84th Texas Legislature directed the Texas Veterans Commission (TVC) and the Health and Human Services Commission to create a mental health program for veterans. The program subcontracts for field clinicians to provide short-term mental health services in conjunction with the Military Veteran Peer Network. However, the one part-time and three full-time field clinicians who exclusively serve veterans and their families are not able to provide services to all of the requests for assistance that they receive. This bill:

Adds Section 74.155 (National Center for Warrior Resiliency), Education Code, to define "board" and "center"; to authorize the board of regents (board) of The University of Texas System to establish the National Center for Warrior Resiliency (center) at The University of Texas Health Science Center at San Antonio for certain purposes; and to authorize the board to solicit, accept, and administer gifts and grants from any public or private source for the use and benefit of the center.

Defines "peer service coordinator."

Requires TVC, for the mental health program for veterans, to identify, rather than to recruit, train, and communicate with community-based licensed mental health professionals, rather than with community-based therapists, community-based organizations, and faith-based organizations.

Requires that the mental health intervention program include (1) training approved by the Department of State Health Services for peer service coordinators, licensed mental health professionals, and peers; (2) technical assistance for peer service coordinators, licensed mental health professionals, and peers; (3) identification, retention, and screening of community-based licensed mental health professionals, rather than of community-based therapists; and (4) veteran jail-diversion services, including veterans treatment courts.

Repeals Section 434.351(4) (relating to the definition of "volunteer coordinator"), Government Code; Section 1001.221(3) (relating to the definition of "volunteer coordinator"), Health and Safety Code; and Section 1001.223 (Grants), Health and Safety Code.

General Officers within the State Military Department—S.B. 102
by Senators Hall and Garcia—House Sponsor: Representative White

During the 84th Legislative Session, the Texas Legislature created new general officer positions within the Texas National Guard. However, the federal National Guard Bureau failed to recognize the position titles and subsequently did not fund them. S.B. 102 clarifies these general officer titles and duties to allow proper recognition and funding. This bill:

Authorizes the Texas adjutant general to appoint as general officers one or more assistant deputy adjutants general for army, an assistant deputy adjutant general for air, an assistant adjutant general for homeland security, and an assistant adjutant general for domestic operations—rather than an assistant deputy adjutant general for army, an assistant deputy adjutant general for air, an assistant deputy adjutant general for homeland security, and an assistant deputy adjutant general for government affairs.

Requires the assistant deputy adjutants general for army, rather than the assistant deputy adjutant general for the army, to perform certain duties.

Requires the assistant deputy adjutant general for air to perform certain duties.

Requires the assistant adjutant general for homeland security—rather than the assistant deputy adjutant general for the Army National Guard or the Air National Guard, as determined by the adjutant general—to coordinate with other state agencies in matters pertaining to homeland security and to coordinate homeland security actions taken by the National Guard Bureau in this state. Deletes text providing that the assistant adjutant general for homeland security was to coordinate with other state agencies to ensure that state emergency services were provided and organized to support the state operations center.

Requires the assistant adjutant general for domestic operations—rather than for the Army National Guard or the Air National Guard, as determined by the adjutant general—to coordinate activities of the Texas military forces with the National Guard Bureau to ensure that state emergency services are provided and organized to support the state operations center and to coordinate with other federal, state, and local jurisdictions and officials. Deletes text relating to ensuring funding and coordination with other federal, state, and local jurisdictions and officials in matters relating to Texas military forces operations that occur in the assistant deputy adjutant general's jurisdiction or oversight.

Required Training for VCSOs and Assistant VSCOs—S.B. 544
by Senator Lucio—House Sponsor: Representative Guillen

Chapter 434 (Veteran Assistance Agencies), Government Code, requires every county with a population of 200,000 or more to maintain a veterans county service office and to appoint a veterans county service officer (VCSO). VCSOs are statutorily required to "aid any county resident who served in the armed forces or nurses corps of the United States, and any orphan or dependent of the person, to prepare, submit, and present any claim against the United States or a state for benefits to which the person may be entitled under United States or state law.

State statute requires the Texas Veterans Commission (TVC) to provide training to VCSOs, although VCSOs also receive training and certification from other accredited agencies. During an interim Senate Committee on Veteran Affairs and Military Installations hearing, the VCSO Association of Texas testified on its training requirements and requested a change to existing statutory language to allow a VCSO who receives training from outside organizations to count that training toward the mandatory state training. This bill:

Requires a VCSO, within an allotted amount of time to complete an initial training course provided by TVC or approved under Section 434.038(e)(5) (relating to approved training provided by public or private entities to fulfill initial and continuing training requirements), Government Code. Requires TVC to issue a certificate of training to a VCSO after completion of all initial training requirements established by TVC under this section, rather than after completion of solely the initial training course. Requires a VCSO to maintain certification by completing approved continuing training required by TVC.

Authorizes, rather than requires, TVC to provide at TVC's own expense the required initial and continuing training at least once a year. Requires TVC, if state funds are appropriated for that purpose, to reimburse a VCSO's travel and lodging expenses incurred from attending the required TVC training. Requires TVC to make any reimbursements in the manner prescribed for a reimbursement of these expenses to state employees.

Requires the commissioners court of a VCSO's county to reimburse a VCSO's travel and lodging expenses incurred from attending required training approved under Section 434.038(e)(5), Government Code, rather than for expenses incurred from attending TVC training, unless state funds are appropriated for that purpose. Deletes existing text requiring TVC, if state funds were appropriated, to make a reimbursement in the manner prescribed for the reimbursement of these expenses to state employees.

Requires TVC, among certain other tasks, to approve the training provided by public or private entities to fulfill initial and continuing training requirements established by TVC.

Creation of a Veteran Suicide Prevention Action Plan—S.B. 578

by Senator Lucio et al.—House Sponsor: Representatives Gutierrez and Blanco

S.B. 578 originates from the findings of the Senate Committee on Veteran Affairs and Military Installations (VAMI) 2016 interim hearings and interim report. As documented in VAMI's interim report to the 85th Texas Legislature, "as Texas is home to nearly 1.7 million veterans, learning more about Texas-specific suicide risks, attempts, and completions is of great value to the state. According to the data compiled by the Texas Health and Human Services Commission (HHSC) that was presented to VAMI, there have been 11,413 reported suicides from 2010 to 2013." The interim report documented that the updated number of veteran suicides per day is 20. Additionally, "veterans account for 18 percent of all suicide deaths among U.S. adults; veterans are at a 21 percent greater risk of suicide than civilian counterparts; since 2001, the rate of suicide by veterans using the United States Department of Veterans Affairs (VA) services increased by 8.8 percent, while the rate among those who did not use the VA increased by 38.6 percent."

S.B. 578 attempts to strengthen the state's resolve in addressing and preventing veteran suicides by creating a comprehensive action plan to increase access to professional veteran health services. S.B. 578 requires specific short-term and long-term recommendations to the legislature and the governor on policy initiatives and reforms necessary to implement the action plan. This bill:

Adds Section 531.0999 (Veteran Suicide Prevention Action Plan), Government Code, to require HHSC, in collaboration with the Texas Coordinating Council for Veterans Services; the United States Department of Veterans Affairs; the Service Members, Veterans, and their Families Technical Assistance Center Implementation Academy of the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services; veteran advocacy groups; medical providers; or any other organization or interested party HHSC considers appropriate, to develop a comprehensive action plan to increase access to and availability of professional veteran health services to prevent veteran suicides.

Requires that the plan identify opportunities for raising awareness of and providing resources for veteran suicide prevention; identify opportunities to increase access to veteran mental health services; identify funding resources to provide accessible, affordable veteran mental health services; provide measures to expand public-private partnerships to ensure access to quality, timely mental health services; provide proactive outreach measures to reach veterans needing care; provide peer-to-peer service coordination to include training, certification, recertification, and continuing education for peer coordinators; and address suicide-prevention awareness, measures, and training regarding veterans involved in the justice system.

Requires HHSC to make specific short-term and long-term statutory, administrative, and budget-related recommendations to the legislature and the governor regarding the policy initiatives and reforms necessary to implement the action plan developed.

Requires short-term recommendations to include a plan for state implementation beginning not later than September 1, 2019.

Requires that the initiatives and reforms in the short-term plan be fully implemented by September 1, 2021.

Requires long-term recommendations to include a plan for state implementation beginning not later than September 1, 2021. Requires that the initiatives and reforms in the long-term plan be fully implemented by September 1, 2027.

Requires HHSC to include Chapter 2056 (Strategic Plans of Operation), Government Code, in its plan for implementing the short-term and long-term recommendations.

Provides that Section 531.0999, Government Code, will expire September 1, 2027.

Allowing Military Dependents to Enroll in Virtual School Network—S.B. 587
by Senator Campbell—House Sponsor: Representative VanDeaver et al.

Currently, children in active military families are ineligible to attend a virtual school without having previously attended a Texas public school for at least one year. Families of military children move frequently due to reassignments and deployments, which can cause breaks in the child's education.

Many families choose to enroll their child in online virtual schools to provide consistencies in their child's education from state to state. Unfortunately, military families in Texas are ineligible to participate in a state-supported and state-funded virtual school education. This bill:

Provides that a student is eligible to enroll full-time in courses offered through the state virtual school network if the student, regardless of whether the student was enrolled in a public school in this state in the preceding school year, has been placed in substitute care in this state or is a dependent of a member of the United States military who has been deployed or transferred to, or otherwise currently resides in, this state.

Provides that this Act apply beginning with the 2017–2018 school year.

Provides that the Texas Education Agency (TEA) is required to implement this Act only if the legislature appropriates money specifically for that purpose. Provides that TEA may, but is not required to, if the legislature does not appropriate money specifically for that purpose, implement this Act by using other appropriations available for the purpose.

Private Employers and Veteran Employment Preference Policies—S.B. 588

by Senators Lucio et al.—House Sponsor: Representative Blanco

S.B. 588 originates from the findings of the Senate Committee on Veteran Affairs and Military Installations (VAMI) 2016 interim hearings and interim report. As documented in VAMI's interim report to the 85th Texas Legislature, veterans are to occupy 20 percent of a state agency's employee population. As of the second quarter of fiscal year 2016, the hiring of veterans was approximately 7.21 percent. While this is still below the 20 percent goal, it is up from the 2014 interim, when less than five percent of state employees were veterans. This bill:

Requires the Texas Veterans Commission (TVC) to make available on its website a list of each private employer who has provided notice under Section 23.002(c), Labor Code, regarding a veteran's employment preference policy.

Authorizes a private employer to provide notice to the Texas Workforce Commission (TWC) or to TVC that the employer has adopted a policy under Section 23.002 (Voluntary Preference Policy), Labor Code.

Requires TWC to make available on its website a list of each private employer who has provided notice under provisions of the bill regarding a veteran's employment preference policy.

Community Outreach Campaign for Veteran Services—S.B. 591

by Senators Lucio and West—House Sponsor: Representative Blanco

Interested parties believe that with such a large veteran population in Texas, veteran services and programs need to be increased and expanded to better service the challenges faced by veterans in Texas. The Senate Committee on Veteran Affairs and Military Installations (VAMI) expressed a similar concern with the challenges facing veterans and reported that Texas veterans are facing a myriad of mental and physical health issues that have yet to be adequately addressed. Concerned

stakeholders believe that it would benefit the state to increase awareness of the wide range of services that are offered to veterans in Texas, as it would better enable veterans to access and participate in those services.

Echoing a critical finding in a VAMI report that "Texas has a unique opportunity to find and implement solutions to assist our service men and women," S.B. 591 builds on this finding to better inform veterans in Texas of the services, programs, and benefits to which they may be entitled. This bill:

Adds Section 434.024 (Veterans Community Outreach Campaign) to the Government Code to require the Texas Veterans Commission (TVC) to conduct a community outreach campaign to provide information relating to and to increase awareness of certain benefits and services available to veterans. Requires the community outreach campaign to include outreach efforts at certain locations.

Requires and authorizes TVC to collaborate and contract with community-based, nonprofit or private organizations to implement the community outreach campaign. Authorizes TVC to solicit and accept gifts and grants to fund the community outreach campaign.

Requires TVC, not later than November 1, 2018, to establish the veterans community outreach campaign, as required under Section 434.024, Government Code, as added by this Act, and to adopt any rules necessary to implement the campaign.

Military Base Realignment and Closure Task Force—S.B. 751
by Senators Campbell and Lucio—House Sponsor: Representative Wilson

The military base realignment and closure task force was created by the Texas Legislature to investigate proper tactics, techniques, and procedures for keeping the 15 Texas military installations from downsizing or closing. Data and information gathered by the task force could be detrimental to Texas military bases if that information were to be made public. The Texas Military Preparedness Commission (TMPC) of the Office of the Governor is supportive of this bill, as are the military installations in Texas. This bill:

Provides that any information written, produced, collected, assembled, or maintained by or for the military base realignment and closure task force is confidential and exempt from disclosure under Chapter 552 (Public Information), Government Code, only during the task force's existence.

Provides that the task force is abolished and that Section 436.105 (Military Base Realignment and Closure Task Force; Expiration Date), Government Code, will expire September 1, 2021, rather than September 1, 2019.

Requires the task force, on its abolishment, to transfer all its information to TMPC and requires TMPC to maintain the information. Provides that the information transferred to TMPC is public information subject to disclosure under Chapter 552, Government Code.

Texas Women Veterans—S.B. 805

by Senator Lucio et al.—House Sponsor: Representative Senfronia Thompson et al.

According to the United States Department of Veterans Affairs, Texas has the highest women veteran population in the nation with a total of 183,597 women veterans. Additionally, in the 2016 interim report to the Texas Legislature, the Senate Committee on Veteran Affairs and Military Installations reported that the number of women veterans in the state continues to increase.

Concerned stakeholders believe that the state's effort to assist women veterans through the Texas Women Veterans Program could be strengthened to provide additional services and information to this population. This bill:

Requires the women veterans coordinator or the coordinator's designee to serve as a liaison between state or federal agencies and organizations that provide benefits and services to women veterans.

Provides information to women veterans on services and resources provided by state or federal agencies and organizations, in collaboration with appropriate state agencies, as a required duty of the Texas Women Veterans Program.

Excused Absences from Public School to Enlist in Certain Military Forces—S.B. 1152

by Senators Menéndez et al.—House Sponsor: Representative Justin Rodriguez

Section 25.087 (Excused Absences), Education Code, allows students to be excused from school for certain purposes. While high school students are allowed two days their junior year and two days their senior year to visit an institution of higher education, students planning to join a United States military branch or the Texas National Guard are not given the same support under the Education Code.

According to military recruiters, the maximum number of days needed to complete tests, medical readiness, legal appointments, and career counseling to enlist in the military for a high school student is four days. S.B. 1152 allows four excused absences for a student to pursue enlistment in a military branch. These excused days can be used to complete tests, medical readiness, legal appointments, or career counseling. This bill:

Requires a school district to excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard (TNG), provided that the district may not excuse for this purpose more than four days of school during the period the student is enrolled in high school and provided that the district verifies the student's activities relating to pursuing enlistment in the armed services or TNG.

Prohibits a student whose absence is excused under the bill from being penalized for that absence and requires the student to be counted as if the student had attended school for purposes of calculating the average daily attendance of students in the school district.

Provides that this Act applies beginning with the 2017–2018 school year.

Requires each school district, not later than October 1, 2017, to adopt a policy for verifying student activities relating to pursuing military enlistment as required by Section 25.087(b-6) (relating to

requiring school districts to adopt procedures to verify a student's activities), Education Code, as added by this Act.

Veterans County Service Office—S.B. 1676

by Senator Lucio—House Sponsor: Representative Gutierrez

Veterans county service offices (VCSOs) provide assistance to veterans and their families when applying for and receiving federal and state benefits. As stated in the Senate Committee on Veteran Affairs and Military Installations interim report to the 85th Legislature, VCSOs serve as a catchall for any question or concern a veteran or a veteran's family may have.

Interested parties contend that the effectiveness of VCSOs could be strengthened if the applicable statute were to be updated. Chapter 434 (Veteran Assistance Agencies), Government Code, which is the enabling statute, fails to ensure that VCSOs have a direct line of communication with decision-makers at the county level. In some counties, this lack of statutory direction has led VCSOs to report to individuals or entities who do not have any decision-making authority to assist veterans. Additionally, Chapter 434 does not require VCSOs to have a separate budget or title within their county, which has led to some VCSOs having limited resources to address the needs of veterans. This bill:

Requires the commissioners court in a county with a population of 200,000 or more to maintain a VCSO. Requires the office to be separate and distinct from other county offices; to be staffed by at least one full-time employee; and to report directly to the commissioners court.

Providing Information on State Applications for Women Veterans Services—S.B. 1677

by Senators Lucio and Campbell—House Sponsor: Representative Senfronia Thompson

According to the United States Department of Veterans Affairs, Texas has the highest population of women veterans in the nation with a total of 183,597 women veterans. Additionally, in the 2016 interim report to the Texas Legislature, the Senate Committee on Veteran Affairs and Military Installations (VAMI) reports that the number of women veterans in the state continues to increase.

Concerned women veteran advocates contend that the state could improve how it identifies women veterans in Texas and thus improve the participation of women veterans' in the services and benefits they have earned for their military service. To address this concern, S.B. 1677 establishes a framework to better identify women veterans and to better inform them of the services and benefits for which they may be eligible. This bill:

Adds Section 434.212 (Application for State Agency Programs, Services, or Assistance) to the Government Code, to apply to a state agency in the executive branch of state government, including a health and human services agency, that provides a program, service, or assistance to adult women in this state, including the Temporary Assistance for Needy Families program; the supplemental nutrition assistance program; the women's health program; Medicaid; the Special Supplemental Nutrition Program for Women, Infants, and Children; and a housing program, service, or assistance.

Requires a state agency that assists adult women with services to include a space on each agency application for services to indicate whether the applicant is a veteran and to include model language informing the applicant that she may be entitled to additional services because of her veteran status.

Requires the Texas Veterans Commission (TVC) to develop the model language required on an application. Requires the language to include a link to the veterans website established under Section 434.102 (Veterans Website), Government Code, or a hyperlink to that website for an online application.

Requires TVC, not later than December 1, 2017, to develop the model application language required by Section 434.212, Government Code, as added by this Act, and to post that information on the TVC website.

Requires each state agency subject to Section 434.212, Government Code, as added by this Act, not later than March 1, 2018, to modify the agency's application for programs, services, or assistance as necessary to implement Section 434.212.

Fund for Veterans' Assistance to Provide Grants Supporting VCSOs—S.B. 1679

by Senator Lucio—House Sponsor: Representative Gutierrez

Veterans county service officers (VCSOs) serve as a point of contact for many veterans throughout this state. However, the state does not provide any funding for these offices that are located in counties of a population of more than 200,000.

As stated in the Senate Committee on Veteran Affairs and Military Installations (VAMI) interim report, "Each office operates differently based off of need and resources available. The only state funding allocated for VCSOs is provided for covering the cost of one of the TVC training conferences VCSOs are required to attend. All operating costs are at the expense of the county, and due to this, many offices have few resources or personnel available to meet the numerous and varied needs of the veterans they work so hard serve." As a result, counties pay all other expenses incurred by the veterans county service office (office). This bill:

Requires the Texas Veterans Commission (TVC), in making the grants required under Section 434.017(c) (relating to requiring TVC to use certain funds to address veterans' needs and certain administrative purposes), Government Code, to use at least five percent of the money appropriated to TVC under that subsection in each state fiscal year to provide grants to VCSOs as provided by Section 434.032 (Creation), Government Code. Requires an office that receives a grant to use the money to provide direct assistance and services to veterans residing in the county served by that office. Authorizes TVC, on July 1 of each state fiscal year, if TVC has not received sufficient grant requests from offices, to make grants to offices in the amount of five percent of the money appropriated to TVC under Section 434.017(c), Government Code, in that state fiscal year, to use any amount of the five percent remaining on that date for any purpose authorized under that subsection. Prohibits this Act from being construed to prevent TVC from using more than five percent of the money appropriated to TVC under Section 434.017(c), Government Code, to provide grants to offices.

ASVAB Test for Public High School Students—S.B. 1843
by Senator Campbell—House Sponsor: Representative Blanco

The Armed Services Vocational Aptitude Battery (ASVAB) is a test administered before a person is allowed to enter the United States military. The ASVAB test determines which military occupational specialties are open to a prospective enlistee based upon how he or she scores on the test. This bill ensures that all Texas students in grades 10 through 12 are afforded the opportunity to take the ASVAB test during normal school hours at no cost to the student or the school as the armed forces covers all costs of producing, administering, and grading the exams. Students are under no obligation to enlist, nor even to speak with a recruiter. The ASVAB is optional and is an opportunity for a student to better learn about his or her cognitive strengths and potential opportunities thereby available. This bill:

Requires each school district (district) and open-enrollment charter school (school), except as provided by provisions of the bill, to provide students in grades 10 through 12 an opportunity each school year to take the ASVAB test and consult with a military recruiter.

Requires that the ASVAB test be scheduled during normal school hours and, to optimize student participation, at a time that limits conflicts with extracurricular activities.

Requires each district and school to provide each student in grades 10 through 12 and the student's parent or person standing in parental relation to the student a notice of the date, time, and location of the scheduled administration of the ASVAB test.

Authorizes a district or school to elect not to provide the ASVAB test only if the district or school provides an alternative test that assesses a student's aptitude for success in a career field other than a career field that requires postsecondary education; is free to administer; requires minimal training and support of district or school faculty and staff to administer; and provides the student with a professional interpretation of the test results that allows the student to explore occupations that are consistent with the student's interests and skills and to develop strategies to attain the student's career goals.

Provides that provisions of the bill apply only to a district, school, or high school that, before September 1, 2017, entered into a contract under which a vocational aptitude test that does not comply with the requirements for an alternative test, under provisions of the bill, is provided to students in grades 10 through 12. Authorizes a district, school, or high school subject to the bill, to elect not to provide the ASVAB test for the term of the contract. Provides that on the expiration of the contract term, the exemption provided by provisions of the bill is not applicable.

Requires the Texas Education Agency, not later than August 1 of each year, to publish a list of districts and schools that are elected under provisions of the bill not to provide the ASVAB test during the previous school year.

Texas Military Heroes Day in Public Schools—S.B. 1901
by Senator Campbell—House Sponsor: Representative Huberty

S.B. 1901 seeks to educate Texas public school students on the service and sacrifices of those who have been members of the United States Armed Forces. It enables the governor to designate a Texas Military Heroes Day and allows schools to determine how they will render the appropriate instruction for students on that day. This bill:

Requires the governor to designate a day to be known as Texas Military Heroes Day in public schools to educate students about the sacrifices made by brave Texans who have served in the armed forces of the United States.

Requires Texas Military Heroes Day to include appropriate instruction, as determined by each school district. Authorizes the instruction to include information about persons who have served in the armed forces of the United States and who are from the community or geographic area in which the district is located and to include participation, either in person or by using technology, in age-appropriate learning projects at battlefields and gravesites associated with a person who has served in the armed forces.

Authorizes the Texas Education Agency to collaborate with other state agencies to promote Texas Military Heroes Day.

Provides that this Act applies beginning with the 2017–2018 school year.

Issuance of Specially Marked Identifications to Disabled Veterans—S.B. 1936
by Senator Hughes—House Sponsor: Representative Hefner

Concerns have been raised about the amount of paperwork with which disabled veterans are burdened when compelled to prove their disability status. S.B. 1936 seeks to streamline and simplify this process by providing for the inclusion of a disabled veteran designation and branch of service on the driver's license or personal identification certificate of such a veteran for purposes of obtaining certain services or benefits available to disabled veterans in Texas. This bill:

Requires the Texas Department of Public Safety (DPS) and the Texas Veterans Commission (TVC) to jointly develop a one-page informational paper about veterans services provided by this state for veterans who receive a driver's license with a designation under Section 521.1235 (Designator on License Issued to Veteran), Transportation Code, or a personal identification certificate with a designation under Section 521.102 (Designator on Personal Identification Certificate Issued to Veteran), Transportation Code, rather than to develop for veterans who receive a driver's license or a personal identification certificate with a veteran's designation a one-page informational paper about veterans services provided by this state.

Requires that the application for the personal identification certificate provide space for the applicant to voluntarily list any information, rather than military service, that may qualify the applicant to receive a personal identification certificate with a designation, rather than veteran's designation, under Section 521.102, Transportation Code.

Defines "disability rating" and "disabled veteran" and redefines "veteran."

Requires DPS, if a disabled veteran provides sufficient proof to DPS, on request of the disabled veteran, to include certain information on a personal identification certificate issued to the disabled veteran in any available space on the face or the reverse side of the personal identification certificate.

Requires DPS to provide to the recipient of a personal identification certificate with a designation, rather than veteran's designation, the informational paper described by Section 521.011 (Services Information for Veterans), Transportation Code, at the time the certificate is issued.

Authorizes a disabled veteran, notwithstanding any other law and with a certain exception, for purposes of obtaining a service or benefit available for disabled veterans in this state, to use a personal identification certificate described by provisions of the bill as satisfactory proof that the disabled veteran has a disability rating described by Section 521.1235(a)(2)(A) (relating to defining "disabled veteran" as a veteran who has a certain disability rating of at least 50 percent) or (B) (relating to defining "disabled veteran" as a veteran who has a certain disability rating of at least 40 percent), Transportation Code, as applicable, and satisfactory proof of branch of service and honorable discharge.

Provides that a personal identification certificate described by provisions of the bill is not satisfactory proof of the disabled veteran's disability rating for purposes of obtaining a property tax exemption under Chapter 11 (Taxable Property and Exemptions), Tax Code.

Requires DPS, if a disabled veteran provides sufficient proof to DPS, on request of the disabled veteran, to include certain information related to the veteran on a driver's license issued to the disabled veteran in any available space on the face or on the reverse side of the driver's license.

Veto Statements for Bills Vetoed by Governor Greg Abbott

H.B. 61 (Guillen and Minjarez; SP: Uresti) Relating to consideration under the public school accountability system of performance on assessment instruments by certain students formerly receiving special education services and to the placement and use of video cameras in certain self-contained classrooms or other settings providing special education services. **Reason for veto:** "I have signed House Bill 22, which reforms our public school accountability system to provide additional transparency on school performance. Multiple provisions of House Bill 61 are based on the existing accountability system, which was overhauled by House Bill 22. Additionally, parts of House Bill 61 regarding the use of video cameras in special education classrooms are already adequately addressed by Senate Bill 1398, which I have signed."

H.B. 298 (Larson et al.; SP: Campbell) Relating to a parent's right to view the body of a deceased child before an autopsy is performed. **Reason for veto:** "I have signed Senate Bill 239, authored by Senator Donna Campbell, which contains language identical to House Bill 298."

H.B. 462 (Dale; SP: Zaffirini) Relating to the provision of notice of proposed rules by state agencies. **Reason for veto:** "Agency rulemaking is an executive branch function, not a legislative function. Transparency in rulemaking is important, but it should not come at the expense of legislative encroachment on executive branch authority. Additionally, House Bill 462 has the potential to slow down the executive rulemaking process rather than enhance it."

H.B. 572 (Stephenson and Mary González; SP: Kolkhorst) Relating to the disposal of pesticides. **Reason for veto:** "According to the fiscal note on House Bill 572, the program created by the bill will either result in a cost to the state budget of \$2 million over five years, or will result in the Texas Department of Agriculture raising fees to offset the cost. Neither outcome is desirable."

H.B. 961 (Justin Rodriguez; SP: Seliger) Relating to the election of junior college district trustees. **Reason for veto:** "It is essential that local voters have full opportunity to determine the junior college district board members who make property tax decisions for these districts. House Bill 961 would have authorized elections for junior college district board seats to be decided by plurality vote without a runoff election. In crowded races, this would result in the election of candidates who received a small percentage of voter support. Those very same crowded races are often the ones where voter interest is highest and dissatisfaction with the incumbent is most acute. Runoff elections ensure that every seat on the board is occupied by someone who received a majority of votes in an election. These elections have important consequences for property owners and for junior colleges. They should not be treated like second-tier elections."

H.B. 1166 (Stephenson et al.; SP: Kolkhorst) Relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases. **Reason for veto:** "I signed House Bill 931, which extends statewide the provisions of Section 75.022 of the Civil Practice and Remedies Code regarding public parks in utility rights of way. Because House Bill 1166 extended those provisions only to one additional county, it was superfluous and could have caused confusion had it become law."

H.B. 1284 (Senfronia Thompson; SP: Garcia) Relating to the licensing and regulation of a journeyman lineman. **Reason for veto:** "I vetoed this bill in 2015. The Legislature enacted the exact same bill that was previously vetoed."

H.B. 1342 (Parker et al.; SP: Hughes) Relating to child sexual abuse prevention training for public school students. **Reason for veto:** "I have signed Senate Bill 2039, which directs the Texas Education Agency to develop an optional curriculum regarding sexual abuse prevention for use by school districts. While both Senate Bill 2039 and House Bill 1342 seek to achieve a good purpose, Senate Bill 2039 does so in a more suitable way. By recognizing both the importance of this topic and the right of parents to opt their children out of the instruction, Senate Bill 2039 strikes the correct balance. House Bill 1342 was well-intentioned, but it lacked a provision for parental optout. This is inconsistent with the longstanding rule in Texas schools that parents can remove their child from 'any part of the district's human sexuality instruction.' Tex. Educ. CODE § 28.004(i)."

H.B. 1406 (Blanco; SP: Hinojosa and Rodríguez) Relating to the authority of the asset management division of the General Land Office to sell real property to a federally recognized Indian tribe. **Reason for veto:** "Current law gives political subdivisions like cities and counties a preference over private buyers when the General Land Office sells land owned by the State. This practice might be justified in rare cases when there are compelling reasons to ensure that State land continues to benefit the public. In general, however, when selling land the State should seek the best financial terms for the taxpayers. Existing law's preference for political subdivisions is already questionable. House Bill 1406 sought to expand this questionable preference to Indian tribes, which are not political subdivisions of the State."

H.B. 1426 (Allen and White; SP: Burton et al.) Relating to the issuance of a certificate of relief from collateral consequences to certain persons placed on community supervision, including deferred adjudication community supervision, for certain criminal offenses. **Reason for veto:** "One of the consequences of committing a crime is a criminal record. Both this session and last session, I have signed bills designed to help people with criminal records get jobs so they can lead productive lives. This is a worthy goal, but House Bill 1426 goes too far by prohibiting state licensing agencies from considering the criminal records of some who apply for a license. A license applicant's criminal background is something the licensing agency should be able to consider. If certain licensing agencies are unfairly discriminating against applicants with criminal records, that should be addressed at the agency board level or through more targeted legislation."

H.B. 1433 (Vo; SP: Lucio) Relating to the statute of limitations applicable to the collection of a contribution, a penalty, or interest under the Texas Unemployment Compensation Act. **Reason for veto:** "House Bill 1433 would provide for tolling of the three-year statute of limitations on civil actions brought by the Texas Workforce Commission against employers. This could extend by many years the period during which employers face potential liability to the government. Texas employers should not face such uncertainty at the hands of government officials. If an employer is alleged to owe money to the Workforce Commission, three years provides more than enough time for the government to file suit to collect any money it may be owed."

H.B. 1500 (Giddings et al.; SP: West) Relating to the public school accountability system. **Reason for veto:** "In 2015, the Texas Legislature prioritized parental engagement and increased transparency by developing an A through F grading system for school districts and campuses. House Bill 22, which I have signed, makes positive changes to the existing A through F system. House Bill 22 ensures students, parents, and taxpayers know how well our schools are doing. It also aligns the new grading system with Texas' sanction and intervention strategies. House Bill 1500 is based on the existing grading system and conflicts with House Bill 22."

H.B. 1586 (Tracy O. King; SP: Estes) Relating to the services that require a structural pest control license; changing the applicability of an occupational license. **Reason for veto:** "House Bill 1586 is unnecessary. Existing law gives the Texas Department of Agriculture sufficient statutory authority to regulate exterminators."

H.B. 1764 (Israel; SP: Watson) Relating to the operation of metropolitan rapid transit authorities. **Reason for veto:** "House Bill 1764 would have reduced budget transparency and competitive bidding requirements for local transportation authorities such as Austin's Capital Metro. The bill would have raised from \$50,000 to \$150,000 the value of a contract that Capital Metro could award without competitive bidding. It would also have expanded Capital Metro's ability to go into debt. The legislative bill analysis for House Bill 1764 indicates that the bill was envisioned because 'Capital Metro discovered that several sections of Chapter 451 [of the Transportation Code] are out of date with its current operations.' If Capital Metro's way of doing business violates the Transportation Code, the answer is not House Bill 1764. The answer is for Capital Metro to follow the law."

H.B. 1859 (Simmons; SP: Van Taylor) Relating to certain rental-purchase agreements. **Reason for veto:** "House Bill 1859 overregulates both retailers and their customers. It would require retail stores to impose elaborate and duplicative paperwork on customers who are interested in rent-to-own agreements. The bill also favors some retailers over others. Its burdensome new requirements would apply only to stores that do not specialize in rent-to-own agreements."

H.B. 2182 (Reynolds et al.; SP: Miles) Relating to the authority of a county assistance district to impose a sales and use tax. **Reason for veto:** "House Bill 2182 could be interpreted to result in certain limited geographical areas becoming subject to a local sales tax rate above the legal limit. The two percent cap on local sales tax must never be exceeded. House Bill 2182 should have been drafted with greater clarity to exclude any possibility that sales tax above the maximum allowable rate would ever be charged."

H.B. 2334 (Oliverson et al.; SP: Garcia) Relating to the imposition of a criminal penalty for the violation of a rule adopted or order issued under the Flood Control and Insurance Act in certain counties. **Reason for veto:** "House Bill 2334 would have made it a state law crime to violate flood plain rules issued by political subdivisions. It is currently a Class C misdemeanor to violate various provisions of the Texas Water Code concerning floodplains. This bill would have given localities the ability to expand the contours of this crime merely by adopting local rules and orders. Violation of these local rules and orders is already punishable by a civil penalty. We need not create another crime, particularly one that is a moving target."

H.B. 2377 (Larson and Lucio III; SP: Perry) Relating to the development of brackish groundwater. **Reason for veto:** "House Bill 2377 sought to authorize groundwater conservation districts to implement special permitting rules relating to the completion and operation of wells for the withdrawal of brackish groundwater. The bill's permitting rules are unduly prescriptive and would create a separate and complex bureaucratic process for the permitting of brackish wells. The Texas Water Development Board already has significant authority in this area, including the ability to designate brackish groundwater production zones and to approve local water management plans. While the development of brackish water resources as a potential means of meeting our state's future water needs is important, House Bill 2377 went about it the wrong way. The next Legislature should consider a simpler and less bureaucratic way to provide greater access to brackish water."

H.B. 2378 (Larson; SP: Perry) Relating to extensions of an expired permit for the transfer of groundwater from a groundwater conservation district. **Reason for veto:** "House Bill 2378 would have essentially mandated that export permits issued by groundwater conservation districts be extended indefinitely. An indefinite permit hinders the public from participating in the decision-making of the groundwater conservation district. It does not, however, prevent the groundwater conservation district from changing the terms of the permit unilaterally, a power House Bill 2378 continues to allow these districts to exercise. Excluding the public, potentially in perpetuity, from the decisions of a groundwater conservation district will reduce transparency and inhibit the district's ability to respond to changed circumstances over time. The next Legislature should consider legislation that accomplishes the goals of House Bill 2378 without its defects."

H.B. 2410 (Israel and Laubenberg; SP: Zaffirini) Relating to the authority to conduct a runoff primary election by mail in certain counties. **Reason for veto:** "Mail-in ballot fraud is a serious problem that should be addressed by the Legislature in the upcoming special session. House Bill 2410 would have provided for mail-ballot-only elections in certain circumstances in small counties. While there is cost to taxpayers associated with holding live elections, ensuring the integrity of our electoral process is well worth it."

H.B. 2463 (Price; SP: Hughes) Relating to requiring state agencies to develop written succession plans. **Reason for veto:** "State agencies should be encouraged to continually consider new ideas and new perspectives in a constant effort to reduce cost and improve service for the taxpayers. While House Bill 2463 was well-intentioned, its practical effect could have been to encourage a business-as-usual culture in state government. Bureaucracies are too often inclined to resist innovation and place an outsized value on the organization's old way of doing things. State employees should be encouraged to propose better ways to serve the taxpayers, not taught to do their job just the way their predecessor did it. Additionally, the purposes of House Bill 2463 are, in many respects, already achieved by Section 2056.0021 of the Government Code, which provides that 'a state agency shall conduct a strategic staffing analysis and develop a workforce plan, according to guidelines developed by the state auditor, to address critical staffing and training needs of the agency, including the need for experienced employees to impart knowledge to their potential successors.'"

H.B. 2475 (Sarah Davis; SP: Bettencourt) Relating to the sales and use tax exemption for certain amusement services. **Reason for veto:** "House Bill 2475 would have provided a special sales tax loophole for tickets to Broadway shows. As required by the constitution and by basic fairness, Broadway shows should be treated just like any other comparable event for tax purposes."

H.B. 2774 (Phelan; SP: Rodriguez) Relating to the installation of unsafe motor vehicle tires; creating a criminal offense. **Reason for veto:** "House Bill 2774 would have created a new crime for installation of faulty tires on vehicles. Texas does not need to impose new criminal penalties on people who put tires on cars. For the past two sessions, the legislature has passed several laws aimed at limiting the reach of criminal penalties and reducing the burden of criminal records. This bill goes in the opposite direction. Nobody wants bad tires on the road, but creating a new crime is not the answer to every problem."

H.B. 2783 (Smithee; SP: Watson and Garcia) Relating to the assessment of litigation costs and attorney fees in certain lawsuits under the public information law. **Reason for veto:** "By threatening the taxpayers with attorneys' fees, House Bill 2783 creates an incentive for requestors of public information to sue the government as quickly as possible instead of waiting for the statutorily

defined public information process to play out. The stated purposes of this bill could have been achieved without giving lawyers the ability to threaten taxpayer-funded attorneys' fees awards against governmental bodies that are just trying to follow the law."

H.B. 2792 (Mary González; SP: Rodríguez) Relating to housing authorities established by municipalities and counties. **Reason for veto:** "House Bill 2792 sought to expand the property tax exemptions currently applicable to government-subsidized housing. More property tax exemptions means more property tax burden on property owners who are not exempt."

H.B. 2798 (Farrar; SP: Creighton) Relating to the authority of a county to implement a pilot program to reuse wastewater at county facilities. **Reason for veto:** "This legislation is not needed. Domestic wastewater reuse is already authorized under Texas law pursuant to regulations issued by the Texas Commission on Environmental Quality."

H.B. 2943 (Larson et al.; SP: Perry) Relating to the use of money in the state water pollution control revolving fund. **Reason for veto:** "House Bill 2943 makes several changes to the State Water Pollution Control Revolving Fund, most of which can be administered without the statutory mandates prescribed by this legislation. Such statutory mandates are unnecessary and tie the hands of program administrators, impeding the State's ability to continue the program's positive impacts on the promotion of quality water. The bill also lengthens the allowable term of loans made by the program, thus extending the program's debt liability. Additionally, while conservation easements can serve a valid purpose, using acquisition of easements is not the best use of this particular fund."

H.B. 3025 (Tracy O. King and Murr; SP: Rodríguez) Relating to open, uncovered, abandoned, or deteriorated wells. **Reason for veto:** "House Bill 3025 would have authorized a groundwater district to determine when a landowner's well has deteriorated and to compel the landowner to repair the deteriorated well to the district's satisfaction. If the landowner does not do so within ten days, the bill authorizes the water district to enter the landowner's land, repair the well, and send the landowner the bill. This would give groundwater districts greater discretion to infringe on private property rights and impose costs on landowners. The legitimate need to repair deteriorated wells should be addressed in a way that provides more protections for landowners."

H.B. 3055 (Guillen; SP: Lucio) Relating to the restrictions on political activities for a county elections administrator. **Reason for veto:** "To preserve public confidence in our elections, the government employees who administer those elections must be beyond reproach. For this reason, current law prohibits county elections administrators from holding elected office. This is a good rule that separates politics from the administration of elections. It should not be changed."

H.B. 3281 (Eddie Rodriguez; SP: Watson) Relating to the eligibility of certain municipalities to establish homestead preservation districts and reinvestment zones. **Reason for veto:** "House Bill 3281 would have extended a City of Austin program that gives special tax treatment to certain neighborhoods at the expense of other taxpayers, with the apparent goal to stymie the natural forces of the free market. Directing large amounts of property tax revenue to select city projects has the effect of increasing the tax burden on other property owners. We should not empower cities to spend taxpayer money in a futile effort to hold back the free market. The best way to ensure people do not lose their home because of rising property taxes is to cut property taxes. This bill does nothing to lessen the tax burden for Texans on the verge of being taxed out of their home. It merely permits the City of Austin to continue redirecting tax dollars for city-initiated redevelopment. If the City of

Austin is concerned about rising taxes displacing its residents, it should reconsider its tax policies or its spending priorities."

H.B. 3987 (Larson and Workman; SP: Hinojosa) Relating to the authority of the Texas Water Development Board to use the state participation account of the water development fund to provide financial assistance for the development of certain facilities. **Reason for veto:** "House Bill 3987 would have created a new state account to provide taxpayer funding for the acquisition and development of certain water facilities. These facilities are already eligible for state funding under the Texas Water Development Fund II state participation account, provided that they cannot be adequately funded with local resources. The purpose of that requirement is to ensure that state resources are used in an efficient manner by denying funding for local projects that already have access to sufficient financial resources. House Bill 3987 exempts desalination and aquifer facility projects from meeting this financial requirement. Additionally, because current law already authorizes the Texas Water Development Board to provide funding for desalination and aquifer storage and recovery facilities, House Bill 3987 is largely unnecessary. The next Legislature should seek to promote desalination and aquifer projects more effectively."

H.B. 4310 (Isaac; SP: Zaffirini) Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 1; providing authority to impose an assessment. **Reason for veto:** "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

H.B. 4311 (Isaac; SP: Zaffirini) Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 2; providing authority to impose an assessment. **Reason for veto:** "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

H.B. 4312 (Isaac; SP: Zaffirini) Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 3; providing authority to impose an assessment. **Reason for veto:** "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

H.B. 4313 (Isaac; SP: Zaffirini) Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 4; providing authority to impose an assessment. **Reason for veto:** "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

H.B. 4314 (Isaac; SP: Zaffirini) Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 5; providing authority to impose an assessment. **Reason for veto:** "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

S.B. 196 (Garcia et al.; SP: Coleman) Relating to a notification requirement if a public school, including an open-enrollment charter school, does not have a nurse, school counselor, or librarian assigned to the school during all instructional hours. **Reason for veto:** "Our public schools should be focused on educating students in the classroom. Senate Bill 196 detracts from that focus and imposes a needless regulatory mandate on schools."

S.B. 570 (Rodríguez et al.; SP: Walle and Tomas Uresti) Relating to the regulation of the retention, storage, transportation, disposal, processing, and reuse of used or scrap tires; providing a civil penalty; creating a criminal offense. **Reason for veto:** "Senate Bill 570 criminalizes the violation of administrative rules governing the proper disposal of tires. In order to know whether their handling of used tires is a crime or not, Texans would have to consult the Texas Register and the actions of local governments on a regular basis to ensure the rules governing tire disposal have not changed. Surely there are better ways to address the problem of old tires than by creating a new and vaguely defined crime."

S.B. 667 (Zaffirini et al.; SP: Smithee) Relating to establishing a guardianship compliance program. **Reason for veto:** "This session the Legislature passed, and I have signed, several bills that improve the guardianship system in Texas. This is an important endeavor, and I look forward to seeing the effect of these needed reforms during the interim. Senate Bill 667 would have created a large new staff of state employees to oversee local guardianship arrangements at a cost of over \$5 million a biennium. We should give the new statutory reforms a chance to work, and we should continue to look for cost-effective ways to address this challenge. The creation of a new state bureaucracy should be a last resort."

S.B. 670 (Birdwell et al.; SP: Price et al.) Relating to the appointment of the commissioners of the health and human services agencies by the governor. **Reason for veto:** "The commissioner of the Department of State Health Services is currently appointed by the executive commissioner of the Health and Human Services Commission, a gubernatorial appointee. This arrangement works well. Senate Bill 670 would have required direct gubernatorial appointment of the commissioner of DSHS. That is not needed."

S.B. 744 (Kolkhorst et al.; SP: Phelan and Fallon) Relating to a tree planting credit to offset tree mitigation fees imposed by a municipality. **Reason for veto:** "Cities telling landowners what they can and cannot do with the trees in their own backyard is an assault on private property rights. Senate Bill 744 appears to be a compromise bill that imposes a very minor restriction on some municipal tree ordinances. But in doing so, it gives the imprimatur of state law to the municipal micromanagement of private property, which should be abolished altogether. This bill was well-intentioned, but by the end of the legislative process it actually ended up doing more to protect cities than it did to protect the rights of property owners. I applaud the bill authors for their efforts, but I believe we can do better for private property owners in the upcoming special session."

S.B. 790 (Miles and Zaffirini; SP: Howard et al.) Relating to the continuation of the women's health advisory committee. **Reason for veto:** "The Women's Health Advisory Committee was created last session 'to provide recommendations to [the Health and Human Services Commission] on the consolidation of women's health programs.' By law, the Committee is set to expire in September 2017. The Committee fulfilled its statutory charge after the women's health programs at HHSC were successfully consolidated under the Healthy Texas Women's Program, which launched in July of 2016. The Committee's purpose has been served, and it should be allowed to expire as was promised when it was created last session. In addition, the HHSC executive commissioner is already authorized by the Government Code to maintain advisory committees 'across all major areas of the health and human services system,' so there is no need to continue a particular legislative mandate for a committee that, by law, has achieved its legislative mandate. Senate Bill 790 does nothing more than extend the expiration date of a governmental committee that has already successfully completed its mission. Rather than prolong government committees beyond their expiration date, the State

should focus on programs that address more clearly identifiable needs, like my call for action to address the maternal mortality rate during the special session."

S.B. 813 (Hughes et al.; SP: Meyer) Relating to recovery of damages, attorney's fees, and costs related to frivolous regulatory actions by state agencies. **Reason for veto:** "State agencies should be held accountable when they abuse their authority. There are many ways to accomplish that goal other than by enticing trial lawyers to sue the taxpayers for damages. Senate Bill 813 is well-intentioned, but it subjects the State to the possibility of extensive financial liability. Under the bill, taxpayer liability would be triggered any time a judge decides the State's action is 'unreasonable,' a vague and broad standard that varies with the eye of the beholder. This financial liability would be borne by the taxpayers, not by the bureaucrats who caused the problem. The bill was inspired by legitimate concerns about regulatory overreach, but exposing the State fisc to limitless jury verdicts is not the right solution."

S.B. 830 (Rodríguez; SP: Walle) Relating to the provision of accounting statements by mortgage servicers for certain loans secured by a lien on residential real property. **Reason for veto:** "Senate Bill 830 imposes burdensome new regulatory and paperwork requirements on those who offer seller-financed mortgages. This sort of regulation could increase the price and reduce the availability of these mortgages."

S.B. 1215 (Hughes; SP: Shine et al.) Relating to the creation of a joint interim committee to study issues related to construction contracts. **Reason for veto:** "Senate Bill 1215 creates a joint interim committee of the Legislature to study construction contracts. The House and Senate can, and do, study topics in the interim without passage of a law. Legislation mandating legislative studies and legislative interim committees is unnecessary. The Legislature is free to study construction contracts with or without this bill."

S.B. 1444 (West; SP: Sarah Davis and Wu) Relating to de novo hearings in child protection cases. **Reason for veto:** "Associate judges are employees of the court who do not exercise the judicial power of the State on their own. They act only pursuant to the delegated authority of an elected judge. Senate Bill 1444 makes certain judgments entered by associate judges unappealable to the elected judge overseeing the case. The bill would expand the power of unelected judges while contracting the legal options of parties who appear before them. Other aspects of Senate Bill 1444 had merit. The Legislature should reconsider them next session."

S.B. 1525 (Perry; SP: Larson) Relating to studies by the Texas Water Development Board of water needs and availability in this state. **Reason for veto:** "The Texas Water Development Board can perform the study mandated by Senate Bill 1525 with or without this legislation."

S.B. 1743 (Zaffirini; SP: Gina Hinojosa et al.) Relating to transferring the Office for the Prevention of Developmental Disabilities to The University of Texas at Austin and renaming the office the Office for Healthy Children. **Reason for veto:** "The duties prescribed by Senate Bill 1743 can be performed by the Health and Human Services Commission using existing resources. Executive branch functions need not be assigned to universities."

S.B. 1912 (Zaffirini; SP: Gina Hinojosa) Relating to certain notice requirements and filing requirements in court proceedings involving persons with mental illness and representation of proposed patients in proceedings for court-ordered mental health services. **Reason for veto:** "Parts of Senate Bill 1912 are beneficial, but other parts go too far in expanding government. The law

already mandates that courts appoint attorneys to represent defendants in cases where the government seeks court-ordered mental health services. Permanent new government offices dedicated to this function are unnecessary. Private attorneys are capable of handling these cases without the expense of a new county bureaucracy."

S.B. 1992 (Watson; SP: Isaac) Relating to the allocation of housing tax credits to developments within proximate geographical areas. **Reason for veto:** "Existing law governing the density of subsidized housing in large cities should remain in place, and Travis County should be subject to the same rules as Bexar, Dallas, Harris, and Tarrant Counties."



Tree Removal Mitigation Fees—H.B. 7

by Representative Phelan et al.—Senate Sponsor: Senators Kolkhorst and Hall

Certain municipalities impose a mitigation fee for the removal of a tree from private property. Many cities have adopted ordinances and rules that calculate mitigation fees based on the cost of replacing the tree that is removed or a multiple of the replacement cost.

Legislators express concern that the methods used to calculate mitigation fees and a property owner's right to appeal a fee vary too greatly among the cities that have adopted mitigation fee ordinances. Legislators also express concern that excessive mitigation fees infringe on property owners' right to develop their property as they see fit, especially for commercial developers who may want to remove numerous trees. This bill:

Requires a municipality that imposes a tree mitigation fee on a person for removing a tree to allow that person to apply for a credit for tree planting to offset the amount of the fee. Sets forth criteria that must be met for a tree removal to qualify for the credit and prescribes the credit amounts based on the type and use of the property. Prohibits a municipality from requiring a person to pay a tree mitigation fee for trees that are on residential property and that are less than 10 inches in diameter. Prohibits a municipality from prohibiting the removal of, or imposing a tree mitigation fee for the removal of, a tree that is diseased, or dead, or that poses a threat to persons or property.

Reporting Requirements for Abortion Complications—H.B. 13

by Representative Capriglione et al.—Senate Sponsor: Senator Campbell

It has been reported that a need exists for increased accuracy with regard to abortion complication data. H.B. 13 improves the collection of such data by requiring certain physicians and health care facilities to submit an abortion complication report containing specified information to the Health and Human Services Commission (HHSC) and authorizes a civil penalty for noncompliance. This bill:

Defines "abortion complication."

Requires a physician to electronically submit to HHSC a report on each abortion complication diagnosed or treated by that physician not later than the end of the third business day after the date on which the complication is diagnosed or treated.

Requires a health care facility to electronically submit to HHSC a report on each abortion complication diagnosed or treated at the facility not later than 30 days after the date on which the complication is diagnosed or treatment is provided for the complication.

Prohibits a report regarding an abortion complication from identifying, by any means, the physician performing an abortion or the patient on whom the abortion was performed. Requires that a report identify the name of the physician submitting the report or the name and type of health care facility submitting the report and include certain information for each abortion complication.

Provides that all information and records regarding abortion complications held by HHSC are confidential. Prohibits information from being released or being made public on subpoena or otherwise, except:

for statistical purposes, only if a person, patient, or health care facility is not identified;
with the consent of each person, patient, and facility identified in the information released;
to medical personnel, appropriate state agencies, or county and district courts to enforce this Act; or
to appropriate state licensing boards to enforce state licensing laws.

Provides that a physician or health care facility that violates this Act is subject to a civil penalty of \$500 for each violation, with each day of a continuing violation constituting a separate grounds for recovery. Provides that the third separate violation of this Act constitutes cause for the revocation or suspension of a physician's or health care facility's license, permit, registration, certificate, or other authority, or for other disciplinary action against the physician or facility by the appropriate licensing agency. Requires HHSC to notify the Texas Medical Board of a violation.

Public School Finance—H.B. 21

by Representative Huberty et al.—Senate Sponsor: Senators Larry Taylor and Nelson

H.B. 21 amends the Education Code to revise the public school finance system. This bill:

Authorizes the commissioner of education (commissioner) to administer a temporary financial hardship transition program that provides grants to eligible public school districts (school districts) and open-enrollment charter schools (charter schools) to defray financial hardships resulting from changes made to recapture under Chapter 41 (Equalized Wealth Level), Education Code, and the Foundation School Program that apply after the 2016–2017 school year.

Sets forth a formula on which grant amounts are based and limits the total amount of grants to \$100 million for the 2017–2018 school year and \$50 million for the 2018–2019 school year.

Provides that each school district is provided a guaranteed yield of the existing debt allotment to the lesser of \$40 or the amount that would result in a \$60 million increase in state aid from the level of state aid provided by a yield of \$35 and provides additional state aid for instructional facilities capped at \$60 million per year to certain charter schools that have an acceptable overall performance rating or operate a school program located at a day treatment facility, residential treatment facility, psychiatric hospital, or medical hospital.

Establishes two separate temporary grant programs for school districts and charter schools that provide innovative services to students with autism and dyslexia, respectively, and requires the commissioner to award grant funds beginning in the 2018–2019 school year.

Requires the commissioner to set aside an amount not to exceed \$20 million from the total amount of funds appropriated for the 2018–2019 fiscal biennium to fund grants under the autism grant program and to set aside an amount not to exceed \$20 million from such appropriated funds to fund grants under the dyslexia grant program.

Requires the commissioner to use \$10 million for the autism grant program and \$10 million for the dyslexia grant program for each school year in the state fiscal biennium.

Provides for a series of five annual increases in the adjustment to the basic allotment of a school district that contains less than 300 square miles and that has no more than 1,600 students in average daily attendance (ADA) until, effective September 1, 2023, that adjustment is equal to the adjustment for school districts with that ADA that contain at least 300 square miles.

Establishes the Texas Commission on Public School Finance to develop recommendations to address issues relating to the public school finance system and to prepare and deliver a report to the governor and the legislature that recommends statutory changes to improve the public school finance system. Provides that the commission is abolished January 8, 2019.

Transfers \$311 million of the unencumbered appropriations for the 2018–2019 state fiscal biennium made to the Health and Human Services Commission (HHSC) to the Texas Education Agency, with \$150 million allocated to fund financial hardship grants, \$60 million allocated to fund instructional facility payments to charter schools, \$60 million allocated for the increase in the existing debt allotment; and \$41 million allocated for the increase of the small-sized district adjustment. Transfers \$212 million of the 2018–2019 appropriations made to HHSC to the Teacher Retirement System of Texas (TRS) to be used by TRS during the 2018–2019 state fiscal biennium to increase school districts' recruitment and retention of school teachers and to provide support to participants in the Texas Public School Employees Group Insurance Program. Requires HHSC to identify the strategies and objectives out of which the transfers are to be made.

Transfer of Education-Related Appropriations—H.B. 30
by Representative Zerwas et al.—Senate Sponsor: Senator Nelson

Although a recent court ruling found that the existing school financing system in Texas is constitutional, interested parties contend that the system needs to be reformed and that supplemental appropriations are needed for the 2018–2019 biennium. This bill:

Provides that the amount of \$311,000,000 of the unencumbered appropriations from the general revenue fund for the state fiscal biennium ending August 31, 2019, made by S.B. 1, 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the Health and Human Services Commission (HHSC) is transferred to the Texas Education Agency (TEA) to be used by TEA during the state fiscal biennium as follows:

\$150,000,000 is allocated to fund financial hardship grants;

\$60,000,000 is allocated to fund payments to open-enrollment charter schools;

\$60,000,000 is allocated for existing debt allotment; and

\$41,000,000 is allocated for the small-sized district adjustment.

Requires HHSC to identify strategies and objectives that will ensure that the transfer of appropriations is possible.

Requires the Legislative Budget Board to determine the sum-certain appropriation to the Foundation School Program for each year of the state fiscal biennium beginning September 1, 2017, based on the amount specified in existing riders.

Health Benefit Plan Coverage for Elective Abortion—H.B. 214

by Representative Smithee et al.—Senate Sponsor: Senators Creighton and Hall

Reportedly, it has been suggested that the state should do more to ensure that taxpayer funds are not used to cover the costs associated with health benefit plans (HBPs) that cover elective abortions and that the state should provide choices for private insurance marketplace consumers who prefer not to purchase a plan that covers elective abortions. H.B. 214 prohibits certain qualified health plans from providing coverage for elective abortions. This bill:

Prohibits a qualified health plan offered by the Patient Protection and Affordable Care Act (42 U.S.C. Section 18031(b)) from providing coverage for an elective abortion through the American Health Benefit Exchange (exchange). Provides that this bill does not prevent a person from purchasing optional or supplemental coverage for an elective abortion under an HBP other than a qualified health plan offered through the exchange.

Creates certain prohibitions and requirements for coverage for an elective abortion under an HBP made available by:

- a school district in accordance with Section 22.004 (Group Health Benefits for School Employees), Education Code;

- a basic coverage plan under the Texas Employees Group Benefits Act (Chapter 1551, Insurance Code);

- a basic plan under the Texas Public School Retired Employees Group Benefits Act (Chapter 1575, Insurance Code);

- a primary care coverage plan under Chapter 1579 (Texas School Employees Uniform Group Health Coverage), Insurance Code;

- a basic coverage under the State University Employees Uniform Insurance Benefits Act (Chapter 1601, Insurance Code); and

- coverage under a small or large employer HBP subject to the Health Insurance Portability and Availability Act (Chapter 1501, Insurance Code) and to a standard HBP provided under Chapter 1507 (Consumer Choice of Benefits Plans), Insurance Code.

Provides that this bill does not apply to HBP coverage provided to an enrollee for any abortion other than an elective abortion.

Authorizes an HBP to provide coverage for an elective abortion only if:

- the coverage is provided to an enrollee separately from other HBP coverage offered by the HBP issuer;

- the enrollee pays the premium for coverage for an elective abortion separately from, and in addition to, the premium for other HBP coverage, if any; and

the enrollee provides a signature for coverage for an elective abortion, separately and distinct from the signature required for other HBP coverage, if any, provided to the enrollee by the HBP issuer.

Requires an HBP issuer that provides coverage for an elective abortion to calculate the premium for the coverage so that the premium fully covers the estimated cost of the elective abortion per enrollee, determined on an actuarial basis. Prohibits the HBP issuer, in calculating a premium, from taking into account any cost savings in other HBP coverage offered by the HBP issuer that is estimated to result from coverage for an elective abortion. Prohibits an HBP issuer from providing a premium discount to or reducing the premium for an enrollee for other HBP coverage on the basis that the enrollee has coverage for an elective abortion.

Requires an HBP issuer that provides coverage for an elective abortion, at the time of enrollment in other HBP coverage, to provide notice to each enrollee that:

coverage for elective abortion is optional and separate from other HBP coverage offered by the HBP issuer;

the premium cost for coverage for an elective abortion is a premium paid separately from, and in addition to, the premium for other HBP coverage offered by the HBP issuer; and

the enrollee may enroll in an HBP without obtaining coverage for an elective abortion.

Reporting and Certification Requirements for Certain Abortions—H.B. 215

by Representative Murphy et al.—Senate Sponsor: Senators Hughes and Hall

Reportedly, more information is needed on the certification form by a physician, in regard to an abortion performed on a viable unborn child during the third trimester of pregnancy on the basis of the fetus having a severe and irreversible abnormality. It is also noted that there is a lack of information regarding how minors obtain authorization for abortions and that better data will give legislators proper insight into how minors obtain abortions in Texas. H.B. 215 requires a physician to certify on the applicable form the identified fetal abnormality and provides for additional reporting requirements for abortions performed on women younger than 18 years of age. This bill:

Requires a physician who performs an abortion, which, according to the physician's best medical judgment at the time of the abortion, is to abort a viable unborn child during the third trimester of the pregnancy, to certify in writing to the Health and Human Services Commission (HHSC) on a form prescribed by HHSC, the medical indications supporting the physician's judgment that the abortion is necessary to prevent the death or a substantial risk of serious impairment to the physical or mental health of the woman, or that the fetus has a certain severe and irreversible abnormality. Requires the physician to certify in writing on the form the fetal abnormality identified by the physician.

Requires a physician who performs an abortion on a woman who is younger than 18 years of age, for each abortion performed, to document in the woman's medical record and report to HHSC one of the following methods for obtaining authorization for the abortion:

the woman's parent, managing conservator, or legal guardian provided the required written consent;

the woman obtained judicial authorization;

the woman consented to the abortion, if the woman has had the disabilities of minority removed and is authorized under law to have the abortion without the required written consent or without judicial authorization; or

the physician concluded and documented in writing in the woman's medical record that, on the basis of the physician's good faith clinical judgment, a certain medical condition existed and there was insufficient time to obtain the consent of the woman's parent, managing conservator, or legal guardian.

Requires a physician who performs an abortion on a woman who is younger than 18 years of age, for each abortion performed, to document in the woman's medical record and report to HHSC if the woman's parent, managing conservator, or legal guardian provides the written consent and whether the consent was given in person at the location where the abortion was performed or at a place other than the location where the abortion was performed.

Requires a physician who performs an abortion on a woman who is younger than 18 years of age, if the woman obtains the judicial authorization, to document in the woman's medical record and report to HHSC:

the process the physician or physician's agent used to inform the woman of the availability of petitioning for judicial authorization as an alternative to the required written consent;

whether the court forms were provided to the woman by the physician or the physician's agent;

whether the physician or the physician's agent made arrangements for the woman's court appearance; and

if known, whether the woman became pregnant while in foster care or in the managing conservatorship of the Department of Family and Protective Services.

Provides that all information and records held by HHSC are confidential and are not open records. Prohibits such information from being released or being made public on subpoena or otherwise, except that release is authorized to be made under certain circumstances.

Creating an Offense and Increasing Penalties for Election Fraud—S.B. 5

by Senator Hancock et al.—House Sponsor: Representative Goldman et al.

It is reported that voting by mail is a prime target for illegal voting and election fraud, as victims of mail ballot fraud are often the most vulnerable members of a community—the elderly and the disabled. S.B. 5 provides enhanced protections for elderly and disabled voters, strengthens signature verification provisions, establishes new and enhanced penalties for convicted mail ballot fraud offenders, and creates notification requirements regarding rejected mail ballots. This bill:

Provides that a person commits an offense if the person knowingly votes or attempts to vote a ballot belonging to another person, or by impersonating another person, or knowingly marks or attempts to

mark any portion of another person's ballot without the consent of that person or without specific direction from that person on how to mark the ballot.

Requires that an application for an early voting ballot be in writing and signed by the applicant, and provides that an electronic signature is not permitted.

Provides that a person commits a state jail felony if the person:

knowingly provides false information on an application for ballot by mail;

intentionally causes false information to be provided on an application for ballot by mail;

knowingly submits an application for ballot by mail without the knowledge and authorization of the voter; or

knowingly and without the voter's authorization alters information provided by the voter on an application for ballot by mail.

Provides that such an offense is increased to the next highest category if the defendant was previously convicted of an offense under the Election Code, if the offense involved a voter 65 years of age or older, or if the defendant committed another offense under the Election Code in the same election.

Sets forth protocols for the cancellation of a person's application for ballot by mail. Requires the early voting clerk, not later than 30 days after election day, to deliver notice to the Texas attorney general (attorney general) of cancellation requests received, including certified copies of cancellation requests, applications, and carrier envelopes, if available.

Provides that a voter with a disability who is physically unable to deposit the ballot and carrier envelope in the mail is authorized to select a person to assist the voter by depositing a sealed carrier envelope in the mail. Sets forth certain restrictions and requirements for a person who assists a voter.

Authorizes the signature verification committee created under Section 87.027 (Signature Verification Committee), Election Code, and the early voting ballot board created under Subchapter A (Early Voting Ballot Board), Chapter 87, Election Code, in making a determination relating to authorizing a ballot to be accepted only with certain signatures on the ballot application or certificate, to compare the signatures with any two or more signatures of the voter made within the preceding six years and on file with the county clerk or voter registrar.

Requires the early voting clerk, not later than 30 days after election day, to deliver notice to the attorney general, including certified copies of the carrier envelope and corresponding ballot application, of any ballot rejected because of certain circumstances.

Provides that a person commits an offense, which is a Class A misdemeanor, if the person knowingly or intentionally makes any effort to:

influence the independent exercise of the vote of another in the presence of the ballot or during the voting process;

cause a voter to become registered, a ballot to be obtained, or a vote to be cast under false pretenses; or

cause any intentionally misleading statement, representation, or information to be provided to an election official or on an application for ballot by mail, carrier envelope, or other official election-related form or document.

Provides that such an offense is increased to the next highest category if the defendant was previously convicted of an offense under the Election Code, if the offense involved a voter 65 years of age or older, or if the defendant committed another offense under the Election Code in the same election.

Relating to Municipal Annexation—S.B. 6

by Senator Campbell et al.—House Sponsor: Representative Huberty et al.

Reportedly, the municipal annexation process needs greater transparency and property owner participation. S.B. 6 amends law regarding municipal annexation. This bill:

Defines "tier 1 municipality" as a municipality wholly located in one or more tier 1 counties that proposes to annex an area wholly located in one or more tier 1 counties.

Defines "tier 2 municipality" as a municipality wholly or partly located in a tier 2 county or wholly located in one or more tier 1 counties that proposes to annex an area wholly or partly located in a tier 2 county.

Authorizes a municipality to annex for full or limited purposes any part of an area located within five miles of the boundary of a military base in which an active training program is conducted. Requires that the annexation proposition be stated to allow voters in the area to be annexed to choose between either annexation or providing the municipality with the authority to adopt and enforce an ordinance regulating the land use in a certain manner.

Sets forth certain restrictions and prohibitions for solid waste management services offered by both tier 1 and 2 municipalities.

Authorizes a tier 2 municipality to annex an area with a population of 200 or more only if the municipality holds an election in the area proposed to be annexed (or an area with a population of less than 200 only if the municipality obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area) and if the registered voters of the area do not own more than 50 percent of the land in the area, the municipality obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.

Requires a governing body of a municipality that proposes to annex an area to adopt a resolution containing information regarding the area to be annexed and services to be provided and to mail to each resident and property owner in the area notification regarding this resolution by a certain date. Requires the governing body to conduct at least one public hearing within a certain period after the date the governing body adopts the resolution.

Prohibits a municipality, if the municipality does not obtain the number of signatures on a petition required to annex an area, from annexing the area and from adopting another resolution to annex the area until the first anniversary of the date the petition period ended. Authorizes a municipality, if the municipality obtains the number of signatures on a petition required to annex an area, to annex the area after providing notice, after holding a public hearing at which members of the public are given an opportunity to be heard, and after holding a final public hearing after the date of the public hearing at which the ordinance annexing the area may be adopted.

Provides that the disapproval of a proposed annexation of an area does not affect any existing legal obligation of the municipality proposing the annexation to continue to provide governmental services in the area, including water or wastewater services. Prohibits such municipality from initiating a rate proceeding solely because of the disapproval of a proposed annexation of an area.

Authorizes a majority of the qualified voters of an annexed area to petition the governing body of the municipality to disannex the area if the municipality fails or refuses to provide services or to cause services to be provided to the area. Requires a district court to enter an order disannexing an area if the court finds that a valid petition was filed with the municipality and that the municipality failed to perform its obligations in accordance with the service plan, written agreement, or resolution adopted, as applicable, or failed to perform in good faith.

Requires a governing body of a municipality that plans to annex all or part of the Travis County Municipal Utility Districts Nos. 3, 4, 5, 6, 7, 8, and 9 and the Travis County Water Control and Improvement District No. 19 to first adopt a resolution of intention to annex and to transmit it to the district. Requires the district, on receipt of a resolution, to call an election to be held on the next uniform election date on the question of whether the annexation should be authorized. Authorizes the municipality to annex the territory described by the resolution only if a majority of the total number of voters voting in all of the district's elections vote in favor of authorizing the annexation. Requires the municipality seeking annexation to pay the costs of the elections held.

Do-Not-Resuscitate Order Used in a Health Care Facility—S.B. 11

by Senator Perry et al.—House Sponsor: Representative Greg Bonnen et al.

A do-not-resuscitate (DNR) order is a medical directive that instructs medical professionals not to perform certain cardiopulmonary resuscitation (CPR) and other life-sustaining procedures if the patient suffers cardiac or respiratory arrest. Current Texas law is silent on requirements for the authorization, execution, or revocation of a DNR order in a hospital setting and only addresses out-of-hospital DNR orders. Doctors can unilaterally write DNR orders for patients without discussion or consent from either the patient or a surrogate decision-maker.

S.B. 11 expressly applies to a DNR order used in a health care facility, including a hospital or an assisted living facility, or in hospice settings, including hospice services provided by a home and community support services agency, and expressly does not apply to an out-of-hospital DNR order as defined under the Advance Directives Act. S.B. 11 relates to general procedures and requirements for certain DNR orders and creates a criminal offense. This bill:

Provides that Subchapter E (Health Care Facility Do-Not-Resuscitate Orders), Health and Safety Code, as added by this Act, applies to a DNR order issued in a health care facility or hospital and

does not apply to an out-of-hospital DNR order. Provides that a DNR order issued for a patient is valid only if the patient's attending physician issues the order, the order is dated, and the order meets certain criteria. Provides that a DNR order takes effect at the time the order is issued, provided that the order is placed in the patient's medical record as soon as practicable. Requires a physician, physician assistant, nurse, or other person acting on behalf of a health care facility or hospital, before placing in a patient's medical record a DNR order issued, to inform the patient of the order's issuance, or if the patient is incompetent, make a reasonably diligent effort to contact or cause to be contacted and inform a certain person of the order's issuance. Provides that, to the extent a DNR order conflicts with a treatment decision or advance directive validly executed or issued, the treatment decision made in compliance with Subchapter E, advance directive validly executed or issued as described by Subchapter E, or DNR order dated and validly executed or issued in compliance with Subchapter E later in time controls.

Requires the physician, physician assistant, or nurse who has actual knowledge of a DNR order, if an individual arrives at a health care facility or hospital that is treating a patient for whom a DNR order is issued and the individual notifies a physician, physician assistant, or nurse providing direct care to the patient of the individual's arrival, to disclose the order to the individual, provided the individual meets certain criteria. Requires the facility or hospital, on admission to a health care facility or hospital, to provide to the patient or person authorized to make treatment decisions on behalf of the patient notice of the policies of the facility or hospital regarding the rights of the patient and person authorized to make treatment decisions on behalf of the patient.

Requires a physician providing direct care to a patient for whom a DNR order is issued to revoke the patient's DNR order if the patient or, as applicable, the patient's agent under a medical power of attorney or the patient's legal guardian if the patient is incompetent. Requires a person providing direct care to a patient under the supervision of a physician to notify the physician of the request to revoke a DNR order. Authorizes a patient's attending physician to, at any time, revoke a DNR order. Provides that a person is not civilly or criminally liable for failure to act on a revocation unless the person has actual knowledge of the revocation.

Requires an attending physician, health care facility, or hospital not wishing to execute or comply with a DNR order or a patient's instructions concerning the provision of CPR to inform the patient, or other certain qualified person, of the benefits and burdens of CPR. Requires a physician, facility, or hospital, if, after receiving notice, the patient or another person authorized to act on behalf of the patient and the attending physician, health care facility, or hospital remain in disagreement, to make a reasonable effort to transfer the patient to another physician, facility, or hospital willing to execute or comply with the DNR order or the patient's instructions concerning the provision of CPR.

Provides that a physician, health care professional, health care facility, hospital, or entity that in good faith issues a DNR order or causes CPR to be withheld or withdrawn from a patient in accordance with a DNR order is not civilly or criminally liable or subject to review or disciplinary action by the appropriate licensing authority for that action.

Provides that a physician, health care professional, health care facility, hospital, or entity that has no actual knowledge of a DNR order is not civilly or criminally liable or subject to review or disciplinary action by the appropriate licensing authority for failing to act in accordance with the order.

Provides that a physician, physician assistant, nurse, or other person commits an offense if the person intentionally conceals, cancels, effectuates, or falsifies another person's DNR order or if the person intentionally conceals or withholds personal knowledge of another person's revocation of a DNR order. Provides that a physician, health care professional, health care facility, hospital, or entity is subject to review and disciplinary action by the appropriate licensing authority for intentionally failing to effectuate a DNR order in violation of Subchapter E or for issuing a DNR order in violation of Subchapter E.

Continued Work of the Maternal and Morbidity Task Force—S.B. 17
by Senator Kolkhorst et al.—House Sponsor: Representative Burkett et al.

The Maternal Mortality and Morbidity Task Force (task force) established by S.B. 495, 83rd Legislature, is a multidisciplinary group tasked to study maternal mortality and morbidity in Texas. The task force has produced two reports since its inception, providing critical information on maternal mortality trends and demographics in Texas. Considering the findings of the task force, much work still needs to be done to more directly address the causes of pregnancy-related deaths in Texas and severe maternal morbidity.

S.B. 17 relates to maternal health and safety, pregnancy-related deaths, and maternal morbidity, including postpartum depression. This bill:

Provides that the Maternal Mortality and Morbidity Task Force (task force) is a multidisciplinary advisory committee within the Department of State Health Services (DSHS) and is composed of 17 members. Requires the task force to allow public comment during at least one public meeting each year, to present in open session recommendations to help reduce the incidence of pregnancy-related deaths and severe maternal morbidity in this state, and to post public notice for meetings conducted for the sole purpose of reviewing cases for selection. Requires the task force to study and review certain information regarding maternal mortality and morbidity and, in consultation with the Perinatal Advisory Council, make recommendations.

Requires the Health and Human Services Commission (HHSC), in consultation with the task force, using existing resources, to make available to physicians and other persons licensed or certified to conduct a substance use screening and domestic violence screening of pregnant women certain information and review and promote the use of educational materials on the consequences of opioid drug use and on domestic violence prevention and intervention during pregnancy. Requires DSHS to statistically analyze aggregate data of pregnancy-related deaths and severe maternal morbidity in this state to identify any trends, rates, or disparities.

Provides that general information that cannot be connected with any specific individual, case, or health care provider is not confidential.

Requires HHSC, focusing on the most prevalent causes of pregnancy-related deaths as identified in the joint biennial report, to evaluate options for reducing pregnancy-related deaths, and for treating postpartum depression in economically disadvantaged women. Requires DSHS, in collaboration with the task force, to promote and facilitate, using existing resources, the use among health care providers in this state of maternal health and safety informational materials, including tools and procedures related to best practices in maternal health and safety.

Requires HHSC, using existing resources and not later than December 1, 2018, to study and determine the feasibility of adding a provider's use of procedures included in the maternal health and safety initiative as an indicator of quality for HHSC data and medical assistance quality-based payment purposes. Requires DSHS to collaborate with HHSC in compiling available data and information needed to complete the feasibility study.

Requires DSHS, not later than December 1 of each even-numbered year, to submit to the governor, lieutenant governor, speaker of the house of representatives, and appropriate standing committees of the legislature a report on the processes and procedures for collecting cause-of-death information, including any challenges to collecting accurate information relating to maternal mortality. Authorizes DSHS, in preparing the report, to examine issues relating to the quality of the death information being collected, including the accuracy and completeness of the information; the role of medical certifiers in death information collection; the perceptions of the individuals collecting the death information regarding the information's integrity; the training required for the individuals collecting death information; and the structural, procedural, and technological issues of collecting the information. Requires DSHS, in consultation with the task force, to examine national standards regarding the collection of death information and authorizes DSHS to convene a panel of experts to advise DSHS and the task force in developing recommendations for improving the collection of accurate information related to cause of death.

Continuing Legislation for Certain Health-Related Certification Boards—S.B. 20

by Senator Van Taylor et al.—House Sponsor: Representative Larry Gonzales

The legislature routinely applies expiration dates to a state agency's or other governmental entity's enabling legislation. These provisions also require the Texas Sunset Advisory Commission to review the agency or entity to determine whether it should continue and to recommend changes to the agency or entity in a report to the legislature. If not continued in statute, the Texas Medical Board, the Texas State Board of Examiners of Psychologists, the Texas State Board of Examiners of Marriage and Family Therapists, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Social Worker Examiners will be abolished on September 1, 2017. This bill:

Continues the Texas Medical Board, the Texas State Board of Examiners of Psychologists, the Texas State Board of Examiners of Marriage and Family Therapists, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Social Worker Examiners until September 1, 2019.

Funding for TMB and TSBEP—S.B. 60

by Senator Van Taylor et al.—House Sponsor: Representative Larry Gonzales

The legislature routinely applies expiration dates to a state agency's or other governmental entity's enabling legislation. These provisions also require the Texas Sunset Advisory Commission (Sunset) to review the agency or entity to determine whether it should continue and to recommend changes to the agency or entity in a report to the legislature.

The Sunset bills for the Texas Medical Board (TMB) and the Texas State Board of Examiners of Psychologists (TSBEP) did not pass during the 85th Legislature, Regular Session, 2017; however, the General Appropriations Act for the 2018–2019 fiscal biennium included two Sunset contingency riders that made the funding for these agencies contingent upon their continuation during the regular session. In the absence of that legislative continuation during the regular session, interested parties contend that both TMB and TSBEP are ineligible to receive state appropriations even if they are continued during the 85th Legislature, First Called Session. This bill:

Repeals provisions of the General Appropriations Act for the 2018–2019 fiscal biennium that condition the appropriation and use of funds for TMB and TSBEP on the continuation of those agencies by the legislature.



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