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Center

2019

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# HIGHLIGHTS

of  
the **86**<sup>th</sup>  
Texas  
Legislature



**SENATE RESEARCH CENTER**

# **Highlights of the 86th Texas Legislature**

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### 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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### **Veto Statements**

**Administration of Municipal Management Districts—H.B. 304**

*by Representative Paul et al.—Senate Sponsor: Senator Nelson*

The Local Government Code provides for the creation of municipal management districts (MMDs) for the purpose of promoting economic development and public welfare. Currently, a member of an MMD board of directors must be a resident of the district, and an MMD must dissolve if petitioned by owners of no less than three-fourths of the assessed value of real property. This bill:

Repeals the requirement that a director of an MMD be a resident of the district.

Authorizes the owners of a majority of assessed value of real property in the district to recommend directors for the district board.

Provides for the dissolution of an MMD upon a petition of owners of two-thirds of the assessed value of real estate in the district.

**Pumping Brackish Groundwater—H.B. 722**

*by Representative Larson—Senate Sponsor: Senator Perry*

Water is an important natural resource but the supply is inconsistent, often insufficient in some places. Local leaders have contended that brackish groundwater could be treated to meet drinking quality standards to help meet local demand for drinking water. Brackish well technology exists but there is currently no regulatory structure for its construction and operation. This bill:

Provides for the use of brackish groundwater wells. Authorizes a groundwater conservation district located over any part of a brackish groundwater production zone to issue and regulate well permits.

**Dissolution of County Assistance Districts—H.B. 956**

*by Representative Miller et al.—Senate Sponsor: Senator Miles*

Current law does not provide for the dissolution of a county assistance district. Stakeholders have expressed concern that the inability to dissolve can result in an unnecessary administrative burden for the managing entity. This bill:

Provides for the dissolution of a county assistance district.

**Certain Water Districts Exercising Eminent Domain—H.B. 1019**

*by Representative Muñoz, Jr.—Senate Sponsor: Senator Hinojosa*

The comptroller of public accounts of the State of Texas (comptroller) collects information from entities authorized to exercise eminent domain power in order to compile a list of those entities and to identify the legal authority granting eminent domain power to each entity. Interested parties

note that many entities have lost the power of eminent domain due to the failure to comply with claim submission deadlines. This bill:

Ensures that the comptroller has accurate information regarding certain conservation and reclamation districts authorized to exercise eminent domain power and restores eminent domain authority to certain water districts.

**Willacy County Navigation District—H.B. 1053 [VETOED]**

*by Representative Guillen—Senate Sponsor: Senator Lucio*

The state constitution provides for the establishment of navigation districts to aid in navigation, flood control, and improvement of waterways in the district. Like other governmental entities, navigation districts must comply with notice and bidding requirements regarding the sale, lease, or exchange of interests in real property under the Water Code and the Local Government Code. The Willacy County Navigation District has questioned the necessity of complying with certain of these requirements, contending that exemptions would promote economic development. This bill:

Exempts the Willacy County Navigation District from notice and bidding requirements relating to the disposition of real property under the law.

Authorizes the district to impose an ad valorem tax rate not to exceed 10 cents on each \$100 valuation of all taxable property in the authority to fund the operation of the authority.

**Tourism Public Improvement Districts—H.B. 1135**

*by Representative Price et al.—Senate Sponsor: Senator Seliger*

The Local Government Code provides for tourism public improvement districts, which may undertake certain improvement projects that promote economic benefits, and establishes conditions under which a municipality may create a district. Currently, a municipality must have a population of more than 325,000 and less than 625,000 or more than 650,000 and less than two million to qualify. Participation in public improvement districts is limited to hotels with certain numbers of rooms, depending on the size of the municipality. This bill:

Authorizes the City of Amarillo to create a tourism public improvement district.

**Extending Authority to Create Public Improvement Districts Statewide—H.B. 1136**

*by Representative Price et al.—Senate Sponsor: Senator Nelson*

The Local Government Code provides for public improvement districts, which may undertake improvement projects that promoting economic benefits, and stipulates conditions under which a municipality may create a district. Currently, a municipality must have a population of more than 325,000 and less than 625,000 or more than 650,000 and less than two million to qualify.

Participation in public improvement districts is limited to hotels with certain numbers of rooms, depending on the size of the municipality. This bill:

Repeals municipality population requirements for participation in public improvement districts, effectively allowing any city to create a district.

**Establishing a County Health Care Provider Participation Program—H.B. 1142**  
*by Representative Lambert—Senate Sponsor: Senator Buckingham*

The legislature authorized local provider participation funds in 2013 for counties to access federal funding for private hospitals without expanding Medicaid, requiring state funding, or taxing residents. The participation funds allow counties to collect mandatory payments from private hospitals to provide the nonfederal share of Medicaid supplemental payments in order to access matching funds from the federal government. Local provider participation funds are administered by county health care provider participation programs. This bill:

Authorizes Taylor County to administer a county health care provider participation program.

**Clearing of Disaster Debris—H.B. 1263**  
*by Representative Ed Thompson—Senate Sponsor: Senator Taylor*

In response to Hurricane Harvey and other major flood events, stakeholders have raised concerns that response personnel have been unable to complete certain maintenance duties, including clearing debris, because they cannot access areas on private property. This bill:

Authorizes the Brazoria Drainage District Number 4 to order a property owner to clear or otherwise maintain a canal, drain, ditch, or levee on the owner's property.

**Common Characteristic or Use Projects—H.B. 1417**  
*by Representative Clardy—Senate Sponsor: Senator Nichols*

The Local Government Code provides for public improvement districts, which may undertake certain improvement projects promoting economic benefits, and sets conditions under which a municipality may create a district. Currently, a municipality must have a population of more than 325,000 and less than 625,000 or more than 650,000 and less than two million to qualify. Participation in public improvement districts is limited to hotels with certain numbers of rooms, depending on the size of the municipality. This bill:

Authorizes the City of Nacogdoches to undertake common characteristic or use projects in public improvement districts where the hotels have 75 or more rooms.

**Authorizing Public Improvement Districts—H.B. 1474**

*by Representative Charles "Doc" Anderson—Senate Sponsor: Senator Birdwell*

The Local Government Code provides for public improvement districts, which may undertake certain improvement projects promoting economic benefits, and sets conditions under which a municipality may create a district. Currently, a municipality must have a population of more than 325,000 and less than 625,000 or more than 650,000 and less than two million to qualify. Participation in public improvement districts is limited to hotels with certain numbers of rooms, depending on the size of the municipality. This bill:

Authorizes the City of Waco to create public improvement districts.

**Elm Creek Watershed Authority—H.B. 1537**

*by Representatives Shine and Buckley—Senate Sponsor: Senator Buckingham*

Since the Elm Creek Watershed Authority is a government entity, legislation is required to change its bylaws. Stakeholders have expressed concern regarding the election of board members. This bill:

Provides that board members serve staggered four-year terms, with elections held on the uniform election date in November of each odd-numbered year.

**Water Resources District Membership and Leadership—H.B. 1574**

*by Representative Paddie—Senate Sponsor: Senator Hughes*

Water resources districts conserve and manage water resources and may provide wholesale and retail water and wastewater services, provide water infrastructure, and develop and finance municipal and industrial projects. Stakeholders in the Riverbend Water Resources District wish to expand membership in the district to water supply corporations and to allow for the reappointment of directors, effectively removing term limits. This bill:

Provides for the reappointment of directors, effectively removing term limits.

**Notice of Annexation by Municipal Management District—H.B. 2018**

*by Representative Thierry—Senate Sponsor: Senator Huffman*

Municipal management districts (MMDs) promote economic development and public welfare in commercial and metropolitan areas. MMDs may annex land with approval from the local municipality, but municipalities contend that keeping up with a district's boundaries is burdensome when the district does not provide notice of annexation or land exclusion. This bill:

Requires a municipal management district to provide a description to local municipalities of the district's updated metes and bounds after the district annexes or excludes territory.

**Increasing Size of Levee Improvement District Board—H.B. 2202**

*by Representative Miller—Senate Sponsor: Senator Kolkhorst*

Levee improvement districts may build and maintain levees, reclaim lands from overflow, control and distribute the capacity of waterways, and provide for the drainage of reclaimed land. Districts may freely enter into contracts for these services and employ anyone necessary; they are operated by a board of directors consisting of three members. Stakeholders have recommended increasing the number of directors to five. This bill:

Authorizes a commissioners court to increase to five from three the number of directors of a levee improvement district in an area with a population of 2,000 or more.

**Public Notices in Newspapers for Local Bills—H.B. 2365**

*by Representative Hunter—Senate Sponsor: Senator Hinojosa*

The Government Code requires a person intending to apply for passage of a local or special law to publish a notice of intent in a newspaper published in each county where the law will be in effect so that the public can more easily track legislation and participate in the legislative process. This bill:

Requires a notice of intent to apply for the passage of a local or special law to include the name of the person paying for the notice.

**City of Carrollton Leaves a District—H.B. 2461**

*by Representative Stucky et al.—Senate Sponsor: Senator Nelson*

Stakeholders in Denton County have reported that the City of Carrollton needs to leave the Denton County Emergency Communications district to prevent certain liabilities and statutory mandates. This bill:

Provides for the removal of the City of Carrollton from the Denton County Emergency Communications District.

**Deferred Compensation Plans at Hospital Districts—H.B. 2477**

*by Representative Coleman—Senate Sponsor: Senator Miles*

Currently, employees of certain hospital districts must opt in to a defined contribution plan to receive benefits, but stakeholders have contended that automatically enrolling employees and allowing them to opt out generates more savings and helps employees when they retire. This bill:

Authorizes all hospital districts to automatically enroll employees who begin employment on or after January 1, 2020, in a deferred compensation plan, providing for an opt out. Authorizes these districts to transfer an employee's deferred amounts and investment income to the trust fund of the



deferred compensation plan. Allows such a district to contract with third parties for necessary services and to audit contractors.

**Edwards Aquifer Authority—H.B. 2729**

*by Representative Minjarez—Senate Sponsor: Senator Campbell*

The Edwards Aquifer Authority (EAA) conserves and regulates the supply and production of water in the Edwards Aquifer. The Water Code sets forth provisions and requirements for groundwater conservation districts (GCDs) but, due to environmental concerns, EAA is exempt from certain requirements. Stakeholders have expressed concern that confusion exists regarding the different sections of code that govern EAA. This bill:

Exempts EAA from statutory groundwater conservation district provisions and sets forth provisions relating to the eligibility, liability, and immunity of an authority director. Provides for an administrative appeal to a decision by EAA board of directors and sets forth provisions regarding when a board decision on an application is final.

Repeals a requirement that EAA develop a 20-year plan for providing regional water supply alternatives. Limits increases in aquifer management fees to eight percent per year.

Provides for the filing of a suit against EAA or its directors to challenge the validity of a law, rule, or order. Requires EAA to report biennially on its operations.

**Wilbarger County Hospital District Board of Directors—H.B. 2888**

*by Representative Springer—Senate Sponsor: Senator Perry*

Current law (Section 1113.053, Special District Local Laws Code) requires a potential candidate for the board of directors (board) of the Wilbarger County Hospital District to obtain signatures from 100 registered voters in order to have the candidate's name printed on the election ballot. The hospital district wants to sunset this requirement, thereby reducing barriers for those who are interested in running for a position on the hospital board. This bill:

Removes the requirement that a petition for a person to be included on the ballot as a candidate for the board of the Wilbarger County Hospital District be signed by at least 100 registered voters.

**Dissolution of Water Districts—H.B. 2914**

*by Representative Cecil Bell—Senate Sponsor: Senator Alvarado*

Currently, the Texas Commission on Environmental Quality (TCEQ) must issue a notice and hold a hearing to dissolve a water district. TCEQ may dissolve the district if the district has failed to perform its functions for five consecutive years. Stakeholders have contended that the required hearing is unnecessary when landowners in the district have themselves petitioned for the dissolution. This bill:

Authorizes TCEQ to dissolve a water district without a hearing if TCEQ receives a petition from the owners of the majority in value of the land in the district or from the district's board of directors.

Requires TCEQ to hold a hearing on the dissolution if a landowner files a written objection to the dissolution.

**Reporting and Accessibility Standards—H.B. 3001**

*by Representative Morrison—Senate Sponsor: Senator Birdwell*

Statute requires a political subdivision, including a special district, to report certain financial information annually. Such an entity is permitted to convey this information on the entity's website or report it to the Office of the Comptroller of Public Accounts of the State of Texas as an alternative to producing a formal report. However, stakeholders have expressed concern that many financial reports are submitted in noncompliant formats and contend that expanding the methods by which an entity can report financial information would help the comptroller comply with web accessibility standards. This bill:

Updates financial reporting requirements for special purpose districts and other political subdivisions.

**Water Permitting in the Edwards Aquifer Authority—H.B. 3656**

*by Representative Murr—Senate Sponsor: Senator Flores*

The Edwards Aquifer Authority (EAA) manages the Edwards Aquifer and regulates the commercial production of water drawn from it, including irrigation water rights. Currently a permit holder may lease permitted water rights, but a holder of a permit for irrigation use may not lease more than 50 percent of initially permitted irrigation rights. The user's remaining irrigation rights must be used in accordance with the original permit and must pass with the transfer of irrigated land.

Stakeholders have contended that the defined scope of groundwater withdrawal rights where water originally allocated for irrigation is now used for developed land is unclear. This bill:

Authorizes an owner of historically irrigated land in EAA territory to sever all or a portion of remaining water rights for land that is no longer irrigated.

Authorizes a holder of an initial permit for use in irrigation to lease to another person all or part of irrigation water rights for use in irrigation elsewhere in EAA territory.

**Water Wells in the NCTMWA—H.B. 3663**

*by Representative Frank—Senate Sponsor: Senator Perry*

The North Central Texas Municipal Water Authority (NCTMWA) was created to build the Millers Creek Reservoir and is currently prohibited from developing or acquiring groundwater sources. However, the historic 2011–2015 drought depleted the reservoir and reliant cities were permitted to drill groundwater wells in case the reservoir ran completely dry. NCTMWA is prohibited from operating or maintaining these existing wells due to the original prohibition. This bill:

Authorizes NCTMWA to develop or acquire underground sources of water and maintain wells currently in place.

**Flood Mitigation Infrastructure in Harris County—H.B. 3782**

*by Representative Harless et al.—Senate Sponsor: Senator Alvarado*

Stakeholders have expressed concern regarding the encroachment of real and personal property on flood control easements in the Harris County Flood Control District that are impeding flood mitigation infrastructure, contending that the process compelling owners to move property is difficult and protracted. This bill:

Authorizes the Harris County Flood Control District to remove real or personal property from land owned by the district or from land subject to an easement. Requires the district to notify an owner twice by certified mail, with at least 14 days between notices.

**Dissolution of Various Emergency Service Districts—H.B. 4075**

*by Representative Perez—Senate Sponsor: Senator Nelson*

The periods for which taxes for a fire control, prevention, and emergency medical services district may be imposed following initial voter approval do not align with predetermined election dates to reauthorize such taxes, creating problems for municipal election scheduling. H.B. 4075 seeks to address this issue by better aligning timeframes for dissolution or re-approval of a district with uniform election dates. This bill:

Postpones the date on which a fire control, prevention, and emergency medical services district is dissolved to the first uniform election date occurring after the applicable time for dissolution of the district.

**Exploring Barge and Boat Traffic on the Red River—H.B. 4166**

*by Representative VanDeaver—Senate Sponsor: Senator Hughes*

Stakeholders have contended that allowing barges and other boats to navigate portions of the Red River along the Texas–Arkansas border would be beneficial and have recommended studying how the river might accommodate the new traffic that would result. This bill:

Requires the Red River Authority of Texas to study the feasibility of increasing navigation on the Red River between the cities of Texarkana and Denison with a system of locks and dams.

**Nonsubstantive Revision of Certain District Local Laws—H.B. 4172**

*by Representative Leach—Senate Sponsor: Senator Kolkhorst*

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:

Proposes new chapters of the Special District Local Laws Code as a nonsubstantive revision of certain local laws concerning water and wastewater special districts organized into four articles, as follows:

Article 1 revises local laws concerning certain water and wastewater districts.

Article 2 contains conforming amendments to certain of the local laws as necessary to continue without substantive change provisions of law not codified as part of the code.

Article 3 contains the repealers of the local laws revised in the proposed chapters and of the portions of those local laws that have expired or that have been impliedly repealed.

Article 4 provides for the legislature's intention that no substantive change is made by the bill, that the repeal of a law by the bill does not affect a validation made under the law repealed, and that the bill takes effect April 1, 2021.

Repeals certain enumerated provisions of past legislative Acts.

**Health Care Provider Participation Programs and Districts—H.B. 4289**

*by Representative Coleman et al.—Senate Sponsor: Senator Kolkhorst*

Interested parties note concern that previously implemented local provider participation funds and other local intergovernmental transfer agreements do not meet Centers for Medicaid and Medicare Services (CMS) regulations for federal matching dollars. H.B. 4289 provides statewide authorization for local hospital districts, counties, and municipalities to administer health care provider participation programs and to create health care provider participation districts to administer such programs in compliance with CMS guidelines. This bill:

Authorizes the governing body of a local government to adopt rules relating to administration of a health care provider participation program.

Requires the governing body of a local government to require every institutional health care provider to submit a copy of all financial and utilization data.

Requires the governing body of a local government to hold a public hearing on mandatory payments the governing body intends to require during the year and how revenue derived from those payments is to be spent.

Requires each governing body of a local government that collects a mandatory payment to create a local provider participation fund. Specifies the requirements of mandatory payments. Provides that this act does not authorize a local government to collect mandatory payments for the purpose of raising general revenue.

Requires the governing body of a local government to report information to the Health and Human Services Commission regarding the program.

Authorizes local governments to create a district by adopting concurrent orders. Authorizes a district to authorize and administer a program in accordance with this act.

### **Amending Powers of a Certain Municipal Utility District—H.B. 4650**

*by Representative Oliverson—Senate Sponsor: Senator Bettencourt*

Harris County Municipal Utility District (MUD) No. 441 was created in 2015 by the Texas Commission on Environmental Quality. The district is a political subdivision of the State of Texas and is located in the extraterritorial jurisdiction of the City of Houston. This bill:

Establishes provisions relating to Harris County MUD No. 441. Grants the district the power to undertake certain road projects and authorizes the district, subject to certain requirements, to issue bonds and other obligations for road projects and to impose property taxes.

### **Creation of a Municipal Utility District—H.B. 4651**

*by Representative Oliverson—Senate Sponsor: Senator Bettencourt*

H.B. 4651 creates the Harris County Municipal Utility District (MUD) No. 571 as a political subdivision of the State of Texas. The district will construct and finance water, sewer, drainage, road, and recreational facilities to serve property within the district, which is located in the extraterritorial jurisdiction of the City of Houston in Harris County. The district will be a MUD operating pursuant to Chapters 49 and 54, Water Code. This bill:

Creates the Harris County MUD No. 571, subject to municipal consent and voter approval at a confirmation election. Grants the district the power to undertake certain road projects, and authorizes the district, subject to certain requirements, to issue obligations and impose property, operation and maintenance, and contract taxes.

**Amending Powers of a Certain Municipal Utility District—H.B. 4654**

*by Representative Metcalf—Senate Sponsor: Senator Creighton*

H.B. 4654 amends the powers of the existing East Montgomery County Municipal Utility District (MUD) No. 12, a political subdivision of the State of Texas, to authorize the district to undertake certain road projects. The district will construct and finance roads to serve property within the district, which is located in the extraterritorial jurisdiction of the City of Conroe. The district is a MUD operating pursuant to Chapters 49 and 54, Water Code. This bill:

Establishes provisions relating to the East Montgomery County MUD No. 12. Grants the district the power to undertake certain road projects, and authorizes the district, subject to certain requirements, to issue obligations and impose property, operation and maintenance, and contract taxes.

**Authorizing a Certain Hospital District to Employ Physicians—H.B. 4663**

*by Representative Phil King—Senate Sponsor: Senator Fallon*

Many hospital districts across Texas have the authority under Chapter 311 of the Health and Safety Code to employ physicians directly. However, Parker County exceeds the population limit in place for that statute and, therefore, does not have the authority to employ physicians. The district is the landlord of a local hospital, Medical Center Weatherford, which has been leased to a national hospital company through 2046. The district does not operate the hospital or employ any staff at the hospital. This bill:

Authorizes the board of directors of the Parker County Hospital District (board; district) to employ physicians as the board considers necessary for the efficient operation of the district.

**Gulf Coast Water Authority—H.B. 4690**

*by Representative Ed Thompson—Senate Sponsor: Senator Taylor*

The Gulf Coast Water Authority has experienced significant growth in service capacity and customer demand since its creation in 1965. In 2015 the legislature modified the composition of the authority's board of directors to include appointments made by the commissioners courts of Brazoria County and Fort Bend County. Stakeholders have contended that as regional water needs evolve, the authority's boundaries should reflect its service area, rules for the appointment and removal of directors should be clarified, and the authority's powers and duties should be revised. This bill:

Expands the Gulf Coast Water Authority's territory to include Brazoria County and Fort Bend County. Provides for the authority to apply for and receive loans, with pledges of district revenue. Exempts certain contracts and agreements made by the authority from competitive bidding and procurement requirements.

Sets forth provisions relating to director conflicts of interest, board meetings held by conference call, the authority's general manager, and notice for sales or dispositions of certain property.

**Sutton County Underground Water Conservation District Territory—H.B. 4705**

*by Representative Murr—Senate Sponsor: Senator Perry*

Stakeholders in Sutton County have requested inclusion in the Sutton County Underground Water Conservation District. The district approves of that request. This bill:

Changes the territory of the Sutton County Underground Water Conservation District.

**Erosion Control Projects in Fort Bend County—H.B. 4712**

*by Representative Miller—Senate Sponsor: Senator Creighton*

In the aftermath of Hurricane Harvey and other flood events, stakeholders along the Brazos River have expressed concern that the river is eroding quickly. The Fort Bend County Levee Improvement District No. 7 has requested the authority to undertake an erosion control design project. This bill:

Amends the delivery methods by which the district may design and construct erosion control facilities.

**Elections to Select Boling MWD District Directors—H.B. 4747**

*by Representative Stephenson—Senate Sponsor: Senator Kolkhorst*

The Boling Municipal Water District (MWD) was established in 1956 to serve the needs of residents of the Boling, Texas, area and currently provides water and sewer service for just under 400 customers. Despite being in existence for over 60 years, information provided by the secretary of state's office indicates that the district has not yet conducted a valid election to select a board of directors. This bill:

Establishes a temporary board of directors for the Boling Municipal Water District and requires the temporary board to hold an election for permanent district directors.

Provides for a transition from the temporary board to the elected board and for the contingency that the terms of the temporary directors expire before an election is held.

**Amendment of Boundaries of Barrett Management District—H.B. 4752**

*by Representative Dutton—Senate Sponsor: Senator Whitmire*

Barrett is a rural community located in an unincorporated area of Harris County. The United States Department of Housing and Urban Development (HUD) has recognized Barrett as a community in need of targeted intervention and assistance. This bill:

Amends and clarifies the boundaries of the existing Barrett Management District to be enclosed by various streets in the unincorporated area in which it is located.

**Creation of a Municipal Utility District—H.B. 4765**  
*by Representative Huberty—Senate Sponsor: Senator Bettencourt*

H.B. 4765 creates the Harris County Improvement District No. 27 as a political subdivision of the State of Texas. The district will construct and finance water, sewer, drainage, road, and recreational facilities to serve property within the district, which is located in Harris County. The district will be a municipal utility district (MUD) operating pursuant to Chapters 49 and 54, Water Code. This bill:

Creates the Harris County Improvement District No. 27, subject to municipal consent and voter approval at a confirmation election. Grants the district the power to undertake certain road projects, provides for municipal utility district powers and duties, and authorizes the district, subject to certain requirements, to issue obligations and impose property, operation and maintenance, and contract taxes.

**Authority of Municipalities to Propose Emergency Services Districts—S.B. 235**  
*by Senator Nelson—House Sponsor: Representative Stucky*

It has been noted that the City of Corinth, a rapidly growing community, may benefit from the creation of a fire control, prevention, and emergency medical services district to help ease local growing pains. This bill:

Authorizes a municipality to propose the creation of a fire control, prevention, and emergency medical services district if the municipality has a population of 19,000 or more and less than 60,000 and contains a branch campus of North Central Texas College.

**Special Purpose District Meetings—S.B. 239**  
*by Senator Nelson — House Sponsor: Representative Button et al.*

Concerns have been raised regarding the transparency and accessibility of certain special district meetings. Many residents of Denton County expressed difficulties attending and participating in special district board meetings due to the distance that must be traveled to attend. This bill:

Requires special districts to make audio recordings of public hearings on tax rate adoptions available for one year, upon advance written notice from a resident.

Requires special district boards to hold meetings within the district or within 10 miles if no suitable location exists within the district, at the request of five electors.

Provides that residents may appeal to the Texas Commission on Environmental Quality for a determination of whether a meeting place deprives residents of a reasonable opportunity to attend.



**Creation of a Tourism Public Improvement District—S.B. 385**

*by Senator Nelson—House Sponsor: Representative Holland*

The City of Frisco has experienced significant growth over the last decade. In an effort to improve the tourism industry and the city's ability to compete with its neighbors for events, S.B. 385 authorizes the City of Frisco to create a tourism public improvement district, a limited district authorized to use funds only for special supplemental services for the improvement and promotion of the district. This bill:

Authorizes a municipality with a population of more than 115,000 bordering Lake Lewisville to undertake a project that confers a special benefit on areas sharing a common characteristic or aids a public improvement district solely composed of hotels with 75 or more rooms.

**Creation of a Tourism Public Improvement District—S.B. 386**

*by Senator Nelson—House Sponsor: Representative Stucky*

The City of Denton has experienced extraordinary growth over the last decade. In an effort to improve the tourism industry and the city's ability to compete with its neighbors for special events, S.B. 386 authorizes the City of Denton to create a tourism public improvement district, a limited district authorized to use funds only for special supplemental services for the improvement and promotion of the district. This bill:

Authorizes a municipality that has a population of more than 100,000 and less than 125,000, wholly located in a county with a population of more than 650,000, to undertake a project that confers a special benefit on a public improvement district solely composed of hotels with 75 or more rooms.

**Creation of a Tourism Public Improvement District—S.B. 642**

*by Senators Johnson and West—House Sponsor: Representative Anchia*

The City of Irving has experienced extraordinary growth over the last decade. In an effort to improve the tourism industry and the city's ability to compete with its neighbors for events, S.B. 642 authorizes the City of Irving to create a tourism public improvement district, a limited district authorized to use funds only for special supplemental services for the improvement and promotion of the district. This bill:

Authorizes a municipality that has a population of more than 200,000 and less than 225,000 to undertake a project that confers a special benefit in a public improvement district solely composed of hotels with 75 or more rooms.

**Southwestern Travis County Groundwater Conservation District—S.B. 669**

*by Senator Buckingham—House Sponsor: Representative Goodwin*

The legislature created the Southwestern Travis County Groundwater Conservation District (GCD) in 2017 and required the district to hold a confirmation election to create the district on the uniform May 2018 election date. Stakeholders in Travis County have reported that the May 2018 date was prohibitively expensive and that the confirmation election has not yet occurred. This bill:

Postpones the deadline for the Southwestern Travis County GCD's confirmation and initial directors election to the uniform election date in November 2019.

**Governance of Gateway Groundwater Conservation District—S.B. 872**

*by Senator Perry—House Sponsor: Representatives Springer and Frank*

The Gateway Groundwater Conservation District (GCD) develops and conserves the groundwater resources within its jurisdiction. The Water Code provides that groundwater districts are governed by a board of directors consisting of no fewer than five but not more than 11 members. Stakeholders have contended that Gateway GCD needs more than 11 board members to adequately represent member counties. This bill:

Provides that the Gateway GCD is governed by a board of not more than two directors for each county in the district.

**Oversight of Water Districts—S.B. 911**

*by Senator Hinojosa—House Sponsor: Representative Nevárez*

The Water Code provides for oversight of water districts by the Texas Commission on Environmental Quality (TCEQ). However, stakeholders have expressed concern that TCEQ lacks statutory authority to properly investigate mismanaged finances and procurement processes at water districts, hindering a district's ability to provide service and to address future needs. This bill:

Makes water districts subject to supervision by TCEQ. Authorizes TCEQ to issue a solid waste disposal permit for such a district.

Authorizes the executive director of TCEQ to review and investigate a district's financial records and to conduct an on-site audit of a district's financial information.

**Annexation of a Special District Under a Strategic Partnership Agreement—S.B. 1468**

*by Senator Campbell—House Sponsor: Representative Goodwin*

In 2017, the legislature passed reforms to give residents the right to vote on municipal annexation in tier 2 counties while exempting strategic partnership agreements between utility districts and

municipalities, based on the assumption that residents had agreed to be annexed. In rare cases, however, the voice of residents has been ignored. Such is the case of Shady Hollow, a Central Texas community that now faces the threat of being divided into city and rural residents because statutory changes gave some residents the right to vote while excluding others. This bill:

Prohibits a municipality that operates a water utility, is a party to a strategic partnership agreement with a municipal utility district under which the municipality contemplates annexing 400 or more water or wastewater connections not located in the district, and is authorized or required to annex a conservation and reclamation district for full purposes from annexing the district without also annexing all of the extraterritorial unincorporated area served by the district.

### **Creation of a Health Care Provider Participation Program—S.B. 1751** *by Senator Rodríguez—House Sponsor: Representative Moody*

During past legislative sessions, the Texas Legislature granted 17 counties and two cities the flexibility to create local provider participation funds. Interested parties note the need for a county health care provider participation program in El Paso County. This bill:

Provides for an El Paso County Hospital District (district) health care provider participation program, and authorizes the district to participate in the program on the affirmative vote of a majority of the board of directors. Authorizes the board of hospital managers of the district (board) to require a mandatory payment by an institutional health care provider in the district under the program, and authorizes the board to adopt rules relating to the administration of the program.

Provides for an annual 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. Provides for the amount, assessment, and collection of a mandatory payment.

Requires the board, as soon as practicable after the expiration of the district's authority, to administer and operate a health care provider participation program, transferring to each institutional health care provider in the district that provider's proportionate share of any remaining funds in any local provider participation fund created by the district.

### **Governing Provisions of Donley County Hospital District—S.B. 1950** *by Senator Seliger—House Sponsor: Representative Ken King*

Donley County Hospital District initially operated as a hospital, then as a nursing home, and now assists their emergency medical services (EMS) with contracting. Because the district no longer operates as a hospital and is now aiding EMS, it wants to ensure that its ability to contract is clear in code. This bill:

Authorizes the board of directors of the Donley County Hospital District (board; district) to delegate to the district administrator the authority to hire district employees, and to specify that such hiring is for the efficient operation of the district.

Authorizes the board to spend district money to recruit physicians, nurses, and other trained medical personnel. Authorizes the board to pay tuition or other expenses of a full-time medical student or other student in a health occupation enrolled in an accredited medical school, college, or university and who contractually agrees to become a district employee or independent contractor in return for that assistance.

Authorizes the board to delegate to the district administrator the authority to manage, control, and administer the hospital, the hospital system, and the district's business, money, and resources under the board's oversight. Requires the district to provide for the establishment of a hospital or hospital system in the district by:

Leasing, purchasing, constructing, acquiring, repairing, or renovating buildings and improvements;

Equipping the buildings and improvements; and

Administering the buildings and improvements for hospital purposes.

Authorizes the hospital system to include, as determined by the board, blood banks and facilities related to outpatient clinics, and authorizes the district to operate or provide for the operation of a mobile emergency medical or air ambulance service as part of the hospital system.

Authorizes the district to purchase, construct, repair, equip, or administer facilities or services for the care of persons who are elderly or persons with disabilities, and purchase, repair, or equip durable medical equipment to provide services to persons who are elderly or to persons with disabilities.

**Maintenance and Operation of Projects by Drainage Districts—S.B. 2212**

*by Senator Taylor—House Sponsor: Representative Paul et al.*

The United States Army Corps of Engineers completed the Sabine Pass to Galveston Bay Texas Coastal Storm Risk Management and Ecosystem Restoration report in August 2017, identifying three major projects in Orange County, Port Arthur, and Freeport to reduce storm surge and flooding. The United States Congress appropriated nearly \$4 billion to fund the projects. The existing drainage districts in those territories have expressed the willingness to act as local partners on these projects. This bill:

Authorizes the Jefferson County Drainage District No. 7, the Orange County Drainage District of Orange County, Texas, and the Velasco Drainage District to enter into a project partnership agreement with the U.S. Army Corps of Engineers for a project located in a respective district and listed in the Sabine Pass to Galveston Bay Texas Coastal Storm Risk Management and Ecosystem Restoration report published by the U.S. Army Corps of Engineers. Requires the districts to develop a maintenance and operation plan for the proposed project and to biennially submit a

report to the Texas General Land Office (GLO) and the legislature on expenditures of state money relating to a project.

Authorizes the districts to enter into an agreement for a public-private partnership to fund a local share of the costs of the operation and maintenance of the project or an agreement with the GLO to obtain funding for a local match requirement.

### **Enforcement of Traffic Regulations on Roads in Special Districts—S.B. 2245**

*by Senator Paxton—House Sponsor: Representative Leach*

There are two statutes that address a county's authority to regulate traffic in private subdivisions and special districts. Section 791.036, Government Code, permits a county commissioners court to enter into a contract with a special district to apply the county's traffic regulations to a public road owned, operated, and maintained by the district. Section 251.151 of the Transportation Code permits a county commissioners court to regulate traffic on a county road or on real property owned by the county. Interested parties contend that these technicalities create confusion about whether a county can extend both traffic regulations and its enforcement of those regulations to a special district's roads by signing an agreement with the special district. This bill:

Amends the Government Code to authorize a county commissioners court to enter into a contract with the board of a special district for the county to enforce the county's traffic regulations on a public road in the county that is owned, operated, and maintained by the district.

Amends the Transportation Code to authorize a county commissioners court to provide for the enforcement of those regulations under the terms of such a contract.

### **Creation of a Health Care Provider Participation Program—S.B. 2286**

*by Senator Fallon—House Sponsor: Representative Frank*

It has been noted that a number of local governments participate in health care provider participation programs that help local safety-net hospitals reduce of uncompensated care costs without increasing local property taxes. It has been suggested that the Wichita County Hospital District would also benefit from participation in such a program. This bill:

Provides for a Wichita County Hospital District health care provider participation program. Establishes its purpose as generating revenue by collecting a mandatory payment from institutional health care providers to be used to provide the nonfederal share of a Medicaid supplemental payment program.

Establishes that such a program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county, to be deposited in a local provider participation fund established by the county that may be used by the county to fund certain intergovernmental transfers, as provided by the bill.

**Creation of a Health Care Provider Participation Program—S.B. 2315**  
*by Senator Hinojosa—House Sponsor: Representatives Herrero and Coleman*

It has been noted that a number of local governments participate in health care provider participation programs that help local safety-net hospitals reduce uncompensated care costs without increasing local property taxes. It has been suggested that the Nueces County Hospital District (district) would also benefit from participation in such a program. This bill:

Provides for a Nueces County Hospital District health care provider participation program. Authorizes the district's board of hospital managers (board) to authorize the district, on the affirmative vote of a majority of the board, to participate in the program and sets out the district's authority to administer and operate the program.

Authorizes the board to require a mandatory payment by an institutional health care provider located in the district under the program, authorizes the board to adopt rules relating to the administration of the program, provides for certain institutional health care provider reporting, and defines, among other terms, "institutional health care provider" as a hospital not owned and operated by a federal or state government providing inpatient hospital services.

**Creation of a Health Care Provider Participation Program—S.B. 2448**  
*by Senator Perry—House Sponsor: Representative Burrows*

It has been noted that a number of local governments participate in health care provider participation programs that help local safety-net hospitals reduce of uncompensated care costs without increasing local property taxes. It has been suggested that the Lubbock County Hospital District (district) would also benefit from participation in such a program. This bill:

Provides for a Lubbock County Hospital District health care provider participation program. Authorizes the district's board of hospital managers (board) to authorize the district, on the affirmative vote of a majority of the board, to participate in the program. Authorizes the board to require a mandatory payment from an institutional health care provider in the district under the program, provides for certain institutional health care provider reporting, and defines, among other terms, "institutional health care provider" as a nonpublic hospital located in the district that provides inpatient hospital services.

**Special Districts By County**

Brazoria County

Brazoria County MUD No. 77 (H.B. 4718 by Representative Ed Thompson; Senate Sponsor: Senator Taylor)

Brazoria-Fort Bend Counties MUD No. 3 (S.B. 1038 by Senator Taylor; House Sponsor: Representative Ed Thompson)

## LOCAL GOVERNMENT—SPECIAL DISTRICTS

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Brazoria County MUD No. 76 (S.B. 2469 by Senator Taylor; House Sponsor: Representative Ed Thompson)

### Burnet County

Northeast Burnet County Water District No. 1 (H.B. 4669 by Representative Wilson; Senate Sponsor: Senator Buckingham)

### Caldwell County

Caldwell County MUD No. 2 (S.B. 871 by Senator Zaffirini; House Sponsor: Representative Cyrier)

Maxwell Special Utility District (S.B. 1422 by Senator Zaffirini; House Sponsor: Representative Cyrier)

### Cameron County

Cameron County Flood Control District (H.B. 4726 by Representative Dominguez; Senate Sponsor: Senator Lucio)

### Chambers County

Chambers County MUD No. 3 (H.B. 4673 by Representative Bailes; Senate Sponsor: Senator Creighton)

Chambers County MUD No. 2 (H.B. 4674 by Representative Bailes; Senate Sponsor: Senator Creighton)

### Collin County

Van Alstyne MUD No. 2 of Collin County (S.B. 2530 by Senator Fallon; House Sponsor: Representative Smith)

North Celina MMD No. 3 (H.B. 4706 by Representative Holland; Senate Sponsor: Senator Fallon)

### Dallas County

Oak Farms MMD (H.B. 4733 by Representative Jessica González; Senate Sponsor: Senator Johnson)

SoGood Cedars MMD (H.B. 4742 by Representative Bowers; Senate Sponsor: Senator West)

New Park MMD (S.B. 2445 by Senator West; House Sponsor: Representative Meyer)

Denton County

Celina MMD No. 3 (H.B. 3436 by Representative Sanford; Senate Sponsor: Senator Fallon)

Hunter Ranch Improvement District No. 1 of Denton County (H.B. 4683 by Representative Stucky; Senate Sponsor: Senator Nelson)

Cole Ranch Improvement District No. 1 of Denton County (H.B. 4693 by Representative Stucky; Senate Sponsor: Senator Nelson)

La La Ranch MUD of Denton County (H.B. 4719 by Representative Stucky; Senate Sponsor: Senator Fallon)

Burns Branch MUD No. 1 of Denton County (H.B. 4720 by Representative Stucky; Senate Sponsor: Senator Fallon)

El Paso County

City of El Paso MMD No. 1 (H.B. 4730 by Representative Moody; Senate Sponsor: Senator Rodríguez)

Fort Bend County

Orchard Management District No. 1 (H.B. 4635 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)

Orchard MUD No. 1 (H.B. 4636 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)

Fort Bend County Management District No. 3 (H.B. 4676 by Representative Stephenson, et al.; Senate Sponsor: Senator Huffman)

Fort Bend County MUD No. 229 (H.B. 1934 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)

Fort Bend County MUD No. 233 (H.B. 2060 by Representative Stephenson; Senate Sponsor: Senator Huffman)

Fort Bend County MUD No. 234 (H.B. 3019 by Representative Miller; Senate Sponsor: Senator Kolkhorst)

Fort Bend County MUD No. 238 (H.B. 3020 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)



Fort Bend County MUD No. 235 (H.B. 3122 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)

Fort Bend County MUD No. 231 (H.B. 3422 by Representative Stephenson; Senate Sponsor: Senator Kolkhorst)

Fort Bend County MUD No. 237 (H.B. 4639 by Representative Stephenson, et al.; Senate Sponsor: Senator Huffman)

Fort Bend County MUD No. 239 (H.B. 4660 by Representative Stephenson; Senate Sponsor: Senator Huffman)

Fort Bend County MUD No. 222 (H.B. 4675 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)

Fort Bend County MUD No. 240 (H.B. 4696 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)

Fort Bend County MUD No. 241 (H.B. 4728 by Representative Stephenson; Senate Sponsor: Senator Huffman)

Fort Bend County MUD No. 242 (H.B. 4729 by Representative Stephenson; Senate Sponsor: Senator Kolkhorst)

Brazoria-Fort Bend Counties MUD No. 3 (S.B. 1038 by Senator Taylor; House Sponsor: Representative Ed Thompson)

### Galveston County

City of Kemah MMD No. 1 (H.B. 4637 by Representative Greg Bonnen; Senate Sponsor: Senator Taylor)

### Grayson County

Grayson County MUD No. 2 (H.B. 4631 by Representative Smith; Senate Sponsor: Senator Fallon)

Grayson County MUD No. 3 (H.B. 4645 by Representative Smith; Senate Sponsor: Senator Fallon)

Howe MUD No. 1 (H.B. 4668 by Representative Smith; Senate Sponsor: Senator Fallon)

Double M MUD of Grayson County (H.B. 4704 by Representative Smith; Senate Sponsor: Senator Fallon)

Grayson County MUD No. 1 (H.B. 4709 by Representative Smith; Senate Sponsor: Senator Fallon)

Grayson County MUD No. 5 (H.B. 4741 by Representative Smith; Senate Sponsor: Senator Fallon)

Guadalupe County

Lone Oak Farm MUD (S.B. 2558 by Senator Zaffirini; House Sponsor: Representative Cecil Bell)

Harris County

Harris County Improvement District No. 28 (H.B. 4703 by Representative Coleman; Senate Sponsor: Senator Whitmire)

Richfield Ranch Management District of Harris County (H.B. 4662 by Representative Calanni; Senate Sponsor: Senator Kolkhorst)

Harris County MUD No. 565 (H.B. 1379 by Representative Oliverson; Senate Sponsor: Senator Bettencourt)

Harris County MUD No. 569 (H.B. 2671 by Representative Calanni; Senate Sponsor: Senator Kolkhorst)

Harris County MUD No. 566 (H.B. 3442 by Representative Oliverson; Senate Sponsor: Senator Kolkhorst)

Harris County MUD No. 570 (H.B. 4684 by Representative Oliverson; Senate Sponsor: Senator Kolkhorst)

Harris County MUD No. 572 (H.B. 4692 by Representative Oliverson; Senate Sponsor: Senator Bettencourt)

Green Tree Park MUD (H.B. 4734 by Representative Oliverson; Senate Sponsor: Senator Bettencourt)

Harris County MUD No. 568 (S.B. 2449 by Senator Taylor; House Sponsor: Representative Paul)

Richfield Ranch Water Control and Improvement District of Harris County (H.B. 2660 by Representative Calanni; Senate Sponsor: Senator Kolkhorst)

Harris-Waller Counties MUD No. 4 (H.B. 4520 by Representative Cecil Bell; Senate Sponsor: Senator Kolkhorst)

## LOCAL GOVERNMENT—SPECIAL DISTRICTS

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Northeast Houston Redevelopment District (S.B. 390 by Senator Miles; House Sponsor: Representative Dutton)

Channelview Improvement District (S.B. 1835 by Senator Alvarado; House Sponsor: Representative Hernandez)

### Hayes County

Maxwell Special Utility District (S.B. 1422 by Senator Zaffirini; House Sponsor: Representative Cyrier)

### Johnson County

Wright Farm MMD of Johnson County (H.B. 4744 by Representative Burns; Senate Sponsor: Senator Birdwell)

Belmont MUD of Johnson County (H.B. 4723 by Representative Burns; Senate Sponsor: Senator Birdwell)

Dove Valley Ranch MUD of Johnson County (H.B. 4724 by Representative Burns; Senate Sponsor: Senator Birdwell)

### Liberty County

Liberty County Drainage District (H.B. 1820 by Representative Bailes; Senate Sponsor: Senator Nichols)

Liberty Grand MUD No. 1 (H.B. 2979 by Representative Bailes; Senate Sponsor: Senator Nichols)

Tarkington Management District No. 1 of Liberty County (H.B. 4653 by Representative Bailes; Senate Sponsor: Senator Nichols)

Plum Creek Management District No. 1 of Liberty County (H.B. 4661 by Representative Bailes; Senate Sponsor: Senator Nichols)

### Montgomery County

City of Conroe MMD No. 3 (H.B. 2077 by Representative Metcalf; Senate Sponsor: Senator Creighton)

Wood Trace Management District of Montgomery County (H.B. 4644 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)

Montgomery County Management District No. 1 (H.B. 4657 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)

Wood Trace MUD No. 4 of Montgomery County (H.B. 1697 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)

Montgomery County MUD No. 173 (H.B. 2380 by Representative Metcalf; Senate Sponsor: Senator Nichols)

Montgomery County MUD No. 167 (H.B. 3047 by Representative Cecil Bell; Senate Sponsor: Senator Nichols)

Montgomery County MUD No. 178 (H.B. 4505 by Representative Metcalf; Senate Sponsor: Senator Nichols)

Montgomery County MUD No. 176 (H.B. 4640 by Representative Metcalf; Senate Sponsor: Senator Nichols)

Montgomery County MUD No. 177 (H.B. 4641 by Representative Metcalf; Senate Sponsor: Senator Nichols)

Montgomery County MUD No. 161 (H.B. 4677 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)

Montgomery County MUD No. 162 (H.B. 4678 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)

Montgomery County MUD No. 163 (H.B. 4679 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)

Montgomery County MUD No. 166 (H.B. 4682 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)

Montgomery County MUD No. 174 (H.B. 4687 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)

Montgomery County MUD No. 175 (H.B. 4688 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)

Montgomery County MUD No. 179 (H.B. 4702 by Representative Metcalf; Senate Sponsor: Senator Nichols)

Montgomery County MUD No. 180 (H.B. 4710 by Representative Cecil Bell; Senate Sponsor: Senator Nichols)

Wood Trace Water Control and Improvement District of Montgomery County (H.B. 4643 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)

## LOCAL GOVERNMENT—SPECIAL DISTRICTS

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Magnolia Woods MUD No. 1 (S.B. 2504 by Senator Creighton; House Sponsor: Representative Cecil Bell)

### Parker County

Bear Creek Ranch MUD No. 1 of Parker County (H.B. 4638 by Representative Parker; Senate Sponsor: Senator Fallon)

### Reeves County

West Pecos Management District (S.B. 2502 by Senator Flores; House Sponsor: Representative Nevárez)

### Smith County

Rose City MUD (H.B. 4749 by Representative Schaefer; Senate Sponsor: Senator Hughes)

### Travis County

SH130 MMD No. 1 (H.B. 4694 by Representative Cole; Senate Sponsor: Senator Watson)

Travis County MUD No. 25 (H.B. 4691 by Representative Goodwin; Senate Sponsor: Senator Watson)

Brickston MUD (S.B. 592 by Senator Watson; House Sponsor: Representative Israel)

Save Historic Muny District (S.B. 2553 by Senator Watson; House Sponsor: Representative Howard)

### Waller County

Waller County MUD No. 35 (H.B. 3209 by Representative Cecil Bell; Senate Sponsor: Senator Kolkhorst)

Waller County MUD No. 34 (H.B. 3211 by Representative Cecil Bell; Senate Sponsor: Senator Kolkhorst)

Harris-Waller Counties MUD No. 4 (H.B. 4520 by Representative Cecil Bell; Senate Sponsor: Senator Kolkhorst)

Waller County Water Control and Improvement District No. 3 (H.B. 3214 by Representative Cecil Bell; Senate Sponsor: Senator Kolkhorst)

Wharton County

Gateway Park MMD (H.B. 4680 by Representative Stephenson; Senate Sponsor: Senator Kolkhorst)

Williamson County

Round Rock MUD No. 1 (H.B. 4689 by Representative Talarico; Senate Sponsor: Senator Schwertner)

**Special Districts By Type**

Drainage District

- Liberty County Drainage District (H.B. 1820 by Representative Bailes; Senate Sponsor: Senator Nichols)

Flood Control District

- Cameron County Flood Control District (H.B. 4726 by Representative Dominguez; Senate Sponsor: Senator Lucio)

Improvement District

- Hunter Ranch Improvement District No. 1 of Denton County (H.B. 4683 by Representative Stucky; Senate Sponsor: Senator Nelson)
- Cole Ranch Improvement District No. 1 of Denton County (H.B. 4693 by Representative Stucky; Senate Sponsor: Senator Nelson)
- Harris County Improvement District No. 28 (H.B. 4703 by Representative Coleman; Senate Sponsor: Senator Whitmire)
- Channelview Improvement District (S.B. 1835 by Senator Alvarado; House Sponsor: Representative Hernandez)

Management District

- Orchard Management District No. 1 (H.B. 4635 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Wood Trace Management District of Montgomery County (H.B. 4644 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)
- Tarkington Management District No. 1 of Liberty County (H.B. 4653 by Representative Bailes; Senate Sponsor: Senator Nichols)
- Montgomery County Management District No. 1 (H.B. 4657 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)
- Plum Creek Management District No. 1 of Liberty County (H.B. 4661 by Representative Bailes; Senate Sponsor: Senator Nichols)

## LOCAL GOVERNMENT—SPECIAL DISTRICTS

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- Richfield Ranch Management District of Harris County (H.B. 4662 by Representative Calanni; Senate Sponsor: Senator Kolkhorst)
- Fort Bend County Management District No. 3 (H.B. 4676 by Representative Stephenson et al.; Senate Sponsor: Senator Huffman)
- West Pecos Management District (S.B. 2502 by Senator Flores; House Sponsor: Representative Nevárez)

### Municipal Management District (MMD)

- City of Conroe MMD No. 3 (H.B. 2077 by Representative Metcalf; Senate Sponsor: Senator Creighton)
- Celina MMD No. 3 (H.B. 3436 by Representative Sanford; Senate Sponsor: Senator Fallon)
- City of Kemah MMD No. 1 (H.B. 4637 by Representative Greg Bonnen; Senate Sponsor: Senator Taylor)
- Gateway Park MMD (H.B. 4680 by Representative Stephenson; Senate Sponsor: Senator Kolkhorst)
- SH130 MMD No. 1 (H.B. 4694 by Representative Cole; Senate Sponsor: Senator Watson)
- North Celina MMD No. 3 (H.B. 4706 by Representative Holland; Senate Sponsor: Senator Fallon)
- City of El Paso MMD No. 1 (H.B. 4730 by Representative Moody; Senate Sponsor: Senator Rodríguez)
- Oak Farms MMD (H.B. 4733 by Representative Jessica González; Senate Sponsor: Senator Johnson)
- SoGood Cedars MMD (H.B. 4742 by Representative Bowers; Senate Sponsor: Senator West)
- Wright Farm MMD of Johnson County (H.B. 4744 by Representative Burns; Senate Sponsor: Senator Birdwell)
- New Park MMD (S.B. 2445 by Senator West; House Sponsor: Representative Meyer)

### Municipal Utility District (MUD)

- Harris County MUD No. 565 (H.B. 1379 by Representative Oliverson; Senate Sponsor: Senator Bettencourt)
- Wood Trace MUD No. 4 of Montgomery County (H.B. 1697 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)
- Fort Bend County MUD No. 229 (H.B. 1934 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Fort Bend County MUD No. 233 (H.B. 2060 by Representative Stephenson; Senate Sponsor: Senator Huffman)
- Montgomery County MUD No. 173 (H.B. 2380 by Representative Metcalf; Senate Sponsor: Senator Nichols)
- Harris County MUD No. 569 (H.B. 2671 by Representative Calanni; Senate Sponsor: Senator Kolkhorst)
- Liberty Grand MUD No. 1 (H.B. 2979 by Representative Bailes; Senate Sponsor: Senator Nichols)

- Fort Bend County MUD No. 234 (H.B. 3019 by Representative Miller; Senate Sponsor: Senator Kolkhorst)
- Fort Bend County MUD No. 238 (H.B. 3020 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Montgomery County MUD No. 167 (H.B. 3047 by Representative Cecil Bell; Senate Sponsor: Senator Nichols)
- Fort Bend County MUD No. 235 (H.B. 3122 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Waller County MUD No. 35 (H.B. 3209 by Representative Cecil Bell; Senate Sponsor: Senator Kolkhorst)
- Waller County MUD No. 34 (H.B. 3211 by Representative Cecil Bell; Senate Sponsor: Senator Kolkhorst)
- Fort Bend County MUD No. 231 (H.B. 3422 by Representative Stephenson; Senate Sponsor: Senator Kolkhorst)
- Harris County MUD No. 566 (H.B. 3442 by Representative Oliverson; Senate Sponsor: Senator Kolkhorst)
- Montgomery County MUD No. 178 (H.B. 4505 by Representative Metcalf; Senate Sponsor: Senator Nichols)
- Harris-Waller Counties MUD No. 4 (H.B. 4520 by Representative Cecil Bell; Senate Sponsor: Senator Kolkhorst)
- Grayson County MUD No. 2 (H.B. 4631 by Representative Smith; Senate Sponsor: Senator Fallon)
- Orchard MUD No. 1 (H.B. 4636 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Bear Creek Ranch MUD No. 1 of Parker County (H.B. 4638 by Representative Parker; Senate Sponsor: Senator Fallon)
- Fort Bend County MUD No. 237 (H.B. 4639 by Representative Stephenson et al.; Senate Sponsor: Senator Huffman)
- Montgomery County MUD No. 176 (H.B. 4640 by Representative Metcalf; Senate Sponsor: Senator Nichols)
- Montgomery County MUD No. 177 (H.B. 4641 by Representative Metcalf; Senate Sponsor: Senator Nichols)
- Grayson County MUD No. 3 (H.B. 4645 by Representative Smith; Senate Sponsor: Senator Fallon)
- Fort Bend County MUD No. 239 (H.B. 4660 by Representative Stephenson; Senate Sponsor: Senator Huffman)
- Howe MUD No. 1 (H.B. 4668 by Representative Smith; Senate Sponsor: Senator Fallon)
- Chambers County MUD No. 3 (H.B. 4673 by Representative Bailes; Senate Sponsor: Senator Creighton)
- Chambers County MUD No. 2 (H.B. 4674 by Representative Bailes; Senate Sponsor: Senator Creighton)
- Fort Bend County MUD No. 222 (H.B. 4675 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Montgomery County MUD No. 161 (H.B. 4677 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)



- Montgomery County MUD No. 162 (H.B. 4678 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)
- Montgomery County MUD No. 163 (H.B. 4679 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)
- Montgomery County MUD No. 166 (H.B. 4682 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)
- Harris County MUD No. 570 (H.B. 4684 by Representative Oliverson; Senate Sponsor: Senator Kolkhorst)
- Montgomery County MUD No. 174 (H.B. 4687 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)
- Montgomery County MUD No. 175 (H.B. 4688 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)
- Round Rock MUD No. 1 (H.B. 4689 by Representative Talarico; Senate Sponsor: Senator Schwertner)
- Travis County MUD No. 25 (H.B. 4691 by Representative Goodwin; Senate Sponsor: Senator Watson)
- Harris County MUD No. 572 (H.B. 4692 by Representative Oliverson; Senate Sponsor: Senator Bettencourt)
- Fort Bend County MUD No. 240 (H.B. 4696 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Montgomery County MUD No. 179 (H.B. 4702 by Representative Metcalf; Senate Sponsor: Senator Nichols)
- Double M MUD of Grayson County (H.B. 4704 by Representative Smith; Senate Sponsor: Senator Fallon)
- Grayson County MUD No. 1 (H.B. 4709 by Representative Smith; Senate Sponsor: Senator Fallon)
- Montgomery County MUD No. 180 (H.B. 4710 by Representative Cecil Bell; Senate Sponsor: Senator Nichols)
- Brazoria County MUD No. 77 (H.B. 4718 by Representative Ed Thompson; Senate Sponsor: Senator Taylor)
- La La Ranch MUD of Denton County (H.B. 4719 by Representative Stucky; Senate Sponsor: Senator Fallon)
- Burns Branch MUD No. 1 of Denton County (H.B. 4720 by Representative Stucky; Senate Sponsor: Senator Fallon)
- Belmont MUD of Johnson County (H.B. 4723 by Representative Burns; Senate Sponsor: Senator Birdwell)
- Dove Valley Ranch MUD of Johnson County (H.B. 4724 by Representative Burns; Senate Sponsor: Senator Birdwell)
- Fort Bend County MUD No. 241 (H.B. 4728 by Representative Stephenson; Senate Sponsor: Senator Huffman)
- Fort Bend County MUD No. 242 (H.B. 4729 by Representative Stephenson; Senate Sponsor: Senator Kolkhorst)
- Green Tree Park MUD (H.B. 4734 by Representative Oliverson; Senate Sponsor: Senator Bettencourt)

- Grayson County MUD No. 5 (H.B. 4741 by Representative Smith; Senate Sponsor: Senator Fallon)
- Rose City MUD (H.B. 4749 by Representative Schaefer; Senate Sponsor: Senator Hughes)
- Brickston MUD (S.B. 592 by Senator Watson; House Sponsor: Representative Israel)
- Caldwell County MUD No. 2 (S.B. 871 by Senator Zaffirini; House Sponsor: Representative Cyrier)
- Brazoria-Fort Bend Counties MUD No. 3 (S.B. 1038 by Senator Taylor; House Sponsor: Representative Ed Thompson)
- Harris County MUD No. 568 (S.B. 2449 by Senator Taylor; House Sponsor: Representative Paul)
- Brazoria County MUD No. 76 (S.B. 2469 by Senator Taylor; House Sponsor: Representative Ed Thompson)
- Magnolia Woods MUD No. 1 (S.B. 2504 by Senator Creighton; House Sponsor: Representative Cecil Bell)
- Van Alstyne MUD No. 2 of Collin County (S.B. 2530 by Senator Fallon; House Sponsor: Representative Smith)
- Lone Oak Farm MUD (S.B. 2558 by Senator Zaffirini; House Sponsor: Representative Cecil Bell)

#### Special Purpose District

- Northeast Houston Redevelopment District (S.B. 390 by Senator Miles; House Sponsor: Representative Dutton)
- Save Historic Munny District (S.B. 2553 by Senator Watson; House Sponsor: Representative Howard)

#### Special Utility District

- Maxwell Special Utility District (S.B. 1422 by Senator Zaffirini; House Sponsor: Representative Cyrier)

#### Water Control and Improvement District

- Richfield Ranch Water Control and Improvement District of Harris County (H.B. 2660 by Representative Calanni; Senate Sponsor: Senator Kolkhorst)
- Waller County Water Control and Improvement District No. 3 (H.B. 3214 by Representative Cecil Bell; Senate Sponsor: Senator Kolkhorst)
- Wood Trace Water Control and Improvement District of Montgomery County (H.B. 4643 by Representative Cecil Bell; Senate Sponsor: Senator Creighton)

#### Water District

- Northeast Burnet County Water District No. 1 (H.B. 4669 by Representative Wilson; Senate Sponsor: Senator Buckingham)

### Special District Modifications

The legislature creates special districts under Section 59 of the Texas Constitution for many purposes, including the development, management, and regulation of natural resources, recreational facilities, utility services, waterways, and roads.

The legislature routinely modifies the authority of special districts, including granting power to self-dissolve and divide to create new districts, or to issue bonds backed by ad valorem taxes to finance road construction, operation, and maintenance. The following bills modify an existing special district's authority:

- S.B. 319 (Perry; SP: Frullo) — Authorizes the Lubbock County Hospital District to employ peace officers and authorizes officers to make arrests within the district.
- S.B. 911 (Hinojosa; SP: Nevárez) — Makes water districts subject to supervision by TCEQ and authorizes TCEQ to issue a solid waste disposal permit for such a district.
- S.B. 1142 (Watson; SP: Howard) — Authorizes Travis County Hospital District to directly employ physicians, and requires the district's medical executive board to adopt and enforce policies to ensure physicians' independent medical judgment when providing care.
- S.B. 1236 (Hall; SP: Flynn) — Authorizes Hunt Memorial Hospital District to directly employ physicians, and requires the district to appoint a chief medical officer and to adopt policies for physicians' independent medical judgment.
- S.B. 1350 (Watson; SP: Hinojosa) — Authorizes Travis County Hospital District to participate in the Health Care Provider Participation Program established to pool local hospital resources in a local provider participation fund for indigent care.
- S.B. 1545 (Menéndez; SP: Martinez Fischer) — Authorizes Bexar County Hospital District to participate in a health care provider participation program.
- S.B. 1751 (Rodríguez; SP: Moody) — Authorizes El Paso County Hospital District to participate in a health care provider participation program.
- S.B. 1950 (Seliger; SP: Ken King) — Authorizes Donley County Hospital District to operate emergency medical services, including air ambulance.
- S.B. 2245 (Paxton; SP: Leach) — Provides for the enforcement of a county's traffic regulations on a public road in the county that is owned, operated, and maintained by a special district.
- S.B. 2315 (Hinojosa; SP: Herrero and Coleman) — Authorizes Nueces County Hospital District to participate in a health care provider participation program.
- S.B. 2448 (Perry; SP: Burrows) — Authorizes Lubbock County Hospital District to participate in a health care provider participation program.
- S.B. 2456 (Powell; SP: Zedler) — Modifies the authority of Karis Municipal Management District of Tarrant County to administer economic development initiatives, including establishing tax abatement zones.
- S.B. 2481 (Nichols; SP: Cecil Bell) — Grants road and dissolution powers to Montgomery County MUD No. 164.
- S.B. 2517 (Nichols; SP: Bailes) — Converts May Public Utility District into the Harris-Liberty Counties MUD No. 1 and provides that the district retains all powers and functions held prior to the conversion.

- S.B. 2521 (Bettencourt; SP: Oliverson) — Grants road powers to Harris County MUD No. 248.
- S.B. 2524 (Bettencourt; SP: Calanni) — Grants road powers to Harris County MUD No. 375.
- S.B. 2525 (Bettencourt; SP: Calanni) — Grants road powers to Harris County MUD No. 376.
- S.B. 2526 (Bettencourt; SP: Calanni) — Grants road powers to Harris County MUD No. 379.
- S.B. 2527 (Nichols; SP: Bailes) — Converts Liberty Public Utility District into the Liberty County MUD No. 7 and provides that the district retains all powers and functions held prior to the conversion.
- S.B. 2535 (Fallon; SP: Sanford) — Grants road powers to Lakehaven MUD.
- S.B. 2552 (Hinojosa; SP Canales) — Sets forth transparency provisions regarding conflicts of interests held by directors of the Agua Special Utility District.
- H.B. 294 (Ken King; SP: Seliger) — Requires a director of Muleshoe Area Hospital District to submit an application for reelection, rather than submitting a petition with a minimum number of signatures.
- H.B. 468 (Springer; SP: Seliger) — Grants contracting authority to the Collingsworth County Hospital District for the operation of district facilities.
- H.B. 886 (Springer; SP: Fallon) — Restructures the administration of Muenster Hospital District.
- H.B. 956 (Miller et al.; SP: Miles) — Grants dissolution authority to county assistance districts.
- H.B. 1120 (Miller et al.; SP: Miles and Huffman) — Authorizes a district created by a county with a population of 580,000 or more and which borders Harris County to perform certain functions beyond district boundaries.
- H.B. 1263 (Thompson; SP: Taylor) — Authorizes the Brazoria District Number 4 to order a property owner to clear or otherwise maintain a canal, drain, ditch, or levee on the owner's property.
- H.B. 1488 (Harless; SP: Bettencourt) — Exempts Charterwood MUD of Harris County from the bond limit of not more than one percent of the value of taxable property in the district, increasing the district limit to three percent.
- H.B. 1570 (White; SP: Nichols) — Decreases the number of Rayburn Country MUD board members from seven to five.
- H.B. 1674 (Calanni; SP: Kolkhorst) — Grants road powers to Harris County MUD No. 377.
- H.B. 1676 (Calanni; SP: Kolkhorst) — Grants road powers to Harris County MUD No. 378.
- H.B. 1678 (Calanni; SP: Kolkhorst) — Grants road powers to Harris County MUD No. 380.
- H.B. 1829 (Stephenson; SP: Huffman) — Grants road powers to Fort Bend County MUD No. 225.
- H.B. 1935 (Zerwas; SP: Kolkhorst) — Grants road powers to Fort Bend County MUD No. 168.

- H.B. 2105 (Shine, et al.; SP: Buckingham) — Increases the number of directors of Bell County Water Control and Improvement District 1 from four to seven, and expands the district's boundaries to encompass Bell County Water Control and Improvement District 3, Fort Hood, and Bell County.
- H.B. 2176 (Leman; SP: Kolkhorst) — Increases from 25 years to 50 years the maximum term length that the Lavaca Hospital District may lease buildings or real property.
- H.B. 2318 (Darby; SP: Perry) — Authorizes Reagan County Hospital District to build a facility for public health and safety if the construction is funded privately. The district intends to build a fire station.
- H.B. 2324 (Geren; SP: Hancock) — Extends the authority of Tarrant County Hospital District to participate in the Health Care Provider Participation Program to the year 2025.
- H.B. 2329 (Springer; SP: Fallon) — Dissolves North Montague County Water Supply District. The City of Nacona agreed to provide water services.
- H.B. 2477 (Coleman; SP: Miles) — Authorizes certain emergency services districts to disannex territory and create a new district encompassing that territory.
- H.B. 2590 (Biedermann; SP: Creighton) — Updates language relating to creation and operation of special districts, including provisions governing conversion of a district into a MUD.
- H.B. 3093 (Zerwas; SP: Kolkhorst) — Grants road powers to Fort Bend County MUD No. 195.
- H.B. 3094 (Zerwas; SP: Kolkhorst) — Grants road powers to Fort Bend County MUD No. 198.
- H.B. 3095 (Zerwas; SP: Kolkhorst) — Grants road powers to Fort Bend County MUD No. 214.
- H.B. 3203 (Dean; SP: Hughes) — Grants division powers to an emergency services district located wholly in Upshur County.
- H.B. 3374 (Metcalf; SP: Creighton) — Grants road powers to Cleveland MUD No. 1.
- H.B. 3463 (Frullo; SP: Perry) — Authorizes Lubbock County Hospital District to directly employ physicians.
- H.B. 4569 (Landgraf; SP: Seliger) — Provides that the board of directors of the Ector County Hospital District is comprised of seven directors and establishes grounds for the removal of directors.
- H.B. 4628 (Metcalf; SP: Nichols) — Grants division powers to Montgomery County MUD No. 100.
- H.B. 4629 (Metcalf; SP: Nichols) — Grants division powers to Montgomery County MUD No. 101.
- H.B. 4642 (Phil King; SP: Fallon) — Grants division powers to the Rolling V Ranch Water Control and Improvement District No. 1; authorizes the district to contract with a local government for law enforcement services and to impose a tax to pay for such services.
- H.B. 4646 (Harless; SP: Bettencourt) — Grants road powers to Cy-Champ Public Utility District.
- H.B. 4649 (Metcalf; SP: Nichols) — Provides that Montgomery County MUD No. 147 retains outstanding debt and is not dissolved if any or part of the district's territory is annexed by a municipality.

- H.B. 4655 (Ed Thompson; SP: Taylor) — Grants road powers to Brazoria County MUD No. 43.
- H.B. 4656 (Ed Thompson; SP: Taylor) — Grants road powers to Brazoria County MUD No. 13.
- H.B. 4659 (Oliverson; SP: Kolkhorst) — Grants road powers to Harris County MUD No. 436.
- H.B. 4663 (Phil King; SP: Fallon) — Authorizes the board of directors of the Parker County Hospital District to directly employ physicians as the board considers necessary.
- H.B. 4671 (Goodwin and Bucy; SP: Watson) — Grants road powers to the Ranch at Cypress Creek MUD No. 1 and authorizes the district to appoint an architectural committee.
- H.B. 4672 (Sanford; SP: Fallon) — Grants road powers to Collin County MUD No. 2.
- H.B. 4686 (Oliverson; SP: Kolkhorst) — Grants road powers to Harris County MUD No. 478.
- H.B. 4697 (Wilson; SP: Schwertner) — Grants road powers to Williamson County MUD No. 29.
- H.B. 4698 (Wilson; SP: Schwertner) — Grants road powers to Williamson County MUD No. 28.
- H.B. 4699 (Wilson; SP: Schwertner) — Grants road powers to Williamson County MUD No. 21.
- H.B. 4714 (Cecil Bell; SP: Creighton) — Grants road powers to Westwood Magnolia Parkway Improvement District.
- H.B. 4721 (Zerwas; SP: Kolkhorst) — Renames Fulshear Parkway Improvement District as Texas Heritage Parkway Improvement District. Provides for the appointment of directors and, upon voter approval, authorizes the district to issue bonds for improvements and services.
- H.B. 4725 (Phil King; SP: Fallon) — Grants road powers to Morningstar Ranch MUD No. 2.
- H.B. 4731 (Cecil Bell; SP: Creighton) — Renames Harris County Improvement District No. 17 to Harris-Montgomery Counties Management District. Authorizes the district to develop recreational facilities and to finance that development with the issuance of bonds.
- H.B. 4747 (Stephenson; SP: Kolkhorst) — Provides for temporary directors of the Boling Municipal Water District and for the election of permanent directors.
- H.B. 4752 (Dutton; SP: Whitmire) — Redefines the boundaries of Barrett Management District contingent upon 60 percent voter approval.

**Crop Disease and Plant Pest Prevention Plan—H.B. 70 [VETOED]**  
*by Representative Mary González et al.—Senate Sponsor: Senator Hall*

It has been noted that crops in Texas are subject to diseases and pests that impose economic costs on the state. This bill:

Requires the Texas Department of Agriculture (TDA), using existing funds, to make a strategic plan of operation, issued after the bill's effective date, with the goal of preventing crop diseases and plant pests in Texas by:

improving TDA's preventative management practices concerning crop diseases and plant pests;

increasing the performance of activities directly related to crop disease and plant pest prevention;

creating and implementing a strong surveillance program that includes certain activities; evaluating diagnostic procedures to ensure the performance of diagnostic evaluations and investigations is timely and accurate;

improving the effectiveness of control and eradication methods;

evaluating and expanding, if necessary, TDA's emergency management activities related to crop diseases and plant pests; and

addressing how to educate farmers, agricultural producers, and communities that sustain agriculture in Texas about crop disease and plant pest prevention.

**Unwanted Pesticide Products—H.B. 191**

*by Representative Stephenson et al.—Senate Sponsor: Senator Kolkhorst*

There are currently no organized removal services for unwanted pesticide products such as exist for waste and recyclable materials. Stakeholders have reported that the lack of disposal services causes many people to illegally dispose of or unsafely store pesticide products. This bill:

Authorizes the Texas Department of Agriculture (TDA) to organize pesticide waste and container collection activities statewide, in coordination with the Texas Commission on Environmental Quality and the Texas A&M AgriLife Extension Service. Authorizes these entities to contract for the removal of unwanted pesticide products.

Creates the pesticide disposal fund, to be administered by TDA.

**Low-Volume Livestock Processing Establishments (The Rabbit Bill)—H.B. 410**

*by Representatives White and Bailes—Senate Sponsor: Senator Johnson et al.*

Interested parties contend that current procedures relating to regulating small animal farmers are unduly burdensome. H.B. 410 provides an exemption for low-volume rabbit and poultry farmers from the requirement to register with the Department of State Health Services and from the requirement to develop a sanitary operation procedures plan. This bill:

Defines "low-volume livestock processing establishment" as an establishment that processes fewer than 10,000 rabbits annually or between 1,000 and 10,000 poultry annually.

Provides that low-volume livestock processing establishments that process fewer than 500 rabbits annually are not required to comply with certain regulations.

Provides that establishments that process fewer than 1,000 poultry annually are not subject to additional state regulation and are authorized to sell directly to consumers.

**Production and Regulation of Hemp—H.B. 1325**

*by Representative Tracy O. King et al.—Senate Sponsor: Senator Perry et al.*

It has been noted that hemp is a viable agricultural crop and an agricultural commodity with many applications. It has been suggested that with recent changes on the federal level, Texas farmers would stand to benefit from a state-regulated hemp industry. This bill:

Requires the Texas Department of Agriculture (TDA), after consulting with the governor, attorney general, and Department of State Health Services (DSHS), to adopt certain rules relating to the production of hemp, and submit a state plan for monitoring and regulating the production of hemp in Texas to the secretary of the U.S. Department of Agriculture (USDA).

Establishes the state hemp program account as an account in the general revenue fund administered by TDA, provides for the account's composition, and restricts appropriation of money in the account to the administration and enforcement of the bill's provisions. Requires TDA to set and collect nonrefundable fees in reasonable amounts, necessary to cover the costs of administering and enforcing the state hemp program.

Prohibits a person from cultivating, handling, or processing hemp in Texas or transporting hemp outside of Texas unless the person is authorized by TDA to participate in the state hemp program as a hemp producer. Prohibits a person who is or has been convicted of a felony relating to a controlled substance under state or federal law from producing hemp in Texas for a period of at least 10 years after the date of the person's conviction. Prohibits a person who materially falsifies any information contained in a program application submitted to TDA from participating in the program.

Requires TDA to establish a program to identify and certify seeds confirmed to produce hemp and to authorize the importation of hemp seed in accordance with state and federal law. Prohibits TDA from certifying a variety of hemp seed if the tested seed is confirmed to produce a plant that



exceeds the federally defined tetrahydrocannabinol (THC) level for hemp. Requires TDA to establish a program for the random testing of hemp plants to determine the delta-9 THC concentration of a sample of hemp plants from the plot where grown.

Sets out provisions relating to hemp products, including provisions relating to the processing or manufacturing of hemp products, including a prohibition against a state agency authorizing a person to process or manufacture a hemp product for smoking, hemp-derived additives in cosmetics, personal care products, and products intended for consumption by humans or animals, packaging and labeling requirements for a consumable hemp product, a TDA-developed shipping certificate or cargo manifest for the transportation of hemp or hemp products, the authorized possession, transport, and sale of hemp products, retail sale of hemp products manufactured or processed out of state, and the transportation and exportation of hemp products out of state.

Specifies that, for purposes of the Texas Controlled Substances Act, a "controlled substance" does not include hemp or the tetrahydrocannabinols in hemp, and "marihuana" does not include hemp.

**Reducing Wait Times for Agricultural Inspections at the Border—H.B. 2155**

*by Representative Guerra et al.—Senate Sponsor: Senator Lucio et al.*

Stakeholders have expressed concern that wait times for agricultural inspections of vehicles at ports of entry along the Texas–Mexico border are too long because the entry points are understaffed. This bill:

Establishes the Trade Agricultural Inspection Grant Program, administered by the Texas Department of Agriculture, which would provide grants to nonprofit organizations to reduce wait times for agricultural inspections of vehicles entering the United States along the Texas–Mexico border.

**Exempting Certain Commercial Weighing Devices From Registration—H.B. 2223**

*by Representative Frullo—Senate Sponsor: Senator Perry*

Calls have been made to strengthen recently passed legislation providing certain exemptions for scales exclusively used to weigh food sold for immediate consumption. H.B. 2223 seeks to address this issue by clarifying the registration and inspection exemptions provided to such scales. This bill:

Provides exemptions from inspection and registration requirements for a commercial weighing or measuring device exclusively used to weigh food sold for immediate consumption, regardless of whether it is consumed or where it is weighed and sold; the food must not be exempt from the sales and use tax.

**Increasing the Criminal Penalty for Illegal Oyster Harvesting—H.B. 2321**

*by Representative Morrison—Senate Sponsor: Senator Hinojosa*

It has been suggested that the current penalties for certain offenses involving the unauthorized harvesting of oysters, especially from closed areas, are too lenient, since many illegal harvesters treat offense fines as merely part of the cost of doing business. H.B. 2321 seeks to address this issue by increasing and enhancing certain penalties related to harvesting oysters. This bill:

Changes the circumstances under which a person who commits certain oyster harvesting offenses becomes subject to a Class A Parks and Wildlife Code misdemeanor.

Enhances the penalty for an offense relating to oyster size or the harvest of oysters from a closed area to a Class B Parks and Wildlife Code misdemeanor for two previous convictions for either violation.

Enhances the penalty for an offense related to the harvest of oysters from a closed area or involving the possession of a cargo of oysters of a specified amount and size to a Class B Parks and Wildlife Code misdemeanor with a previous conviction for either offense.

Removes certain penalties for a commercial oyster boat captain or crew member who violates a provision or regulation relating to oyster size and increases the penalty for a person with two related prior convictions who commits such a violation in possession of a cargo of oysters of a specified amount and size. The penalty for such a person goes from a Class B Parks and Wildlife Code misdemeanor to a Class A Parks and Wildlife Code misdemeanor.

Includes a violation of a provision or regulation relating to the harvest of oysters from a closed area as a violation that, when committed by such a captain or crew member with two previous related convictions, constitutes a Class A Parks and Wildlife Code misdemeanor.

**Cottage Food Sales—S.B. 572**

*by Senator Kolkhorst et al.—House Sponsor: Representative Rodriguez et al.*

In 2014, the Department of State Health Services (DSHS) defined "pickle" in the administrative code to mean only an acidified cucumber. This definition was used for the word pickle in the Health and Safety Code; interested parties contended that the statutory language prevented cottage food producers from selling other forms of acidified goods, such as pickled beets. Additionally, restrictions on selling certain goods through the Internet created difficulties for cottage food producers. S.B. 572 expands the types of acidified food that can be sold by cottage food operations and allows for some transactions to occur online. This bill:

Defines "acidified canned goods."

Redefines "cottage food production operation" to include an individual operating out of a home, and allows for cottage food production operations to sell foods produced directly to consumers, rather than only at certain specified locations.

Expands the distinctions of foods to be sold to include pickled fruits or vegetables, plant-based acidified canned goods, fermented vegetable products, frozen raw and uncut fruit or vegetables, and any other food that is not a time and temperature control for safety food.

Requires cottage food production operations that sell frozen raw or uncut fruits or vegetables to clearly mark on the product label, invoice, or receipt "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria, keep this food frozen until preparing for consumption."

Authorizes cottage food production operations to sell certain food products through the Internet or by mail order under certain conditions.

Requires a cottage food production operation, when preparing pickled fruits or vegetables, fermented vegetable products, or plant-based acidified canned goods, to use a recipe that is either approved by DSHS, has been tested and approved by a certified laboratory, or is approved by a qualified process authority. Requires that each batch of the recipe must be tested for a suitable equilibrium pH value if an operation does not use a recipe approved by one of the aforementioned methods.

Requires cottage food production operations to uniquely label and maintain records of each batch of pickled fruits or vegetables, fermented vegetable products, and plant-based acidified canned goods for a period of 12 months.

Requires DSHS to approve sources for recipes that a cottage food production operation may use to produce pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods and semiannually post on DSHS's Internet website a list of the approved sources for recipes, appropriately certified laboratories, and qualified process authorities.

Defines "time and temperature control for safety food" and utilizes this terminology in lieu of "potentially hazardous food."

### **Maximum Height of Agricultural Transportation Vehicles—S.B. 688**

*by Senator Perry—House Sponsor: Representative Ken King*

The Transportation Code limits the maximum height of a vehicle and its load to 14 feet; however, cotton vehicles transporting agricultural products may operate at a height of up to 14.5 feet. Legislators and stakeholders have noted that farmers have adopted a new type of vehicle for transporting cotton but that the law does not allow it to operate at 14.5 feet. This bill:

Prohibits a combination truck-tractor and semitrailer used to transport seed cotton or cotton from being operated on a roadway if the vehicle is higher than 14 feet 6 inches.

**Creating the Texas Olive Oil Industry Advisory Board—S.B. 743**

*by Senator Hall et al.—House Sponsor: Representative Buckley*

The olive oil industry has grown exponentially within Texas in recent years, especially in the Hill Country and coastal regions. As an emerging agriculture industry in Texas, there are no applicable state regulations for the olive oil industry. Several other industries have benefitted from industry advisory boards within the Texas Department of Agriculture (TDA). These areas of commerce with existing advisory boards include wine production, shrimp farming, and organic agriculture. This bill:

Establishes the nine-member Texas Olive Oil Industry Advisory Board to advise the commissioner of agriculture on the emerging industry. The bill includes provisions relating to the composition of the board and provides for its administration and operation.

**Farmers' Market Permit Fees—S.B. 932**

*by Senator Hughes—House Sponsor: Representative Wilson et al.*

Interested parties contend that permit fees impose an overly cumbersome financial burden on many small farmers and local food producers, ultimately discouraging participation in farmers' markets. S.B. 932 caps the health permit fees imposed on farmers selling directly to consumers and on other farmers' market vendors at no more than \$100 per year. This bill:

Defines "farmers' market."

Provides that a permit issued to a person for the purpose of selling farm goods is not to exceed \$100 annually.

**Legalizing the Sale of Certain Citrus Plants—S.B. 979**

*by Senator Hughes—House Sponsor: Representative Kacal*

The Agriculture Code provides for the Citrus Budwood Certification and Citrus Nursery Stock Certification Programs to ensure that citrus trees bred in captivity remain free from pathogens and disease. Statute defines citrus budwood as a stem of the branch of a citrus tree with buds used by budding or grafting by a citrus nursery for propagation.

Citrus plants can be propagated in different ways, including budding, grafting, or the use of rooted cuttings. However, stakeholders have noted that the Texas Department of Agriculture adopted rules requiring all citrus plants propagated in Texas to comply with the Citrus Budwood Certification Program and the Citrus Nursery Stock Certification Program, which do not allow the sale of citrus plants propagated with rooted cuttings. Stakeholders have contended that the sale of such plants is standard in the nursery industry and that there is no reason not to include rooted cuttings in the programs. This bill:

Includes cuttings as a form of propagation for the Citrus Budwood Certification and Citrus Nursery Stock Certification Programs.

**Diesel Emissions Reduction Incentive Program Eligibility Requirements—H.B. 1346***by Representatives Ed Thompson and Zwiener—Senate Sponsor: Senator Powell*

In 2001, the 77th Legislature created the Texas Emissions Reduction Plan (TERP) to provide financial incentives to eligible individuals, businesses, and local governments to reduce vehicle and equipment emissions and help the state achieve federal Environmental Protection Agency (EPA) air quality standards. There are concerns that one of the TERP programs, the Diesel Emissions Reduction Incentive Program, is too restrictive in the criteria used to select participants, inhibiting efforts to help the state achieve EPA air quality standards. This bill:

Authorizes the Texas Commission on Environmental Quality to set standards for proposed projects that may be considered for a grant under the Diesel Emissions Reduction Incentive program, excepting projects involving marine vessels or engines.

**Removing Counties from the Texas Emissions Reduction Plan—H.B. 1627***by Representative Morrison—Senate Sponsor: Senator Kolkhorst*

It has been noted that although Victoria County had previously been declared a nonattainment area by the United States Environmental Protection Agency (EPA), the county has not been so designated since the EPA redesignated the area two decades ago. This situation has prompted calls to remove the county as an affected county for purposes of the Texas Emissions Reduction Plan (TERP). This bill:

Removes Victoria County from the list of "affected counties" for purposes of TERP.

**Texas Emissions Reduction Plan Fund and Account—H.B. 3745***by Representative Cecil Bell et al.—Senate Sponsor: Senators Birdwell and Zaffirini*

Concerns have been raised that funds in the Texas Emissions Reduction Plan are not being used for the purpose of reducing emissions in Texas. This legislation seeks to address those concerns and ensure that the Texas Emissions Reduction Plan and activities authorized under that plan receive proper funding by establishing a new plan fund as a trust fund outside the state treasury to be held by the comptroller of public accounts of the State of Texas (comptroller). Converts the existing plan fund to the Texas Emissions Reduction Plan account, to be used for the benefit of the new plan fund. This bill:

Converts the Texas Emissions Reduction Plan fund to the Texas Emissions Reduction Plan account in the state treasury, to be administered by the Texas Commission on Environmental Quality (TCEQ) for the benefit of the Texas Emissions Reduction Plan. The new fund is established as a trust fund outside the state treasury to be held by the comptroller and administered by TCEQ as trustee.

Sets out the composition of the new fund as identical to the old fund, and requires interest and other earnings on the balance of the fund to be credited to the fund.

Authorizes money in the fund to be spent without legislative appropriation but to be used only for purposes authorized as part of the plan.

**Expedited Processing for Clean Air Act Permit Applications—S.B. 698**  
*by Senator Birdwell—House Sponsor: Representatives Lozano and Blanco*

Under current law, the Texas Commission on Environmental Quality (TCEQ) is authorized to add a surcharge to an application fee for an expedited application to cover expenses incurred for overtime or contract labor. The demand for expedited applications has increased significantly over the past few years, while processing times have not improved in efficiency, in part because TCEQ is limited in its staffing. The bill addresses this issue by providing for the use of full-time equivalent TCEQ employees to support the processing of air permit applications. This bill:

Authorizes TCEQ to use overtime, full-time equivalent TCEQ employees to support the expedited processing of air permit applications, or to use contract labor to process expedited applications.

Provides that these types of employees not be included in the calculation of the number of full-time equivalent employees allotted under state law.

Authorizes TCEQ to set the rate for overtime compensation for full-time equivalent TCEQ employees tasked with supporting the expedited processing of air permit applications.

**TCEQ Aggregate Production Operations—H.B. 907***by Representative Huberty—Senate Sponsor: Senator Creighton*

Concerns have been raised that while penalties assessed for unregistered aggregate production operations have been minimal, complaints of unauthorized aggregate production operation activities have continued to be reported. It has been suggested that the specter of these penalties has done little to control the continued release of eroded sand and silt into waterways and that stronger enforcement is needed. This bill:

Requires the Texas Commission on Environmental Quality (TCEQ) to inspect each active aggregate production operation for compliance with applicable environmental laws and rules at least once every two years during the first six years in which an operation is registered and at least once every three years thereafter, rather than to inspect each operation at least once every three years.

Authorizes TCEQ to conduct unannounced periodic inspections of an aggregate production operation that in the preceding three-year period has been in violation of an environmental law or rule.

Authorizes TCEQ to assess a penalty of not less than \$5,000 and not more than \$20,000, rather than \$10,000 for each year in which an aggregate production operation operates without being registered under this chapter. Prohibits the total penalty under this section from exceeding \$40,000, rather than \$25,000, for an aggregate production operation that is operated in three or more years without being registered.

**Municipal Solid Waste Facility Permit Application Fee—H.B. 1331***by Representative Ed Thompson—Senate Sponsor: Senator Miles*

Concerns have been raised regarding the cost and resources required for the Texas Commission on Environmental Quality (TCEQ) to process municipal solid waste permit applications, involving extensively reviewing each application and mailing required public notices. This bill:

Requires TCEQ to charge applicants for municipal solid waste facility permits an application fee of \$2,000.

**Municipal Solid Waste Management Facility Inspections for Permitting—H.B. 1435***by Representative Ed Thompson—Senate Sponsor: Senator Birdwell et al.*

It has been noted that municipal solid waste management facilities and sites must provide the Texas Commission on Environmental Quality (TCEQ) with certain information as part of the permit application process. Concerns have been raised that TCEQ has difficulty verifying the information provided. This bill:



Requires TCEQ, before a permit for a proposed municipal solid waste management facility is issued, amended, extended, or renewed, to inspect the facility or site to confirm information included in the permit application. Requires TCEQ to prescribe the kinds of information in a permit application that require confirmation.

**Converting Plastics Through Pyrolysis or Gasification—H.B. 1953**

*by Representative Ed Thompson—Senate Sponsor: Senator Hancock*

It has been suggested that state sustainability initiatives should be more ambitious and that plastic-to-fuel legislation would help promote sustainability and create a circular economy for non-recycled plastics, transforming these materials into valuable feedstocks and fuel. This bill:

Prohibits the Texas Commission on Environmental Quality (TCEQ) from classifying post-use polymers or recoverable feedstock as solid waste if they are converted using pyrolysis or gasification into valuable raw, intermediate, or final products. Exempts a facility that reuses or converts recyclable materials through pyrolysis or gasification from regulation under rules adopted under Solid Waste Disposal Act provisions relating to the regulation of certain facilities as solid waste facilities, if the owner or operator of the facility demonstrates that the facility's primary function is to convert materials for subsequent beneficial use and that all the solid waste generated from converting the materials is disposed of in a hazardous solid waste management facility or a solid waste facility.

Defines, for purposes of the Solid Waste Disposal Act, "gasification," "gasification facility," "post-use polymers," "pyrolysis," "pyrolysis facility," and "recoverable feedstock" and amends definitions of "processing," "solid waste" and "solid waste facility," "recyclable material," "recycled material," and "recycling" for provisions relating to waste reduction programs and disposal fees.

**Radioactive Substance Release Notice—H.B. 2203**

*by Representative Miller et al.—Senate Sponsor: Senator Kolkhorst*

Certain recent events in Sugar Land, Texas, have been cited as evidence illustrating the need for notifications to political subdivisions when radioactive substances are released into the environment. H.B. 2203 seeks to address this issue and keep residents and first responders safe by requiring notice to be provided in the event of a reported radioactive substance release. This bill:

Requires the Department of State Health Services, or any other state agency that receives a required report of a release of a radioactive substance into the environment, to immediately provide notice to each political subdivision into which the substance was released. Requires the notice to include the name, quantity, and state of matter of the radioactive substance released, if known.

**Permits for Removal of River Sediment—H.B. 2805***by Representative Darby—Senate Sponsor: Senator Flores*

Current law provides for the disturbance or the taking of river sediment with an individual or general permit, but stakeholders have contended that the permit application process is confusing. This bill:

Provides for a standardized application form for a permit to disturb or take marl, sand, gravel, shell, or mudshell. Requires the permit holder to report the volume of the material disturbed or taken during the term of the permit.

**Modernizing General Land Office Recordkeeping—H.B. 2971***by Representative Holland et al.—Senate Sponsor: Senator Buckingham*

The Texas General Land Office (GLO) previously maintained and distributed abstract information in printed form. *The Abstracts of Texas Land Titles* is an eight volume set comprising grants and locations, compiled by county. Information in this original eight volume set includes: abstract numbers, the names of original grantees, names of patentees, patent numbers and volumes, acres, surveys, sections, blocks and townships, and GLO file numbers. This information was maintained in abstract books through 1934, and was updated in supplements through the 1990s, when the transition to a digital database began. In 2003, this section was updated to allow the agency to maintain records electronically. The grant information has since been queried from a database now known as the Land Grant Database. This bill:

Replaces the requirement with an authorization for the GLO commissioner to prepare a revision and compilation of the abstracts volumes containing patented, titled, and surveyed real property. Replaces the requirement for counties to be apportioned into one of eight districts with an authorization, without regard to the number of districts, to do so.

Authorizes GLO to use cash, gifts, grants, or donations the GLO receives through the administration of the Save Texas History program to preserve, conserve, and promote GLO records; provide educational programming and resources on Texas history; and acquire additional records to complement GLO records.

**Solid Waste Disposal Services in ETJ of Certain Municipalities—H.B. 3045***by Representative Nevárez—Senate Sponsor: Senator Flores*

Section 364.011, Health and Safety Code, allows a county commissioners court, within certain limitations, to regulate solid waste collection, handling, storage, and disposal in areas of a county not in a municipality or a municipality's extraterritorial jurisdiction (ETJ). This bill:

Authorizes a county to offer, require the use of, and charge a fee for solid waste disposal services in the extraterritorial jurisdiction of the City of Eagle Pass. Prohibits the city from providing solid waste disposal services or charging a fee for those services in the municipality's ETJ if the county provides those services.

**Property Redevelopment and Tax Abatement Act Revision—H.B. 3143**  
*by Representative Murphy et al.—Senate Sponsor: Senators West and Powell*

It has been suggested that the Property Redevelopment and Tax Abatement Act, which allows certain taxing units to provide tax abatement agreements to property owners, is in need of revision. This bill:

Requires the governing body of a taxing unit, before adopting, amending, repealing, or reauthorizing guidelines and criteria governing tax abatement agreements under the Property Redevelopment and Tax Abatement Act to hold a public hearing at which members of the public are given the opportunity to be heard on the proposed action.

Requires a chief appraiser, for each of the first three tax years following the expiration of a tax abatement agreement executed under the act, to deliver a report to the comptroller of public accounts of the State of Texas containing the appraised value of the property subject to the agreement.

Requires a tax abatement agreement in a county reinvestment zone to be approved by a commissioners court in the manner a governing body of a municipality authorizes a tax abatement in a municipal reinvestment zone.

**Study of a Defense Under the Solid Waste Disposal Act—H.B. 3224**  
*by Representative Lozano—Senate Sponsor: Senator Zaffirini*

Metal recycling entities (MREs) purchase scrap metal and arrange for its disposal with treatment facilities, incineration vessels, steel plants, and other, similar industrial entities. Sometimes these industrial facilities go out of business after polluting the environment with the scrap metal. Under current state law, an MRE could be held liable for polluting that occurred after scrap material was sold to an industrial facility. Because federal law has a different liability standard, stakeholders have raised concerns about this incongruity and whether state law should be aligned with federal law. This bill:

Requires the Texas Commission on Environmental Quality (TCEQ), in consultation with industry stakeholders, to conduct a study on the potential impacts of creating a liability defense under the Solid Waste Disposal Act, for persons meeting applicable criteria who arrange for recycling of recyclable material not liable for its disposal under federal law.

Requires TCEQ to propose legislative recommendations based on the study.

**Civil and Criminal Penalties for Damage to Critical Infrastructure—H.B. 3557**  
*by Representative Paddie—Senate Sponsor: Senators Birdwell and Fallon*

Critical infrastructure facilities are used, among other things, for electrical power generation, water treatment, oil and natural gas production, and telecommunication services. There have been calls

to protect these facilities by criminally prosecuting persons who damage or intend to damage them and by imposing civil liability for such conduct. This bill:

Creates a criminal penalty for a person who, without the effective consent of the owner, enters a critical infrastructure facility and intentionally damages or destroys, impairs or interrupts operations, or intends to damage, destroy, or impair the facility.

Holds a person who engages in conduct constituting an offense under this bill liable for damages arising from that conduct.

Holds an organization compensating a person engaging an offense liable for damages as well.

**Disclosure of Offers to Purchase Mineral or Royalty Interests—H.B. 3838**

*by Representatives Bailes and Harris—Senate Sponsor: Senator Birdwell*

Reports indicate incidents in which mineral and royalty interest owners, primarily the elderly and the less educated, have been targeted by a scam in which they are presented with a document that purports to lease interests but instead authorizes their sale. Concerns have been raised that existing fraud statutes do not provide adequate protection for these mineral and royalty interest owners. This bill:

Requires a mineral or royalty interest conveyance instrument to include certain conspicuous statements in a specified format and in specified locations within the instrument declaring that the instrument is not an oil and gas lease and that the owner is selling all or a portion of interest in the property.

Makes a conveyance for instruments not including such statements void and authorizes a person who has conveyed a royalty or mineral interest in a voided conveyance to bring suit against the purchaser of the interest for removal of the conveyance as a cloud on the property title and to recover the following from the purchaser: all royalties and bonuses paid to the purchaser; court costs; reasonable attorney's fees; and exemplary damages if the trier of fact determines the purchaser's conduct is a violation of certain Business & Commerce Code fraud provisions.

**Use of Land in the William Goodrich Jones State Forest—S.B. 345**

*by Senator Creighton—House Sponsor: Representative Toth*

The W.G. Jones State Forest is an active forest owned by the State of Texas and overseen by the Texas A&M Forest Service. It was established in 1926 for the purpose of educating landowners, timber producers, forestry students, and various natural resource stakeholders about sustainable forestry. This bill:

Ensures that the W.G. Jones State Forest remains in its natural, scenic, open-space, undeveloped state.

Protects 100 percent of the land in the forest.

**Promoting Recyclable Materials as Feedstock for Manufacturing—S.B. 649**  
*by Senators Zaffirini and Rodríguez—House Sponsor: Representative Ed Thompson*

The act of recycling incorporates a broad range of activities with positive impacts on the Texas economy. After a consumer uses and appropriately discards recyclable material, it is collected, sorted, processed, and sold to end markets, all done with the intent to prepare it for use as future feedstock for manufacturing. More than 17,000 persons were employed in 2015 by the recycling industry and the overall impact of recycling municipal solid waste on the Texas economy exceeded \$3.3 billion that year. The Solid Waste Act of 1989 directed and empowered the state to assist with market development and provide public education. Nevertheless, neither action has been carried out to a significant extent, and both have become necessary due to the recent global crash in the market value of recyclables caused by the China Sword embargo and because recyclables in Texas average a 25 percent contamination rate. This bill:

Requires the Texas Commission on Environmental Quality (TCEQ), in cooperation with the Texas Economic Development and Tourism Office (TEDTO), to produce a plan to stimulate the use of recyclable materials as feedstock in processing and manufacturing. Requires TEDTO and TCEQ to implement the bill's provisions relating to the plan only if the legislature appropriates money specifically for that purpose. Provides that if the legislature does not appropriate money specifically for that purpose, TEDTO and TCEQ may, but are not required to, implement those provisions using other appropriations available for that purpose.

Requires TCEQ, in cooperation with other state agencies, including the governor's office, to develop a public education program that includes certain recycling information.

Requires TCEQ and TEDTO to, not later than September 1, 2020, prepare and deliver to the governor and the Municipal Solid Waste Management and Resource Recovery Advisory Council a progress report on the initial plan and education program. The bill requires TCEQ and TEDTO to complete and make publicly available the initial plan and implement the education program not later than September 1, 2021.

**Eliminating Redundant Requirements—S.B. 1574**  
*by Senator Alvarado—House Sponsor: Representative Tracy O. King*

The Texas Water Development Board (TWDB) has identified obsolete or redundant requirements in the Water Code. For example, TWDB is required to meet with a committee that no longer exists and is required to make reports that are now also made by a separate agency. This bill:

Repeals provisions requiring TWDB to meet annually with the board of the Texas Department of Housing and Community Affairs regarding colonias and the Colonia Initiatives Advisory Committee; repeals the requirement that TWDB and the State Soil and Water Conservation Board

jointly conduct a water conservation study; and repeals the requirement that TWDB report on certain compliance evaluations biennially.

**Delegating Purchasing Powers for Reclamation of Abandoned Mines—S.B. 1587**

*by Senator Hughes—House Sponsor: Representative Ashby*

The Abandoned Mine Land Reclamation Program, administered by the Railroad Commission of Texas (railroad commission), works to remediate and restore abandoned mine sites throughout Texas. As part of the reclamation process, the railroad commission contracts with vendors to remediate and restore abandoned mine sites. Currently, the railroad commission must procure goods and services for mine reclamation projects through the purchasing function of the comptroller of public accounts of the State of Texas, which delays procurements for mine reclamation projects and precludes the railroad commission from structuring or letting efficient contracts. This bill:

Delegates to the railroad commission all purchasing functions relating to abandoned mine land reclamation projects.

**Display of a Hunting or Fishing License—H.B. 547**

*by Representative Canales et al.—Senate Sponsor: Senator Perry*

The Parks and Wildlife Code requires a license to hunt or to fish. The Texas Parks and Wildlife Department issues separate licenses for each, or a combination license that allows hunting and fishing under the same license. Stakeholders have stated that they prefer not to carry their license cards around with them. This bill:

Provides that an image of the applicable license displayed on a wireless communication device is sufficient verification of the license. Provides that the display of a license does not constitute effective consent to access contents of the electronic device.

**Fishing for Catfish in Falcon Lake—H.B. 1181**

*by Representative Guillen—Senate Sponsor: Senator Zaffirini*

Falcon Lake is a commercial fishing lake managed jointly by the United States and Mexico through the International Boundary and Water Commission. Currently, commercial fishing of catfish is prohibited in U.S. territory but not in Mexican territory; stakeholders have contended this inconsistency hinders the enforcement of fishing laws at Falcon Lake. This bill:

Provides for commercial catfish fishing in a portion of Falcon Lake and authorizes the Texas Parks and Wildlife Department to regulate the number of catfish taken from the lake.

**Oyster Farms—H.B. 1300**

*by Representative Hunter et al.—Senate Sponsor: Senators Kolkhorst and Hinojosa*

The Parks and Wildlife Code requires the Texas Parks and Wildlife Department (TPWD) to deposit revenue from certain licensing and permit fees into the game, fish, and water safety account in the general revenue fund. Statute requires wholesale fish dealers to purchase aquatic products for resale solely from holders of certain licenses.

The commercial oyster industry in Texas has primarily relied on harvesting oysters from natural reefs. Stakeholders have noted that the price of oysters has increased and have recommended allowing the harvesting of cultivated oysters in addition to wild oysters. This bill:

Requires the Texas Parks and Wildlife Commission, in coordination with the Texas Department of Agriculture, the Department of State Health Services, the Texas General Land Office, and the Texas Commission on Environmental Quality, to establish criteria, rules, and fees for the implementation of a cultivated oyster mariculture permit program in Texas coastal waters.

**Illicit Fish—H.B. 1828**

*by Representative Martinez—Senate Sponsor: Senator Fallon*

The Parks and Wildlife Code requires any aquatic product served at a restaurant to have been bought from a licensed seller. Currently, a violation of this requirement is a Class C misdemeanor, punishable by a fine of up to \$500.

Stakeholders have expressed concern that the current punishment is insufficient to deter black market fish dealers, contending that profits from illicit seafood sales can reach hundreds of thousands of dollars. This bill:

Creates an Class B misdemeanor offense for selling or buying fish on the black market.

**Fishing Menhaden in State Waters—H.B. 2218**

*by Representative Lozano—Senate Sponsor: Senator Zaffirini*

Current law requires recreational and commercial fishermen to purchase a Class A menhaden boat license every year to fish menhaden legally in state waters. Fisherman must also possess a Class B menhaden boat license, which costs \$50, if they assist any other boats in catching menhaden. The total cost of a menhaden license is \$4,200 per year, as set by the Texas Parks and Wildlife Commission. Stakeholders have expressed concern regarding the high cost of this license, contending that the cost has negatively impacted recreational fisherman and commercial fishermen making their living fishing in the Gulf of Mexico. This bill:

Creates a Class C menhaden boat license for the purpose of catching, storing, and transporting menhaden in tidal water. Provides that a permit allows the permit holder to cast a net to catch menhaden in coastal bays, rivers, and tributaries and limits the amount of menhaden a permit holder may harvest.

**Feral Hogs—S.B. 317**

*by Senator Hughes et al.—House Sponsor: Representatives Toth and Cyrier*

Current law allows for the taking and killing of a feral hog if the hog causes depredation to an owner's property. Landowners have expressed concern for the depredation stipulation, contending that it is not always possible to catch a hog in the act of wreaking havoc and that the feral hog population has increased so dramatically they virtually all pose a threat to property. This bill:

Repeals the requirement that a feral hog cause depredation for it to be taken and killed without a hunting license.



**Managed Lands Deer Program—S.B. 733**

*by Senators Perry and Flores—House Sponsor: Representative Cyrier*

The Managed Lands Deer Program is a free-of-cost, voluntary program by which landowners may enroll a tract of land for which the Texas Parks and Wildlife Department will determine the number and type of deer that should be hunted within it, based on relevant factors. However, stakeholders have raised concerns regarding the program's financial viability and recommended implementing a fee to support program costs. This bill:

Authorizes the Texas Parks and Wildlife Commission to impose a fee for participation in the Managed Lands Deer Program, to be deposited into the Game, Fish, and Water Safety Account.

**Forms of Identification for Deer—S.B. 810**

*by Senator Perry et al.—House Sponsor: Representative Cyrier et al.*

The Parks and Wildlife Code requires that breeder deer receive an identification (ID) tag to be attached to an ear containing an alphanumeric number assigned to the breeder facility by the Texas Parks and Wildlife Department, by March 31 of the year following the deer's birth. A breeder deer must have the unique identification number tattooed on its ear before it can be removed from a breeder facility. Stakeholders have expressed concern that a breeder deer can leave its facility receiving only the tattoo, without having an ID tag, contending that breeder deer are more difficult to identify with only one form of ID. This bill:

Requires a breeder deer to be identified through the use of an electronic ID tag, in addition to the current ID tag and tattoo.

**Escapist Deer—S.B. 948**

*by Senator Kolkhorst—House Sponsor: Representative Martinez*

Deer bred in captivity can potentially spread harmful disease, including chronic wasting disease, if they escape captivity. Current Texas Parks and Wildlife Department rules require that fences surrounding breeder deer release sites be no less than seven feet in height to prevent escape. Stakeholders wish to codify this rule in statute. This bill:

Requires that a release site for breeder deer be surrounded by a fence no less than seven feet high and capable of containing deer at all times.

**Disposition of Oyster-Related Lands by Navigation Districts—S.B. 1438**

*by Senator Taylor—House Sponsor: Representatives Bailes and Ed Thompson*

The Water Code allows a navigation district to sell or lease any of the land it owns. However, certain lands acquired from the state may be sold solely to the state in exchange for other state land or may be exchanged with the state. Stakeholders have noted that the disposition of property by

navigation districts has resulted in the disregard or dispossession of accrued, vested rights in Texas private oyster leases, and of public rights to fish oysters in public waters and oyster beds. This bill:

Prohibits a navigation district from conveying or exchanging an interest in real property to a person or private entity for the purpose of bedding or harvesting oysters.

**Reporting Pipeline Incidents—H.B. 864**

*by Representative Anchia et al.—Senate Sponsor: Senators Birdwell and Johnson*

The Railroad Commission of Texas (railroad commission), the primary regulator of natural gas companies, is tasked with investigating natural gas incidents in the state. Interested parties assert that when natural gas incidents occur, it is important that operators provide the railroad commission with timely reports that are thorough and fully inclusive of all facts regarding the incident, allowing the railroad commission to conduct full investigations. This bill:

Requires the railroad commission to require a distribution gas pipeline facility operator, after a pipeline incident involving the operator's pipelines, to notify the railroad commission of the incident no later than one hour after discovery of the incident.

Requires the railroad commission to retain state records regarding pipeline incidents perpetually, and defines "pipeline incident" as an event involving a release of gas from a pipeline that:

Under federal regulations, gives rise to a duty of a distribution gas pipeline facility operator to report the event to a federal agency; or

Results in death or a personal injury necessitating in-patient hospitalization, estimated property damage greater than or equal to the greater of \$50,000, excluding cost of gas lost, or an amount under federal regulations giving rise to the duty of a distribution gas pipeline facility operator to report the event to a federal agency, or the unintentional estimated gas loss of three million cubic feet or more.

Expands the types of violations of gas pipeline safety standards for which the railroad commission may assess an administrative penalty, including violations of any safety standard or other rule prescribed or adopted under provisions governing gas pipeline safety.

**Installation, Removal, and Replacement of Certain Gas Pipelines—H.B. 866**

*by Representative Anchia et al.—Senate Sponsor: Senator Birdwell et al.*

Concerns have been raised regarding the structural integrity of pipelines made of cast iron, wrought iron, or bare steel. It has been suggested that pipelines made from these materials pose significant leak risks and serious safety concerns, since leaked natural gas can cause fires and explosions resulting in serious injury or death and irreversible damage to the environment. This bill:

Prohibits a distribution gas pipeline facility operator from installing a cast iron, wrought iron, or bare steel pipeline. Defines "distribution gas pipeline facility" as a pipeline facility that distributes natural gas directly to end-use customers.

Requires the Railroad Commission of Texas (railroad commission) to require the operator of a distribution gas pipeline facility system to develop and implement a program for the removal or replacement of underground distribution gas pipeline facilities and annually remove or replace at least eight percent of facilities identified for replacement under the program.

Expands the types of violations of gas pipeline safety standards and rules for which the railroad commission may assess an administrative penalty, including violations of any safety standard or other rule prescribed or adopted under provisions governing gas pipeline safety.

**Appraisal of Timber Land Used for Oil and Gas Production—H.B. 1409**

*by Representative Ashby et al.—Senate Sponsor: Senator Nichols*

Under the Texas Constitution, land must be devoted principally to timber production to be eligible for appraisal as open-space land. The 85th Legislature passed H.B. 3198, which allows land previously dedicated to agricultural use to remain qualified as open-space land if a lessee begins conducting oil and gas operations on the land and the remaining land continues to qualify as agricultural. This bill seeks parity between the agriculture land use statute and timber land use statutes by allowing land qualified as timber to continue to qualify as such even if a portion of it is used for oil and gas production. This bill:

Prohibits a chief appraiser of an appraisal district, in determining whether land qualifies for appraisal as restricted-use timber land, from considering the purpose for which a portion of a parcel of land is used if the portion is used for the production of timber or forest products or is subject to a right-of-way taken through eminent domain.

Establishes that, for the purpose of appraisal of land as timber land, a portion of the applicable parcel of land is considered land that qualifies for appraisal if the remainder of the parcel of land qualifies for appraisal.

Establishes that the eligibility for appraisal of land as timber land does not end because a lessee begins conducting oil and gas operations if the portion of the land on which oil and gas operations are not being conducted otherwise continues to qualify for appraisal as timber land.

**Balance of Oil and Gas Regulation and Cleanup Fund—H.B. 2675**

*by Representative Geren—Senate Sponsor: Senator Birdwell*

It has been suggested that the cap on the Oil and Gas Regulation and Cleanup Fund limits the ability of the Railroad Commission of Texas to retain dedicated funds supporting critical projects whose costs exceed biennial appropriations, including projects for transitioning from older mainframe computer systems, plugging wells, and digitally archiving paper and microfiche well log data. This bill:

Repeals Section 81.067(b), Natural Resources Code, which provides for the suspension of the collection of oil field cleanup regulatory fees when the balance in the Oil and Gas Regulation and Cleanup Fund equals or exceeds a specified amount. Amends the Natural Resources Code to make conforming changes

**Dissolution of an Oil or Gas Pooled Unit—H.B. 3226**

*by Representatives Geren and Darby—Senate Sponsor: Senator Birdwell*

It has been suggested that certain provisions of the Mineral Interest Pooling Act are outdated and not informed by modern drilling technology, specifically practices that allow for drilling to occur at surface locations adjacent to active tracts. This bill:

Provides that a unit is automatically dissolved under certain conditions, two years after its effective date rather than one year, if no production or drilling operations have been had on the unit or surface location.

**Recycling of Certain Waste from Production of Oil and Gas—H.B. 3246**

*by Representative Darby et al.—Senate Sponsor: Senator Hancock*

Although the state promotes the recycling of fluid oil and gas waste and the legislature has sought in the past to clarify ambiguities regarding the ownership of such waste, concerns have been raised regarding the ownership rights of water haulers and oil and gas operators. This bill:

Establishes that, unless otherwise expressly provided by a legally binding document, when fluid oil and gas waste is produced and used by a person who takes possession of that waste for the purpose of treating it for a subsequent beneficial use, the waste is considered to be the property of the person who takes possession of it for the purpose of treating the waste for subsequent beneficial use until transfer to another person for disposal or use.

Explicitly includes oil or gas leases and surface use agreements among the legally binding documents providing exceptions to provisions relating to fluid oil and gas waste ownership for treatment and subsequent beneficial use.

**Severance Tax Exemption for Oil and Gas Produced from Inactive Wells—S.B. 533**

*by Senators Birdwell and Creighton—House Sponsor: Representatives Paddie and Springer*

Interested parties state that incentivizing operators to bring inactive oil and gas wells back into production by reinstating a previous severance tax exemption may help reduce the orphan well pool and the resulting financial obligation and potential liability of the Railroad Commission of Texas (railroad commission). Under previous programs, wells certified as inactive were eligible for a severance tax exemption that lasted for 10 years. Currently, the railroad commission is seeking funding from the legislature to allow for the plugging of abandoned wells. Despite the railroad commission's success, the abandoned well inventory continues to grow while the average plugging cost has increased significantly in the last two years due to increased contractor costs and the greater depths of newer wells. This bill:

Reduces the duration of the severance tax exemption for oil and gas produced from wells previously inactive from 10 years to five years and removes statutory provisions relating to the designation of a well as a three-year inactive well for purposes of that exemption.

Excludes from the wells designated as two-year inactive wells for purposes of the exemption a well that either is part of an enhanced oil recovery project or is drilled but not completed and does not have a record of hydrocarbon production reported to the railroad commission.

Removes the prohibition against the railroad commission designating a two-year inactive well for purposes of the exemption after February 28, 2010, and requires an application for two-year inactive well certification to be made to the railroad commission to qualify for the exemption.

### **Calculation of Oil and Gas Production Tax Credits—S.B. 925**

*by Senator Flores—House Sponsor: Representative Bailes*

Currently, the calculation for average daily production used to determine if a gas well or oil lease qualifies for production tax credits for low-producing wells and leases is based on data reported to the Railroad Commission of Texas (railroad commission). It has been noted, however, that reports filed with the comptroller of public accounts of the State of Texas (comptroller) often show more production than is reported to the railroad commission. The bill updates state law to codify the current practice of basing eligibility for the credits on the higher of the average daily production rates reported to the railroad commission or the comptroller. This bill:

Provides that, for purposes of qualifying a gas well, production per well per day is determined by computing the average daily production from the well using the greater of the monthly production reported in the well production reports made to the railroad commission and to the comptroller, including any amendments to those reports, rather than solely using the report made to the railroad commission.

### **Transfer of Regulation of Motor Fuel Metering and Quality—S.B. 2119**

*by Senator Alvarado—House Sponsor: Representatives Goldman and Herrero*

Currently, the Texas Department of Agriculture (TDA) oversees the Weights and Measures programs as defined by the Agriculture Code, including regulating meters in fuel pumps. As a result of recent legislative changes, TDA no longer performs field testing at gas stations. Routine fuel meter inspections, fuel quality sampling, and all other consumer complaint-based inspections are done by third-party licensed service companies (LSCs). The cost of these routine inspections is borne by retailers. This bill:

Transfers the liquids Weights and Measures program as it applies to fuel meters from TDA to the Texas Department of Licensing and Regulation.

**Hazardous Dams—H.B. 137**

*by Representative Hinojosa et al.—Senate Sponsor: Senator Perry*

Major flood events, including Hurricane Harvey, have strained water management infrastructure and strategies beyond their capacities. The Texas Commission on Environmental Quality (TCEQ) monitors and regulates dams in the state, including maintaining a classification system for each dam's hazard level. Stakeholders have reported that currently over one thousand dams in Texas are classified as high hazard, 350 of which are classified as significant hazard. This bill:

Requires TCEQ to report to certain local officials biannually on a dam after it is given a high or significant hazard classification.

**Use of Emergency Engine Cutoff Switches on Boats—H.B. 337**

*by Representative Larson—Senate Sponsor: Senator Campbell*

Occasionally passengers are thrown from a boat while traveling at speed and are mauled or killed by the propeller. Stakeholders have contended that emergency cutoff switches are vital safety devices and that operators should verify their functionality before operation. This bill:

Makes it a punishable offense to operate a motorboat less than 26 feet in length and equipped with an engine cutoff switch without first checking that the switch works and is attached to the operator.

**Aquifer Storage and Recovery—H.B. 720**

*by Representative Larson—Senate Sponsor: Senator Perry*

The Water Code provides that state water may be appropriated for certain beneficial domestic and municipal uses. Statute defines "aquifer storage and recovery project" as injecting water into a geologic formation for later recovery and beneficial use. Stakeholders have contended that flood water could be captured and stored in an aquifer. This bill:

Authorizes the Texas Commission on Environmental Quality to permit and regulate recharge injection wells.

**Aquifer Recharge Projects—H.B. 721**

*by Representatives Larson and Guillen—Senate Sponsor: Senator Perry*

Water is an important natural resource but the supply is inconsistent, often insufficient for local needs. Stakeholders have contended that the supply of local water is increased through aquifer recharge projects, which pump water into geologic formations to be held until extraction when it is needed. However, the state has been prevented from including aquifer recharge in its water management strategy because the state does not know which aquifers could be used for such projects. This bill:

Requires the Texas Water Development Board (TWDB) to conduct a study of Texas aquifers, assessing the availability of aquifers suitable for aquifer storage and recovery projects or aquifer recharge projects. Requires TWDB to study aquifer projects identified in the state water plan and report on them to regional water planning groups and other interested persons.

**Water Availability in Some Rivers—H.B. 723**

*by Representative Larson—Senate Sponsor: Senator Perry*

The state does not know how much water is contained in the Brazos River, Neches River, Red River, or the Rio Grande. Knowing will help the state prevent future water shortages. This bill:

Requires the Texas Commission on Environmental Quality to obtain or develop updated water availability models for the Brazos, Neches, Red, and Grande Rivers.

**Coordinating Regional Water Plans—H.B. 807**

*by Representatives Larson and Shine—Senate Sponsor: Senator Buckingham*

The state water plan is central to ensuring adequate water supply in Texas. Additionally, the Water Code requires regional water planning groups to prepare water plans every five years. Statute requires such plans to provide for the development and conservation of water resources for periods of drought to ensure a sufficient supply of water. However, stakeholders have contended that regional plans may be counterproductive when they prioritize regional needs at the expense of projects serving broader needs. Stakeholders have recommended improving coordination between the Texas Water Development Board (TWDB) and regional planning groups and coordination among regional groups. This bill:

Requires the periodic appointment of an interregional planning council by TWDB to improve coordination among regional water planning groups.

**Supporting Interregional Water Projects—H.B. 1052**

*by Representatives Larson and Toth—Senate Sponsor: Senator Perry*

Water is a vital natural resource but its supply in many places in Texas is inconsistent. Since the 2010–2015 drought, the legislature has taken steps to plan for the future. Aquifer storage and recovery is another strategy an adequate water supply in the future.

The Water Code provides for the state participation account of the Texas Water Development Fund (account). The account is administered by the Texas Water Development Board (TWDB) and finances the purchase of excess water capacity in surface reservoirs and water pipelines. According to stakeholders, TWDB has supported 15 different projects with a total of \$225 million. Stakeholders have recommended using the account to finance desalination projects and aquifer recharge projects. This bill:



Allows the State Participation Account development fund to support desalination, aquifer recharge projects, and interregional projects.

Authorizes TWDB to use the account to encourage optimal interregional development. Requires at least half of money used from the account in any fiscal year to be used for interregional water supply projects.. Requires TWDB to establish selection criteria and other procedures relating to projects and to enter into a memorandum of understanding with the Texas Commission on Environmental Quality for the expedited approval of project permits.

Requires the comptroller of public accounts of the State of Texas to establish a subaccount in the state participation account to be known as the state participation account II (account II).

Authorizes TWDB to use account II to support desalination or aquifer storage and recovery projects. Sets forth requirements and restrictions for the use of account II.

**Green Stormwater Infrastructure Report Group—H.B. 1059 [VETOED]**

*by Representative Lucio III—Senate Sponsor: Senator Rodríguez*

The Texas Commission on Environmental Quality (TCEQ) administers the conservation of natural resources and the environment in Texas, including water infrastructure. In response to major flood events, stakeholders have recommended conducting a study on the use of green stormwater infrastructure to prevent runoff pollution during such events. This bill:

Requires TCEQ to appoint a green stormwater infrastructure and low impact development report group to report biennially on the use of those technologies.

**Groundwater Permitting—H.B. 1066**

*by Representatives Ashby and Larson—Senate Sponsor: Senator Perry*

The Water Code sets forth provisions for groundwater conservation districts (GCDs), which regulate groundwater in Texas and balance its conservation and development. GCDs regulate the extraction and transfer of groundwater through permits, sometimes with one permit for both activities or two separate permits, operating permits and transfer permits. Currently, a GCD may issue production permits with terms of any duration but transfer permit terms may not exceed 30 years. Stakeholders have contended that the different permit terms create burdens and that GCDs should be authorized to extend transfer permits to expire concurrently with production permits. This bill:

Requires a GCD to extend the term of a water transfer permit to expire concurrently with the term of an operating permit.the term of a water transfer permit to expire concurrently with the term of an operating permit.

**Extrajurisdictional Water—H.B. 1806 [VETOED]**

*by Representative Tracy O. King—Senate Sponsor: Senator Campbell*

The Edwards Aquifer is the primary source of water for the City of San Antonio and a portion of its production serves the City of Austin. Currently, water drawn from the aquifer may only be used within the Edwards Aquifer Authority jurisdiction. However, stakeholders have contended that the restriction drives up water rates and causes those outside the authority's jurisdiction to rely on overused or unreliable water sources. This bill:

Allows the San Antonio Water System (SAWS) to use water from the Edwards Aquifer to provide retail water service in counties adjacent to the SAWS service area. Provides that SAWS may sell not more than 6,000 acre feet of water drawn from the aquifer per year.

**Marl, Sand, Gravel, Shell, and Mudshell—H.B. 1824**

*by Representative Murr—Senate Sponsor: Senator Flores*

In the aftermath of Hurricane Harvey, certain areas of the San Jacinto River have experienced significant erosion. According to stakeholders, changes in the shape and depth of the river have impacted fish habitats and other natural resources as well as weakened the river's resistance to flooding. They say that sediment can be excavated and redistributed to restore areas of the river but that required compensation to the Texas Parks and Wildlife Commission (TPWC) for this excavation is prohibitively high. This bill:

Allows revenues collected by TPWC from the sale of marl, sand, gravel, shell, and mudshell to be used for the conservation of fish habitats in rivers and streams.

Authorizes the San Jacinto River Authority and the Harris County Flood Control District to remove and replace river sediment to maintain or increase the capacity of the river to avoid flooding. Exempts these political subdivisions from the permit and fee requirements for the redistribution of river sediment.

**Altering Water Rights—H.B. 1964**

*by Representatives Ashby and Larson—Senate Sponsor: Senator Creighton*

The Water Code requires holders of permits, certified filings, and certificates of adjudication for water rights to obtain permission from the Texas Commission on Environmental Quality (TCEQ) to alter a water right. Amendments to water rights, other than amendments that would increase the amount or rate of water to be diverted, are approved if they do not adversely impact other water right holders or the environment. Statute requires notice be given to all individuals who could be affected by the issuance of a water right permit and requires TCEQ to hold a hearing on the application. However, stakeholders have expressed concern that the application process is costly and protracted. This bill:

Repeals notice and hearing requirements for certain water rights amendments applications.

**Penalty for Disturbing Waterways—H.B. 2038**  
*by Representative Darby—Senate Sponsor: Senator Flores*

The Parks and Wildlife Code prohibits disturbing marl, sand, gravel, shell, or mudshell in public waters without a permit. Stakeholders have expressed concern that this activity has increased in oyster beds and fishing waters but that the current penalty for it is too light to deter it. This bill:

Increases to a Class B misdemeanor from a Class C misdemeanor the disturbing or taking of marl, sand, gravel, shell, or mudshell, or disturbing an oyster bed or fishing water without a permit.

**Water Discharge Permits—H.B. 2771**  
*by Representative Lozano—Senate Sponsor: Senator Hughes*

There have been calls for the state to do more to regulate oil and gas activities pollutants in Texas water. H.B. 2771 seeks to answer those calls by giving the Texas Commission on Environmental Quality (TCEQ) the power to ensure that certain effluent discharged into Texas water meets established water quality standards. This bill:

Authorizes TCEQ to issue permits for the discharge of produced water, hydrostatic test water, and gas plant effluent resulting from certain activities regulated by the Railroad Commission of Texas (railroad commission), excepting discharges resulting from spills or other unplanned releases. Requires such discharge to meet water quality standards established by TCEQ.

Transfers from the railroad commission to TCEQ the following:

The powers, duties, functions, programs, and activities of the railroad commission relating to the regulation of discharges of produced water, hydrostatic test water, and gas plant effluent in Texas water;

Any obligations and contracts of the railroad commission directly related to implementing a power, duty, function, program, or activity transferred under the bill's provisions; and

All property and records in the custody of the railroad commission related to a power, duty, function, program, or activity transferred under the bill's provisions and all funds appropriated by the legislature for that power, duty, function, program, or activity.

Requires TCEQ, not later than September 1, 2020, to submit to the Environmental Protection Agency for approval a request to supplement or amend the Texas Pollutant Discharge Elimination System program to include delegation of National Pollutant Discharge Elimination System permit authority for discharges of produced water, hydrostatic test water, and gas plant efflu

**Allens Creek Reservoir—H.B. 2846**

*by Representative Larson et al.—Senate Sponsor: Senator Huffman et al.*

In 1999, the legislature authorized a reservoir project at Allens Creek and required construction to begin by 2018. In 2011, the legislature extended that deadline to 2025. The reservoir would be funded and built jointly by the City of Houston and the Brazos River Authority (BRA) to increase the supply of water for both locales. The two entities never reached a funding agreement for the reservoir and the project has remained stalled since its conception. Stakeholders have contended that the delay in securing a new water supply has hurt industry in the lower Brazos River Basin. BRA has requested sole authority to fund and build the reservoir by acquiring the city's interest in it. This bill:

Transfers any administrative authority of and ownership interest in the Allens Creek Reservoir Project from the City of Houston to the Brazos River Authority.

**Noncompliant Water Systems—H.B. 3142**

*by Representative Guillen—Senate Sponsor: Senator Johnson*

Public drinking water systems must comply with reporting requirements under state and federal law, but stakeholders have contended that some systems do not comply. Stakeholders have suggested providing automatic reminders. This bill:

Requires TCEQ to provide automatic reminders to public drinking water supply systems about state and federal reporting requirements.

**Financial Assistance Applications at the Texas Water Development Board—H.B. 3339**

*by Representative Dominguez—Senate Sponsor: Senator Creighton*

Standards for water conservation plans as included in applications for financial assistance at the Texas Water Development Board (TWDB) are located in different statute sections and are inconsistent. Stakeholders have contended that there should be a single, consistent requirement for all applicants. This bill:

Sets forth requirements for water conservation plans in applications for financial assistance. Requires an applicant to include a description of the proposed or adopted conservation plan and prohibits TWDB from providing assistance unless the applicant adopts or implements the requirements for a conservation plan.

**Aquifer Storage and Recovery—S.B. 483**

*by Senator Campbell—House Sponsor: Representative Zwiener*

The City of Buda relies on groundwater from the Edwards Aquifer for approximately one-third of its fresh water supply; the remainder is purchased surface water. Stakeholders in Buda have noted

that the population and the demand for water there is increasing rapidly. They contend that an aquifer storage and recovery (ASR) project would help the city provide for future water demand. This bill:

Revises provisions relating to permits for injection wells that transect or terminate in a certain portion of the Edwards Aquifer within the external boundaries of the Barton Springs-Edwards Aquifer Conservation District. Requires related rules and permits to ensure that an engineered ASR facility project is consistent with statutory provisions.

Provides authority to TCEQ to authorize the injection of fresh water into a well that transects the Edwards Aquifer.

**Aquifer Storage and Recovery in New Braunfels—S.B. 520**

*by Senators Campbell and Zaffirini—House Sponsor: Representative Kuempel*

Stakeholders in the City of New Braunfels have expressed concern regarding the supply of fresh water in the future. They contend that aquifer storage and recovery (ASR) projects could increase supply in the future. ASR involves the injection of captured fresh water into a well to replenish an aquifer's capacity. This bill:

Entitles certain political subdivisions or municipally owned utilities contributing to the recharge of the Edwards Aquifer to withdraw the amount of water they contribute.

Authorizes EAA to contract with the City of New Braunfels for the injection or artificial recharge of the aquifer for purposes of subsequent retrieval.

**Increasing Penalties Related to Water Violations—S.B. 530**

*by Senator Birdwell—House Sponsor: Representative Wray*

Current law generally gives the Texas Commission on Environmental Quality (TCEQ) the authority to adopt and enforce rules to implement the Federal Safe Drinking Water Act, including setting public safety standards and legislative guidelines for both civil and administrative enforcement. This legislation seeks to provide additional flexibility to allow TCEQ to penalize public water suppliers who pay the monetary penalties ordered by TCEQ but do not undertake necessary corrective actions. This bill:

Increases the maximum civil and administrative penalty amount from not less than \$50 nor more than \$1,000 for each violation to not less than \$50 and not more than \$5,000 for each violation.

**State Water Pollution Control Revolving Fund—S.B. 942***by Senators Johnson and Perry—House Sponsor: Representative Metcalf*

The passage of the federal Water Resource Reform and Development Act of 2014 amended the federal Water Pollution Control Act, authorizing new types of lending to states for water pollution control. Legislators have contended that updating statute relating to the state water pollution control revolving fund to conform with federal changes would allow the revolving fund to access additional federal funds. This bill:

Revises the purpose of the state water pollution control revolving fund. Revises the conditions under which the Texas Water Development Board may use the revolving fund to make a loan.

**Brackish Groundwater Production Zones—S.B. 1041***by Senator Taylor—House Sponsor: Representative Larson*

Brackish water is a mixture of salt water and fresh water that can occur in aquifers. Industry stakeholders have contended that the extraction and desalination of brackish water resources could help ensure adequate fresh water supplies. Legislation in 2015 required the Texas Water Development Board (TWDB) to identify and designate brackish groundwater production zones for certain areas by 2022, but TWDB will not meet that deadline. This bill:

Extends the deadline by which TWDB must identify and designate brackish groundwater production zones for certain areas to 2032.

**Public Information Disclosures Related to Entertainment Events—H.B. 81**  
*by Representative Canales et al.—Senate Sponsor: Senators Hinojosa and Fallon*

Currently a loophole exists in state public information law that allows some governmental entities to shield from the public certain information related to public events funded by taxpayer money. This bill:

Makes certain information related to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event open and available to the general public, unless the information under state law is specifically confidential.

Prohibits a person or governmental body from including a provision in a contract related to a public event preventing the disclosure of such information, voiding any contract provisions that violate the prohibition.

**Personal Information of Occupational License Holders—H.B. 125**  
*by Representative Martinez—Senate Sponsor: Senator Menéndez*

Currently, the Occupations Code requires overseeing boards to keep a registry of persons licensed in certain occupations. These registries contain personal information such as name, home address, and phone number, and some boards publish and make this data available to the public. Some occupations carry a greater security risk; concerns have been raised that the availability of certain information online could endanger workers and their families. This bill:

Prohibits the online publication of a licensee's home address for certain occupations, including licensed professional counselors, licensed chemical dependency counselors, licensed social workers, and licensed dyslexia practitioners.

**Public Information of Political Subdivisions Regarding Taxes—H.B. 305**  
*by Representative Paul et al.—Senate Sponsor: Senator Nelson*

Interested parties have called for greater public accountability for political subdivisions with authority to impose taxes due to the significant impact that a tax can have on Texas families. The purpose of this bill is to improve transparency by requiring that certain tax authority information be made publicly available. This bill:

Requires a political subdivision with the authority to impose a tax to post the political subdivision's contact information, the name of each elected official and each candidate for an elected official position, the date and location of the next election for officers of the political subdivision, the requirements and deadlines for filing for candidacy, and notices and records of meetings on its publicly accessible website, if it maintains one.

**Brown County Attorney and Commissioners Court Gifts—H.B. 356**

*by Representative Lang—Senate Sponsor: Senator Buckingham*

Concerns have been raised that the authority of certain county attorneys and county commissioners courts to accept gifts and grants to finance or assist the office of county attorney may lead to conflicts of interest between prosecutors and defendants, such as creating quid pro quo relationships in which prosecutors agree to dismiss cases against defendants in exchange for donations. This bill:

Repeals Section 45.125 (Brown County), Government Code, authorizing the county attorney of Brown County and the Commissioners Court of Brown County to accept gifts and grants under specific circumstances.

**Toll Entity Financial Reports—H.B. 803**

*by Representative Patterson et al.—Senate Sponsor: Senator Paxton*

Stakeholders have expressed concern that the financial reports of state toll entities are not easily accessible to the public, contending that currently these financial reports may be obscured in lengthy documents not readily accessible publicly. This bill:

Requires toll entities to publish financial data reports on an entity's website not later than the 180th day after the last day of the entity's fiscal year. Authorizes the entity to report any money deposited by the entity in a debt service reserve fund as required by a bondholder agreement.

**Protecting Confidentiality of Service Members' Personal Information—H.B. 1351**

*by Representatives Cortez and Yvonne Davis—Senate Sponsor: Senator Menéndez*

Concerns have been raised that certain sensitive veteran information maintained, created, or received by the Texas Veterans Commission (TVC) is at risk of public disclosure. Interested parties have been observed to request veteran information for commercial purposes. This bill:

Provides that any information given by a person to TVC in order to receive services or to participate in TVC programs is confidential and not subject to disclosure under Chapter 552 of the Government Code (Public Information).

Exempts personal information on current and former service members from disclosure requirements under Chapter 552 of the Government Code (Public Information)



**Information Required in a Registration Form for Lobbyists—H.B. 1785**

*by Representatives Capriglione and Sarah Davis—Senate Sponsor: Senator Huffman*

Concerns have been raised regarding the potential influence on the legislative process by individuals representing foreign governments and the difficulty of determining whether an individual has properly registered as a foreign agent as required by federal law. This bill:

Requires a lobbyist registration form to include a statement specifying whether a lobbyist must be registered as a foreign agent under the federal Foreign Agents Registration Act of 1938.

**Public Access to Certain Information—H.B. 1872**

*by Representatives Goldman and Toth—Senate Sponsor: Senators Hancock and Zaffirini*

Under current law, every judge in Texas must file a personal financial statement (PFS) each year. Most judges file a PFS with the Texas Ethics Commission (TEC); some statutory probate judges, county judges, and justices of the peace, though, exercise an option under state law to file a PFS with the local county clerk instead. Efforts in recent years to enhance courtroom security have included requiring the redaction of judges' personal information, such as home addresses, from PFS filings with TEC. No such redactions, however, have been required for filings from these judges with county clerks; in fact, current law actually prohibits those redactions. This bill:

Requires personal information to be redacted from a PFS filed with a county clerk by a statutory probate judge, county judge, or justice of the peace to ensure consistency with relevant provisions applicable to such filings with TEC and to ensure enhanced security and privacy for all Texas judges.

**Availability of Information Regarding Emergency Services Workers—H.B. 2446**

*by Representative Swanson et al.—Senate Sponsor: Senator Fallon*

Concerns have been raised that allowing disclosure of sensitive information about a first responder could lead to a dangerous situation for the first responder and the responder's family. The purpose of this bill is to assuage those concerns by enacting certain privacy protections for firefighters, volunteer firefighters, and emergency medical services personnel. This bill:

Amends the Government Code to except from the public availability requirement of state public information law information on the home address, home telephone number, emergency contact information, or social security number of a firefighter, volunteer firefighter, or emergency medical services personnel, excepting as well in certain cases information that reveals whether such a person has family members.

Requires a work schedule or a time sheet of such an individual to be confidential and excepted from public information requirements.

Makes statutory provisions relating to the confidentiality of certain personal identifying information of peace officers and certain other officials performing sensitive governmental functions, including firefighters, volunteer firefighters, and emergency medical services personnel.

Amends the Tax Code to make statutory provisions relating to the confidentiality of certain home address information in appraisal records applicable to a firefighter, volunteer firefighter, or emergency medical services personnel.

**Pet Adoption Privacy Protections—H.B. 2828**

*by Representative Phil King et al.—Senate Sponsor: Senator Fallon*

There have been calls to implement privacy protections for those who adopt a cat or dog from a municipal or county animal shelter to help prevent harassment or unwanted contact by someone attempting to reclaim a pet. The purpose of this bill is to make the personally identifying information of pet adopters confidential and exempt from the public availability requirement in state public information law. This bill:

Makes confidential and excepts from the state public information law availability requirement personally identifying information of a person who obtains ownership or control of an animal from a municipality or county.

Authorizes a governmental body to disclose that information to a governmental entity, or to a person who under a contract with a governmental entity provides animal control services, animal registration services, or related services to the governmental entity, for purposes related to the protection of public health and safety.

**Open Meetings of Political Subdivisions—H.B. 2840**

*by Representative Canales et al.—Senate Sponsor: Senators Hughes and Hinojosa*

It has been suggested that it is the practice of the governing bodies of certain political subdivisions to provide for public input and comment only at the conclusion of a governing body meeting, making it difficult for members of the public to properly weigh in on decisions because they must wait for a meeting to end to give an opinion on any subject matter addressed at the meeting. The purpose of this bill is to provide the public with increased access to the decision-making process by providing for public comment before or during consideration of each item on a meeting agenda. This bill:

Requires certain specified local governmental bodies to allow each member of the public who desires to address the body regarding any of its open meeting agenda items to address the body before or during the body's consideration of the item.

Authorizes such a governmental body to adopt reasonable rules regarding the public's right to address the body.

Prohibits a governmental body from prohibiting public criticism of the body, except for criticism otherwise prohibited by law.

**Meetings of Commodity Producers Boards—H.B. 2900**

*by Representatives Fierro and Springer—Senate Sponsor: Senator Hall*

It has been noted that because Texas is such a large state, it is often difficult and expensive for members of a commodity producers board to meet in one location at the same time. The purpose of this bill is to address this issue by authorizing such a board to hold an open or closed meeting by telephone conference call. This bill:

Authorizes a commodity producers board or a committee established by a board to hold an open or closed meeting by telephone conference call if convening at one location is inconvenient for any member of the board or committee.

Subjects the meeting to the notice requirements applicable to other meetings. Requires notice of the meeting to specify the location where meetings of the board or committee, as applicable, are usually held.

Requires each part of the meeting that is required to be open to the public to be audible to the public at the location specified in the notice and requires the audio to be recorded. Requires the audio recording to be made available to the public.

**Personal Information of Applicants for Disaster Recovery Funds—H.B. 3175**

*by Representative Deshotel—Senate Sponsor: Senator Creighton*

Concerns have been raised regarding the use of sensitive personal information by identity thieves to gain insight to a person's finances for the purpose of opening new credit accounts, stealing from existing accounts, or committing other crimes. It has been reported that these thieves, using only a name and address, can access existing public databases to find additional information, such as information relating to individuals who receive state or federal disaster recovery funds. The purpose of this bill is to protect disaster victims from crimes by providing for the confidentiality of personal information. This bill:

Makes confidential the name, social security number, house number, street name, and telephone number of an individual or household applying for state or federal disaster recovery funds, protecting any other information the disclosure of which would identify or tend to identify an individual or household applying for such funds. Establishes that the street name and the amount of funds awarded to an individual or household are not confidential after the date the funds are awarded.

**Exceptions to Public Information Law for Flood Control Districts—H.B. 3913**

*by Representative Huberty—Senate Sponsor: Senator Alvarado*

Concerns have been raised over harassment Hurricane Harvey flood victims faced from individuals soliciting sales and services for flooded property, in person, over the phone, and through the mail. The purpose of this bill is to protect flood victims' personal privacy. This bill:

Excepts from the public availability requirements certain personally identifying information obtained by a flood control district located in a county with a population of 3.3 million or more in connection with operations related to a declared disaster or flooding.

**Personal Information Omitted from Certain Records—S.B. 73**

*by Senator Nelson—House Sponsor: Representative Leach*

In 2017 the legislature passed the Judge Julie Kocurek Court Security Act to protect personal information of judges. However, there are still records not covered under this law, putting judges at continued risk. This bill:

Adds records commonly recorded by a county clerk related to real property to the list of documents a judge or judge's spouse may request be withheld from online posting, including mineral leases, mechanic's liens, and mechanic's lien release information.

**Procedures of the State Commission on Judicial Conduct—S.B. 467 [VETOED]**

*by Senator Zaffirini—House Sponsor: Representative Leach*

There are concerns with regard to how closely the State Commission on Judicial Conduct (SCJC) protects the confidentiality of complaints. It has been suggested that this not only makes the fairness and efficiency in SCJC's disciplinary process difficult to determine for the public, but also causes frustration for complainants. Currently, the main instrument for the legislature to examine the extent of fairness and efficiency in SCJC's disciplinary process is through the sunset review process, which happens only once every decade. This bill:

Provides greater transparency in the processing and the results of complaints filed with SCJC by making changes to certain SCJC procedures.

**Personal Information Omitted from Certain Records—S.B. 489**

*by Senator Zaffirini—House Sponsor: Representative Smithee*

It has been noted that previous legislation to ensure the personal safety of judges by redacting personal information from public records did not extend to campaign report filings or to certain property-related documents filed with a county clerk. This bill:

Builds on existing measures to protect judges by requiring similar redactions from these additional records.

Requires the Office of Court Administration to redact the residence address of judges and county attorneys and their spouses, or candidates for such offices, from reports filed or posted on the Internet.

Requires the director of OCA's judicial security division to prepare an annual report on court security and submit recommendations to the legislature.

Requires the clerk or secretary of a municipality to redact the residence address of a municipal court judge or their spouse, or a candidate for the office of municipal court judge, from financial statements.

Expands the definition of "instrument" to include certain records related to leases and liens.

**Open Meetings and Public Information Laws During an Emergency—S.B. 494**  
*by Senators Huffman and Zaffirini—House Sponsor: Representative Walle*

The Senate Affairs Committee was tasked with an interim study to review interactions among federal, state, and local agencies in charge of responding to natural disasters. The committee found that fully complying with the Open Meetings Act during and immediately following a disaster presents a major hurdle to quick and effective communication necessary when responding to disasters. The committee also found that fully complying with the Public Information Act is challenging for local authorities because government buildings may be destroyed or inaccessible and government records may be destroyed or lost. This bill:

Sets forth procedures to allow a governmental body to deliberate and take action at a meeting regarding an emergency or urgent public necessity and to lower the notice requirement for such a meeting to one hour rather than two hours.

Authorizes the Texas attorney general to stop, prevent, or reverse an action that violates the meeting and action prohibition on a matter not directly related to responding to an emergency or urgent public necessity identified in a notice.

Authorizes a governmental body currently impacted by a catastrophe that interferes with the body's ability to comply with state public information law requirements to temporarily suspend requirements for an initial seven-day period, after which the period can be suspended for an additional seven days if the governmental body determines it is still necessary.

**Confidentiality of Personal Information of Elected Officials and Legislators—S.B. 662**

*by Senator Campbell—House Sponsor: Representative Paddie*

Current Texas law allows for personal information of certain state employees, such as home addresses, phone numbers, social security numbers, emergency contacts, and the names of family members to be kept confidential in open records requests. Although members of the state legislature and statewide elected officials may also face potential threats related to the release of certain personal information, confidentiality protections do not currently apply to them; the purpose of this bill is to extend such protections to legislators and statewide elected officials. This bill:

Amends Government Code and Tax Code provisions relating to the availability of personal information of a member of the legislature or statewide elected official.

**Contracting Information Disclosures—S.B. 943**

*by Senator Watson et al.—House Sponsor: Representative Capriglione et al.*

Concerns have been raised that two recent major decisions of the Texas Supreme Court, *Boeing v. Paxton* and *Greater Houston Partnership v. Paxton*, have lessened the accessibility of certain information under the Public Information Act (PIA). The ruling in *Boeing v. Paxton* transformed a limited exception that originally protected the government's interests into a nearly unlimited exception for government contractors, who use it as a means of withholding virtually all contracting information, including final taxpayer-funded contracts. The ruling in *Greater Houston Partnership v. Paxton* has made it difficult to acquire public information directly from a government contractor spending taxpayer dollars. The purpose of this bill is to clearly delineate what information the public has a right to access and what information is truly proprietary and, thus, can be withheld in order to foster business competition. This bill:

Makes certain contracting information public information that must be released under state public information law, unless excepted from disclosure.

Excludes from state public information law under certain specified circumstances an economic development entity whose mission is to develop and promote the economic growth of a state agency or political subdivision with which the entity contracts.

Excepts from the public availability requirement of state public information law qualifying proprietary contracting information submitted to a governmental body by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification.

Revises the exception to the public availability requirement for trade secrets, setting out what constitutes a trade secret and exempting information from that requirement if the information is determined to be a trade secret.

Provides that, for a contract of at least \$1 million in public funds for the purchase of goods or services by a governmental body or that results in the expenditure of at least \$1 million in public funds for the purchase of goods or services in a governing body's fiscal year, a governmental body party to such a contract that receives a written request for public information related to the contract must request that the applicable entity provide the requested information to the governmental body if the written request is for contracting information in the possession of the entity and not maintained by the governmental body.

### **Updates to the Public Information Act—S.B. 944**

*by Senator Watson et al.—House Sponsor: Representative Capriglione*

The Texas Legislature passed the Public Information Act (PIA) in 1973 to ensure that Texans could hold their government accountable. Although the legislature regularly makes narrow changes to PIA, it has not received a thorough update since 1999. The purpose of this bill is to update and clarify public information law. This bill:

Amends the Government Code to establish that a current or former officer or employee of a governmental body does not have, by virtue of the officer's or employee's position or former position, a personal or property right to public information the officer or employee created or received while acting in an official capacity.

Requires a person who, in the transaction of official business, creates or receives public information that the person has not provided to the governmental body's public information officer or the officer's agent and who has possession, custody, or control of public information to surrender or return the information to the governmental body not later than the 10th day after the date the governmental body's public information officer or the officer's agent requests the person to surrender or return the information. Establishes that such a temporary custodian's failure to surrender or return requested public information is grounds for disciplinary action by the governmental body that employs the temporary custodian.

Requires a current or former officer or employee of a governmental body who maintains public information on a privately owned device to either forward or transfer the public information to the governmental body or a governmental body server to be preserved or to preserve the public information in its original form in a backup or archive for a time determined by the governmental body.

Requires each public information officer, subject to penalties under state public information law, to make reasonable efforts to obtain public information from a temporary custodian if the information has been requested from the governmental body; the officer for public information is aware of facts sufficient to warrant a reasonable belief that the person has possession, custody, or control of the information; the officer is unable to comply with the duties imposed by state public information law without obtaining the information; and the temporary custodian has not provided the information to the officer or the officer's agent.

Defines "protected health information" for purposes of public information law and makes that information confidential and exempt from disclosure under state public information law.

Provides for the designation by a governmental body of one e-mail address and one mailing address for receiving written public information requests.

**Assessment of Court Costs and Fees Under Public Information Law—S.B. 988**

*by Senator Watson—House Sponsor: Representative Capriglione*

The Government Code currently allows a court to award reasonable attorney fees and court costs to the party that "substantially prevails" in a lawsuit between the Office of the Attorney General (OAG) and another governmental body regarding the application or enforcement of the Public Information Act (PIA). OAG was recently ordered to pay another governmental body's attorney fees and court costs under this statutory provision for the first time. Concerns have been raised that because OAG is required by law to enforce PIA, it is unfair to assess court costs and attorney fees against OAG when they make reasonable but unsuccessful arguments defending PIA in court. Additionally, concerns have also been raised that the "substantially prevails" standard is too low, allowing governmental bodies to recoup attorney fees and court costs too easily and providing a perverse incentive for bad actors to withhold public information and delay proceedings after OAG mandates the release of requested information. The purpose of this bill is to protect OAG from unfair court costs and attorney fee assessments by replacing "substantially prevails" with a higher standard. The new standard allows a court to award attorney fees and court costs to either party if it finds that an action or defense was groundless, a standard which ensures that either party can still recoup court costs and attorney fees if a legal challenge is brought in bad faith, while also protecting OAG's obligation to enforce PIA in the interest of public transparency. This bill:

Prohibits the court, in an action brought by a governmental body seeking to withhold information from a requestor under public information law, from assessing litigation costs or reasonable attorney fees incurred by a plaintiff or defendant who substantially prevails, unless the court finds that the action or defense was ungrounded in fact or in law.

**Sensitive Investment Decisions—S.B. 1386**

*by Senator Watson—House Sponsor: Representative Phelan*

The Texas Water Development Board (TWDB) is responsible for the administration and investment of assets in the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund, the Texas Water Development Fund, the State Water Implementation Fund for Texas, and the State Water Implementation Revenue Fund for Texas. Investment and other sensitive financial decisions are made at TWDB meetings, all of which must comply with the Open Meetings Act. However, stakeholders have raised concerns that holding discussions on sensitive investment decisions in open meeting inhibits TWDB's ability to effectively manage assets in the funds it administers. This bill:



Authorizes TWDB to hold a closed meeting to consider and discuss sensitive financial matters relating to the investment of TWDB funds. Requires final actions, decisions, or votes on matters considered in a closed meeting to be made in an open meeting.

**Confidentiality of Personal Information for Certain State Employees—S.B. 1494**

*by Senator Paxton et al.—House Sponsor: Representative Wu et al.*

Department of Family and Protective Services (DFPS) Child Protective Services (CPS) employees are not currently included on the list of individuals who may apply to have addresses not appear on appraisal district or voter registration websites. CPS caseworkers and investigators work directly with families and abused children, and these workers are at risk when private information is made public. Interested parties have expressed concern that this risk may lessen the desire of caseworkers and investigators to vote or live in communities close to families they serve. The purpose of this bill is to align the treatment of the personal information of caseworkers and investigators with that of other public servants, including police officers, judges, district attorneys, and jailers. This bill:

Excepts current or former child protective services caseworkers, adult protective services caseworkers, DFPS investigators, or current or former employees of DFPS contractors performing those functions from the public availability requirement of state public information law relating to home addresses, home telephone numbers, emergency contact information, or social security numbers. Excepts elected state officers and members of the legislature from those requirements. Removes current or former district attorneys, criminal district attorneys, or county attorneys whose jurisdiction includes child protective services matters from the list of excepted persons.

Makes conforming changes to the Government Code and Tax Code.

**Open Meetings Law—S.B. 1640**

*by Senator Watson et al.—House Sponsor: Representative Phelan et al.*

On February 27, 2019, the Texas Court of Criminal Appeals (CCA) concluded that Government Code Section 551.143(a), commonly referred to as the "walking quorum" prohibition in the Texas Open Meetings Act (TOMA), was vague on its face. The court took particular issue with the phrase "conspires to circumvent this chapter," concluding that the current statute "requires a person to envision actions that are like a violation of TOMA without actually being a violation of TOMA and refrain from engaging in them." Despite the statute's vagueness, its purpose is clear—to prohibit members of a governmental body from skirting TOMA's requirement that deliberations occur in public by meeting in a series of small, private gatherings, avoiding a quorum. This prohibition is essential to ensuring governmental bodies continue to conduct public business in the open. This bill:

Makes the walking quorum prohibition specific, precise, and clear to address the court's concerns, but also to help members of governmental bodies to better understand the limits of the law.

Restores the original intent and scope of the prohibition so governmental bodies cannot avoid transparency by conducting small, private conversations.

**Updating References to the Building and Procurement Commission—H.B. 1524**

*by Representative Shaheen—Senate Sponsor: Senator Paxton*

Current law contains references to the former Texas Building and Procurement Commission (TBPC). This bill:

Replaces existing references to TBPC with references to the Texas Facilities Commission (TFC) to reflect the transfer of TBPC's duties related to state facilities to TFC.

Repeals obsolete sections of the Government Code relating to TBPC.

**State Agency Rules Applicable to Parks and Wildlife Department—H.B. 1896**

*by Representative Phelan—Senate Sponsor: Senator Flores*

Recent legislation prohibited a state agency from adopting a proposed rule that imposes a cost on regulated persons unless the agency repeals or amends a rule that imposes a total cost on regulated persons in an equivalent or greater amount. Several state agencies were exempted from this legislation and interested parties have suggested that the Texas Parks and Wildlife Department (TPWD) could benefit from such an exemption. Without such an exemption, TPWD is unable to charge or increase fees for new or established programs when it is necessary to avoid damage to various resources to impose some costs on the regulated community. The purpose of this bill is to provide an exemption for TPWD from that prohibition to allow the agency to better fulfill its mission. This bill:

Amends the Government Code to exempt TPWD from the prohibition against a state agency adopting a proposed rule for which the applicable fiscal note states that the rule imposes a cost on regulated persons, unless on or before the proposed rule's effective date the state agency repeals a rule that imposes a total cost on regulated persons 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 equal to or greater than the cost imposed on the persons by the proposed rule.

**Financial Reporting Requirements for State Agencies—H.B. 2042**

*by Representative Stucky—Senate Sponsor: Senator Birdwell*

It has been suggested that procedures for post-payment audits of state agencies by the comptroller of public accounts of the State of Texas (comptroller) and procedures relating to annual financial reporting requirements may contain inefficient elements. The purpose of this bill is to provide a remedy by making revisions to both sets of procedures. This bill:

Authorizes the comptroller to audit claims presented by a state agency after the comptroller prepares warrants or uses the electronic funds transfer system to pay claims by removing the precondition that the comptroller and the state agency contract in writing for the comptroller's

audit. Removes the requirement that such an audit be performed in the same way that the comptroller audits claims before payment.

Authorizes the comptroller to access records and information of a state agency subject to a post-payment audit. Provides that, if the release of such information is prohibited under federal law, the authority of the comptroller is conditioned by approval of the appropriate federal agency.

Requires the comptroller to use reasonable efforts to avoid hindering the daily operations of a state agency subject to a post-payment audit by coordinating requests for access to an agency's records and information.

Authorizes the comptroller to designate a deadline earlier than the prescribed November 20 deadline for submission of a state agency's annual financial report regarding the agency's use of appropriated money during the preceding fiscal year. Revises the required contents of that annual financial report and removes the requirement that uniform accounting and reporting procedures prescribed by the comptroller for use by each state agency in preparing the information for the report comply with established generally accepted accounting principles.

### **Customer Satisfaction With State Agencies—H.B. 2110**

*by Representative Shaheen et al.—Senate Sponsor: Senator Paxton*

It has been suggested that customer service standards and performance measures developed for state agencies should be updated to reflect new technology and communication methods commonly used by Texans today. The purpose of this bill is to provide for such an update. This bill:

Amends the Government Code to include mobile and web applications among the methods by which an applicable state agency is required to gather information from customers regarding the quality of service delivered by the agency.

Authorizes the customer service input to include evaluations of an agency's applicable text messaging or mobile applications and mobile access to the agency's website.

Requires an agency to report on the information gathered from customers to the governor's office of budget and policy and the Legislative Budget Board (LBB) on the request of the office or the LBB. Establishes that each agency maintains ownership of the gathered information.

### **Complaints Filed With Texas Department of Licensing and Regulation—H.B. 2364**

*by Representatives Darby and Raymond—Senate Sponsor: Senator Perry*

It has been suggested that clarification is needed as to what services state agencies, institutions of higher education, and local governments can purchase through the data center services program to create cost savings. The purpose of this bill is to ensure that the program offers electronic messaging services and outsourced managed services. This bill:

Amends the Government Code to make state law relating to information resources through statewide technology centers applicable to electronic messaging services and outsourced managed services obtained by state agencies using state money, used by state agencies, or used by participating local governments.

**Complaints Filed With Texas Department of Licensing and Regulation—H.B. 2452**  
*by Representatives Goldman and Toth—Senate Sponsor: Senator Zaffirini*

It has been noted that the Texas Department of Licensing and Regulation (TDLR) investigates a high volume of complaints each year and that many investigations require technical and specific program knowledge to fully understand and resolve complaints. Interested parties have suggested that the TDLR complaint review process could benefit from the assistance of qualified third-party experts. The purpose of this bill is to provide for such assistance by authorizing TDLR to contract with qualified individuals to provide complaint review services. This bill:

Amends the Occupations Code to authorize TDLR to contract with a qualified individual to assist TDLR in reviewing or investigating complaints filed with TDLR.

Grants an individual with whom TDLR contracts immunity from liability and prohibits such an individual from being subject to a suit for damages for any act arising from the performance of the individual's duties in specified circumstances, except for acts involving fraud, conspiracy, or malice.

Authorizes TDLR to accept, but expressly does not require TDLR to investigate, a complaint that lacks sufficient information to identify the source or the name of the person filing the complaint.

**Deadline to Appeal Administrative Decisions by TRS—H.B. 2629**  
*by Representatives Flynn and Guillen—Senate Sponsor: Senator Huffman*

It has been noted that the Teacher Retirement System of Texas (TRS) requires its members to adhere to strict timelines in hearings and appeals related to benefits, but TRS itself is not held to the same stringent standards. This bill:

Requires the board of trustees of TRS to ensure that rules establishing deadlines for the filing of an appeal afford a member or retiree at least the same amount of time to file as TRS has to issue a decision.

Requires the TRS board to adopt rules necessary to implement the bill's provisions and establishes that such rules apply only to the appeal of an administrative decision of a TRS employee made on or after January 1, 2020.

**Authorized Investments for Governmental Entities—H.B. 2706**

*by Representatives Capriglione and Lambert—Senate Sponsor: Senator Nelson*

There have been calls to revise the Public Funds Investment Act to account for the evolution of financial markets and to address certain other issues, such as internal inconsistencies that treat securities with similar risk profiles differently. This bill:

Improves the ability of public entities to achieve better returns on public investments while also minimizing risk, correcting inconsistencies in the Public Funds Investment Act with regard to repurchase agreements, investments in commercial paper, and the use of professionally managed investment pools.

Authorizes the investment officer of a local government to invest bond proceeds or pledged revenue in a certain manner.

Requires the Texas Education Agency to conduct a study regarding the investment and management of funds by school districts and open-enrollment charter schools.

**Sale or Transfer of State-Owned Building—H.B. 2944**

*by Representative Gervin-Hawkins—Senate Sponsor: Senators Flores and West*

It has been noted that the G. J. Sutton Building Complex in San Antonio stands vacant, with no current plans for its future use. The purpose of this bill is to address this concern by authorizing the General Land Office (GLO) to offer this property for sale or for transfer. This bill:

Requires the GLO to offer for sale or transfer on behalf of the state the real property known as the G. J. Sutton Building Complex in San Antonio.

Requires the GLO to conduct the sale or transfer using applicable procedures and sets out certain requirements for the sale or transfer.

**Transfer of Real Property Between the City of Austin and State Agencies—H.B. 2977**

*by Representative Howard—Senate Sponsor: Senator Watson*

There have been calls to provide the City of Austin the flexibility to use certain amounts credited in the city's favor from certain agreements with the Texas Facilities Commission (TFC) in a transfer, sale, or exchange of real property or an interest in real property with an applicable state agency. This bill:

Amends the Government Code to authorize the City of Austin, if an applicable agreement with TFC provides for a transfer, sale, or exchange of real property to be credited against future property or interests to be transferred, sold, or exchanged between the parties, to use any amount credited

in the city's favor in a transfer, sale, or exchange of real property or an interest in real property with any state agency other than any public institution of higher education.

**Grant of Easement to the City of Austin—H.B. 2978**

*by Representative Howard—Senate Sponsor: Senator Watson*

It has been noted that the Texas State Library and Archives Commission (TSLAC) and the City of Austin have expressed mutual interest in the conveyance of an easement for better pedestrian access on certain TSLAC property in North Austin. The purpose of this bill is to address this issue by requiring TSLAC and the city to enter into an agreement for the city's acquisition of such an easement. This bill:

Amends the Government Code to require TSLAC and the City of Austin to enter into an agreement under which the city may use any amount credited in favor of the city under an applicable contract between the Texas Facilities Commission and the city regarding the transfer, sale, or exchange of real property or interests in real property, to acquire, for a reasonable value, an easement across TSLAC property.

**Financial Assistance Paid to Survivors of Certain Public Employees—H.B. 3635**

*by Representative John Turner et al.—Senate Sponsor: Senator Hughes*

Concerns have been raised about the rate of inflation with regard to the payment of certain financial assistance benefits to the survivors of law enforcement officers, firefighters, and other public employees killed in the line of duty. The lump sum benefit paid to these survivors loses value over time due to inflation. This bill:

Entitles an eligible survivor of certain public employees killed in the line of duty, or eligible survivors in equal shares, to receive a lump sum payment of financial assistance from the state. Provides that the amount payable during the 12 months beginning September 1, 2019, is \$500,000. Requires the Employees Retirement System of Texas board of trustees, effective September 1 of each year, to adjust the amount of that lump sum payment by rule by an amount equal to the percentage change in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the U.S. Department of Labor in the preceding year.

**Surplus Vehicle Sales by Governmental Entities—H.B. 3760**

*by Representative Guillen—Senate Sponsor: Senator Zaffirini*

Legislators have noted that state agencies, counties, and municipalities own vehicles that are beyond their usual lifespan but still functional, contending that the process of selling such vehicles as surplus requires clarification. This bill:

Authorizes a federal, state, or local governmental agency that is exempt from the requirement to obtain a dealer general distinguishing number to issue one temporary buyer's tag for a vehicle sold

or otherwise disposed of by the agency. Exempts the agency from the registration fee for such a tag.

**Limited State Law Enforcement Authority to Certain Federal Officers—H.B. 3863**

*by Representative Wilson—Senate Sponsor: Senator Hughes*

There are concerns that special agents within the Office of Inspector General of the United States Department of Agriculture have limited authority when conducting joint investigations with state and local agencies concerning violations of state law. This bill:

Includes special agents of the Office of Inspector General of the United States Department of Agriculture among criminal investigators deemed not to be peace officers but with powers of arrest, search, and seizure under state laws, in felony investigations only.

**Organization and Operation of the State Legislature—H.B. 4181**

*by Representative Geren—Senate Sponsor: Senator Hancock*

There have been calls to revise procedures for the organization of the legislative branch of state government and to make the operation of that branch more efficient. This bill:

Amends the Government Code to update legislative organization and operations in order to reflect current legislative practices.

**Texas Facilities Commission Authority Over State-Owned Real Property—H.B. 4541**

*by Representative Cyrier—Senate Sponsor: Senator Watson*

Studies indicate that the deferred maintenance backlog on facilities owned and operated by the Texas Facilities Commission (TFC) has reached hundreds of millions of dollars. With limited taxpayer dollars available, TFC operates under a policy whereby deferred maintenance projects focus only on the most critical deficiencies posing a risk to tenant health and safety. The purpose of this bill is to ensure that TFC is able to make more timely decisions with regard to the sale of certain underutilized property. This bill:

Prohibits TFC from selling or otherwise disposing of state real property not located in the Capitol Complex except by specific authority granted by the legislature, if in session, or through formal notification to the governor and the Legislative Budget Board if the legislature is not in session.

Sets out certain notice requirements for TFC when it considers the sale of state real property not in the Capitol Complex and sets additional requirements for the governor in disapproving such a sale.

Requires the General Land Office to negotiate and close a sale of state real property on request by and on behalf of TFC using specified Natural Resources Code procedures, with certain exceptions.



Requires each transfer of an interest in state real property to be made by an instrument signed by the executive director of TFC and by the governor.

Provides for the deposit to the Texas Capital Trust Fund and the dedicated use of proceeds from the lease, sale, or other disposition of state real property by TFC.

Authorizes TFC to recover from those proceeds all amounts spent by TFC for management, acquisition, and disposition of expenses before proceeds are deposited to the trust fund.

Exempts funds deposited in the trust fund from Government Code provisions determining the use of dedicated revenue and from the unencumbered balance requirement of the Texas Capital Trust Fund, with funds to be transferred to the credit of general revenue at the end of each fiscal biennium.

**Frivolous Claims and Regulatory Actions by State Agencies—S.B. 27**

*by Senator Hughes et al.—House Sponsor: Representative Hefner*

Concerns have been raised that Texans, especially small business owners, facing regulatory actions and administrative proceedings brought by a state agency may not be sufficiently protected from unjustified actions by regulators because current law governing frivolous claims by the state is limited to civil redress. This bill:

Provides for the recovery of attorney's fees and costs in administrative proceedings and judicial review of proceedings if the state's regulatory action is determined to be frivolous, capping recovery of fees in civil suits in which state claims are found to be frivolous at \$1 million.

**Biennial Review of State Agency Reports—S.B. 241**

*by Senator Nelson—House Sponsor: Representative Longoria*

The Texas State Library and Archives Commission (TSLAC) conducts a comprehensive biennial review and issues a report evaluating the usefulness of reports prepared and submitted by a state agency to other agencies. The report makes recommendations to the legislature regarding the repeal or consolidation of statutory reporting requirements in order to eliminate obsolete or redundant reports. This bill:

Repeals and amends provisions of the Education Code, Government Code, Health and Safety Code, Human Resources Code, Natural Resources Code, Transportation Code, and Water Code relating to reporting requirements.

Requires each state agency to include a personnel organizational chart with its report to the Department of Information Resources (DIR) on its compliance with the requirement that each state agency cooperate with its information resources manager.

Requires DIR to submit a written report evaluating information security for the state's information resources to the governor, the lieutenant governor, and each standing committee of the legislature with primary jurisdiction over matters related to DIR.

Requires the Texas Facilities Commission (TFC) or an instrumentality of the state that occupies and uses a state-owned or state-leased building to designate its priority rating for each project if requesting three or more building construction projects financed wholly or in part by a specific appropriation, bond issue, or federal money. Requires budget agencies, with TFC cooperation, to develop detailed instructions to implement the priority system.

**Deferred Maintenance Projects—S.B. 401**

*by Senators Hancock and Watson—House Sponsor: Representative Cyrier*

Many aging state-owned facilities require funding for deferred maintenance projects to update and improve the facilities. This bill:

Amends the Government Code to create a Joint Oversight Committee on Government Facilities to review deferred maintenance plans and receive implementation updates.

Grants to the committee the powers and duties of, and requires the committee to obtaining funding in the same manner as, a joint committee created by proclamation.

**Purchase and Construction of Real Property by Certain State Agencies—S.B. 646**

*by Senator Birdwell et al.—House Sponsor: Representative Senfronia Thompson*

The Sunset Advisory Commission found during its 2018–2019 review cycle that certain self-directed semi-independent (SDSI) agencies lack a clear policy for developing building reserve funds and, as a result, at least one agency was allocating revenue to its building reserve fund at the expense of core agency services. Due to the relative autonomy of SDSI agencies, a critical need exists for responsible practices when setting aside building reserve funds, practices that avoid funding for core services. A lack of uniformity in property acquisition and construction procedures across all SDSI agencies contributed to existing problems. In addition, concerns have been raised about the lack of impetus for state agencies to identify and utilize existing state-owned property. The intent of the bill is to provide a mechanism to analyze an SDSI agency's purchase or construction needs, encourage utilization of state-owned resources, and accurately identify costs associated with property purchases or construction projects prior to a building reserve fund allocation. This bill:

Requires an SDSI agency to work with the Texas Facilities Commission to properly identify both agency purchase or project needs and the availability of state-owned property or buildings that might satisfy those needs.

Requires SDSI agencies, after consultation with the Texas Facilities Commission, to obtain written authorization from the governor before allocating money to a building reserve fund.

**Preservation of the Republic of Texas Granite Boundary Marker—S.B. 907**

*by Senator Hughes—House Sponsor: Representative Paddie*

The only known remaining boundary marker for the Republic of Texas stands along Texas State Highway 31 near Deadwood, Texas. This four-foot tall, granite piece was placed in 1841 as a designated boundary line between the United States and the Republic of Texas. With the inscriptions still visible in the stone, this monument is considered a treasure from a period of Texas history for which very few tangible pieces survive. The marker is flanked by a Texas historical marker, but its only protection from time, weather, and the threat of vandalism is a short, old, rusting, iron fence. This relic of our state's history is at risk and its preservation is an ongoing concern. This bill:

Requires the Texas Historical Commission (THC), to the extent authorized by law, to preserve, maintain, and improve the boundary marker and state land adjacent to the boundary marker. Requires THC, to the extent authorized by law, to do the following:

design and construct a structure or device sufficient to protect the boundary marker from vandalism, theft, and natural elements;

display historical and educational information on a sign or plaque at the boundary marker site to inform the public of the history of the boundary marker and the region;

cooperate with the federal government and other persons as necessary to facilitate the implementation of duties imposed by the bill; and

take other action THC determines necessary to preserve, maintain, restore, and improve the boundary marker and the state grounds adjacent to the boundary marker for the beautification and cultural enhancement of the property as a significant historical site in Texas.

**Eligible Participants in the Texas ABLE Program—S.B. 1184**

*by Senators Perry and Zaffirini—House Sponsor: Representative Klick*

The Texas Achieving a Better Life Experience (ABLE) program allows people with disabilities to establish a tax-advantaged savings account to fund and manage their disability expenses, thus leading to greater independence and healthier living. Concerns have been raised that state law is ambiguous regarding who may participate in the program on a beneficiary's behalf. The current enabling statute of the ABLE program allows the parent of a minor, a custodian, or other fiduciary to serve as a participant and establish a Texas ABLE account. However, it could be interpreted to imply that a legal guardian or agent under a power of attorney would be excluded from opening an ABLE account for an adult beneficiary and it does not explicitly allow a court-appointed guardian to establish an ABLE account for an eligible ward. The purpose of this bill is to clarify who may participate in the Texas ABLE program. This bill:

Authorizes the parent, legal guardian, or other fiduciary of a designated ABLE account beneficiary who is permitted by applicable provisions of the federal Internal Revenue Code to serve as the program participant if the designated beneficiary of the account is not able to exercise signature authority over the account or chooses to establish an account but not exercise signature authority.

**Land Swap in Orange County—S.B. 1213**

*by Senator Nichols—House Sponsor: Representative Phelan*

The Public Safety Commission oversees and creates policies for the Department of Public Safety of the State of Texas. Legislators have contended that the commission would benefit from a land swap with an industrial company in Orange County, provided the acquired real estate possesses facilities comparable to the state's own. This bill:

Requires the Public Safety Commission to exchange specified real property in Orange County for other real property.

**Sale of the William P. Hobby Building—S.B. 1349**

*by Senator Watson—House Sponsor: Representative Hinojosa*

The William P. Hobby building, built in 1984, now requires at least \$49.6 million in repairs for known deficiencies and the Texas Facilities Commission (TFC) has requested \$19 million for the coming biennium to meet priority health and safety needs to maintain habitability, including fire protection, security system updates, and repairs to failing cast iron plumbing. The building is expensive to maintain, is in violation of numerous health and safety standards, and is not in compliance with many requirements of the Americans with Disabilities Act. Thus, it is more economical to sell the building than to maintain it. The purpose of this bill is to allow TFC to sell the building. This bill:

Authorizes TFC to convey the William P. Hobby Building on behalf of the state for an amount equal to or greater than the fair market value of the real property.

Requires the Texas General Land Office to establish the fair market value of the real property by an independent appraisal and to negotiate and close a transaction on behalf of TFC.

**Certain State Contracts for Outside Legal Services—S.B. 1370**

*by Senator Nichols—House Sponsor: Representative Ashby*

It has been observed that requirements for state agencies relating to prompt payment for goods and services can create problems for agencies that must obtain invoice approvals for outside legal counsel from the Office of the Attorney General because the invoice must be reviewed by two separate state agencies within limited periods instead of one. There are concerns that the payment

deadline may not leave enough time for invoice reviews if a agency does not submit it for approval promptly or submits incomplete information. This bill:

Expands the time frame for payment of outside legal counsel invoices to 45 days, setting a deadline by which an agency must submit such an invoice for review, involving an agency's office of general counsel in the review process and simplifying the scope of the review.

**Transferring Operation of the Battleship "Texas"—S.B. 1511**  
*by Senator Nichols et al.—House Sponsor: Representative Cyrier et al.*

Battleship "Texas" is the last remaining battleship that participated in both World War I and World War II and is currently docked in the Houston Ship Channel under the responsibility of the Texas Parks and Wildlife Department (TPWD). The battleship's current condition, inundated as it is by rust and water damage, has become a challenge for TPWD, and interested stakeholders have determined that the best course of action for the future preservation of the Battleship "Texas" is to enter into a memorandum of understanding transferring responsibility for the ship to a qualified nonprofit foundation. This bill:

Requires TPWD to, not later than September 1, 2019, enter into a memorandum of understanding for a term of 99 years with an appropriate nonprofit foundation for the operation and maintenance of the Battleship "Texas."

**Purchasing and Contracting by Governmental Entities—S.B. 1793 [VETOED]**  
*by Senator Zaffirini—House Sponsor: Representative Longoria*

The legislature continually evaluates state contracting and procurement laws to ensure that state governmental entities and other bidders receive the best possible value and that the comptroller's resources are used as efficiently as possible. The purpose of this bill is to clarify and update these laws. This bill:

Amends the Government Code to require the comptroller of public accounts of the State of Texas (comptroller) to notify a state agency purchasing a good or service through a contract listed on the multiple award contract schedule of the percentage used to calculate the rebate that the comptroller may collect from the contract vendor.

Clarifies that Texas SmartBuy members, including local governments and workforce development boards, can participate in the comptroller's contract for travel services.

Exempts attorneys from the nepotism disclosure requirement to participate in the development, award, participation, or management of a contract in excess of \$25,000.

**Calculating Costs in Interagency Contracts—S.B. 1794***by Senator Zaffirini—House Sponsor: Representative Leach*

The State Office of Administrative Hearings (SOAH) receives payments from the majority of its referring agencies through lump-sum payments under interagency contracts. It has been suggested that this method is preferable to other arrangements, such as a fixed annual fee, because projected caseload and recent cost trends are taken into account. However, payments to SOAH from the comptroller of public accounts, the Texas Commission on Environmental Quality (TCEQ), and the Public Utility Commission of Texas (PUC) currently use a different approach. The purpose of this bill is to provide greater consistency by revising the methods by which these agencies pay for SOAH services. This bill:

Repeals Government Code provisions requiring SOAH to charge TCEQ and the comptroller of public accounts a fixed annual fee rather than an hourly rate for services rendered by SOAH.

Amends the Government Code to make statutory provisions relating to interagency contracts between a state agency and SOAH under which the agency pays SOAH either an annual lump-sum amount or a fixed quarterly amount for services provided to the agency applicable to hearings for TCEQ and utility hearings for PUC.

**Transferring Jurisdiction of the Star of the Republic Museum—S.B. 2309***by Senator Kolkhorst—House Sponsor: Representative Leman*

The Star of the Republic Museum is currently under the control of Blinn College, requiring that Blinn receive additional appropriations each session for the museum's maintenance and operating costs. Transferring the museum to the Texas Historical Commission (THC) will allow Blinn to focus on its core educational mission. This bill:

Provides that the museum, its contents, and any power or duty related to the museum formerly vested in any other state agency or entity are under the jurisdiction of THC, while Blinn College District maintains ownership of the museum, the land on which the museum is located, and the artifacts in the museum.

Provides that, on January 1, 2020, the following are transferred to THC: all powers and duties of Blinn College District relating to the Star of the Republic Museum; all unobligated and unexpended funds appropriated, donated, or contributed to Blinn College District designated for the administration of any part of the Star of the Republic Museum; and all files and other records of Blinn College District kept by Blinn College District regarding the Star of the Republic Museum.

**Landowner's Liability for Injuries Incurred During Rock Climbing—H.B. 687**

*by Representative Guillen—Senate Sponsor: Senator Perry*

Texas contains vast rock climbing resources that are difficult to access under current law because of landowner liability concerns. The Civil Practice and Remedies Code protects landowners from liability for injuries incurred during certain recreational activities. This bill:

Adds "rock climbing" to a list of defined recreational activities alongside hunting, fishing, hiking and other activities.

**Duration of a Bingo Occasion—H.B. 882**

*by Representative Cecil Bell—Senate Sponsor: Senator Kolkhorst*

It has been noted that a licensed charitable bingo organization must complete all bingo-related activities, such as the sale of pull-tabs, bingo cards, and payment of winners, within the duration of a bingo occasion not exceeding four hours. It has been suggested that since this four-hour limit does not reflect the actual length of a bingo session, extending the limit of a bingo occasion to six hours will provide licensed charitable bingo organizations more profitable bingo sessions. This bill:

Increases the maximum duration of a bingo occasion from four hours to six hours.

**Regulation of Bingo Games—H.B. 914**

*by Representatives Senfronia Thompson and Ramos—Senate Sponsor: Senator Zaffirini*

Bingo is used as a fund-raising tool by nonprofit organizations authorized to use it as a method to support the organization's charitable purposes. Unnecessary regulatory costs incurred in conducting bingo, however, reduce proceeds available for charitable purposes. This bill:

Revises statutory provisions relating to the regulation of bingo.

Transfers responsibility to provide copies of bingo licenses to appropriate governing bodies from the license holder to the Texas Lottery Commission (commission).

Extends from 14 to 30 days the period an individual awaiting the results of a background check by the commission may be employed if the individual is a resident of Texas.

Updates language relating to types of bingo tickets and devices.

Extends from two to three business days the deadline for depositing funds in the bingo account.

Sets forth procedures and requirements for remitting prize fees to counties or municipalities that vote to impose the fees.

Establishes that revenue collected by the commission from prize fees is considered miscellaneous revenue for purposes of appropriations.

**Waiving License Fees for CPR-Certified Applicants—H.B. 1078**

*by Representative Oliverson—Senate Sponsor: Senator Creighton*

There have been calls to provide financial incentives for individuals to become certified in cardiopulmonary resuscitation (CPR) to increase the number of Texans able to administer this lifesaving treatment. This bill:

Waives fees for the issuance of a driver's license or a handgun license for certain applicants who hold a valid CPR certification.

**Missing Persons Alert System—H.B. 1769**

*by Representative Greg Bonnen et al.—Senate Sponsor: Senator Taylor et al.*

There are currently statewide alert systems for missing children and infirm elderly like the AMBER Alert System and the Silver Alert System. Stakeholders have contended that an alert system for missing or endangered adults who are not children or elderly would help the recovery of those in need. This bill:

Requires the Department of Public Safety of the State of Texas (DPS) to create a statewide alert system for missing adults aged 18 to 64 years old. Requires DPS to study and report on the system's effectiveness.

**Concerning Trusts—H.B. 2245**

*by Representatives Wray and Raymond—Senate Sponsor: Senator Rodríguez*

As part of its ongoing review of Texas law, the Real Estate, Probate, and Trust Law Section of the State Bar of Texas has proposed several updates to state law regarding trusts. This bill:

Implements those proposed updates, clarifying that a trustee cannot use a trust's exoneration provision to avoid paying back compensation or paying attorney's fees and costs if ordered to do either by a court. Applies Chapter 255, Estates Code, to the interpretation and construction of living trusts when used as a will substitute to dispose of a settlor's assets upon death.

Clarifies that a reformation of a trust, by its nature, applies from the beginning of the trust, and no affirmative statement of retroactivity needs to be included in the reformation judgment.

Clarifies that, when distributing principal into a second trust, the second trust may be recreated under the same trust instrument as the first.



Adds provisions regarding the effect of divorce on revocable dispositions in trust in favor of a former spouse and the former spouse's family.

Clarifies that a special needs trust created for a disabled minor under the Property Code can last for the beneficiary's lifetime.

Provides for the transfer of funds from a management trust to a pooled trust.

**Attorney General Authority to Advertise Choose Life Account Grants—H.B. 2271**

*by Representative Lang et al.—Senate Sponsor: Senator Kolkhorst*

It has been noted that a portion of the fees paid for the issuance of the "Choose Life" specialty license plate go to the Office of the Attorney General (OAG), to be distributed under the Choose Life Grant Program. There have been calls to allow OAG to advertise this fact to increase the number of people who select the license plate and, as a result, increase funding for the grant program. This bill:

Authorizes the Texas attorney general to advertise that fees paid for the issuance of a "Choose Life" license plate may be used to fund the Choose Life Grant Program, provided that money spent on advertising does not exceed two percent of the amount of gross receipts deposited to the account during the state's preceding fiscal year.

**Obsolete References to the Texas Probate Code—H.B. 2780**

*by Representative Wray—Senate Sponsor: Senator Rodríguez*

It has been noted that certain state laws still contain references to the former Texas Probate Code and the former Texas Department on Aging and that these obsolete references may make applicable statutes unclear. This bill:

Amends the Civil Practice and Remedies Code, Education Code, Estates Code, Government Code, Health and Safety Code, Occupations Code, and Property Code to update obsolete references to the former Texas Probate Code and the former Texas Department on Aging. Makes related nonsubstantive revisions.

**Procurement of a Contingent Fee Contract—H.B. 2826**

*by Representative Greg Bonnen et al.—Senate Sponsor: Senator Huffman*

Concerns have been raised that political subdivisions may be subject to overcharging by attorneys who provide legal services under contingent fee contracts. There have been calls to bring more transparency to the hiring of attorneys by political subdivisions and to make the contingent fee contracting process for political subdivisions more consistent with the process used by state governmental entities. This bill:

Establishes requirements for the procurement of contingent fee contracts for legal services by political subdivisions to make hiring and contracting more consistent with the process used by state government entities.

**Nonsubstantive Statutory Revision of Various Acts of the 85th Legislature—H.B. 4170**  
*by Representative Leach—Senate Sponsor: Senator Kolkhorst*

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:

Amends the Agriculture Code, Business & Commerce Code, Business Organizations Code, Code of Criminal Procedure, Education Code, Estates Code, Family Code, Government Code, Health and Safety Code, Human Resources Code, Insurance Code, Local Government Code, Natural Resources Code, Occupations Code, Penal Code, Tax Code, Transportation Code, Utilities Code, and Water Code to make corrections to those codes, conform other laws to those codes, and codify certain other provisions as new provisions within those codes. Makes various nonsubstantive amendments, including amendments to conform the codes to acts of previous legislatures, correct references and terminology, properly organize and number the law, and codify other law that properly belongs in those codes.

Repeals certain enumerated provisions to eliminate duplicate provisions and citations and to conform to certain revisions made by the bill.

**Nonsubstantive Revision of The Securities Act—H.B. 4171**  
*by Representative Leach—Senate Sponsor: Senator Kolkhorst*

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:

Codifies The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes) as Title 12, Government Code. Amends the Agriculture Code, Business and Commerce Code, Business Organizations Code, Code of Criminal Procedure, Education Code, Estates Code, Finance Code, Government Code, Health and Safety Code, Insurance Code, Local Government Code, Occupations Code, Property Code, Tax Code, Utilities Code, and Water Code to make conforming amendments related to the codification of The Securities Act.

Repeals The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes).

**Landowner's Liability for Injuries Incurred During Rock Climbing—S.B. 230**

*by Senator Perry—House Sponsor: Representative Guillen*

Texas' vast climbing resources are difficult to access under current law because of liability concerns on the part of landowners. The Civil Practice and Remedies Code protects landowners from liability for injuries incurred during certain recreational activities. This bill:

Adds "rock climbing" to a list of recreational activities, alongside hunting, fishing, and hiking.

**Use of Certain Language in Statutes Regarding Deaf Persons—S.B. 281**

*by Senator Zaffirini—House Sponsor: Representative Mary González*

Terms that use the word "impaired," such as "hearing impaired" or "auditory impairment," imply that persons who are deaf inherently are diminished and perpetuate stereotypes that such persons are less competent and capable. What's more, the use of such terms is incompatible with existing law that requires the use of person-first, respectful language. This bill:

Directs the legislature and the Texas Legislative Council to avoid using the phrases "hearing impaired," "auditory impairment," and "speech impaired" in reference to a deaf or hard of hearing person in any new statute or resolution and to replace those phrases when enacting or revising a statute or resolution with "deaf" and "hard of hearing," as appropriate.

**Complaints Filed With the Texas Ethics Commission—S.B. 548**

*by Senator Birdwell et al.—House Sponsor: Representative Phil King*

There have been calls to revise and clarify statutes relating to certain Texas Ethics Commission (TEC) procedures to provide more specific legislative guidance and to ensure a due process standard for defendants. This bill:

Revises certain deadlines for the issuance of TEC advisory opinions, providing for the correction of certain document errors without the implementation of late filing penalties. Revises certain complaint procedures.

**Electronic Funds Transfer System Operated by the Comptroller—S.B. 557**

*by Senator Kolkhorst et al.—House Sponsor: Representative Moody*

Several concerns have been identified regarding the state's electronic funds transfer (EFT) payment system, operated by the comptroller of public accounts of the State of Texas (comptroller), such as the lack of EFT deposit options for annuitants in the Texas Emergency Services Retirement System similar to those available to the state's other retirement systems. Statute and the current Position Classification Plan and the Salary Classification Schedule governing the system also lack uniformity. In addition, the comptroller lacks authorization to make all authorized employee payroll deductions via EFT. This bill:

Removes exceptions to the requirement that the comptroller use EFT to pay an employee's net state salary and travel expense reimbursements. Requires the comptroller to use that system to make payments of more than \$100 to annuitants by the Texas Emergency Services Retirement System, under the retirement system's administrative jurisdiction. Authorizes the comptroller to use the system to deposit an employee's payroll deduction, as authorized by law.

**Recovery of Funds of an Estate—S.B. 1420**

*by Senator Zaffirini—House Sponsor: Representative Murphy*

Currently, unclaimed property under the Estates Code is sent to the comptroller of public accounts of the State of Texas (comptroller) and undergoes a different process for recovery than other unclaimed properties under the Property Code. Under the Estates Code, persons or groups must sue the comptroller in order to recover property due them. This is costly for the claimants, often leading them not to file suits because legal expenses exceed the value of the property. This process also places a burden on the comptroller, wasting resources that could be better used elsewhere. This bill:

Authorizes heirs to obtain unclaimed property by filing a report and following the same process other claimants under the Property Code follow. Removes the four-year deadline to file a claim.

**Protection of Affiliation With a Religious Organizations—S.B. 1978**

*by Senator Hughes et al.—House Sponsor: Representative Krause et al.*

It has been suggested that the state should do more to ensure that freedom of religion and association are protected. This bill:

Prohibits a governmental entity from taking any adverse action against any person based wholly or in part on the person's membership in, affiliation with, or contribution, donation, or other support for a qualifying religious organization and provides relief if that prohibition is violated.

**Review of Certain Occupational Licensing Rules—S.B. 1995**

*by Senator Birdwell—House Sponsor: Representative Paddie*

Some are concerned that certain state agencies are engaging in anticompetitive conduct, particularly with regard to limiting who may practice a certain profession. Given that the United States Supreme Court has held that the actions of certain state entities may be subject to federal antitrust laws, there have been calls for the state to provide oversight and review of state agency rules regulating occupational licensing to ensure that those rules do not adversely affect market competition. This bill:

Creates a division within the Office of the Governor charged with reviewing anti-market participation rules. Requires a state agency that issues a license to submit any proposed rule

affecting market competition having to do with the business, occupation, or profession for which a license is issued to the division for review before the rule is adopted or implemented.

**Recording of Documents Concerning Real or Personal Property—S.B. 2128**

*by Senator Creighton—House Sponsor: Representative Parker*

It has been noted that in recent legislative sessions state lawmakers have begun to enact legislation aimed at creating the legal infrastructure necessary to support the execution, acknowledgement, and recording of electronic documents related to real property. Despite these efforts, only a fraction of Texas' counties currently have the capacity to record electronic documents. This bill:

Provides a process for the recording of a tangible copy of an electronic document so that citizens transacting business in all 254 counties may take advantage of the convenience and security of electronic property transactions.

**Certification of Certain Investment Products—H.B. 2820**

*by Representative Flynn—Senate Sponsor: Senator Hughes*

It has been suggested that the regulation by the Teacher Retirement System of Texas (TRS) of certain investment products offered to teachers and other public school employees duplicates existing state and federal regulations, and that TRS, having limited resources to comply with regulation requirements, often must turn to other state agencies and private entities for assistance. This bill:

Removes provisions relating to TRS regulation of investment products that meet the requirements of Section 403(b), Internal Revenue Code of 1986, and comply with applicable federal and state laws and rules.

**Texas Emergency Services Retirement System—H.B. 3247**

*by Representative Martinez et al.—Senate Sponsor: Senator Alvarado*

It has been suggested that changes to laws governing the Texas Emergency Services Retirement System (TESRS) are needed to address administrative issues, provide for greater participation, and eliminate gaps in coverage. This bill:

Updates and clarifies statutory language to protect the actuarial soundness of TESRS and provide members with a better, more flexible retirement system.

**Assignment of Certain Death Benefits—H.B. 3522**

*by Representative Murphy—Senate Sponsor: Senator Creighton*

The funeral process can leave a heavy burden on families when no planning prior to death has taken place. It has been suggested that certain benefits available to state employees could be assigned in a way that mitigates this burden families. This bill:

Authorizes a beneficiary to whom a member or retiree death benefit is payable by the Employees Retirement System of Texas to assign part or all of the benefit to services provided in connection with the member or retiree's death.

**Contributions to and Benefits Under TRS—S.B. 12**

*by Senator Huffman et al.—House Sponsor: Representative Greg Bonnen et al.*

The Teacher Retirement System of Texas (TRS) provides retirement benefits to over 420,000 people. Currently, the amortization period for the TRS pension fund is approximately 87 years and the unfunded liability is nearly \$47 billion. It has been emphasized that the pension trust fund of the Teacher Retirement System must be maintained with stability that will accommodate benefits well into the future and that provide future supplemental payments or cost-of-living adjustments. This bill:

Increases the state, required district, and active public school employees' pension contributions over a six-year period. Provides a one-time additional payment to most TRS retirees.

**Performance of Certain Public Retirement Systems—S.B. 322**  
*by Senator Huffman et al.—House Sponsor: Representative Murphy*

Concerns have been raised over investment practices by certain public retirement systems, specifically the appropriateness of fees, future cash flow, and the rate of return for certain asset classes. Those concerns are further compounded by the lack of uniform methods to assess investment practices, assessment that could build a better understanding of how public retirement systems are operating. This bill:

Ensures that public retirement systems invest in ways that are appropriate, adequate, and effective by requiring public retirement systems to have independent firms evaluate investment practices and performance and to submit an evaluative report to the State Pension Review Board following each assessment.

**Administration of the Texas Municipal Retirement System—S.B. 1337**  
*by Senator Huffman—House Sponsor: Representative Flynn*

The Texas Municipal Retirement System (TMRS) is a voluntary retirement system for Texas cities with over 880 cities participating at present. The TMRS board of trustees (board) completed a long-term study of the enabling statute this past interim and unanimously voted to propose a limited number of legislative changes to increase administrative and operational efficiencies. This bill:

Updates outdated language and adopts best practice procedures for TMRS and the board.

Sets forth procedures relating to granting prior service credit and certifying excluded prior service credit.

Authorizes TMRS to require a disability retiree who is younger than 60 years of age to undergo a medical examination. Authorizes TMRS to suspend payments of a disability annuity if certain findings result from the examination.

Provides that the board and certain persons appointed by the board or employed by TMRS are not liable for any good faith action or omission in the performance of duties related to TMRS.

**Establishing a Contingency Reserve Account—S.B. 1682**

*by Senators Huffman and Lucio—House Sponsor: Representative Greg Bonnen*

It has been noted that the Employees Retirement System of Texas (ERS) has a contingency reserve account for its self-funded coverage plans that has been used to mitigate potential shortfalls. There have been calls to establish such an account for the Texas Public School Employees Group Insurance program. This bill:

Amends current law relating to contributions to, benefits from, and the administration of systems and programs administered by ERS.

**Public Retirement System Funding Policy—S.B. 2224**

*by Senator Huffman—House Sponsor: Representative Murphy*

Recently, a low interest rate environment has hindered the funding of many public pension systems in Texas. Because many pension systems need to improve funding capabilities, new funding policies could provide solutions. This bill:

Requires all public pension systems to adopt, no later than January 1, 2020, a written funding policy detailing the governing body's plan for achieving a funded ratio equal to or greater than 100 percent.



**Texas Board of Professional Geoscientists Sunset Bill—H.B. 1311**

*by Representative Senfronia Thompson et al.—Senate Sponsor: Senator Watson*

The Texas Board of Professional Geoscientists licenses and regulates professional geoscientists, geoscientists in training, and geoscience firms, sets standards for the practice of geoscience, and investigates complaints against licensees. The agency is subject to review and abolishment under the Texas Sunset Act. The purpose of this bill is to postpone abolishment of the agency and to implement recommendations made by the Sunset Advisory Commission. This bill:

Amends the Occupations Code to postpone from September 1, 2019, to September 1, 2025, the date on which the Texas Board of Professional Geoscientists is abolished and the Texas Geoscience Practice Act expires, unless continued in existence as provided by the Texas Sunset Act.

Implements various standard sunset updates regarding membership of the board, board meetings, board procedures, and training requirements.

Removes the notarization and reference letter requirements for geoscientist license applicants and removes as a condition of eligibility for such a license that the applicant be of good and ethical character.

Raises from \$100 to \$1,500 the cap on the administrative penalty the board may impose for each violation of the Texas Geoscience Practice Act or a rule adopted or order issued under that act.

**Texas Military Department Sunset Bill—H.B. 1326**

*by Representative Flynn et al.—Senate Sponsor: Senator Hall*

The Texas Military Department (TMD) plays a vital role in responding to international military deployments and to both state and national disasters. TMD is comprised of the Texas Military Forces and the state agency that provides civilian administrative support to those forces. TMD was recently reviewed by the Texas Sunset Advisory Commission (Sunset), which focused on the internal management and operations of the agency. Sunset made recommendations relating to TMD's continuation and leadership structure. This bill:

Continues TMD for 12 years before its next Sunset review.

Clarifies that the adjutant general has responsibility for the administration of TMD, including ensuring compliance with applicable state law and overseeing state employees.

Provides that the director of state administration, rather than the executive director, is responsible for the daily administration of TMD state support operations and operational compliance with cooperative agreements between TMD and the National Guard Bureau.

Requires the adjutant general to appoint the director of state administration.

**Texas Historical Commission Sunset Bill—H.B. 1422**  
*by Representative Paddie—Senate Sponsor: Senator Buckingham*

The Texas Historical Commission (THC) protects and preserves the state's historic and prehistoric resources for the use, education, and economic benefit of present and future generations. THC is subject to abolishment under the Sunset Act on September 1, 2019, unless continued by the legislature. Overall, the Sunset Advisory Commission found the agency to be well-run, particularly with regard to its core preservation functions; however, the agency needs to improve its newer, less established programs—managing state historic sites and supporting local heritage tourism development. This bill:

Postpones the date on which THC is abolished and other related provisions expire unless continued as provided by the Texas Sunset Act, from September 1, 2019, to September 1, 2031.

Authorizes THC to delegate to the executive director the authority to perform duties or exercise powers of the commission and authorizes such a delegation to be amended or withdrawn by commission vote. Authorizes the commission to establish and administer the Texas Heritage Trails Program to promote tourism to cultural attractions in Texas and authorizes THC to contract with one or more nonprofit organizations to fulfill THC's duties relating to the program.

Transfers on September 1, 2019, from the Texas Parks and Wildlife Department (TPWD) to THC, the following historic sites: the Fanthorp Inn State Historic Site, the Lipantitlan State Historic Site, the Monument Hill and Kreishe Brewery State Historic Sites, the Port Isabel Lighthouse State Historical Monument and Park, the San Jacinto Battleground State Historic Site, and the Washington-on-the-Brazos State Historic Site.

**Office of Consumer Credit Commissioner Sunset Bill—H.B. 1442**  
*by Representative Paddie et al.—Senate Sponsor: Senator Hall*

The Office of Consumer Credit Commissioner (OCCC) regulates financial services other than banks through the licensing and regulation of pawn shops, motor vehicle finance providers, lenders that make consumer loans, and credit access businesses. The agency is subject to abolishment and review under the Texas Sunset Act and the Sunset Advisory Commission recommended best practices in licensing and enforcement to ensure efficient operations and consistent authority across all licensees. This bill:

Postpones from September 1, 2019, to September 1, 2031, the date on which OCCC is abolished, unless continued in existence as provided by the Texas Sunset Act.

Updates licensing and enforcement practices to meet best practices.

Streamlines OCCC reporting requirements, removing the requirement that OCCC track financial services offered to agricultural and small businesses, track locations of lenders, and develop models for providing lower-cost alternatives to borrowers.

Further clarifies the avenues for appeal of enforcement decisions to provide consistency with due process provisions of the Administrative Procedure Act.

Authorizes, but does not require, pawnshop owners to opt to hire OCCC-licensed pawn shop employees but removes the current requirement that all pawn shop employees be licensed.

**Creation of the Texas Behavioral Health Executive Council—H.B. 1501**

*by Representative Nevárez—Senate Sponsor: Senator Nichols*

The Sunset Advisory Commission (Sunset) conducted a limited scope review of four behavioral health boards following a full Sunset review conducted in 2016–2017. These boards include the Texas State Board of Examiners of Psychologists, an independent state agency, and the Texas State Board of Examiners of Marriage and Family Therapists, Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Social Worker Examiners, which are administratively attached to the Health and Human Services Commission (HHSC). The Sunset review found serious, ongoing, and systemic problems relating to ineffective administrative processes at the three boards under HHSC. Based on its findings, Sunset again recommended consolidating these boards with the psychology board to form the Texas Behavioral Health Executive Council (BHEC), which would function as an umbrella licensing agency. H.B. 1501 implements changes recommended by Sunset relating to BHEC and the four behavioral health boards. This bill:

Creates BHEC. Enumerates the composition, powers, and duties of BHEC.

Removes specific licensure requirements.

Eliminates a subjective oral examination and increases flexibility in post-doctoral supervision requirements for psychologists.

Adopts the psychology interjurisdictional compact.

Provides for the use of telepsychology and temporary in-person practice of psychology across state lines.

**Texas Medical Board Sunset Bill—H.B. 1504**

*by Representative Paddie—Senate Sponsor: Senator Nichols*

The Texas Medical Board (TMB) licenses and regulates the state's physicians and seven allied health professions. TMB is subject to abolishment under the Sunset Act on September 1, 2019, unless continued by the legislature. The Sunset Advisory Commission (Sunset) conducted a full Sunset review in 2017; however, TMB's Sunset bill failed to pass during the 85th Legislative Session. For the limited scope review, Sunset focused on evaluating the ongoing relevance of its original recommendations, as well as adopting several recommendations in addition from the previous biennium. H.B. 1504 implements Sunset recommendations for TMB. This bill:

Establishes TMB's Sunset date as September 1, 2031.

Requires TMB to update specific information contained within physician profiles.

Requires TMB to develop and implement an expedited licensing process for applicants who have satisfied the necessary examination requirements.

Authorizes TMB to conduct inspections of physician equipment and office procedures relating to anesthesia in outpatient settings.

Requires the governing board of the Texas Physician Health Program and TMB to enter into a memorandum of understanding to better coordinate program services and operations.

Requires applicants for licenses submit a complete set of fingerprints for maintaining criminal history record information.

**Texas State Board of Public Accountancy Sunset Bill—H.B. 1520**

*by Representative Senfronia Thompson et al.—Senate Sponsor: Senator Watson*

The Texas State Board of Public Accountancy (TSBPA) regulates the practice of accountancy in Texas and is subject to abolishment and review under the Texas Sunset Act. The purpose of this bill is to continue TSBPA and implement recommendations of the Sunset Advisory Commission. This bill:

Postpones from September 1, 2019, to September 1, 2031, the date on which TSBPA is abolished and the Public Accountancy Act expires, unless continued in existence as provided by the Texas Sunset Act.

Makes updates regarding TSBPA membership, voting, and training requirements.

Prohibits TSBPA from contracting with outside legal counsel for TSBPA legal services unless the contract is approved by the Texas attorney general (attorney general), regardless of the source of the money to be used to pay the counsel.

Repeals provisions authorizing TSBPA to adopt a system to investigate the background of an applicants for TSBPA certification, the uniform certified public accountant examination, or for a firm license and to obtain criminal history record information from a law enforcement agency to investigate applicant qualifications, instead requiring TSBPA to require certain individuals to submit a complete and legible set of fingerprints to TSBPA or the Department of Public Safety of the State of Texas (DPS) for the purpose of obtaining criminal history record information from DPS or the FBI.

Removes and replaces certain subjective requirements for applicants for a license under the Public Accountancy Act, repeals the provision establishing an annual public accountancy firm license term, and requires TSBPA by rule to specify instead the license term.

Removes the requirement for a public accountancy firm that does not establish or maintain an office in Texas to a hold a firm license if the firm performs certain services for an entity with its principal office in Texas.

Repeals the requirement for an individual who holds a certificate or license as a certified public accountant issued by another state and whose principal place of business is not in Texas to practice through a firm that holds a firm license if the individual performs any of those same services for such an entity.

Removes the requirement for an applicant for issuance or renewal of a firm license to show that each of its offices in the state are under the supervision of a person who is a certified public accountant under state law or the law of another state.

Authorizes the attorney general at TSBPA's request to petition a district court for an injunction to prohibit a person who is violating the Public Accountancy Act from continuing the violation, setting out related provisions.

**Merger of the Engineers Board and the Land Surveyors Board—H.B. 1523**

*by Representative Nevárez—Senate Sponsor: Senator Buckingham*

While Texas has a clear, ongoing need to regulate the practice of land surveying, the Sunset Advisory Commission found the Texas Board of Professional Land Surveying has failed to meet its fundamental duties and responsibilities. The purpose of this bill is to provide for the continued regulation of land surveying alongside the regulation of professional engineering under the consolidated Texas Board of Professional Engineers and Land Surveyors, with related statutory modifications. This bill:

Provides for the consolidation of the Texas Board of Professional Engineers and the Texas Board of Professional Land Surveying by transferring the responsibility to regulate land surveying to the Texas Board of Professional Engineers, abolishing the Texas Board of Professional Land Surveying on September 1, 2020, and amending the Occupations Code to establish the consolidated Texas Board of Professional Engineers and Land Surveyors.

Revises and updates provisions applicable to the respective boards to reflect the consolidation. Requires the board to appoint an advisory committee composed of five land surveyors for the purpose of providing advice and recommendations to the board on matters related to the regulation of land surveying.

**State Securities Board Sunset Bill—H.B. 1535**

*by Representative Flynn et al.—Senate Sponsor: Senator Nichols*

While the federal Securities and Exchange Commission has overall responsibility for monitoring the securities marketplace in the United States, the State Securities Board (SSB) has primary oversight over administering and enforcing the Texas Securities Act, playing a critical role in protecting Texas residents from fraudulent or negligent practices by securities professionals and criminal opportunists. The agency, subject to review and abolishment under the Texas Sunset Act, effectively carries out its mission to protect investors and ensure a healthy securities market, according to the Sunset Advisory Commission, but it could further streamline its functions and provide tools its staff needs to address evolving demands, including establishing more formal processes and providing opportunities for more transparency. The purpose of this bill is to continue SSB with several statutory modifications aimed at addressing those findings. This bill:

Amends the Securities Act to postpone from September 1, 2019, to September 1, 2031, the date on which SSB is abolished. The act expires unless continued in existence as provided by the Texas Sunset Act.

Authorizes SSB to provide assistance to a county or district attorney who requests assistance in a criminal prosecution involving an alleged violation of the Securities Act referred by SSB to the attorney. Requires the securities commissioner to make a certain determination regarding available SSB employees and other resources for requested assistance before referring a case to such a prosecuting attorney.

Authorizes the commissioner to order a dealer, agent, investment adviser, or investment adviser representative regulated under the Securities Act to pay a refund to a client or to a purchaser of securities or services in addition to imposing an administrative penalty or other sanctions. Provides certain limitations on the amount of a refund order.

**Texas Funeral Service Commission Sunset Bill—H.B. 1540**

*by Representative Senfronia Thompson et al.—Senate Sponsor: Senator Hall*

The Texas Funeral Service Commission (TFSC) regulates the funeral and death care industry in Texas by licensing and overseeing funeral directors, embalmers, crematories, and certain cemeteries. The agency is subject to abolishment and review under the Texas Sunset Act. The purpose of this bill is to continue TFSC and implement recommendations made by the Texas Sunset Advisory Commission. This bill:

Postpones from September 1, 2019, to September 1, 2031, the date on which TFSC is abolished and statutory provisions relating to crematory services, funeral directing, and embalming expire, unless continued in existence as provided by the Texas Sunset Act.

Revises provisions relating to commission membership and commission member training, sets out provisions relating to that required training, and provides for certain additional training for board members serving immediately before the effective date of the bill.

Remove the authority of TFSC to regulate certain cemeteries that are not perpetual care cemeteries.

Streamlines and standardizes enforcement processes.

Modernizes licensure requirements.

**Texas Alcoholic Beverage Commission Sunset Bill—H.B. 1545**

*by Representative Paddie—Senate Sponsor: Senator Birdwell*

The Texas Alcoholic Beverage Commission (TABC) is subject to Chapter 325, Government Code (Texas Sunset Act). TABC will be abolished September 1, 2019, unless continued by the legislature. The purpose of this bill is to enact the recommendations of the Sunset Advisory Commission for the modernization of TABC, including consolidating duplicative regulations, eliminating outdated regulations, and streamlining the licensing structure and the application and review process. Additionally, this bill strengthens TABC's ability to oversee the alcoholic beverage industry and clarifies TABC's powers. This bill:

Updates definitions of certain terms. Redefines "liquor" to mean any alcoholic beverage other than a malt beverage that contains alcohol in excess of five percent by volume. Redefines "wine and vinous liquor" to include saké. Defines "malt beverage" to mean a fermented beverage of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, in whole or in part, or from any malt substitute.

Provides that it is the intent of the legislature to prevent human trafficking at all permitted and licensed premises, requires all provisions of the Alcoholic Beverage Code to be construed liberally to carry out this intent, and requires that it be a duty and priority of TABC to adhere to a zero tolerance policy in the prevention of human trafficking and related practices.

Provides that a reference to "ale," "beer," or "malt liquor" means a malt beverage. Provides that a reference to "brewer's permit" or "manufacturer's license" means a brewer's license. Provides that a reference to "nonresident brewer's permit" or "nonresident manufacturer's license" means a nonresident brewer's license. Provides that a reference to "wine and beer retailer's off-premise permit" means a wine and malt beverage retailer's off-premise permit. Provides that a reference to "wine and beer retailer's permit" means a wine and malt beverage retailer's permit.

Continues TABC for 12 years.

Increases the number of TABC commissioners from three to five.

Requires the training program required of TABC commissioners to include:

the law governing TABC operations;

programs, functions, rules, and budget of TABC;

the scope of and limitations on the rulemaking authority of TABC; and

laws applicable to members of a state policymaking body in the performance of its duties.

Requires the administrator of TABC (administrator) to create a training manual that meets certain requirements.

Modifies staggering of member terms of office to reflect the increased membership of TABC. Prohibits persons with certain financial interests from being appointed to TABC.

Authorizes TABC to establish advisory committees.

Requires TABC, as part of its enforcement activities, to by rule develop a plan for inspecting permittees and licensees using a risk-based approach prioritizing public safety.

Authorizes TABC by rule to delegate disciplinary authority to the administrator, but provides that TABC shall make final decisions in contested cases. Requires TABC by rule to specify a threshold for the types of disciplinary and enforcement activities to be delegated.

Authorizes TABC to receive market data for certain purposes.

Updates provisions related to hearings and provides that TABC, rather than TABC or the administrator, may render decisions, including after a hearing conducted by the State Office of Administrative Hearings (SOAH).

Authorizes TABC to establish by rule reasonable fees for tasks and services performed by TABC in carrying out the provisions of this code, including fees for the issuance of certificates, licenses, and permits. Requires TABC to develop processes to ensure fairness and transparency in setting fees.

Prohibits disclosure of certain personnel records of commissioned peace officers.

Deletes an exception to the requirement that all permits be applied for and obtained from TABC for wine and beer retailer permits, except those permits for railway cars or excursion boats, or wine and beer retailer off-premise permits.

Updates language relating to the wet or dry status certification process to require a county clerk or city secretary, or city clerk, as applicable, to certify on the request of a prospective applicant for a permit whether a location is in a wet area. Requires the certification to be made within 30 days. Sets forth protest procedures for prospective applicants. Makes conforming changes throughout to apply these procedures to license applications.

Deletes references to a caterer's permit and replaces references to "a daily temporary mixed beverage permit" with "a nonprofit entity temporary event permit."

Provides that TABC, rather than TABC and the administrator, has discretionary authority governing the permit application review process. Requires the administrator to evaluate



applications and protests and make certain determinations. Requires the administrator to make recommendations to TABC for final decisions and to refer application for hearings conducted by SOAH, if necessary. Deletes existing text authorizing TABC or the administrator to hold a hearing in certain circumstances. Authorizes an applicant to appeal a TABC decision and requires TABC to adopt rules to implement the review and protest process. Updates language relating to denial of an application on the grounds of incapacity. Makes conforming changes throughout to provisions governing application reviews for licenses and permits and makes conforming updates to language to ensure that TABC denies an application for a permit or license rather than refusing to issue one. Authorizes members of the public and government officials to protest permit applications in a certain manner.

Authorizes TABC or the administrator to issue an emergency order suspending a permit or license for not more than 90 days to address a continuing threat to the public welfare. Requires a hearing to be held not later than the 10th day after the date the order was issued if a hearing was not held before issuing the order. Provides that an emergency order proceeding is a contested case and authorizes TABC by rule to prescribe procedures for the determination and appeal of an emergency order. Authorizes TABC to take disciplinary action for violations of emergency orders.

Includes a determination relating to a permittee or licensee's previous violations of the Alcoholic Beverage Code among facts TABC or the administrator is required to consider when imposing a civil penalty as an alternative to suspending a permit or license.

Requires the holder of a permit who is represented by an agent to maintain certain records relating to the agent's activities for not less than four years from the date the record is created. Authorizes the holder of a brewer's permit to import ale and malt liquor for manufacturing purposes from a holder of a nonresident brewer's permit and to mix and blend imported malt liquor and bottle and sell the resultant products. Provides that the state tax on ale and malt liquor imported for manufacturing purposes does not accrue until the resultant product has been placed in containers for sale.

Authorizes the holder of a brewer's permit whose annual production of ale and beer is below a certain threshold to sell ale produced on the brewer's premises to ultimate consumers for consumption off the brewer's premises. Provides a limit on sales for such off-premises consumption. Authorizes TABC to require permit holders to report such activity and requires TABC by rule to adopt a form for reports and to maintain reports for public review. Authorizes TABC to impose administrative penalties.

Authorizes the holder of a distiller's and rectifier's permit to transport liquor between certain authorized locations if the transport is for a lawful purpose, the vehicle used meets certain requirements, and the permit holder provides required information to TABC. Makes conforming change throughout to apply these transport provisions to other permit holders.

Authorizes the holder of a distiller's and rectifier's permit to store liquor on the permit holder's premises or inside the county in which the permit holder's business is located in a warehouse meeting certain requirements. Prohibits a permit holder from storing liquor in a dry area.

Deletes references to permitting for agents and authorizes a person acting as an agent to represent only one permitted or licensed business at a time while soliciting or taking orders. Makes conforming changes with regard to nonresident seller's agents.

Updates language relating to a federal wine permit.

Authorizes the holder of a winery permit to sell wine to certain permit holders for an event approved by TABC and organized to promote the Texas wine industry.

Authorizes the holder of a winery permit to store wine on the permit holder's premises or inside the county in which the permit holder's business is located in a warehouse meeting certain requirements. Authorizes the holder of a winery permit whose winery is located in a county all or part of which is in a dry area to store wine in a dry area if the wine remains in the permit holder's possession.

Authorizes a winery permit holder to sell wine at certain festivals, events, or farmer's markets, but prohibits such sales for continuing for more than four consecutive days at the same location. Requires TABC to adopt rules governing sales at temporary locations. Provides that stipulations governing sales of wine on the premises of the permit holder apply to sales at temporary locations.

Deletes wine bottlers from a list of entities from which the holder of a wholesaler's permit may purchase and import liquor and deletes a reference to manufacturer's agents permits in that list. Removes, effective September 1, 2021, brewers and manufacturers from the amended list. Removes, effective September 1, 2021, the authorization of wholesaler's permit holders to sell ale and malt liquor to a holder of a private club registration permit.

Broadens language relating to miniature containers to include resale to certain passenger transportation permittees, rather than to airline beverage permittees.

Authorizes the holder of a wholesaler's permit to store liquor on the permit holder's premises or inside the county in which the permit holder's business is located in a warehouse meeting certain requirements. Prohibits a permit holder from storing liquor in a dry area. Makes conforming changes to apply these provisions to the holder of a general class B wholesaler's permit.

Increases from five to 250 the maximum number of package stores a person may own or have an interest in. Prohibits TABC from issuing more than 15 original package store permits to a person in a calendar year. Deletes existing text to streamline the package store licensing structure and remove exceptions.

Authorizes TABC to issue an original package store permit to a person who acquires an existing package store business in certain circumstances and provides that such a permit is not subject to the annual limit on permits issued.

Prohibits the holder of a package store permit from transferring the permit to another county, rather than allowing consolidation of permits in certain circumstances.

Requires the holder of a package store permit to meet certain requirements in order to transport alcoholic beverages between package stores in the same county. Makes conforming changes

throughout to regulate the transport of alcoholic beverages between authorized locations by other permit holders.

Authorizes the holder of a package store permit to conduct product tastings in a specified manner. Requires the holder of a local distributor's permit to meet certain requirements in order to transport alcoholic beverages.

Requires the holder of a wine-only package store permit to meet certain requirements in order to transport alcoholic beverages between the permit holder's designated place of storage and other stores in the same county.

Places certain restrictions and notice requirements on wine-only package store permit holders when conducting tastings.

Changes provisions governing permitting for railway cars or excursion boats to govern excursion boats only.

Authorizes the holder of a wine and malt beverage retailer's permit to sell wine and malt beverages at certain festivals or events. Prohibits such sales from continuing for more than four consecutive days at picnics or celebrations, more than five consecutive days at certain motor vehicle racing events, or more than six consecutive days if such a race is postponed due to weather. Requires TABC to adopt rules governing sales at temporary events. Places certain restrictions on sales and provides procedures for permit holders to engage in sales at temporary events outside of the county in which permitted premises are located.

Authorizes the holder of a mixed beverage permit to temporarily sell authorized alcoholic beverages at certain events. Requires distilled spirits sold at such an event to be purchased from the holder of a local distributor's permit. Requires TABC to adopt rules to implement such authorization and creates exceptions for sales at certain municipally owned conference centers.

Replaces provisions governing mixed beverage late hours permits with provisions governing retailer late hours certificates. Provides that a retailer late hours certificate may be issued to the holder of a mixed beverage permit, private club registration permit, or retail dealer's on-premise license. Provides that a retailer late hours certificate authorizes the sale of alcoholic beverages the holder is authorized to sell under its primary permit or license. Removes a fee. Provides that a retailer late hours certificate may be issued to the holder of a retail dealer's on-premise license in an area in which voters in a local option election have approved the sale of certain beverages.

Replaces provisions governing daily temporary mixed beverage permits with provisions governing nonprofit entity temporary event permits. Defines "nonprofit entity" and authorizes TABC to issue nonprofit entity temporary event permits to such organizations for picnics, celebrations, or other similar events. Authorizes the auction of beverages for the purpose of fundraising. Exempts nonprofit entities from certain notice requirements. Requires TABC to adopt rules to implement the permits and provides that permits may be issued for events in dry areas, with additional limitations.

Authorizes the holder of a private club registration permit to sell authorized beverages at events sponsored by certain organizations not more than twice per year for the same entity, in the county where the private club registration permit is issued. Requires distilled spirits sold at such events to be purchased from the holder of a local distributor's permit. Requires TABC to adopt rules governing sales at temporary events.

Prohibits a person acting as an agent from acting as a nonresident seller's agent.

Deletes references to permitting for persons engaged in activities related to industrial alcohol, authorizes the production and sale of industrial alcohol, and authorizes the manufacture and sale of certain products made with industrial alcohol.

Authorizes TABC to issue a local cartage permit to a warehouse or transfer company, rather than to a warehouse or transport company or to a holder of a package store, wine only package store, or local distributor's permit. Makes conforming changes throughout to delete provisions governing local cartage permits with regard to deliveries by permit holders.

Replaces references to "train beverage permits" with "passenger transportation permit." Provides that a passenger transportation permit authorizes certain sales.

Authorizes a passenger transportation permit to be issued for a regularly scheduled excursion boat and authorizes the sale of the same beverages as the holder of a wine and malt beverage retailer's permit if the home port of the boat is in an area where the sale of those beverages is legal. Authorizes a passenger transportation permit to be issued for a passenger boat of a certain size and authorizes the sale of the same beverages as the holder of a mixed beverage permit if the home port of the boat is in an area where the sale of those beverages is legal or the boat is regularly used for voyages in international waters. Provides that a passenger transportation permit is inoperative in a dry area. Establishes certain location and residency provisions and removes a fee.

Authorizes a passenger transportation permit to be issued to any corporation operating a commercial airline in or through the state and provides that the holder of a permit may sell and store alcoholic beverages in any size container, regardless of whether the plane crosses dry areas. Authorizes only the holder of a package store permit to sell liquor to the holder of a passenger transportation permit. Provides that permit holders are exempt from certain tax and other requirements.

Authorizes a passenger transportation permit to be issued to a corporation organized under certain provisions operating a commercial passenger train service in or through the state and provides that the holder of a permit may sell alcoholic beverages in any size container, and regardless of whether the train crosses dry areas. Removes a fee and provides that permit holders are exempt from certain tax and other requirements.

Authorizes a passenger transportation permit to be issued to any corporation operating a commercial passenger bus service in or through the state if certain requirements are met. Authorizes the permit holder to store alcoholic beverages at the permitted location and to sell alcoholic beverages in any size container, whether the bus crosses dry areas or not. Provides that

liquor may be sold to authorized passenger transportation permit holders only by the holder of a wholesale permit. Provides that permit holders are exempt from certain tax and other requirements. Removes references to minibar permits and provides that minibars are regulated under mixed beverage permits issued for operation in a hotel.

Provides that any license except a branch license expires on the second anniversary of the date on which it is issued. Removes certain exceptions to license expiration and removes a requirement of TABC to double fees and surcharges for licenses with two-year terms.

Deletes a reference to a county judge having oversight of protests regarding change of location by a licensee.

Requires each applicant for an original license to pay the annual license fee. Makes conforming changes to provide that the license fee is set by this code until September 1, 2021, when the fee established by TABC rule takes effect.

Authorizes a member of the public to protest an application for an original retail dealer's on-premise license if a sexually-oriented business is operated on the premises covered by the license. Authorizes protest of the renewal of such a license by presentation of a petition, or to protest a license authorizing the retail sale of malt beverages for on-premise consumption if the protestor resides within 300 feet of the premises. Authorizes the TABC by rule to authorize other protests it considers appropriate.

Authorizes certain government officials to protest an application for a license and authorizes TABC to give due consideration to the recommendations of those persons when evaluating applications for licenses under this code.

Deletes references to fees for temporary licenses. Authorizes the governing body of a city or town or the commissioners court of a county to impose a fee on licenses for premises located within the applicable jurisdiction. Prohibits the fees from exceeding one-half the statutory fee.

Authorizes TABC or the administrator to cancel and authorizes TABC to deny an application for a license for retail sale of alcoholic beverages if the license holder or applicant is delinquent on certain taxes.

Updates language relating to disciplinary action against licensees who employ or are represented by agents. Requires the holder of a license represented by an agent to maintain agent records for not less than four years.

Authorizes the holder of a manufacturer's license, effective September 1, 2019, to import beer, ale, and malt liquor from authorized exporters for manufacturing purposes and to mix, blend, bottle, and sell these products. Provides the time at which the state tax on beer, ale, or malt liquor imported for manufacturing purposes begins to accrue. Authorizes the holder of a brewer's license, effective September 1, 2021, to import malt beverages from authorized exporters for manufacturing purposes and to mix, blend, bottle, and sell these products. Provides the time at which the state tax on malt beverages imported for manufacturing begins to accrue.

Requires the holder of a manufacturer's or distributor's license, effective September 1, 2019, to register with TABC each warehouse used by the manufacturer or distributor to store beer. Makes changes, effective September 1, 2021, conforming to the redefinition of "beer" and "manufacturing" as "malt beverages" and "brewing." Requires TABC by rule to determine the information required to register a warehouse.

Authorizes certain manufacturer's licensees to sell beer for off-premises consumption and limits the amount of such sales to 288 fluid ounces of beer and ale combined per day. Authorizes TABC to require manufacturer's licensees to make monthly reports of sales for off-premises consumption. Authorizes TABC to impose administrative penalties against license holders who violate sales limits or reporting requirements. Makes changes, effective September 1, 2021, conforming to the redefinition of "beer" and "manufacturing" as "malt beverages" and "brewing."

Defines "importer" and authorizes the holder of a brewer's license to import malt beverages into Texas from authorized exporters and to transport the beverages in a vehicle or by a carrier meeting certain requirements. Requires the holder of a brewer's license transporting malt beverages to provide certain information to TABC. Makes conforming changes to apply these provisions to the holder of a general distributor's license importing malt beverages.

Deletes references to a brewer's self-distribution permit.

Removes an exception to the application of certain certificate, permitting, or other requirements to a distributor or wholesaler acting as a motor carrier transporting beer or liquor for hire.

Removes a reference to industrial permits.

Authorizes a retail dealer's on-premise license holder to temporarily sell malt beverages at certain events, but prohibits such sales for continuing for more than four consecutive days at the same location. Requires TABC to adopt rules governing sales at temporary locations.

Deletes existing text prohibiting the holder of a retail dealer's on-premise license who obtains a brewpub license from manufacturing, brewing, bottling, canning, packaging, labelling, selling, or offering without charge malt liquor or ale.

Removes a prohibition on certain sales of malt liquor or ale produced by the holder of a brewpub license who holds a wine and malt beverage retailer's permit.

Requires the label of a container of malt beverages to state the alcohol content by volume.

Prohibits a person from manufacturing, selling, bartering, or exchanging a beverage that contains more than one-half of one percent alcohol by volume and not more than five percent of alcohol by volume, excepting malt beverages, wine coolers, and spirit coolers.

Requires registration with TABC, including a certificate of label approval by the United States Alcohol and Tobacco Tax and Trade Bureau (TTB), prior to the sale of malt beverages. Removes

alcohol content testing requirements. Authorizes only certain permit and license holders to register malt beverages and sets forth standards and procedures for approval or denial of malt beverage registration applications. Requires TABC to consider nutrition label requirements of the United States Food and Drug Administration (FDA) and alcohol label requirements of the TTB when registering. Makes changes, effective September 1, 2021, conforming to the redefinition of "manufacturing" as "brewing."

Provides that, effective September 1, 2019, label approval is not required for beer, ale, and malt liquor produced on the premises under a brewer's permit or manufacturer's license for on- and off-premises consumption, but requires alcohol content and product information to be provided to consumers by posting and on the beverage container. Makes changes, effective September 1, 2021, conforming to the redefinition of "manufacturing" as "brewing."

Sets forth standards and procedures for approval or denial of wine and distilled spirit registration applications. Requires TABC to consider nutrition label requirements of the FDA and alcohol label requirements of the TTB to register products. Prohibits TABC from requiring testing for alcohol content.

Redesignates the Beer Industry Fair Dealing Law as the Malt Beverage Industry Fair Dealing Law. Updates outdated references relating to arbitration.

Requires TABC to adopt rules relating to outdoor advertising by retailers. Deletes certain signage specifications for various retailers.

Deletes certain permitting requirements for billboards or electric signs located within 200 feet of a retail establishment. Requires TABC to promulgate rules allowing for signs advertising alcoholic beverages at charitable or civic events.

Redefines "independent concessionaire."

Removes an exception to the requirement that a person be a citizen of Texas for one year prior to filing a permit application for brewer's permits and related licenses and permits. Deletes references to citizenship requirements for agent and industrial permits.

Authorizes the holder of one of certain permits or licenses to deliver beverages to or from an alternate location in the same manner as the Alcoholic Beverage Code and TABC rules provide for transport to or from a licensed or permitted premises.

Prohibits the sale of malt beverages containing more than five percent alcohol by volume in an area that previously approved the sale of beer only by local option election, unless a subsequent local option election approves such sale. Requires TABC to indicate an applicable alcohol content restriction on a retail license.

Requires the governor to appoint two additional members to TABC not later than December 1, 2019, and provides for determining the expiration of their terms. Provides that a new member does not count toward determination of a quorum of TABC until that member qualifies for office.

Provides that a member of TABC who completed training before September 1, 2019, is required to complete additional training only on subjects added by this bill to the training program. Prohibits a member of TABC from voting, deliberating, or being counted as a member in attendance at a TABC meeting held on or after December 1, 2019, until the member completes the additional training.

Requires TABC to adopt rules to implement certain changes in law made by this bill by certain deadlines.

Requires TABC to adopt rules not later than September 1, 2021, setting a fee for each original or renewal certificate, permit, and license as authorized by Section 5.50 (Establishment of Certain Fees), Alcoholic Beverage Code, as amended by this bill. Repeals certain provisions of the Alcoholic Beverage Code establishing the amount of a fee.

Repeals certain provisions of the Alcoholic Beverage Code relating to the permit and license application and protest process. Repeals certain provisions of the Government Code to make conforming changes.

Provides that disciplinary actions or proceedings initiated or pending on the effective date of this bill are not invalidated by the changes in law made by it. Provides that the repeal of a law by this bill does not entitle a person to a refund of a fee.

Requires TABC, on September 1, 2021, to convert existing permits to the corresponding license to conform to the changes in law made by this bill. Requires the new license to have the same expiration date as the permit it is replacing.

Authorizes the holder of a permit authorized to purchase, sell, transport, or store ale and malt liquor to continue to purchase, sell, transport, or store ale and malt liquor after the change in reference of those products to "malt beverages," until the date the permit expires.

Repeals certain provisions of the Alcoholic Beverage Code relating to permits and licenses. Authorizes the holder of a wine bottler's permit or a local class B wholesaler's permit, notwithstanding the repeal of provisions relating to those permits, to continue to operate under that permit until the date the permit expires.

Makes application of the changes in law relating to the certification of wet or dry status for permit or license application prospective.

Makes application of the exemption from labelling requirements for certain malt beverages produced on a brewer's premises for sale on- or off-premises prospective to the effective date of the exemption.

Makes changes conforming to the streamlining of regulation, oversight, and the licensing structure.



Makes changes conforming to the phased implementation of provisions changing references to "beer," "ale," and "malt liquor" to references to "malt beverages" and changing references to "manufacturers" to references to "brewers," effective September 1, 2021.

Makes changes conforming to the consolidation of certain duties previously granted to TABC or the administrator. Makes changes conforming to the consolidation of permit and license application and renewal oversight previously granted to TABC, the administrator, county judges, or a combination of those entities.

Makes changes conforming to the elimination of agent permitting.

Makes changes conforming to the transfer and redesignation of provisions of the Alcoholic Beverage Code by this bill. Repeals obsolete provisions.

Makes changes to the Election Code, Government Code, Health and Safety Code, Occupations Code, Tax Code, and Transportation Code conforming to the redefinition of terms and redesignation of provisions of the Alcoholic Beverage Code by this bill.

**Texas State Library and Archives Commission Sunset Bill—H.B. 1962**

*by Representative Lambert et al.—Senate Sponsor: Senator Hall*

The Texas State Library and Archives Commission (TSLAC) is subject to review and abolishment under the Texas Sunset Act. The Sunset Advisory Commission recommended improvements to TSLAC's management of the state's archives to maximize public access to Texas history. This bill:

Continues TSLAC for 12 years.

Authorizes TSLAC to distinguish among different types of information requests.

Requires TSLAC to develop a strategic plan for managing archives.

Modifies ownership of and responsibility for storing and managing legislative records.

Removes the requirement that TSLAC approve local government record retention schedules.

Authorizes TSLAC to transfer custody of certain local records to local institutions.

Authorizes TSLAC to use current resources to advertise TSLAC programs and sell replicas of archival material.

Authorizes the director and librarian to designate TSLAC employees to provide assistance and information to local governments on records management issues under the Local Government Records Act or rules adopted under the act.

Requires TSLAC to preserve archival state records of the legislature in the same manner as other archival state records under the state archives program. Sets out provisions relating to the ownership and legal custody of records, the retrieval of records, the protection of privileged or confidential records from public disclosure, and the handling of requests for records received under state public information law.

Authorizes a member of the legislature to apply to TSLAC to place records of the member's legislative office created or received during the member's term of office in a depository other than the Texas State Library and Archives.

Requires TSLAC to promulgate a form that a member of the legislature or the lieutenant governor may use before leaving office to elect to disclose certain records, communications, information, advice, and opinions created or received during the applicable term of office. Requires the form to include a plain-language description of state law relating to confidentiality and the effects of electing to disclose information. Requires TSLAC by rule to adopt policies and procedures relating to distributing, collecting, and reviewing such forms and requires the rule to describe the roles and responsibilities of TSLAC, House and Senate records management officers, and the offices of members of the legislature and the lieutenant governor in making elections to disclose information.

Requires TSLAC to maintain the confidentiality of information unless an appropriate member of the legislature or the lieutenant governor elects to disclose it.

Requires the state to grant a sidewalk, trail, and recreation easement located on the TSLAC grounds at Shoal Creek to the City of Austin.

### **Sunset Review of the Texas Health Services Authority—H.B. 3304**

*by Representatives Raymond and Price—Senate Sponsor: Senator Buckingham*

Interested parties have raised concerns regarding the expiration of certain statutory provisions governing the Texas Health Services Authority (THSA). H.B. 3304 removes the expiration of these statutory provisions. This bill:

Provides that THSA is subject to the Texas Sunset Act, with a Sunset date of September 1, 2027

### **Sunset Review Criteria for Occupational Licensing Agencies—S.B. 237**

*by Senator Nelson—House Sponsor: Representative Goldman*

Interested parties have raised concerns regarding the safety of occupational licensees whose personal information is posted online by state agencies. There have been calls to ensure that agencies issuing licenses are deliberate in deciding what licensee personal information they post to the Internet and that they exercise caution in doing so. This bill:

Requires the Sunset Advisory Commission (Sunset), when reviewing an agency that licenses an occupation or profession, to determine whether the governing body of the agency has made an

evaluation regarding the type of personal information the agency should make available on its website, based on several factors, including the type of information the public needs to file a complaint with the agency, to locate an existing or potential service provider, to verify a license, and whether making certain information available could subject a license holder to harassment, solicitation, or other nuisance.

Requires Sunset, if it determines that the governing body of an agency has not completed the evaluation, to make a recommendation that the governing body perform one.

**Texas Veterans Commission Sunset Bill—S.B. 601**

*by Senator Hall et al.—House Sponsor: Representative Flynn*

The Texas Veterans Commission (TVC) works to provide services to the state's veteran population and improve the quality of life for all Texas veterans and their families. After reviewing the agency under the provisions of the Texas Sunset Act, the Sunset Advisory Commission made certain recommendations relating to agency management, program evaluation, and personnel. This bill:

Continues TVC for 12 years.

Requires TVC to create, set priorities for, and evaluate meaningful outcome measures for all of its programs annually.

Requires TVC to track, evaluate, and strategically adjust claims staffing and special teams, and to better track and analyze claims outcomes to guide program success.

Replaces a statutory military service requirement for veteran county service officers (VCSOs) with a veterans hiring preference and requires counties to adopt their own veterans preference policies for VCSOs.

Requires the executive director of TVC to create a training manual for commission members and requires commission members to acknowledge receipt of the manual.

Establishes requirements for the mental health program director position.

**Texas Department of Motor Vehicles Sunset Bill—S.B. 604**

*by Senator Buckingham et al.—House Sponsor: Representative Paddie*

The legislature created the Texas Department of Motor Vehicles (TxDMV) in 2009 by transferring certain motor vehicle and motor carrier functions from the Texas Department of Transportation to the newly created department. TxDMV provides title, registration, and license plate services and regulates key aspects of the motor vehicle and motor vehicle industries. State agencies routinely undergo 10-year evaluations by the Sunset Advisory Commission, which recommends whether to continue the agency and what provisions should be made to improve the agency. This bill contains some of those provisions:

Continues TxDMV until September 1, 2031.

Eliminates the representative's license. Provides for the use and maintenance of an automated registration and titling system. Establishes the Motor Vehicle Crime Prevention Authority.

Requires TxDMV to study and report on the impact of alternative fuel vehicles industry, options for collecting fees from owners of alternatively fueled vehicles to replace the loss of revenue from motor fuel taxes, and the feasibility and desirability of establishing a fee for such vehicles.

**Sunset Review of the Lower Colorado River Authority—S.B. 606**

*by Senator Watson et al.—House Sponsor: Representative Nevárez*

The Lower Colorado River Authority (LCRA) develops, conserves, and protects the water of the Lower Colorado River Basin and provides electricity to central Texas. LCRA may engage in activities relating to flood control, selling raw or treated water, and building and operating water reservoirs. LCRA operates six dams, administers water supplies for industry and for more than one million people in the Lower Colorado River Basin, maintains recreational facilities, and monitors water quality. The authority is subject to review by the Sunset Advisory Commission every 12 years but may not be abolished.

LCRA is governed by a 15-member board of directors, of which 12, including the presiding officer, are appointed by the governor; three are appointed by counties inside the LCRA electricity service area but outside of its jurisdiction. Members serve staggered six-year terms. LCRA does not receive state appropriations and may not levy taxes; revenues are generated by the sale of electricity, its transmission, and water services. This bill:

Requires LCRA to implement a public engagement policy for its water supply projects.

Applies standard sunset provisions, including new requirements for additional board member training, resolution procedures for intrajurisdictional disputes, policies for public testimony at board meetings, and a system for tracking complaints.

**Veterans' Land Board Sunset Bill—S.B. 607**

*by Senator Watson et al.—House Sponsor: Representative Flynn*

Texas voters established the Veterans Land Board (VLB) through a constitutional amendment in 1946 to honor Texas veterans and their families. The VLB carries out its mission by providing benefits and services for qualified Texas veterans, military members, and their families, including low-interest loans and long-term skilled nursing home care. After reviewing the agency under the provisions of the Texas Sunset Act, the Sunset Advisory Commission made certain recommendations relating to best practices. This bill:

Requires VLB to be reviewed under the Texas Sunset Act in 2031 and every 12th year after.

Requires VLB to develop and implement policies that clearly separate the policy-making responsibilities of the agency and the management responsibilities of the executive secretary, assistant executive secretary, and staff of the agency.

Revises the information that must be provided in the VLB member training program and requires the commissioner of the Texas General Land Office (commissioner) to create and distribute a training manual that includes the required training information. Requires each VLB member to sign and submit a statement to the commissioner acknowledging receipt and review of the manual.

**School Land Board Sunset Bill—S.B. 608**

*by Senator Watson et al.—House Sponsor: Representative Paddie*

The School Land Board (SLB) oversees more than 13 million acres in Permanent School Fund (PSF) land and shares with the State Board of Education (SBOE) management of \$46 billion, generated to purchase additional real estate and to invest to help fund public education. The Sunset Advisory Commission determined that SLB needs to improve coordination of PSF with SBOE. This bill:

Extends SLB's sunset date to September 1, 2031.

Requires that three additional citizens be appointed to SLB by the governor from lists of nominees submitted by SBOE. Requires that at least one of the appointed citizens reside in a county with a population of less than 200,000.

Requires that SLB and SBOE hold an annual joint public meeting to discuss PSF allocations and investments. Requires that each member attend the annual joint meeting unless the majority of the board excuses an absence. Provides that if SBOE delegates powers and duties relating to the PSF to a committee of SBOE, only a majority of committee members must attend. Requires that SLB develop and implement policies that separate policymaking and management responsibilities of the commissioner and staff of the General Land Office (GLO).

Prohibits a person appointed to SLB from voting, deliberating, or being in attendance until the person completes training on investment programs and strategies, rulemaking authority, and the results of the most recent audit of the board. Requires that SLB members be trained on laws relating to open meetings, administrative procedure, and ethics policies. Requires that the GLO commissioner create and distribute a training manual.

Requires that SLB maintain a system to promptly act on complaints, maintain summaries of investigations, and periodically follow up with complainants until final disposition.

Requires that on January 1 of each even-numbered year, the market value of investments made not exceed an amount equal to 15 percent of the market value of assets held by SLB and by SBOE as part of PSF. Requires that SLB submit to the legislature a report detailing the economic impact of investments for deposit in the real estate special fund account of PSF. Requires that the report

include the total amount of funds deposited, the expected rate of return, the effect of SLB's investments on employment, income, and capital investment in the state, and all fees or other compensations paid by SLB to investment managers, consultants, or advisors.

**State Office of Risk Management Sunset Bill—S.B. 612**  
*by Senator Hall et al.—House Sponsor: Representative Nevárez*

The legislature established the State Office of Risk Management (SORM) in 1997 to function as an insurance agency for the state government with the mission of assisting state agencies in protecting agency employees as well as managing the state's physical and financial assets through risk reduction. SORM is subject to review and abolishment under the Texas Sunset Act; the Sunset Advisory Commission identified several issues for the agency to address to reduce costs and maximize limited resources. This bill:

Extends SORM's sunset date to September 1, 2031.

Requires SORM to review the comprehensive risk management program guidelines for state agencies, at the least biennially, to determine whether they are appropriate and current, updating them at least every five years to align with industry best practices and current law.

Requires SORM, in updating the guidelines, to solicit feedback from state entities concerning topics for inclusion and suggestions for making them clearer.

Revises the training requirements for members of the risk management board; requires board members appointed on or before the effective date of the bill to complete additional training on the subjects added by the bill to the training program; and prohibits a member from voting, deliberating, or being counted as a member in attendance at a board meeting held on or after December 1, 2019, until the member completes the additional training.

**Finance Commission of Texas Sunset Bill—S.B. 614**  
*by Senator Nichols et al.—House Sponsor: Representative Lambert*

The Finance Commission of Texas (finance commission) oversees the Texas Department of Banking (TxDOB) and the Department of Savings and Mortgage Lending (SML), among other agencies. The finance commission, the office of banking commissioner, the office of savings and mortgage lending commissioner, and SML are all subject to review and abolishment under the Texas Sunset Act. The Sunset Advisory Commission identified a need for increased efficiency in operations across all agencies and recommended certain best practices for oversight. This bill:

Amends the Finance Code to continue the finance commission, the office of banking commissioner, the office of savings and mortgage lending commissioner, and SML until September 1, 2031.

Authorizes the finance commission, as well as the banking commissioner and the savings and mortgage lending commissioner, to appoint advisory committees to assist the finance commission, the banking commissioner, and TxDOB in performing their respective duties.

Requires the commissioners of the finance commission, TxDOB, and SML to create training manuals and provides for their annual distribution as well as for procedures to acknowledge receipt and review of the manuals.

Requires the finance commission to develop a policy to encourage the use of negotiated rulemaking and alternative dispute resolution procedures by TxDOB and SML, setting out related procedures applicable to each respective agency.

Revises and updates provisions relating to, among other things, the duties of a hearings officer employed by TxDOB; appeals of banking commissioner decisions or orders; banking commissioner reviews of actions taken by a supervisor or conservator concerning a trust company; the status of a revoked license for a foreign bank; and procedures for TxDOB and SML complaint investigations.

Requires the finance commission to prescribe by rule the term of a permit to sell prepaid funeral benefits and to prorate the fee for a permit with a term of more than one year.

Requires the finance commission to prescribe the term of, and renewal procedures for, a certificate of authority to operate a perpetual care cemetery, prorating any applicable fees to reflect the term of the certificate if the finance commission prescribes the certificate term for a period other than one year.

**Texas Windstorm Insurance Association Sunset Bill—S.B. 615**  
*by Senator Buckingham et al.—House Sponsor: Representative Paddie*

The legislature created the Texas Windstorm Insurance Association (TWIA) in 1971 to serve as an insurer of last resort for residents along the Texas coast who cannot obtain windstorm and hail insurance coverage from the private market. TWIA is subject to review under the Texas Sunset Act and the Sunset Advisory Commission made several recommendations to increase the effectiveness and efficiency of TWIA's operations, improve TWIA's customer service, decrease costs to policyholders, and help ensure TWIA can respond more quickly to legislative changes. This bill:

Authorizes TWIA to propose a rule for adoption by the commissioner of insurance (commissioner) and establishes procedures for such a proposal.

Sets out provisions related to board member training.

Requires TWIA to establish a process for automatic policy renewal and sets out requirements for the process.

Requires TWIA to accept premium payments by credit card and to provide policyholders the option of installment premium payments.

Authorizes TWIA to provide for supplemental payments under a TWIA-issued windstorm and hail insurance policy and requires the commissioner to adopt rules clarifying the deadlines related to supplemental payments and to solicit and consider comments from TWIA, TWIA members, and policyholders in adopting rules.

Requires assessment of the replacement cost of a property only at the time the policy is issued rather than also at the time of a loss.

Transfers from TWIA to the Texas Department of Insurance (TDI) the duties relating to the issuance of certificates of compliance with applicable building codes for a completed improvement to a structure for which coverage is sought under the Texas Windstorm Insurance Association Act. Clarifies documentation requirements for an engineer's post-construction evaluation report submitted with a certificate application, expressly authorizing TDI to deny a certificate application if an engineer's evaluation report does not meet documentation requirements.

Requires that the certificates of compliance be conditional on an engineer affirming that the improvement was constructed in accordance with the design and authorizes TDI to submit a formal complaint under the Texas Engineering Practice Act to the Texas Board of Professional Engineers regarding the work of a professional engineer, supported by materials submitted with the certificate application.

Requires TWIA to make its rate adequacy analysis publicly available on its website for at least 14 days before the date TWIA's board of directors votes on the submission of a proposed rate filing and to accept public comment with respect to the analysis at a public meeting of the board before the board votes on the submission.

### **Department of Public Safety Sunset Bill—S.B. 616**

*by Senator Birdwell et al.—House Sponsor: Representative Paddie*

The Department of Public Safety of the State of Texas (DPS) was established in 1935 to house the state's highway patrol and the Texas Rangers. DPS now serves as the state law enforcement body combating human trafficking and transnational gangs as well as assisting in counterterrorism investigations and border security. Aside from these law enforcement functions, DPS is tasked with managing several statewide programs, such as issuing driver licenses and handgun licenses and regulating vehicle inspections and private security. DPS recently underwent review under the Texas Sunset Act and the Sunset Advisory Commission found that DPS does not efficiently carry out several of its non-law enforcement functions. This bill:

Continues DPS until 2031 before its next Sunset review.

Requires DPS to contract with an independent third party to conduct a feasibility study examining the transfer of the driver license program from DPS to the Texas Department of Motor Vehicles



(TxDMV). Requires the study to be submitted on or before September 1, 2020. Transfers responsibility for the administration of the driver license program from DPS to TxDMV on September 1, 2021, if the transfer feasibility study is not submitted by September 1, 2020.

Extends the term of a non-commercial driver license from six to eight years and increases driver license fees.

Transfers the motorcycle and off-highway vehicle safety training program from DPS to the Texas Department of Licensing and Regulation (TDLR). Requires the Texas A&M Engineering Extension Service, in consultation with TDLR, to administer the training program to obtain an instructor license.

Revises provisions relating to the training required for members of the Public Safety Commission and provides for the creation of a related training manual that each member must acknowledge having received and reviewed.

Requires DPS to develop and implement best practices for the collection, protection, and sharing of personal information held by DPS and to submit to the legislature a report on the development and implementation of those best practices by September 1, 2020.

Requires DPS to submit to the legislature a report on border crime and other criminal activity by May 30 of each year.

Revises the list of persons about whom DPS is authorized to obtain and use criminal history record information maintained by the FBI or DPS. Authorizes DPS to require any person for whom DPS is authorized to obtain and use such criminal history record information to submit a complete and legible set of fingerprints to DPS for the purpose of obtaining that information.

Repeals the requirement for a permit for the sale of chemical and laboratory apparatus equipment. Exempts a person who supplies peyote to a Native American Church from certain regulatory requirements.

Standardizes DPS administration of numerous regulatory programs by setting certain agency enforcement sanctions.

Reconstitutes the Private Security Board (PSB) as the Texas Private Security Advisory Committee, which shall serve as an advisory board to DPS and the Texas Public Safety Commission (commission). Transfers regulatory authority for private security to DPS and the commission.

Eliminates licensing requirements for guard dog companies and trainers, qualified managers, supervisors, and branch managers of security companies, security and alarm systems salespersons, private security consultants, and employees of a license holder.

**Sunset Review Schedule—S.B. 619**

*by Senator Birdwell et al.—House Sponsor: Representative Paddie*

The Sunset Advisory Commission periodically reviews state and other governmental entities. The legislature regularly changes the review schedule for certain entities to balance the workload of the commission and to better align the review of entities based on subject matter. S.B. 619 makes adjustments to that schedule to better group entities set for sunset review in upcoming biennia, removing certain entities from sunset review and making statutory modifications to the Texas Sunset Act. This bill:

Provides for the review of, and changes the period during which review will occur, for the following agencies not subject to abolishment under the Texas Sunset Act: the board of trustees of the Teacher Retirement System of Texas, the state board of the Texas Emergency Services Retirement System, the State Commission on Judicial Conduct, Judicial Branch Certification, and the Judicial Branch Certification Commission.

Sets the next review of the following entities under the Texas Sunset Act to the period in which agencies abolished in 2021 are reviewed: the Anatomical Board of the State of Texas and the Texas Racing Commission.

Sets the next review of the following entities under the Texas Sunset Act to the period in which agencies abolished in 2023 are reviewed: Texas Invasive Species Coordinating Committee, Texas Juvenile Justice Board, Texas Juvenile Justice Department, Office of Injured Employee Counsel, Texas Department of Insurance's Division of Worker's Compensation, and Upper Guadalupe River Authority.

Sets the next review of the following entities under Texas Sunset Act to the period in which agencies abolished in 2025 are reviewed: Lower Neches Valley Authority, Texas Board of Criminal Justice, Texas Department of Criminal Justice, Texas Department of Information Resources, State Commission on Judicial Conduct, Judicial Branch Certification Commission, Angelina and Neches River Authority, Public Utility Commission of Texas, Office of Public Utility Counsel, Sabine River Authority, and Trinity River Authority.

Sets the next review of the following entities under the Texas Sunset Act to the period in which agencies abolished in 2027 are reviewed: Texas Facilities Commission, Texas Workforce Commission's authority to administer and oversee the program relating to state purchasing from people with disabilities, Expanded Learning Opportunities Council, Texas A&M Forest Service, Texas Civil Commitment Office, Maternal Mortality and Morbidity Task Force, Public Health Funding and Policy Committee, Department of State Health Services, Department of Family and Protective Services, Texas Education Agency, and Perinatal Advisory Council.

Postpones the next review of the state board of the Texas Emergency Services Retirement System under the Texas Sunset Act from the period in which state agencies abolished in 2025 are reviewed to the period in which agencies abolished in 2029 are reviewed.

Prohibits the review of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation (TDLR) under the Texas Sunset Act from including a review of any program transferred to TDLR on or after September 1, 2016.

Requires the limited-scope review of the Health and Human Services Commission (HHSC) conducted by the Sunset Advisory Commission during the 2022-2023 state fiscal biennium to provide an evaluation and recommendations regarding the need to continue the Department of Family and Protective Services as a state agency separate from HHSC.

Specifies that the Sunset Advisory Commission is a legislative agency and establishes that a public member of the commission acts on behalf of the legislature when participating on the commission in furtherance of the legislature's duty to provide oversight of executive branch agencies. Provides that the term limits for service as a commission member is set at two terms for legislative members other than the lieutenant governor and the speaker, and three terms for a public member. Provides that if an individual serves on the commission for less than a full term, that term is not counted toward determining the individual's eligibility to serve on the commission based on term limits unless the individual was a commission member for each public hearing at which the state agencies being reviewed during the individual's term were discussed.

Prohibits the commission from discussing in a public hearing the application to an agency of an assessment of the agency's cybersecurity practices using certain confidential information. Requires commission staff to notify the commission of any findings and recommendations regarding such an assessment.

**Texas Real Estate Commission Sunset Bill—S.B. 624**

*by Senators Nichols and Birdwell—House Sponsor: Representative Senfronia Thompson*

The Texas Real Estate Commission (TREC) and its independent subdivision, the Texas Appraiser Licensing and Certification Board (TALCB), license real estate professionals, regulate licensee education, and resolve complaints against licensees. The agency is a self-directed semi-independent (SDSI) agency and, thus, operates outside of the legislative appropriations process. The agency is subject to review and abolishment under the Texas Sunset Act. The Sunset Advisory Commission found that the agency did not use its SDSI status effectively and recommended the implementation of best practices to strengthen oversight and improve performance in the agency's key licensing and enforcement functions. This bill:

Continues TREC and TALCB for six years, rather than the standard 12 years.

Revises TREC's SDSI provisions and adds reporting requirements from the SDSI Act to TREC's SDSI statute to allow comparison with other SDSI agencies.

Eliminates TREC's authority to purchase, construct, or sell property.

Requires TALCB's administrative penalty fees to go to general revenue.

Requires TREC and TALCB to reimburse the Texas State Auditor's Office, the Office of the Attorney General, and the State Office of Administrative Hearings for services rendered, rather than pay annual retainers to those agencies.

Updates licensing and enforcement processes to meet best practices by removing subjective and arbitrary qualifications for licensure that could unreasonably restrict entry into practice and by authorizing TREC and TALCB to deny license renewal applications for licensees who fail to comply with current administrative orders.

Authorizes TALCB to establish advisory committees in rule as needed.

Applies standard good government provisions to TREC and TALCB, such as ensuring board members are adequately trained and do not have conflicts of interest.

### **Sunset Review of the Nueces River Authority—S.B. 625**

*by Senator Birdwell et al.—House Sponsor: Representative Senfronia Thompson*

The Nueces River Authority (NRA) develops the water resources in the Nueces River Basin. NRA may engage in activities relating to flood control, selling raw or treated water, and building and operating water reservoirs. NRA may acquire property through eminent domain, maintain recreational facilities, and monitor water quality. The authority is subject to review by the Sunset Advisory Commission every 12 years but may not be abolished.

NRA is governed by a 21-member board of directors appointed by the governor. Members serve staggered six-year terms and officers are elected annually by the board. NRA does not receive state appropriations and may not levy taxes; revenues are predominantly generated by wastewater grants. This bill:

Requires the governor to designate a member of the board to serve as president. Repeals certain per diems for board members. Increases training for board members. Requires the board to develop alternative procedures to resolve intrajurisdictional disputes. Requires the board to implement policies to increase public engagement at board meetings and to develop a system for tracking complaints.

### **Sunset Review of the Guadalupe-Blanco River Authority—S.B. 626**

*by Senator Birdwell et al.—House Sponsor: Representative Flynn*

The Guadalupe-Blanco River Authority (GBRA) develops and conserves the water resources of the Guadalupe and the Blanco rivers. GBRA may engage in activities relating to flood control, selling raw or treated water, and building and operating water reservoirs. GBRA may acquire property through eminent domain, maintain recreational facilities, and monitor water quality. The authority is subject to review by the Sunset Advisory Commission every 12 years but may not be abolished.

GBRA is governed by a nine-member board of directors appointed by the governor. Members serve staggered six-year terms and the presiding officer is elected annually by the board. GBRA does not receive state appropriations and may not levy taxes; revenues are generated by water and wastewater sales to wholesale and retail customers and through the sale of electricity. This bill:

Requires GBRA to adopt an asset management plan. Repeals a prohibition on a board member, officer, agent, or employee from being an interested party in a contract for the purchase of any property or construction.

**Sunset Review of the Red River Authority—S.B. 627**  
*by Senator Birdwell et al.—House Sponsor: Representative Nevárez*

The Red River Authority (RRA) develops, conserves, and administers the water supplies of the Red River and its tributaries. RRA may build and operate reservoirs, provide water and wastewater services and treatment, engage in flood control projects, sell electricity, acquire property through eminent domain, and build and operate recreational areas.

RRA is governed by a nine-member board of directors, appointed by the governor. Members serve staggered six-year terms and annually elect the presiding officer. RRA does not receive state appropriations and may not levy taxes; revenues are predominantly generated through sale of water and wastewater, grants, and laboratory fees. RRA is subject to review every 12 years by the Sunset Review Commission (SRC) but may not be abolished. This bill:

Requires the governor to designate a member of the board to serve as president. Provides for grounds for removal of a board member. Provides for training for board members. Requires RRA to develop alternative procedures to resolve intrajurisdictional disputes. Requires RRA to implement a system for tracking complaints.

Requires RRA to establish a process for public comment by affected persons prior to a significant rate changes, including notice of proposed change on customer utility bills and on RRA's website.

Requires RRA to adopted an asset management plan, approved annually and publicly posted on RRA's website.

Allows for increases to board members' per diem and traveling expenses.

**Midland County Hospital District Tax—H.B. 279**

*by Representative Craddick—Senate Sponsor: Senator Seliger*

Interested parties contend that the Midland County Hospital District (district) would benefit from additional revenue generated by imposing a sales and use tax. H.B. 279 allows the district to adopt this tax, pending voter approval. This bill:

Authorizes the district to adopt, change the rate of, or abolish a sales and use tax at an election held in the district.

**Online Sales Tax Codified—H.B. 1525**

*by Representative Burrows—Senate Sponsor: Senators Nelson and West*

In *South Dakota v. Wayfair, Inc.* (2018), the United States Supreme Court (court) overruled two prior cases that said that a state may not require a business to collect state sales taxes from consumers and remit them to the state unless the business has a physical presence in the state. This rule poses a problem for online sales. Theoretically, an in-state consumer is always liable for any state sales tax on purchases, but when a purchase is made online, it is difficult for a state to enforce tax collection.

In *Wayfair*, South Dakota argued that the physical presence rule did not mirror the realities of the modern economy. The court agreed and articulated a new rule: a state may require out-of-state retailers to collect and remit sales tax if a business has a "substantial nexus" with the taxing state. This nexus is established when the "taxpayer [or collector] avails itself of the substantial privilege of carrying on business in that jurisdiction." Under this rule, providing customer access to a business's website within the state could establish a substantial nexus.

Currently, the Texas Tax Code does not require marketplace providers, like Amazon, to collect and remit state and local sales and use taxes on sales made on their platforms by third party sellers. This bill:

Includes marketplace providers in the definition of "seller" and "retailer" in Subchapter B, Chapter 151 of the Tax Code; requires marketplace providers to collect and remit state and local sales and use taxes on items sold on their platforms; and codifies that a sale made through such a platform is consummated at the location to which the item shipped.

**Sales and Use Tax on Out-of-State Off-Road Vehicles—H.B. 1543**

*by Representative Springer et al.—Senate Sponsor: Senator Fallon*

The Tax Code requires persons who fail to report or pay a sales or use tax when due to forfeit five percent of the amount due as a penalty, plus an additional five percent if a person does not pay within 30 days after the amount was due.

Stakeholders have expressed concern that out-of-state off-road vehicle dealers advertise in Texas that Texans can avoid all sales taxes by buying a new vehicle outside Texas, contending that there is no enforcement mechanism to stop Texans from avoiding taxes when buying off-road vehicles. This bill:

Prohibits the titling of off-road vehicles purchased from out-of-state retailers unless the purchaser provides proof showing all applicable taxes have been paid or that no tax payments are required.

Requires licensed manufacturers of off-highway vehicles to report each warranty issued for a new off-road vehicle sold in the preceding year to a Texas resident by a retailer located outside of Texas.

**Franchise Tax Deduction for Defense-Related Aerospace Industry—H.B. 1607**

*by Representative Goldman et al.—Senate Sponsor: Senators Taylor and Schwertner*

The defense-related aerospace industry is a significant contributor to the Texas economy, directly employing more than 135,000 individuals across approximately 1,300 firms. Stakeholders contend that Texas has lost market share in the industry in part due to a misalignment of state franchise tax policy with the Federal Acquisition Regulation, also known as the FAR law. They argue that an amendment to state tax policy will foster a more competitive economic climate. This bill:

Phases out the franchise tax on certain aerospace-related costs and sales under federal contracts.

**Sales and Use Tax Exemption for Certain Theatrical Performances—H.B. 1965**

*by Representative Senfronia Thompson et al.—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 exclusively provided by certain nonprofit organizations. However, certain performances are not “exclusively provided” by a nonprofit if it contracts with an entity ineligible for the tax exemption. Many nonprofit organizations rely on the significant revenue earned from the exemption, which stakeholders contend has been narrowed in scope. This bill:

Establishes that certain nonprofit theatrical performances remain eligible for the sales and use tax exemption if the nonprofit contracts with an entity to provide the performance that is ineligible for the exemption.

**Single Local Use Tax Rate for Out-of-State Sellers—H.B. 2153**

*by Representative Burrows—Senate Sponsor: Senator Nelson*

In *South Dakota v. Wayfair, Inc.* (2018), the United States Supreme Court (court) overruled two prior cases that said that a state may not require a business to collect state sales taxes from consumers and remit them to the state unless the business has a physical presence in the state. This

rule poses a problem for online sales. Theoretically, an in-state consumer is always liable for any state sales tax on purchases, but when a purchase is made online, it is difficult for a state to enforce tax collection.

In *Wayfair*, South Dakota argued that the physical presence rule did not mirror the realities of the modern economy. The court agreed and articulated a new rule: a state may require out-of-state retailers to collect and remit sales tax if a business has a "substantial nexus" with the taxing state. This nexus is established when the "taxpayer [or collector] avails itself of the substantial privilege of carrying on business in that jurisdiction." Under this rule, providing customer access to a business's website within the state could establish a substantial nexus.

Currently, the Texas Tax Code does not require marketplace providers, like Amazon, to collect and remit state and local sales and use taxes on sales made on their platforms by third party sellers. H.B. 1525 codifies the holding in *Wayfair*, but legislators also wanted to provide an optional, streamlined process to calculate the amount of local use tax out-of-state sellers must collect. This bill:

Requires out-of-state sellers to calculate the amount of local use taxes using either the combined rate of all applicable local use taxes or the single local tax rate; provides a method by which the comptroller of public accounts of the State of Texas (comptroller) shall determine the single local tax rate; and authorizes the comptroller to remit single local use tax revenue to local taxing units.

#### **Reimbursement for Overpayment of Natural Gas Severance Taxes—H.B. 2256**

*by Representative Sanford—Senate Sponsor: Senator Perry*

Severance taxes are imposed on oil and gas companies to compensate the state for the loss of non-renewable resources. In Texas, the state imposes a 7.5 percent severance tax on the market value of natural gas at the wellhead. Some say that though the wellhead calculation method equalizes the tax burden for all producers, it does not provide the comptroller of public accounts of the State of Texas (comptroller) adequate guidance in the calculation of certain deductions. This bill:

Provides a process to obtain reimbursement for overpayment of natural gas severance taxes and authorizes the comptroller to enter into an agreement with a taxpayer to perform an audit of a natural gas severance tax return.

#### **Sales Tax Exemption for Certain Items at a County Fair—H.B. 2684**

*by Representative Metcalf et al.—Senate Sponsor: Senator Nichols*

Under current law, purchases made by charity organizations for use by the organization are exempt from sales tax. However, sales made by charity organizations to non-exempt persons or entities are not entitled to the tax exemption. This bill:

Provides a sales tax exemption for items sold by charitable organizations at a county fair to purchasers attending the fair.



**Clarifying the Scope of Audio/Video Equipment Sales Tax Exemption—H.B. 3086**

*by Representative Cole—Senate Sponsor: Senator Zaffirini*

The Tax Code exempts from sales tax property used to produce audio or video recordings, an exemption that is intended to promote development of the entertainment industry. However, current statutory language could be interpreted to include in the exemption all products capable of producing audio and video recordings, including cell phones. Certain stakeholders believe that this interpretation runs counter to the intent of the exemption. This bill:

Clarifies that the sales tax exemption on property used to produce audio or video recordings applies only to “master recordings,” defined as audio or video recordings intended to be copied for commercial sale or distribution.

**Clarifying Tax Exemption for Agriculture-Related Amusement Services—H.B. 3386**

*by Representative Geren—Senate Sponsor: Senator Nelson*

Stakeholders contend that the sales and use tax exemption for amusement services exclusively provided by the state, nonprofit corporations, or educational associations to encourage agricultural growth lacks clarity. This bill:

Provides that an amusement service is “exclusively provided” by an exempted entity if the amusement service is provided at a “designated facility” as defined in Subchapter K (Livestock Facility Use), Government Code.

**Tobacco Products Tax Cleanup Bill—H.B. 3475**

*by Representative Guillen—Senate Sponsor: Senator Hinojosa*

Multiple sections of Chapter 155 (Cigars and Tobacco Products Tax), Tax Code, have not been updated in over 20 years. Some contend that certain provisions in this chapter are unclear, making it difficult to interpret taxability, enforce violations, and resolve issues arising from litigation or inquiries. Interested parties maintain that legislation is needed to define potentially unclear terms, clarify existing requirements, and provide conforming cleanup throughout the chapter. This bill:

Defines certain terms and clarifies certain requirements relating to the administration, collection, and remittance of the cigar and tobacco products tax; makes conforming cleanup changes.

**Tax Exemption for Fuel Sold Into Marine Vessels—H.B. 3954**

*by Representative Burrows—Senate Sponsor: Senator Hinojosa*

Some stakeholders contend that certain fuel-related provisions in the Tax Code lack clarity, specifically those describing the process for documenting certain bulk movements of gasoline and diesel fuel for the purposes of motor fuel tax liability; the exemption status of fuel exported to foreign destinations; and the use of certain motor fuel storage facilities. Some claim that

ambiguities in these provisions could lead to unnecessary motor fuel tax payments and audit deficiency findings. This bill:

Provides an exemption to the motor fuel tax for certain gasoline and diesel fuel sold to a marine vessel and clarifies the meaning of certain terms.

**Boat Sales Tax Cap—H.B. 4032**

*by Representative Guillen et al.—Senate Sponsor: Senator Taylor*

Interested parties contend that the Texas marine industry has lost market share to other coastal states due to state boat sales tax and suboptimal registration-related regulations. These individuals maintain that establishing a boat sales tax cap and providing incentives to utilize Texas waters will bolster the marine industry. This bill:

Creates an exemption to the boat sales tax for certain boats to be used outside of Texas; caps the boat sales tax; and makes other conforming changes.

**Cigarette Tax Cleanup Bill—H.B. 4614**

*by Representative Guillen—Senate Sponsor: Senator Hinojosa*

Multiple sections of Chapter 154 (Cigarette Tax), Tax Code, have not been updated in over 20 years. Some contend that certain provisions in this chapter are unclear, making it difficult to interpret taxability, enforce violations, and resolve issues arising from litigation or inquiries. Interested parties maintain that legislation is needed to define potentially unclear terms, clarify existing requirements, and provide conforming cleanup throughout the chapter. This bill:

Defines certain terms and clarifies certain requirements relating to the administration, collection, and remittance of the cigarette tax; makes conforming cleanup changes.

**Automatic Appropriation of Sporting Goods Sales Tax: Enabling Legislation—S.B. 26**

*by Senator Kolkhorst et al.—House Sponsor: Representative Cyrier et al.*

Recent growth in Texas has put a strain on state park system resources. Currently, the comptroller of public accounts of the State of Texas (comptroller) must estimate the portion of the state's sales tax revenue collected from the sale of goods related to sports and outdoor recreation, and allocate that amount to the Texas Parks and Wildlife Department (TPWD) and the Texas Historical Commission (THC). However, the actual appropriation is often less than the comptroller's estimate. Certain stakeholders want to provide the state park system with more sustained and predictable funding through S.J.R. 24 and its enabling legislation, S.B. 26. S.J.R. 24 proposes a constitutional amendment to automatically appropriate revenue from the sporting goods sales tax (SGST) to TPWD and THC. This bill:

Reenacts a dedicated account on behalf of THC; establishes mechanisms to allow the receipt and allocation of the automatic SGST appropriations; and sets forth allowable uses of SGST revenue by TPWD.

**Vehicle Leasing by Tax-Exempt Entities—S.B. 58**  
*by Senator Zaffirini—House Sponsor: Representative Bohac*

Current law is ambiguous regarding the applicability of property tax exemptions for personal use leased vehicles when the lessee is the state, a local political subdivision, or a nonprofit organization. As a result, some local taxing entities provide this exemption to nonprofit and governmental entities, while others do not. In order to qualify for the exemption, a vehicle must not be used for the purpose of generating income. Vehicles leased by government and nonprofit entities meet this requirement; however, the definition of "lessee" in statute is unclear. Some appraisal districts interpret the word to cover only persons, not entities. Furthermore, because government and nonprofit entities are already exempt from paying property tax on purchased vehicles, entities are less likely to explore a vehicle leasing option that could result in lower maintenance costs and higher fuel efficiency. This bill:

Provides that a motor vehicle is presumed to be used for activities that do not involve the production of income if 50 percent or more of miles driven in a year are for non-income producing purposes, if the vehicle is leased to a state or political subdivision of the state, and is exempt from federal income taxation. Requires that an individual lessee applying for an exemption provide the lessee's name, address, and driver's license or personal identification certificate number. Requires that an entity lessee provide the lessee's name, address, and, if applicable, federal tax identification number. Requires an individual lessee or an authorized representative of an entity lessee to certify under oath that the lessee does not use the vehicle for activities related to the production of income.

Requires an owner of a vehicle subject to a lease to maintain an electronic image or certified copy of the lease form.

**Distance Limitation for Tax-Exempt Agricultural Aircraft—S.B. 1214**  
*by Senators Schwertner and Seliger—House Sponsor: Representative Wilson*

Currently, the Tax Code exempts from sales and use tax aircraft dedicated to agricultural use. However, the exemption restricts the distance that the aircraft may fly to perform a qualifying agricultural service. Certain operations require air travel over a greater distance. This bill:

Removes the distance limitation for tax-exempt agricultural aircraft.

**Clarifying the Sale for Resale Tax Exemption—S.B. 1525***by Senator Watson—House Sponsor: Representative Sanford*

According to stakeholders, application of the sales and use tax exemption to sales for resale remains unclear. This bill:

Clarifies that the exemption does not apply to certain coin-operated amusement services; expressly exempts taxable items integral to the performance of a contract with a nonprofit organization or the federal government; states that the exemption does not apply to property used to provide non-taxable services; and exempts certain labor repairing tangible personal property.

**Requiring PROs to Exclude Royalties From Tax Base—S.B. 1824***by Senator Perry—House Sponsor: Representative Murphy*

A performing rights organization (PRO) licenses public performances of copyrighted musical works. Composers, songwriters, and music publishers grant to a PRO the right to license musical performances on their behalf. The PRO issues licenses to music users and collects license fees paid to its clients as royalties. A PRO may exclude royalties from its tax base for purposes of the franchise tax, but the statute is unclear. This bill:

Requires PROs that license certain musical works on behalf of copyright owners to exclude royalties for those works from its tax base for the purposes of calculating the franchise tax burden.

**Collection of Hotel Occupancy Tax Revenue by Certain Counties—H.B. 1633**

*by Representative Kuempel—Senate Sponsor: Senator Zaffirini*

It has been noted that many county commissioners courts across Texas have been authorized to collect a county hotel occupancy tax (HOT). However, there have been calls to authorize additional county commissioners courts to collect such a tax, including the commissioners court of Wilson County. This bill:

Authorizes the commissioners court of Wilson County to impose a county HOT, capping the rate of the tax at seven percent of the hotel room price, or two percent if the hotel is located in a municipality imposing a municipal HOT.

**Collection of Hotel Occupancy Tax Revenue—H.B. 1634**

*by Representative Kuempel—Senate Sponsor: Senator Zaffirini*

It has been noted that many county commissioners courts across Texas have been authorized to collect a county hotel occupancy tax (HOT). However, there have been calls to authorize additional county commissioners courts to collect such a tax, including the commissioners court of Guadalupe County. This bill:

Authorizes the commissioners court of Guadalupe County to impose a county HOT, capping the rate of the tax at seven percent of the hotel room price, or two percent if the hotel is located in a municipality imposing a municipal HOT.

**Use of Hotel Occupancy Tax Revenue by Certain Municipalities—H.B. 2199**

*by Representative Tracy O. King—Senate Sponsor: Senators Flores and Lucio*

Interested parties suggest that certain municipalities should be able to use municipal hotel occupancy tax (HOT) revenue for a recreational facility or an arena hosting rodeos, livestock shows, and agricultural expositions. This bill:

Authorizes the City of Carrizo Springs to use revenue derived from the municipal HOT for constructing, enlarging, maintaining, and operating a recreational facility or an arena hosting rodeos, livestock shows, and agricultural expositions to encourage tourism.

**Exemptions from the Hotel Occupancy Tax Revenue Cap—H.B. 2272**

*by Representative Guillen—Senate Sponsor: Senator Zaffirini*

Hotel occupancy taxes (HOT) provide an important source of revenue for counties across Texas. Current law limits the HOT rate to four percent for counties with a population of less than 10,000 not bordering Mexico. Jim Hogg County falls under this category, preventing it from raising its HOT rate. However, unlike other counties of its size and location, Jim Hogg contains an airport, which attracts visitors from across the state who stay overnight in the county's hotels. The current

cap prevents Jim Hogg County from gathering valuable revenue that could be reinvested in the community and fund needed renovations. This bill:

Exempts Jim Hogg County from the cap on the county hotel occupancy tax rate for counties that do not have a municipality.

**Municipal Use of Hotel Occupancy Tax Revenue—H.B. 3356**

*by Representative Bucy—Senate Sponsor: Senator Schwertner*

Interested parties suggest that certain municipalities should be able to use municipal hotel occupancy tax (HOT) revenue for a coliseum or a multiuse facility if the majority of the events at these facilities attract tourists substantially increasing economic activity at hotels in the municipality. This bill:

Authorizes the City of Cedar Park to use revenue from its municipal HOT to promote tourism by constructing, improving, or maintaining a coliseum or multiuse facility if the majority of the events attract tourists substantially increasing economic activity at hotels in the municipality.

**Use of Hotel Occupancy Tax Revenue—H.B. 4158**

*by Representatives Zwiener and Biedermann—Senate Sponsor: Senator Zaffirini*

Interested parties suggest that certain municipalities should have the ability to use municipal hotel occupancy tax (HOT) revenue to promote and preserve dark skies. This bill:

Authorizes a municipality with a population of less than 2,000 located in a county adjacent to the county in which the State Capitol is located and with a population of either not more than 25,000 or at least 100,000 but not more than 200,000, to use revenue from the municipal HOT for the promotion and preservation of dark skies through the construction and maintenance of infrastructure and the purchase and installation of hardware reducing light pollution and sky glow.

**Use of HOT Revenue to Service Bonds on Hotel Projects—H.B. 4347**

*by Representative Anchia et al.—Senate Sponsor: Senator Nelson et al.*

Certain municipalities in Texas are authorized to receive rebates for state hotel occupancy taxes (HOT) and state sales taxes collected at certain convention center hotels, which then may be used to service bonds or other obligations incurred in the construction of the project. In addition, these municipalities may also dedicate HOT revenue to service the same bonds and obligations. Stakeholders claim that financing convention center hotels is challenging and that public-private financing options are valuable. They also contend that convention center hotels aid state and local economies by attracting out-of-state visitors and conventions to Texas. This bill:

Expands the number of municipalities eligible to pledge local HOT revenue from certain hotel projects for the payment of bonds and other obligations related to the projects. Defines eligible

hotel projects, including multipurpose convention facility projects. Allows certain municipalities to use local HOT revenue to construct and maintain certain sports facilities.

Expands the number of municipalities eligible to receive rebates for state HOT and sales tax revenue to use on eligible hotel projects.

Entitles certain municipalities to receive revenue from state sales and use taxes and state mixed beverage taxes collected from certain restaurants, bars, pools, and retail establishments.

**Use of Hotel Occupancy Tax Revenue for Sports Fields—S.B. 320**

*by Senator Flores—House Sponsor: Representative Tracy O. King*

Interested parties suggest that certain municipalities should be able to use municipal hotel occupancy tax (HOT) revenue for sporting facilities and fields. This bill:

Includes a municipality located in a county through which the Frio River flows and an interstate highway crosses and that has a population of at least 15,000 among the municipalities authorized to use revenue derived from municipal HOT for constructing and operating a recreational facility used for rodeos, livestock shows, and agricultural expositions to encourage tourism.

**Use of Hotel Occupancy Tax Revenue for Sporting Events—S.B. 1262**

*by Senator Johnson—House Sponsor: Representative Button*

Interested parties suggest that certain municipalities should be able to use municipal hotel occupancy tax (HOT) revenue for sporting facilities and fields. This bill:

Includes among the purposes for which revenue from the municipal hotel occupancy tax may be used to promote tourism and the convention and hotel industry expenses directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within a municipality or its vicinity for a municipality that has a population of at least 200,000 and is adjacent to Lake Ray Hubbard and a municipality with a population of at least 56,000 that also borders Lake Ray Hubbard and is located in two counties, one of which has a population of less than 80,000.

**Reporting Information Related to Hotel Occupancy Taxes—S.B. 1319 [VETOED]**

*by Senators Birdwell and Watson—House Sponsor: Representative Murphy*

It has been noted that municipalities levying a hotel occupancy tax (HOT) are required to annually report certain information about the collection and use of that tax to the comptroller of public accounts of the State of Texas (comptroller). However, there are concerns that no such requirement exists for counties, leading to calls to increase transparency around HOT by requiring counties imposing the tax to report similar information. This bill:

Requires a county that imposes a HOT to report to the comptroller not later than February 20 of each year the rate of the tax imposed by the county, the rate of the hotel occupancy tax imposed by the county for purposes of funding sports and community venues, if applicable, and the amount of revenue collected during the county's preceding fiscal year from those taxes.

**Hotel Occupancy Tax and Sports Facilities—S.B. 2137**  
*by Senator Hinojosa—House Sponsor: Representative Canales*

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 is the county seat of a county located on the Texas-Mexico border with a population of 500,000 or more and adjacent to two or more counties each of which have a population of 50,000 or more to use revenue derived from the municipal HOT to construct, maintain, or expand certain infrastructure related to a sporting-related facility.

Requires that the infrastructure be located within 2,500 feet of the facility or field and be located on municipally-owned property and that the municipality's sports facilities and fields have been used in the preceding calendar year a combined total of more than 10 times for district, state, regional, or national sports competitions.

**Hotel Occupancy Tax Revenue for Multiuse Facilities—S.B. 2208**  
*by Senator Nichols—House Sponsor: Representative Phelan*

Interested parties suggest that certain counties should be able to use municipal hotel occupancy tax (HOT) revenue for multiuse facilities in order to attract tourism. This bill:

Amends the Tax Code to authorize the use of revenue from a county hotel occupancy tax imposed by a county adjacent to the Neches River, the Sabine River, and Sabine Lake to construct and equip a pavilion primarily used for tourist events with a substantial impact on hotel activity.

Prohibits such a county from reducing the percentage of revenue from the county HOT allocated for advertising and promotional programs.



**Appeals of ARB Orders—H.B. 380**

*by Representatives Geren and Swanson—Senate Sponsor: Senator Hancock*

Taxpayers can submit property tax protests to an appraisal review board (ARB) and can appeal ARB decisions in district court. Taxpayers sometimes commit minor errors on protest forms, forcing district courts to dismiss appeals on technical grounds and leaving taxpayers little recourse to resolve disputes. This bill:

Entitles a property owner to appeal an ARB order determining that the ARB lacks jurisdiction to determine a taxpayer protest or a motion to correct an appraisal roll because the property owner failed to comply with an applicable statutory requirement.

Establishes the jurisdiction of the state's district courts with respect to certain property tax cases.

**Property Tax Exemption in Disaster-Stricken Areas—H.B. 492**

*by Representative Shine et al.—Senate Sponsor: Senator Taylor et al.*

The ongoing effects of Hurricane Harvey have led some to suggest that taxing jurisdictions in disaster areas should have the ability to reappraise property destroyed by such a disaster in order to provide property tax relief to affected property owners. This bill:

Entitles a property owner to a property tax exemption for a qualified property damaged by a disaster if the exemption is adopted by the governing body of the relevant taxing unit.

Requires an exemption to specify the disaster to which the exemption pertains and be adopted within a certain time frame.

Provides for assessment and calculation of damage by the chief appraiser to property subject to an exemption application.

Excludes a grant of a partial exemption from the items a taxing unit is entitled to challenge before the appraisal review board.

Limits the actions of a chief appraiser in relation to entitled exemption protests before an appraisal review board.

Repeals provisions empowering a taxing unit in a disaster area to authorize reappraisal of all property damaged in the disaster at its market value immediately after the disaster.

**Eco-Lab Qualifications as Open-Space Lands for Tax Purposes—H.B. 639**

*by Representative Springer—Senate Sponsor: Senator Nichols*

Concerns have been raised that the law providing for the appraisal of land used as an ecological laboratory by an education institution as qualified open-space land does not adequately specify

conditions of eligibility and has become a de facto loophole within the Property Tax Code. This bill:

Requires land to have been used principally as an ecological laboratory for five of the preceding seven years to qualify as open-space land for property tax appraisal purposes.

Specifies that for land that first qualified for an open-space land appraisal on the basis of its use as an ecological laboratory in the 2014-2020 tax years, the change applies beginning with the 2027 tax year and, for the 2021-2026 tax years, the qualification of the land for appraisal on that basis is governed by the law as it existed immediately before the bill's effective date.

**Penalties and Interest on Supplemental Property Tax Bills—H.B. 861**  
*by Representatives Anchia and Wray—Senate Sponsor: Senator Campbell*

Taxpayers not satisfied with a property valuation as determined by an appraisal review board may appeal a case to district court, provided they pay either the tax as assessed, the amount of tax not in dispute, or the amount of tax paid on the property in the previous year. If the ultimate tax due is determined to be greater than the amount initially paid, a taxpayer must pay penalties and interest on the supplemental tax bill. This bill:

Provides that, if a supplemental tax is not paid by the additional tax delinquency date, a property owner is liable for penalties and interest on supplemental tax as if the taxes that went unpaid became delinquent on the original delinquency date.

**Pilot Alternative ARB Appeal Mechanism for Homeowners—H.B. 994 [VETOED]**  
*by Representatives Guillen and Swanson—Senate Sponsor: Senators Flores and Zaffirini*

Currently, the primary mechanism for challenging an appraisal review board (ARB) order is to appeal to a district court. This method is often fraught with barriers to access, including prohibitive costs. This bill:

Creates a pilot program in Atascosa County allowing taxpayers to appeal ARB orders to a justice court when the claim is for excessive valuation on a residence homestead valued at \$500,000 or less.

**Notice of Scheduled ARB Protest Hearings—H.B. 1060**  
*by Representative Cecil Bell et al.—Senate Sponsor: Senator Kolkhorst*

If a property owner misses an appraisal review board (ARB) protest hearing, it can be difficult to reschedule and can sometimes result in the property owner losing the appeal. To address this problem, there have been calls to ensure successful delivery of protest hearing notices to property owners. This bill:

Requires an ARB to deliver notice of a scheduled taxpayer protest hearing by certified mail or email if, in the written notice of protest filed with the ARB, the property owner requests notice delivery by certified mail or email.

**Use of Agricultural Land As Home Equity Loan Collateral—H.B. 1254**  
*by Representative Murphy—Senate Sponsor: Senator Hancock*

The Texas Constitution was amended in the 85th Session to permit property valued for agricultural use to be used as collateral for home equity loans. However, existing statute states that homestead land used to secure a home equity loan cannot be agricultural use land. This contradiction has created confusion among certain homestead property owners. This bill:

Repeals statutory language prohibiting land used to secure a home equity loan from being designated for tax purposes as agricultural use land.

**Evidentiary Standard for Property Appraisal Increases—H.B. 1313**  
*by Representative Phil King—Senate Sponsor: Senatosr Birdwell and Campbell*

There have been concerns that after a taxpayer successfully appeals the appraised value of a property for a given year, an appraisal district can increase the value of the property in the following tax year without providing sufficient evidence to justify the increase. This bill:

Changes the evidentiary standard by which a chief appraiser may increase the appraised value of such a property in the following year by changing "substantial evidence" to "clear and convincing evidence."

**Ad Valorem Exemption for Nursery Stock Weather Protection Units—H.B. 1526**  
*by Representative Cecil Bell—Senate Sponsor: Senator Paxton*

Nursery stock weather protection units are a critical implement of husbandry and are recognized as such in statute and by the Texas Constitution. It has been suggested that further clarification is needed to ensure that these units are exempted from property taxation by appraisal districts. This bill:

Provides that, for taxation purposes, a nursery stock weather protection unit is considered to be an implement of husbandry, thereby exempting it from ad valorem taxation.

**Authorizing Online Property Tax Sales—H.B. 1652**  
*by Representative Huberty—Senate Sponsor: Senator Bettencourt*

Under current law, a taxing unit may purchase property at a tax sale when no bids from the public are received. The taxing unit is then charged with reselling the property. Interested parties note

that current law is unclear as to whether online bidding and sale may be utilized for the resale of property. This bill:

Authorizes a taxing unit to sell real property seized for property tax delinquency by means of an online public auction.

**Tax and Interest on Change of Use for Open-Space and Timber Lands—H.B. 1743**

*by Representative Tracy O. King et al.—Senate Sponsor: Senator Creighton*

Concerns have been raised that the additional tax and interest imposed on open-space land or timber land when a change in use occurs is outdated and excessive. H.B. 1743 seeks to reduce this tax burden by lowering the rate of the additional tax imposed on such property. This bill:

Changes the calculation of the rollback tax amount to the difference between the taxes that would have been paid at market value and the taxes actually paid over the past three years, rather than over the past five years.

Decreases from seven percent to five percent the annual interest rate added to the additional tax.

**Establishing a Uniform Deadline for ARB Order Appeals—H.B. 1802**

*by Representative Bohac—Senate Sponsor: Senator Hancock*

Property owners may appeal a property valuation by an appraisal review board either by filing a lawsuit in district court or by requesting binding arbitration. However, these two methods of recourse have different filing deadlines, causing confusion among property owners. There have been calls to establish a uniform deadline for property valuation appeals. This bill:

Changes the deadline to complete a binding arbitration request from 45 days to 60 days.

Requires the comptroller of public accounts of the State of Texas to provide a property owner with a written notice of deficiencies in a rejected application for binding arbitration and to allow a property owner 15 days to correct the deficiencies.

**Deadline for Certain Property Tax Allocations—H.B. 1815**

*by Representative Sanford—Senate Sponsor: Senator Fallon*

Interested parties have observed that prior to acts of the 85th Legislature, the annual deadline to submit applications for certain property tax allocations was May 1. The 85th Legislature moved the deadline to April 1, which created confusion and unnecessary complications in the application process, in some cases causing property owners to miss the deadline. This bill:

Changes the deadline to claim certain property tax allocations from April 1 to May 1.

**Waiver on Delinquent Property Tax Resulting From Mortgagee Error—H.B. 1885**

*by Representatives Greg Bonnen and Guillen—Senate Sponsor: Senator Zaffirini*

Concerns have been raised that taxpayers can be held liable for penalties and interest on property taxes that become delinquent as a result of an error by a mortgagee. This bill:

Authorizes a taxing unit under certain conditions to waive penalties and interest on a delinquent property tax resulting from a mortgagee error.

**Expiration Exception for Tax Increment Reinvestment Zone—H.B. 2111 [VETOED]**

*by Representative Pacheco et al.—Senate Sponsor: Senator Flores*

Concerns have been raised regarding the approaching expiration of a certain tax increment reinvestment zone covering the Southside Independent School District in San Antonio, a zone created the same year as legislative efforts to revise the school funding formula. That legislation provided funding for the zone contingent upon the term of the zone not extending beyond the original finance plan. In light of unanticipated financial difficulties and delays encountered by developers, there have been calls to provide an exception to this requirement. This bill:

Creates an exception to the limitation on the number of years for which any captured appraised value of certain property within a tax increment reinvestment zone may be deducted for the purposes of determining school district property values.

**Types of Property Appraisal Errors Eligible for Correction—H.B. 2159**

*by Representatives Meyer and Swanson—Senate Sponsor: Senator Paxton*

There has been confusion with regard to state law concerning an appraisal roll change correcting an error that resulted in an incorrect property value appraisal. It has been suggested that ambiguities over what constitutes such an error have led to inconsistent interpretations by appraisal districts. This bill:

Authorizes a property owner or chief appraiser to file a motion with an appraisal review board to correct an error regarding the unequal appraisal or excessive market value of a property in a property tax appraisal roll.

**Grounds for Removal of an ARB Member—H.B. 2179**

*by Representative Wrays and Toth—Senate Sponsor: Senator Hughes*

There have been calls to provide for better oversight when an appraisal review board (ARB) member engages in certain misconduct. This bill:

Provides that evidence of repeated bias or misconduct, rather than clear and convincing evidence of repeated bias or misconduct, is grounds for removal of a member of an appraisal review board.

Excludes communication between a property tax consultant, property owner, or agent of the property owner and a local administrative district judge regarding information relating to the removal of an ARB member from communications constituting an offense for certain appraisal districts.

**Application of Disability and Elderly Residence Homestead Exemptions—H.B. 2441**  
*by Representatives Wray and Guillen—Senate Sponsor: Senators Paxton and Birdwell*

Concerns have been raised about the inconsistent application of disability and elderly residence homestead exemptions by appraisal districts. It has been reported that some persons who qualify for both exemptions have been confused as to how these exemptions apply with respect to taxes levied by different taxing units. This bill:

Authorizes an eligible person who is disabled and 65 or older to receive both a disabled and an elderly residence homestead exemption in the same year if the person receives the exemptions from different taxing units.

Clarifies that such a person is prohibited from receiving both exemptions from the same taxing unit in the same year.

**Auctioneer's Commission and Fees in Online Property Auctions—H.B. 2650**  
*by Representatives Goodwin and Guillen—Senate Sponsor: Senator Bettencourt*

Current law allows counties to perform online auctions to sell foreclosed properties. However, counties have had difficulty doing so because statute does not allow them to include an auctioneer's commission and fees in the costs of a sale. This bill:

Includes an auctioneer's commission and fees among the costs of a sale of real property.

**Taxation of Precious Metals Held in Texas Depositories—H.B. 2859**  
*by Representative Capriglione—Senate Sponsor: Senator Fallon*

It has been suggested that the current practice of taxing precious metal deposits places Texas depositories at a competitive disadvantage relative to other states. This bill:

Entitles a person to a property tax exemption for precious metal held in a precious metal depository located in Texas, regardless of whether the metal is held or used for the production of income.

Prohibits a taxing unit from taxing precious metal held in a precious metal depository located in Texas.

**Transfer of Certain Real Property by DPS—H.B. 2913**  
*by Representative Zerwas—Senate Sponsor: Senator Kolkhorst*

The Texas Department of Public Safety (DPS) wishes to give certain real property to the Child Advocates of Fort Bend in the City of Rosenberg. This bill:

Requires DPS to transfer to Child Advocates of Fort Bend certain specified real property in Fort Bend County and requires Child Advocates of Fort Bend to use the property solely for purposes that benefit the state's public interest.

Transfers from Blinn College District to the Texas Historical Commission jurisdiction over the Star of the Republic Museum.

**Appraisal of Land Under Quarantine for Tick Eradication—H.B. 3348**  
*by Representatives Guillen and Springer—Senate Sponsor: Senator Hinojosa*

It has been suggested that landowners whose land qualifies for appraisal as agricultural or open-space land should not be penalized if the Texas Animal Health Commission (TAHC) establishes a temporary quarantine for ticks on that land. This bill:

Provides that land subject to a temporary quarantine by TAHC for the purpose of regulating the handling of livestock and eradicating ticks or the exposure to ticks continue to be appraised as agricultural land or open-space land.

Requires the owner of such land to provide certain notifications relating to tick eradication to an appraisal district.

**Limited-Scope Review of Appraisal Districts Damaged in Disasters—H.B. 3384**  
*by Representative Shine—Senate Sponsor: Senator Bettencourt et al.*

It has been noted that Hurricane Harvey damaged several appraisal district buildings, significantly impacting appraisal districts' resources and ability to properly administer their duties. This bill:

Authorizes the comptroller of public accounts of the State of Texas (comptroller) to conduct a limited-scope review of an appraisal district instead of a comprehensive review if the district is located wholly or partly in a disaster area, if the district's chief appraiser requests that the review be limited, and if the comptroller determines that certain circumstances exist as a result of the disaster.

**Property Tax Reform—S.B. 2**

*by Senator Bettencourt et al.—House Sponsor: Representative Burrows et al.*

Certain stakeholders contend that the property tax system is needlessly complex and that relevant information concerning it is difficult to access. In addition, some argue that an increase in tax rates exceeding the rollback rate should trigger an automatic election. For these reasons, interested parties suggest that legislation should reform the appraisal and rate-setting processes, as well as requirements for tax ratification elections. This bill:

Reclassifies the effective tax rate as the no-new-revenue tax rate; reclassifies the effective maintenance and operations tax rate as the no-new-revenue maintenance and operations tax rate; and reclassifies the rollback tax rate as the voter-approval tax rate. Defines “special taxing unit” and “unused increment rate.”

Requires automatic tax ratification elections if certain taxing units propose tax rates exceeding voter-approval tax rates. Authorizes voters in smaller municipalities and certain districts by petition to require a tax ratification election.

Creates an online real-time tax rate notice system to inform the public of proposed rates. Provides for a web-based method to submit opinions regarding tax rates to local officials.

Revises and reformats tax rate notices for easier comprehension. Amends certain notice requirements. Authorizes property owners to elect to receive certain tax rate notices by e-mail.

Makes changes to the appraisal process:

- Prevents appraisal review boards (ARBs) from appraising a property at an amount greater than that in the appraisal records without consent of the property owner.
- Establishes specialized ARB panels to hear protests for certain commercial properties exceeding \$50 million in value in larger counties.
- Prohibits ARB panels from requiring unanimous votes.
- Eliminates Sunday ARB hearings. Requires evening ARB hearings to be scheduled between 5 p.m. and 7 p.m.
- Requires that all appraisal districts follow appraisal manuals created and issued by the Office of the Comptroller of Public Accounts of the State of Texas (comptroller).
- Eliminates the ability of local governments to challenge the values of entire classes of properties before ARBs.
- Places restrictions on ARB membership.



- Increases the number of required training and continuing education hours for ARB members.
- Establishes standardized appraisal methods and techniques.
- Amends the appraisal process for independent school districts.

Creates the Property Tax Administration Advisory Board within the comptroller's office to oversee the property tax process.

Standardizes training for arbitrators. Revises qualifications for arbitrators.

Prohibits counties and municipalities from adopting budgets decreasing first responder compensation.

Requires the comptroller to prescribe tax rate calculation forms for taxing units. Requires taxing units to use tax rate calculation forms. Amends requirements for the collection and review of appraisal information by the comptroller for its biennial reports. Reformats the comptroller's list of statewide tax rates.

Creates a survey system for certain property owners to provide feedback on the appraisal process. Requires the comptroller to issue annual reports on survey results.

Prohibits simultaneous employment officers and employers of taxing units with related appraisal districts.

Removes certain restrictions on ex parte communications between members of boards of directors of appraisal districts and chief appraisers. Authorizes chief appraisers to maintain lists of citizens qualified and willing to provide free residential property owner assistance. Requires boards of directors of appraisal districts in certain counties to increase the size of ARBs by resolution of a majority of directors.

Prohibits taxing units from reducing or repealing historical site property tax exemptions under certain circumstances.

Requires chief appraisers to extend certain filing deadlines on written request by property owners and authorizes chief appraisers to accept late applications in certain circumstances.

Authorizes a taxing unit other than a special taxing units to calculate the voter-approval tax rate in the manner provided for special taxing units if any part of the taxing unit is located in a disaster area.

Increases no-new-revenue maintenance and operations rates as needed to cover indigent defense compensation expenditures and eligible county hospital expenditures.

Defers delinquent tax suits on properties that are the subject of tax burden appeals.

Makes conforming changes.

**Homestead Exemptions for Natural Disasters—S.B. 443**  
*by Senator Hancock et al.—House Sponsor: Representative Murphy*

Currently, a property owner can continue to claim a homestead exemption on a residential structure rendered uninhabitable or unusable by a casualty or by wind or water damage for only two years without physically inhabiting the property. In order to qualify for a homestead exemption, the property owner cannot claim a homestead exemption on a different principal residence and must intend to return and occupy the rebuilt structure. Additionally, active construction or physical preparation must begin on-site not later than the first anniversary of the property owner's vacation of the premises. Hurricane Harvey victims are facing significant delays in the reconstruction of their homes due to current labor shortages and negotiation setbacks with insurance companies. The delays also impact homeowners over the age of 65, who risk losing their freeze on school taxes. This bill:

Requires that, in order to continue to receive a homestead exemption, a homeowner begin active construction of a replacement structure no later than the first anniversary of vacation of the premises, or the fifth anniversary if the property is located in an area declared a disaster by the governor. Provides that, if the area is not declared a disaster, the homeowner may receive an exemption for two years.

**Ad Valorem Taxation Exemptions for TexAmericas Center—S.B. 579**  
*by Senator Hughes—House Sponsor: Representative VanDeaver*

TexAmericas Center is a special purpose district whose purpose is to accept title of closed military bases and to promote the development of new businesses, industries, and commercial activities on or adjacent to the property. However, TexAmericas Center was created prior to the enactment of specific statutes, and, as a result, does not enjoy the same tax exemptions that other defense base redevelopment authorities and Type B development corporations enjoy. This bill:

Provides that tax exempt status for a leasehold or other possessory interest granted to a person by the taxing authority or by a nonprofit corporation holding title is owned, held, or used for a public purpose on behalf of the authority.

Provides that tax exempt status does not apply to a leasehold or other possessory interest during the period an authority or nonprofit corporation owns the estate.

**Limiting Appraised Value of Rebuilt Structures After a Disaster—S.B. 812**  
*by Senators Lucio and Bettencourt—House Sponsor: Representative Senfronia Thompson et al.*

Current law was enacted to protect certain disaster victims from exorbitant property taxes when rebuilding or repairing their homes through the state's disaster reconstruction program. Prior to a

2013 tax provision, Texans forced to rebuild or repair their severely damaged homesteads faced the possibility that any home improvement or replacement could be appraised as a new improvement, resulting in significant property tax increases. This bill:

Provides that a disaster recovery program be administered by the Texas General Land Office (GLO) or a political subdivision funded with community development block grant disaster recovery money and authorized by federal law.

Provides that, to the extent necessary to satisfy disaster recovery program requirements, a replaced structure is not considered a new improvement if the square footage of a replacement structure exceeds the damaged structure, or if the exterior of the replacement is of higher quality than the original structure.

Requires that, as soon as practicable after the effective date of this bill, but not later than the 14th day after that date, GLO and each political subdivision provide to the chief appraiser of each appraisal district a list of each replacement structure constructed since January 1, 2018, under a disaster recovery program. Requires that the chief appraiser of an appraisal district correct or supplement, as appropriate, appraisal records to indicate the correct value for the affected property for the current tax year and to notify the assessor and collector for each applicable taxing unit. Requires that the assessor for each applicable taxing unit deliver a corrected tax bill to each owner of property for which the chief appraiser corrected the appraised value. Requires that the collector for each taxing unit refund each property owner taxes exceeding the corrected tax amount.

### **Residential Tenant Late Fees—S.B. 1414**

*by Senator Hancock—House Sponsor: Representative Phelan*

Concerns have been raised that provisions in the Property Code related to rental housing late fees have caused confusion between landlords and tenants. The purpose of this bill is to clarify the existing law relating to fees resulting from a residential tenant's failure to timely pay rent. This bill:

Provides that a late fee is reasonable if the fee does not exceed 12 percent of the monthly rent for a dwelling located in a structure that contains not more than four units or 10 percent for a dwelling located in a structure that contains more than four units.

Provides that a late fee will not be owed if a tenant remits rent payment before the fourth of the month.

Authorizes a tenant to request a statement of fees to be produced by the rental housing owner.

**Transferring a Right of Redemption to Another Person—S.B. 1642***by Senator Miles—House Sponsor: Representative Wu*

Concerned parties have reported cases in which property owners have sold rights of redemption to persons with easy access to capital attempting to acquire property at a reduced price, contrary to the intention of this right. This bill:

Prohibits an owner of real property entitled to redeem property from transferring the owner's right of redemption to another person. Provides that any instrument purporting to transfer the owner's right of redemption is void.

**Property Tax Refunds Mailed to Address on Appraisal Roll—S.B. 1856***by Senator Paxton—House Sponsor: Representative Murphy*

Interested parties suggest that statutes surrounding the process for payment of certain property tax exemption refunds are unclear and have resulted in refund delays and even non-payment. This situation is due to ambiguities in the Property Tax Code. Collectors often send refunds to property owners, to a property owner's tax agent, or to the person or entity who remitted the tax payment, such as a mortgage company. This bill:

Requires that a collector or taxing unit send refunds to the mailing address as listed on the appraisal roll. Requires, if a person prefers a refund mailed to a particular address, the person provide a written request to a collector or taxing unit.

**Binding Arbitration on Appraisals of Contiguous Tracts of Land—S.B. 1876***by Senators Fallon and Taylor—House Sponsor: Representative Krause*

Property owners meeting certain criteria may request binding arbitration as an alternative method for appealing a property valuation determined by an appraisal review board. Concerned parties have reported that binding arbitration requests submitted by property owners who seek to appeal the valuation of two or more contiguous tracts of land comprising a single economic unit but not uniformly classified as the same property type are being dismissed due to differing interpretations of what constitutes noncontiguous tracts of land. This bill:

Provides that contiguous tracts of land means improved or unimproved tracts of land touching or sharing a common boundary and owned by the same property owner.

**Heir Property Owner Exemptions—S.B. 1943***by Senator Watson—House Sponsor: Representative Rodriguez*

Homeowners who inherit homes without a will, also known as heir property owners, are eligible for a homestead exemption under the Texas Constitution, but they face several difficulties when

trying to secure the homestead exemption because they typically lack a deed or other legal instrument demonstrating ownership. Heir property is a prevalent form of homeownership, particularly in low-income communities. The University of Texas Law School surveyed 1,200 homeowners in colonias and similar informal subdivisions in central and south Texas and found that 89 percent of homeowners did not have a will. The homestead exemption provides two primary benefits to a homeowner: a property tax break and an appraisal cap controlling property value growth. In areas that are rapidly gentrifying, the appraisal cap is an essential tool for helping long-time residents stay in their homes as neighborhood property values increase. However, a lack of consistency across the state about how heir property owners qualify for the exemption and what documentation is necessary to secure it creates difficulties. This bill:

Requires that the comptroller of public accounts of the State of Texas prepare and electronically publish a pamphlet providing information to aid heir property owners apply for a residence homestead exemption. Requires that the pamphlet include a list of residence homestead exemptions, a description of the application process, a description of required documents for the application process, contact information from the State Bar of Texas, and a description of the process by which an owner may record an interest in heir property in county real property records.

Provides that an heir property owner who qualifies heir property as the owner's residence be considered the sole recipient of any exemption.

Requires that an applicant for a residence homestead exemption, including an heir property owner not specifically identified on a deed or other record, provide documentation, including an affidavit establishing property ownership, a copy of the death certificate of the prior owner, a copy of the most recent utility bill, and any court record relating to the applicant's ownership.

Provides that the grant or denial of an application by an heir property owner for a residence homestead exemption not affect the legal title of the property, and does not operate to transfer a title to that property.

Provides that an heir property owner who qualifies heir property as the owner's residence is considered the sole owner of the property.

**Property Tax Exemptions for Certain Individuals—S.B. 2060**

*by Senators Menéndez and Lucio—House Sponsor: Representative Guillen*

Concerned parties have noted that many Texans who could qualify for a property tax exemption may be paying too much in taxes due to a lack of information on available exemptions, including veterans, individuals with disabilities, surviving spouses of veterans, and first responders. The United States Department of Veterans Affairs' 2010 National Survey of Veterans found that 59 percent of respondents said their understanding of available benefits was "a little" or "not at all." This bill:

Requires the chief appraiser to include a brief explanation of each total or partial property tax exemption available to disabled veterans or surviving spouses or children, individuals 65 years of

age or older or individuals' surviving spouses, disabled individuals or surviving spouses, the surviving spouses of armed services members killed in action, or surviving spouses of first responders killed or fatally injured in the line of duty.

**Ad Valorem Taxes Calculations for Government Properties—S.B. 2083**

*by Senator Hinojosa—House Sponsor: Representative Darby*

It has been noted that, if a landowner executes a possession and use agreement (PUA) prior to a governmental entity acquiring title to the parcel by deed or condemnation judgment, the landowner will continue to be liable for property taxes, even though the owner has forgone the right to use or possess the property because of the agreement. This bill:

Requires that, if a federal, state, or political entity acquires the right to possession of taxable property under a court order issued in condemnation proceedings, takes possession of taxable property under a possession and use agreement, or acquires title to taxable property, the amount of the tax due on the property is calculated by multiplying the amount of taxes imposed on the property for the entire year by a fraction, the denominator being 365 and the numerator being the number of days that elapsed prior to the date of the conveyance or the effective date of the possession and use agreement.

**Agreed Order for Ad Valorem Tax Protest—S.B. 2531**

*by Senator Creighton—House Sponsor: Representative Murphy*

Interested parties have noted that currently only one jurisdiction is known to object to the use of an agreed order to move appraisal protests more quickly through the process of an ad valorem tax protest. It has been suggested that there is a need to codify the use of an agreed order to expedite appraisal protests. This bill:

Authorizes the chief appraiser and a property owner to file a joint motion with the appraisal review board (board), notifying the board that the chief appraiser and the property owner have agreed to a disposition of the protest and request the board to issue an agreed order. Requires that the joint motion contain the terms of the protest disposition.

Requires that the chairman of the board (chairman) issue the agreed order not later than the fifth day after the date on which the joint motion is filed with the board. Requires that if the chairman is unable to issue the agreed order within the five-day period, the board issue the agreed order not later than the 30th day after the date on which the joint motion is filed.

Authorizes the chief appraiser and property owner to provide in the joint motion that the agreed order is subject to appeal in the same manner as any other order issued by the board.

**Overweight Truck Escort Vehicles—H.B. 61**

*by Representative White—Senate Sponsor: Senator Nichols*

The Transportation Code designates which types of public service and law enforcement vehicles may use certain colors of lights, or flashing or alternating lights. Currently, flag vehicles escorting oversized or overweight trucks may not use flashing or alternating lights. Stakeholders have contended that passing motorists would respond with more caution to such escort vehicles if the vehicles were equipped with blue and amber lights than if they merely displayed flags. Stakeholders have also expressed concern that passing motorists tend to ignore repair or other public service vehicles parked off the road while in the performance of their duties, despite flashing or alternating lights. This bill:

Authorizes escort flag vehicles to use alternating blue and amber lights. Requires drivers to slow down and move over for repair or other public service utility vehicles stopped on the side of the road.

**Minors Applying for Driver Licenses and Distracted Driving—H.B. 87**

*by Representative Minjarez—Senate Sponsor: Senator Zaffirini*

Current law requires the Department of Public Safety of the State of Texas (DPS) to provide minors applying for a driver license with cautionary information regarding driving while intoxicated, including applicable state laws. Stakeholders have contended that distractions such as texting while driving can be as dangerous as driving while intoxicated. This bill:

Requires DPS to provide cautionary information regarding distracted driving, including applicable state laws, to minors applying for a driver license and to application cosignors.

**Driver Education Curriculum—H.B. 105**

*by Representative Minjarez—Senate Sponsor: Senator Perry*

Stakeholders have expressed concern that new drivers are not adequately instructed in the safe operation of a vehicle while near oversized and overweight trucks, contending that the lack of such instruction contributes to the number of accidents involving those vehicles. This bill:

Requires the curriculum of a driver education course or a driving safety course to include information regarding safe driving in proximity to an oversized or overweight truck, including following distances and passing methods.

**Driving Without a Valid License—H.B. 162**

*by Representative White—Senate Sponsors: Senators Zaffirini and West*

The Transportation Code requires the Department of Public Safety (DPS) to suspend a driver license in certain cases, including failure to appear in court, failure to pay citation fines, or continuing to drive under a suspended license. In such cases where a person caught driving after their license has been suspended, a mandatory extension of up to two years is triggered. Stakeholders have contended that the system of punishments relating to driving citations and suspensions is unfair to drivers who return to court to pay old fines only to have a new suspension take effect once doing so. They further contend that mandatory suspensions trap drivers into burdensome cycles of suspension that effectively prevent them from legally commuting to work and providing for their household. This bill:

Repeals the automatic extension of a driver license suspension in certain cases.

**Construction Zone Speed Limit Signage—H.B. 339**

*by Representative Murr et al.—Senate Sponsor: Senator Perry*

Speed limits on the state highway system are lowered in the interest of safety in construction or maintenance zones. Signs indicating the decreased limit are placed at the beginning of a zone but not at the end. Stakeholders have expressed concern that the lack of signage at the end of a zone is hazardous, contending that some drivers will maintain dangerously low speeds beyond work zones because they have not been made aware that the normal speed limit has resumed. This bill:

Requires an entity that sets a lower speed limit on the state highway system for construction or maintenance work zones to place a sign indicating the speed limit at the end of the zone.

**Personal Identification Cards for Seniors—H.B. 345 [VETOED]**

*by Representatives Holland and Guillen—Senate Sponsor: Senators Schwertner and Alvarado*

Many elderly Texans whose driver's licenses have been surrendered or revoked are unaware of or do not know how to obtain alternative identification (ID) cards. This bill:

Requires the Department of Public Safety of the State of Texas to automatically issue personal ID certificates to persons 60 years of age or older at the time a driver's license is surrendered or revoked.

**Child Safety Car Seats—H.B. 448 [VETOED]**

*by Representative Chris Turner et al.—Senate Sponsor: Senators Zaffirini and Alvarado*

Child safety experts have expressed concern that many parents transition their children from rear-facing car seats to forward-facing seats too early, contending that rear-facing seats are safest for children under the age of two because they support the weight of a child's head and neck in the



event of a sudden stop or crash. Currently, transporting most children younger than eight without securing them in a child safety seat is a misdemeanor offense. This bill:

Creates an offense for operating a vehicle while transporting a child younger than two years of age without securing the child in a rear-facing car seat. Prohibits a peace officer from stopping a vehicle or detaining a driver solely to enforce the offense and from issuing a citation unless the driver has previously been issued a warning or a citation.

**Disability Parking Placards—H.B. 643**

*by Representative Raney—Senate Sponsor: Senator Menéndez*

Current law requires an application for a disability parking placard to be made in the county where the applicant resides. However, stakeholders have expressed concern that those eligible for disability parking in their home counties may travel outside of the county for medical treatment. Caretakers of patients have contended that they must drive unreasonably long distances to submit applications or pick up placards on behalf of a patient. This bill:

Removes the requirement that an applicant not be a resident of Texas to apply for a disabled parking placard in the county in which the applicant is seeking medical treatment, if that county is not the county in which the applicant resides.

**Texting and Driving in School Zones—H.B. 771**

*by Representative Sarah Davis—Senate Sponsor: Senator Zaffirini*

The Transportation Code prohibits the use of a wireless communication device while operating a motor vehicle within a school crossing zone, unless the vehicle is stopped or the communication device is hands-free. A political subdivision that enforces this offense must post signage at the entrance to each crossing zone indicating the prohibition and fines for violations.

Certain political subdivisions prohibit the use of such devices throughout their jurisdictions and are subject to different signage requirements, as specified by statute. Stakeholders have expressed concern at the cost of complying with broader posting requirements in larger cities. This bill:

Requires local authorities, rather than political subdivisions, to post signage.

**Liability for Bridge Strikes—H.B. 799**

*by Representative Landgraf et al.—Senate Sponsor: Senator Nichols*

The Transportation Code limits the height of a vehicle and its load to 14 feet or less and makes the owner of a vehicle that causes damage to a bridge by striking it liable. Legislators have expressed concern at the increase in the occurrence of bridge strikes, contending that repairs cost millions of dollars, very little of which has been collected from those responsible for the damage. This bill:

Creates a Class C misdemeanor, punishable by a fine not to exceed \$500, for operating or attempting to operate a vehicle through a bridge or underpass unless the height of the vehicle and its load is less than the vertical clearance of the structure.

**Ports-to-Plains Corridor—H.B. 1079**

*by Representative Price et al.—Senate Sponsors: Perry and Seliger*

The Ports-to-Plains Corridor is a network of highways by which goods from Mexico are transported to destinations in the United States. This corridor runs north and south across the Great Plains from Mexico to Canada. This bill:

Requires TxDOT to conduct a feasibility study of plans to extend Interstate 27. Establishes a Ports-to-Plains Advisory Committee to advise and inform the study.

**Extending Registration Periods for Certain Trailers—H.B. 1262**

*by Representative Keith Bell et al.—Senate Sponsor: Senator Nichols*

Owners of farm and ranch trailers not subject to state inspection requirements have expressed concern regarding registration requirements for those trailers, contending that the current registration periods are too short, creating burdens on owners and the governmental entities that administer registrations. This bill:

Requires the Texas Department of Motor Vehicles to develop and implement a system for the registration of certain trailers for a period of up to five years.

**Household Goods Movers—H.B. 1505**

*by Representative Martinez—Senate Sponsor: Senator Hancock*

Under the Transportation Code, household goods movers must register company vehicles with the Department of Public Safety of the State of Texas (DPS) and obtain liability insurance. It is an offense to engage in or solicit business without registration. Stakeholders have expressed concern that while an illicit operator can be convicted in court, the conviction is not communicated to DPS. This bill:

Requires the court to notify DPS of the conviction of a person engaging in or soliciting the transportation of household goods without proper registration.

**Contracting With Design-Build Firms—H.B. 1542**

*by Representative Martinez—Senate Sponsor: Senator Hinojosa*

The Government Code authorizes a governmental entity entering into a contract with a design-build firm to require the firm to identify which companies will fill key project roles under

the contract and serve as task leaders. Firms held to this requirement may not change the companies they have selected to work on the project unless a company meets certain criteria. If a design-build firm makes a team change in violation of these criteria, any cost savings resulting from the change revert to the governmental entity rather than the design-build firm. However, the Texas Department of Transportation (TxDOT) is excluded from this authorization; stakeholders have expressed concern that firms may intentionally submit proposals with an identified team only to renegotiate more favorable agreements with another and pocket the savings. This bill:

Prohibits a design-build contractor contracting with a governmental entity or regional mobility authority from changing identified teams except in certain cases. Provides that, in the event of team changes, any cost savings revert to TxDOT or the regional authority.

**Prohibiting Red Light Cameras—H.B. 1631**

*by Representative Stickland et al.—Senate Sponsor: Senators Hall and Bettencourt*

The Transportation Code provides for photographic traffic signal enforcement systems, known as red light cameras. Red light camera systems are installed above roadway intersections controlled by traffic signals and photograph a vehicle's license plate if sensors detect the vehicle in the intersection after a traffic signal has turned red. The local law enforcement agency operating the camera system then issues a citation to the driver under whose name that vehicle is registered. Critics of red light camera systems have expressed concern that automatically issuing a citation to the registrant is a violation of constitutional due process rights, contending that someone other than the vehicle's registrant may have committed the offense. This bill:

Prohibits a local authority from implementing or operating a photographic traffic signal enforcement system and from issuing a civil or criminal charge or citation for a violation based on a recorded image produced by such a system.

**Titling and Registration for Kit Vehicles—H.B. 1755**

*by Representative Ed Thompson et al.—Senate Sponsor: Senators Hughes and Birdwell*

Currently, dune buggies and other assembled vehicles, also known as kit vehicles, are prohibited on public roads. However, owners of such vehicles contend that they should be allowed to operate on public roadways because they are built to safe and roadworthy specifications. This bill:

Requires the titling and registration of kit vehicles to operate on public roads. Requires such vehicles to pass inspections by master technicians.

**Automatic Issuance of Personal ID Certificates—H.B. 2092**

*by Representative Guillen—Senate Sponsor: Senator Zaffirini*

Currently, the Department of Public Safety of the State of Texas (DPS) does not automatically issue a personal identification certificate to a person whose license has been confiscated.

Stakeholders have expressed concern that the process for obtaining a personal ID certificate is not well known to individuals and that an automatic issuance would ease the administrative burden on DPS. This bill:

Requires DPS to automatically issue a personal ID certificate when a driver's license is confiscated.

**Salvage and Nonrepairable Vehicles—H.B. 2112 [VETOED]**  
*by Representative Ed Thompson—Senate Sponsor: Senator Zaffirini*

The Transportation Code provides for the titling of vehicles, including salvage vehicles. Salvage vehicles are those for which the cost of repairs exceeds the value of the vehicle. Statute specifically requires titles for salvage vehicles whose damage results from flooding to be notated as such by the Texas Department of Motor Vehicles (TxDMV). The agency has reported that the process for issuing a salvage vehicle title to owners who have chosen to retain the vehicle after filing an insurance claim has become problematic. TxDMV has contended that, when the salvage vehicle is eventually sold, titling complications can arise if an owner did not apply properly for a salvage vehicle title. TxDMV has also said that without accurately classifying a vehicle as a flood-damaged salvage vehicle, correctly notating such a vehicle's title is difficult or impossible. This bill:

Defines "flood vehicle" and requires TxDMV to issue a salvage or nonrepairable title if an owner of such a vehicle files an insurance claim on a flood damaged vehicle and chooses to keep the vehicle.

**Regulation of Electric Bicycles—H.B. 2188**  
*by Representatives Frullo and Larson—Senate Sponsor: Senators Alvarado and Taylor*

The Transportation Code defines "electric bicycle" as a bicycle that is designed to be propelled by an electric motor, exclusively or in combination with human power, that cannot attain a speed more than 20 miles per hour without human power and does not exceed 100 pounds. "Bicycle" is defined as a device that a person may ride that is propelled by human power and has two tandem wheels, at least one of which is more than 14 inches in diameter. Currently, the Texas Department of Public Safety of the State of Texas (DPS) or local authority may not prohibit the use of an electric bicycle on a highway but may prohibit use on pedestrian pathways. Stakeholders have noted the increasing use of electric bicycles, contending that the states should adopt predictable regulatory environments for manufacturers, retailers, and consumers. This bill:

Redefines "electric bicycle" as a bicycle equipped with fully operable pedals and an electric motor with a power of no more than 750 watts with a top assisted speed of no more than 28 miles per hour. Classifies electric bicycles into three classes differentiated by top speed and whether the electric motor provides assistance when pedaling. Requires manufacturers to prominently label on an electric bicycle with the class to which it belongs.

Provides that DPS or a local authority may not prohibit the use of electric bicycles in certain areas. Authorizes DPS or a local authority to prohibit the use of bicycles on a sidewalk and establish speed limits for bicycles on certain paths.

**Slow-Moving Farm Vehicles—H.B. 2290**

*by Representative Buckley et al.—Senate Sponsor: Senator Flores*

Certain slow-moving farm vehicles may be driven on the road if they display a reflective slow-moving vehicle emblem at a height of between three and five feet above the road. Stakeholders have contended that this standard is no longer appropriate for larger modern equipment. This bill:

Requires such a vehicle to display a slow moving vehicle emblem on its rear where it is visible.

**Indigent Status Under the Driver Responsibility Program—H.B. 2475 [VETOED]**

*by Representative Guillen—Senate Sponsor: Senators Zaffirini and West*

The Driver Responsibility Program (DRP) is a points-based system of surcharges by which drivers who commit traffic violations are assessed surcharges and fees in addition to those assessed by the court for the actual citation. Critics of DRP have contended that it disproportionately affects the poor, often creating inescapable cycles of delinquency and driver's license suspensions for individuals who cannot afford huge surcharges assessed in addition to citation fines. Under DRP, a person can enter into a payment plan for the payment of surcharges and can claim an indigent status to have all surcharges waived. However, stakeholders and legislators have stated that it is unclear when an indigent person should provide evidence of their inability to pay in order to have their fees waived. This bill:

Authorizes a person seeking indigent status under DRP to provide evidence of their inability to pay at any time the person is enrolled in an installment plan for the payment of surcharges.

**Driver's License Applications by Minors—H.B. 2551**

*by Representative Bucy—Senate Sponsor: Senator Watson*

Currently, most minors seeking a driver's license must have a parent or legal guardian cosign their application. This is impossible for some minors whose parents are not able to sign. Stakeholders have contended that allowing an individual with power of attorney for the minor, like an older sibling, to cosign the application would eliminate a barrier for such minors. This bill:

Includes a person with power of attorney for the parent who has custody of the applicant among the individuals authorized to cosign a minor's application for a driver license.

**Emissions Inspections for Commercial Motor Vehicles—H.B. 2604***by Representative Sanford—Senate Sponsor: Senator Paxton*

Commercial motor vehicles (CMVs) must comply with certain safety and regulatory requirements, including pollutant emissions standards. The Department of Public Safety of the State of Texas (DPS) operates inspection stations throughout the state to ensure compliance. A certain type of emissions inspection called a limited emissions inspection uses the onboard diagnostic system of the vehicle rather than a measuring device independent of the vehicle. The law allows DPS to set a maximum number of limited emissions inspections that a station may conduct per month, but no fewer than 150 inspections. Stakeholders have contended that the maximum number of limited emissions inspections they may conduct is too small. This bill:

Prohibits DPS from limiting the number of limited emissions inspections an inspection station may conduct.

**Updating Provisions and Regulation of Superheavy Trucks—H.B. 2620***by Representatives Martinez and Bailes—Senate Sponsor: Senator Rodríguez*

The Texas Department of Motor Vehicles (TxDMV) has made recommendations to the legislature regarding how statutory changes would improve TxDMV's operation. H.B. 2620 enacts those recommendations. This bill:

Provides for administrative sanctions against vehicles loaded beyond legal weight limits.

Repeals the statutorily required process for issuing an oversize/overweight permit by phone.

Authorizes TxDMV to deny an oversize/overweight permit to an out-of-service vehicle, determined by the federal government or DPS.

Allows TxDMV to require escort vehicles and to authorize the escort vehicles limited ability to control traffic.

Establishes a default allocation of 10 percent to the TxDMV fund for any newly created oversize/overweight permit unless otherwise set in statute.

Requires the entity that purchases the oversize/overweight permit to be the one that uses it.

Requires a certificate of weight to be provided when requested by a carrier and requires a vehicle over 200,000 pounds to send a certificate of weight to TxDMV prior to being on the road.

**Train Cars and Pedestrian Safety—H.B. 2775**

*by Representative Krause—Senate Sponsor: Senator Hancock*

Stakeholders have expressed concern at pedestrians moving under or between train cars while in motion, contending that it is unsafe. This bill:

Prohibits a pedestrian from moving in front of, under, between, or through the cars of a moving or stationary train occupying any part of a railroad grade crossing.

**Emergency Braking Systems on Trailers—H.B. 2810**

*by Representatives Kacal and Guillen—Senate Sponsor: Senator Perry*

Certain trailers are required to be equipped with emergency braking systems. Stakeholders have noted an inconsistency in the law regarding what type of brakes are required for trailers, semitrailers, or pole trailers. This bill:

Exempts certain trailers from the requirement they be equipped with emergency brakes by increasing from 3,000 pounds to 4,500 pounds the threshold determining whether such a requirement applies.

**Design-Build Contracting by TxDOT—H.B. 2830**

*by Representative Canales—Senate Sponsor: Senator Hancock*

Design-build contracts allow for design, construction, utility relocation, and maintenance to occur simultaneously under a single contract and do not include financial participation from the private sector, a long-term lease, or operation of the facility. The Texas Department of Transportation (TxDOT) currently may enter into three design-build contracts per fiscal year. TxDOT is required to issue a request for proposal for projects delivered under design-build contracts and requests must include schematic designs that are approximately 30 percent complete. This bill:

Increases from three per fiscal year to six the maximum number of design-build contracts for highway projects into which TxDOT may enter. Revises provision relating to designs required in requests for proposals.

**Requirements for Certain Vehicles and Trailers—H.B. 2837**

*by Representative Canales—Senate Sponsor: Senator Hinojosa*

The Department of Public Safety of the State of Texas has reported that corrections are needed regarding the requirements for covered farm vehicles, slow-moving vehicles, authorized emergency vehicles, and certain trailers. This bill:

Exempts certain former military vehicles and covered farm vehicles from the Texas Commercial Driver's License Act. Repeals the Class C misdemeanor offense for a person who, with criminal

negligence, uses, purchases, possesses, manufactures, sells, offers to sell, or otherwise distributes a license plate flipper. Exempts a slow-moving vehicle from certain limitations on driving on an improved shoulder, revises the trailers to which certain brake-related equipment requirements apply, and revises display requirements for a slow-moving-vehicle emblem.

### **Liability in Construction Contracting—H.B. 2899**

*by Representative Leach et al.—Senate Sponsor: Senator Hinojosa*

Stakeholders have noted that government contractors building certain transportation projects are required to follow the project design precisely, and have expressed concern that contractors can be held liable for faulty designs and have no legal recourse against the designer. This bill:

Limits the civil liability and responsibility of a contractor who enters into a contract with a governmental entity for defects in the plans, specifications, or other documents for the construction or repair of roads, highways, and related improvements. Prohibits the Texas Department of Transportation and certain governmental entities engaged in transportation projects from requiring that engineering or architectural services be performed to a level of professional skill and care beyond the level normally provided by an ordinarily prudent engineer or architect.

### **Marking Accessible Parking Spots—H.B. 3163**

*by Representative Springer—Senate Sponsor: Senators Menéndez and Zaffirini*

The Governor's Committee on People with Disabilities has reported a need for more accessible parking and more information regarding accessible parking, including marking accessible spaces with symbols, text, and possible punishments for parking in such spaces without an accessible parking placard. This bill:

Requires the international symbol of access to be painted in accessible parking spaces and the words "NO PARKING" adjacent to the space. Requires a sign identifying a parking space to include a statement regarding the consequences of illegally parking in such a space.

### **Accessible Parking Spot Markings—H.B. 3171**

*by Representative Krause—Senate Sponsor: Senator Watson*

The Transportation Code defines "moped" as a motor-driven cycle that cannot attain a speed of more than 30 miles per hour, with an engine that cannot produce more than two brake horsepower and a piston displacement of 50 cubic centimeters or less. Individuals are prohibited from operating a moped without a driver's license and an applicant for a moped license must be at least 15 years old and take a written examination relating to applicable traffic laws. An individual with a Class M driver's license may operate a motorcycle or moped. A Class A, B, or C driver's license or commercial driver's license or permit also could include an authorization to operate a moped for an additional fee of \$8. This bill:



Eliminates the moped license and removes the authorization to operate a moped under the authority of a Class A, B, C, and M driver's license or a commercial driver's license or permit. Revises the definition of "moped" for purposes of rules of the road.

**Routing of Oversized and Overweight Vehicles—H.B. 3460**

*by Representative Ed Thompson—Senate Sponsor: Senator Kolkhorst*

The Transportation Code provides for the issuance of permits for the operation of oversized and overweight trucks and the determination of routes such vehicles must take to reach their destination. Routes are determined to avoid damaging bridges and roadways that cannot accommodate such vehicles. This bill:

Requires the Texas Transportation Commission to designate certain direct routes through Matagorda County for the movement of oversized/overweight trucks.

**Regulation of Certain Motor Vehicle Dealers—H.B. 3842**

*by Representative Tracy O. King—Senate Sponsor: Senator Hinojosa*

Concerns have been raised regarding the consignment for sale of motor vehicles from a location other than a location for which a dealer is licensed. It has been suggested that ensuring dealers only sell from their licensed location is important from a consumer protection standpoint. For example, when dealers place their inventory for sale on another dealer's lot, confusion may be introduced with regard to the dealer from which the vehicle is actually being purchased. This bill:

Expands to any motor vehicle dealer the applicability of the requirement that a dealer obtain a general distinguishing number for a consignment location, unless the consignment location is a wholesale motor vehicle auction, by removing the provision limiting applicability of the requirement to a dealer who consigns for sale more than five vehicles in a calendar year from a location other than the location for which the dealer holds a general distinguishing number.

**Transportation Infrastructure Fund—H.B. 4280**

*by Representative Morrison et al.—Senate Sponsor: Senator Flores*

The transportation infrastructure fund was created in 2013 to provide for a grant program for county transportation infrastructure projects in counties affected by increased oil and gas production. To receive grants, a county must establish a county energy transportation reinvestment zone (CETRZ), and provide matching funds in an amount not less than 20 percent of the grant, or 10 percent if the county is economically disadvantaged. Currently, 20 percent of total grant amounts distributed in each fiscal year must be allocated among counties according to weight tolerance permits, 20 percent according to oil and gas production taxes, 50 percent according to well completions, and 10 percent according to the volume of oil and gas waste injected. Stakeholders have contended that modifying the disbursement mechanism for this grant program

could better serve counties in energy-producing areas that are in need of funding to construct, repair, or maintain infrastructure. This bill:

Modifies the percentage allocations of grant distributions and requires contracts for projects supported by the infrastructure fund to undergo a competitive bidding process.

**Tollway Billing—S.B. 198**

*by Senators Schwertner and Kolkhorst—House Sponsor: Representative Canales*

The Transportation Code provides for the use of transponders for electronic toll collections on state highways. A transponder is considered insufficiently funded when there are no remaining funds in the transponder owner's account. Electronic toll collection customer account information, including contact and payment information and trip data, is confidential and not subject to public disclosure.

Legislators and stakeholders have noted the difficulty experienced by many customers in paying their toll bills and fees in full or on time, contending that the schedule of charges and fees is confusing for customers. Toll entities report that they have the most difficulty collecting payments from customers who have moved without updating their address and from those without transponders. While toll entities report that connecting a transponder to a customer's prepaid account makes paying easier, allowing customers to pay directly from a bank account would offer an extra convenience for customers. Toll entities have requested permission from the legislature to share certain customer contact data with each other to increase their ability to invoice customers and provide customer service. This bill:

Provides customers using transponders with an option to authorize automatic toll payments through bank account withdrawals in addition to prepaid accounts. Authorizes a toll entity to share customer account information with another such entity for purposes of customer service, toll collection, enforcement, or reporting requirements.

**Penalties for Over-Schedule Transportation Infrastructure Projects—S.B. 282**

*by Senator Buckingham et al.—House Sponsor: Representative Buckley et al.*

The Texas Department of Transportation (TxDOT) may hold infrastructure project contractors accountable with financial penalties when projects are delayed. However, regional stakeholders have expressed concern that penalties received by TxDOT for a late project in one region could be spent by TxDOT in other parts of the state, contending that communities affected by such delays should be guaranteed relief or direct benefit from any funds recovered by TxDOT for delayed projects in their communities. This bill:

Requires TxDOT to establish a system to track liquidated damages associated with delayed transportation project contracts and to correlate damages with the applicable project and district where the project was located. Requires TxDOT to annually determine the amount of damages

retained for each district and to allocate an amount equal to such damages to be used for transportation projects in each district.

**Roadside Sign Height Limitations—S.B. 357**

*by Senator Nichols et al.—House Sponsor: Representative Canales*

The Transportation Code regulates the height of outdoor commercial signs that were erected prior to March 1, 2017. Currently, such signs are not allowed to exceed 85 feet, excluding a cutout that extends above the border of the sign; however, Texas Administrative Code states that if the legislature does not establish a maximum overall height of commercial signs before September 3, 2019, a commercial sign erected henceforth may not exceed an overall height of 85 feet. This bill:

Decreases from 85 feet to 60 feet the maximum height of a commercial sign and authorizes the Texas Transportation Commission to deny an application for a sign permit for a person who has permits for 100 or more signs and violates sign height requirements. Provides that existing signs that were erected prior to March 1, 2017, would continue to be limited to 85 feet.

**Installation of Unsafe Tires on Motor Vehicles—S.B. 511 [VETOED]**

*by Senators Rodríguez and Lucio—House Sponsor: Representative Clardy*

Stakeholders have noted the high incidence of vehicle accidents caused by tire blowouts, tire thread separations, and bald tires. Department of Public Safety of the State of Texas rules currently require tire shops to reject unsafe tires, but legislators and stakeholders wish to codify the rule and create a civil penalty for offending tire shops. This bill:

Prohibits a tire shop from knowingly installing unsafe tires and establishes a civil penalty not to exceed \$500 for violating the prohibition.

**Vehicle Recall Checks in Safety Inspections—S.B. 711**

*by Senator Hinojosa—House Sponsor: Representative Leach*

Stakeholders have noted the high volume of motor vehicles in operation that are subject to open safety recalls, stating that Texas ranks last in the nation with regard to vehicle owners returning to their dealer to service their unsafe vehicle. Unfortunately many owners are unaware that their vehicle is subject to a recall. Stakeholders have contended that vehicle safety inspections should include a check of a vehicle's recall status so that an owner can be informed. This bill:

Authorizes the Texas Commission on Environmental Quality and the Department of Public Safety of the State of Texas to adopt rules providing for the inclusion on certain vehicle inspection reports notifications regarding whether the vehicle is subject to a safety recall for which the vehicle has not been repaired or the repairs are incomplete.

**Delivery Robots—S.B. 969**

*by Senator Hancock—House Sponsor: Representative Landgraf*

Legislators have noted that delivery companies have begun using mobile delivery devices—i.e., robots—as an alternative to conventional delivery options. These devices are being tested and operated in other states in addition to Texas; however, current state law does not specifically address this technology and legislators have made calls to regulate the technology. This bill:

Restricts the operation of a personal delivery device to a person who is a business entity or an agent of the business entity with the capability to monitor or directly operate the device. Establishes speed limits and permitted pathways for such devices but authorizes a local authority to establish a lower speed limit in a pedestrian area under certain circumstances.

**Notice to Peace Officer of a Person's Communicative Disorder—S.B. 976**

*by Senators Hughes and Alvarado—House Sponsor: Representative Martinez*

The Transportation Code provides for a notice on the driver's license or identification card of a person with a health condition that may impede their ability to communicate with a peace officer, and allows them to indicate such a condition when they apply for a driver's license with the Texas Department of Public Safety (DPS). However, stakeholders have contended that a person with inhibited communication should be able to be able to make the same indication when registering their vehicle with the Texas Department of Motor Vehicles (TxDMV), and that the indication should be communicated to peace officers during interactions through the Texas Law Enforcement Telecommunications System (TLETS). This bill:

Requires a vehicle registration application to provide space for an applicant to voluntarily indicate that the applicant has a health condition or disability that may impede communication with a peace officer. Requires TxDMV to provide DPS with the vehicle registration information of a person who makes such an indication and requires DPS to include that information in TLETS so that a peace officer who makes a traffic stop knows that the vehicle operator may have such a health condition or disability.

**Traffic Safety Devices Procurement—S.B. 1092**

*by Senator Nichols—House Sponsor: Representative Canales*

The Transportation Code requires the Texas Department of Transportation (TxDOT) to use competitive bid contracts for materials, improvements, and maintenance of state highways. The Texas Administrative Code establishes the Electric State Business Daily, also known as Texas SmartBuy. Agencies must use SmartBuy to post bid opportunities for certain products and services worth more than \$25,000, which the comptroller pools into single, larger contracts.

Legislators have contended that efficiency at TxDOT could be improved by transferring authority for contracting for traffic control and safety systems from Texas SmartBuy to TxDOT since

SmartBuy imposes a 1.5 percent fee and makes requirements that can impede project delivery. This bill:

Requires TxDOT to submit competitive contract bids for traffic control or safety devices used on a highway.

**Electronic Invoicing by Tolling Entities—S.B. 1311**  
*by Senator Bettencourt—House Sponsor: Representative Raney*

Tolling entities have reported difficulties in collecting use charges from drivers, stating that sending mailed invoices is antiquated and unreliable, especially when the address database is not current or accurate. Tolling entities have requested permission to provide drivers with the option of electronic invoices instead of mailed notices. This bill:

Authorizes a county, regional mobility authority, or toll project entity to transmit invoices or notices of toll nonpayment electronically instead of by first class mail if the recipient agrees.

**Costs for Relocating Utilities—S.B. 1512**  
*by Senator Flores—House Sponsor: Representative Martinez*

Many Texas Department of Transportation (TxDOT) projects require utilities that exist on the state highway system to be relocated. The Transportation Code provides that relocation costs are the responsibility of the state if the relocation involves a National System of Interstate and Defense Highways project that is eligible for federal participation, if the utility company has a compensable property interest in the land needed for the project, or if the highway segment was designated by the Texas Transportation Commission as a turnpike before September 1, 2005. Stakeholders have noted that many cities and counties cannot afford the relocation costs when TxDOT requires the relocation of utilities that are not eligible for state payment or reimbursement. This bill:

Establishes conditions under which the expense of relocation of a utility facility required by state highway system projects is the state's responsibility. Limits the amount paid by TxDOT for relocations to \$10 million in any fiscal year.

**Updating Emergency Contact Information on Driver's Licenses—S.B. 1764**  
*by Senator Zaffirini—House Sponsor: Representative Price*

When a person is injured or dies, locating next of kin can often take days for authorities, wasting valuable time. Current law does not require the Department of Public Safety of the State of Texas (DPS) to provide an applicant for a driver's license or personal identification certificate with the option to provide or update emergency contact and medical information online. Stakeholders have contended that allowing such an option would help authorities contact next of kin faster and inform first responders and medical personnel of pertinent medical information. This bill:

Requires the forms and procedures established by DPS relating to requests to update license information to allow a holder of a driver's license or personal identification certificate to update emergency contact and medical information electronically on the DPS website.

**Economically Disadvantaged County Program—S.B. 2168**

*by Senator Watson—House Sponsor: Representative Cyrier*

Legislators and stakeholders have reported that a small number of Texas counties have suffered repeated disasters in a brief period of time, which has strained local government resources and disrupted tax revenue streams. Statute requires local communities to provide matching funds for right-of-way acquisition and utility relocation for Texas Department of Transportation (TxDOT) projects; however, TxDOT is authorized to offer economically disadvantaged counties a reduced local match requirement. Legislators have contended that counties affected by federally declared disasters should be allowed to participate for a specific period of time in the Economically Disadvantaged County Program. This bill:

Creates new criteria under which a county is considered an "economically disadvantaged county" for the purposes of relief from the state highway system local matching funds requirement. Requires the adjustment to the local matching funds requirement to be equivalent to the highest adjustment rate set in the last year the county was designated as an economically disadvantaged county.

**Local Enforcement of Commercial Motor Vehicle Safety Standards**

The federal Motor Carrier Safety Act of 1984 established comprehensive rules and regulations for the safe operation of commercial motor vehicles weighing 10,001 pounds or more. The Texas Department of Public Safety (DPS) enforces commercial vehicle safety standards in the state and administers a training program by means of which local law enforcement officers may become certified to enforce these standards. Applying for certification requires authorization by the legislature.

Local and industry stakeholders have noted the rapid increase in commercial truck traffic associated with the energy sector in Texas, including trucks operating under oversize/overweight permits established by the 85th Legislature. Localities near the Texas–Mexico border cite DPS border security operations as strains on DPS's capacity to enforce commercial safety standards. For locally specific reasons, a number of local law enforcement entities have requested authorization for peace officers to apply for certification to enhance local enforcement of commercial motor vehicle safety standards. The legislature provided this authority to officers in certain localities by passing the following bills:

S.B. 636 (Kolkhorst; SP: Calanni et al.) authorizes peace officers in the City of Katy to apply for certification.

H.B. 511 (Wilson and Bucy; SP: Schwertner) authorizes peace officers in counties bordering Mexico, counties with a population of 700,000 or more, and Williamson County to apply for certification.

H.B. 695 (Clardy; SP: Nichols) authorizes peace officers in the City of Jacksonville to apply for certification.

H.B. 917 (Craddick; SP: Flores and Seliger) authorizes peace officers in the City of Kermit or in McMullen County to apply for certification.

**Grace Period for Expired License Plates—H.B. 2835**

*by Representative Canales—Senate Sponsor: Senator Alvarado*

The Transportation Code makes it an offense for a person to operate a motor vehicle on a public highway more than five days after the expiration of that vehicle's registration or if a valid registration insignia is not affixed to the vehicle. Stakeholders have contended that it would be reasonable to allow people more time to register their vehicles should the county tax assessor-collector's office be closed for an extended period, as may occur in result of a natural disaster. This bill:

Establishes as a defense to prosecution for driving with an expired license plate that at the time of the offense the office of the county assessor-collector was closed for a protracted period of time and the vehicle's registration was expired for 30 working days or less.

**License Plates on Classic Cars—H.B. 3068**

*by Representative Kuempel—Senate Sponsor: Senator Flores*

The Texas Department of Motor Vehicles issues specialty license plates for certain custom vehicles and classic cars from the year of their manufacture. However, stakeholders have requested permission for a person entitled to disabled veteran specialty plates to use those plates instead of the classic car plates. This bill:

Authorizes the use of disabled veteran license plates as an alternative to the applicable specialty license plates for certain exhibition vehicles, classic motor vehicles, travel trailers, custom vehicles, and street rods.

**Specialty License Plates**

The Transportation Code provides for the issuance of specialty license plates to honor or distinguish recipients of military awards, or to raise money for or promote social causes. The following bills establish new specialty license plates.

S.B. 225 (Flores; SP: Cortez and Guillen) provides for the issuance of Army of Occupation Medal specialty license plates. The Army of Occupation Medal was established in 1946 to recognize members of the United States Army who performed occupation service in either Germany, Italy, Austria, or Japan. The medal was issued until the unification of Germany in 1990.

S.B. 240 (Nelson and Hancock; SP: Geren) provides for the issuance of F-35 fighter jet specialty license plates. The F-35 was developed and tested in the City of Fort Worth.

S.B. 1271 (Watson; SP: Howard) provides for the issuance of Keep Austin Weird specialty license plates. "Keep Austin Weird" has been a local motto in the City of Austin used to promote local businesses since the 1980s.



S.B. 1806 (Rodríguez; SP: Ortega) provides for the issuance of Nuclear Deterrence Operations Service Medal specialty license plates. The Nuclear Deterrence Operations Service Medal was established in 2014 to recognize members of the United States Air Force who served in units providing direct support to nuclear deterrence operations.

S.B. 2015 (Fallon and Campbell; SP: Zerwas) provides for the issuance of pediatric cancer research specialty license plates. The bill requires funds collected from plate registrants to be deposited to the Cancer Prevention Research Fund.

H.B. 819 (Leach; SP: Paxton) provides for the issuance of China Service Medal specialty license plates. The China Service Medal was established in 1942 to recognize United States Navy and Coast Guard personnel for service in the Chinese theater of war during the World War II era.

H.B. 1130 (Hinojosa; SP: Alvarado) provides for the issuance of Register to Vote specialty license plates. The bill requires funds collected by plate registrants to be spent on the administration of the Secretary of State Project V.O.T.E. (Voters of Tomorrow through Education) program.

H.B. 1656 (Kacal; SP: Birdwell) provides for the issuance of 173rd Airborne Brigade specialty license plates. This plate honors members of the United States Army who served in the 173rd Airborne Brigade.

H.B. 2039 (Shine et al.; SP: Buckingham) provides for the issuance of Master Army Aviators specialty license plates. The Master Army Aviator Badge is awarded to United States Army aviators with 15 years of service and 2,000 flight hours, the highest of three grades of the Army Aviator Badge.

H.B. 2643 (Martinez; SP: Campbell) provides for the issuance of Combat Infantryman Badge specialty license plates. The Combat Infantryman Badge was established in 1941 to recognize infantrymen and special forces soldiers at the rank of colonel and below who fought in active ground combat.

H.B. 3343 (Wilson and Guillen; SP: Hall) provides for the issuance of specialty license plates for recipients of a Purple Heart awarded by a law enforcement agency of this state. The Purple Heart is awarded to law enforcement officers seriously injured in the performance of duty.

H.B. 3394 (Jarvis Johnson; SP: West) provides for the issuance of sickle cell disease awareness specialty license plates. The bill requires funds collected by plate registrants to support grants to nonprofit organizations that providing services to those with sickle cell disease. Sickle cell disease is a group of blood disorders that are characterized by abnormal red blood cells, a condition that can result in anemia, bacterial infections, stroke, and even death.

**Ship Channel Improvement Revolving Fund—H.B. 3850**

*by Representatives Deshotel and Lozano—Senate Sponsor: Senator Creighton*

The ship channel improvement revolving fund and loan program was created in 2017 to provide funding for congressionally-authorized deepening and widening projects of Texas waterways. Stakeholders have contended that refining the ways in which financing can be provided through the fund would allow for greater flexibility in providing support for ship channel projects. This bill:

Authorizes the Texas Transportation Commission to issue revenue bonds for the purpose of providing money for the ship channel improvement revolving fund. Allows money from the fund to provide revenue or security for low-interest loans, longer repayment terms for loans, and certain flexible loan repayment terms.

**Nonsubstantive Updates for Port of Beaumont Navigation District—H.B. 4666**

*by Representative Deshotel—Senate Sponsor: Senator Creighton*

There have been calls to modernize statutes relating to the Port of Beaumont Navigation District, including provisions relating to the district board of commissioners, management of district affairs, and finances of the district. This bill:

Modernizes state law governing the Port of Beaumont Navigation District without making substantive changes.

**Port of Port Arthur Navigation District Employee Benefits—H.B. 4695**

*by Representative Deshotel—Senate Sponsor: Senator Creighton*

The board of port commissioners of the Port of Port Arthur Navigation District conducted an informal survey resulting in recommendations for compensation packages for district commissioners and employees. This bill:

Provides employees of the Port of Port Arthur Navigation District certain benefits and shifts authority to levy some taxes from the commissioners court to the board of port commissioners.

**Section 59 Navigation Districts—S.B. 755**

*by Senator Hinojosa—House Sponsor: Representative Herrero*

Navigation districts created or operating under Article XVI, Section 59, of the Texas Constitution are subject to Chapter 62 of the Water Code. Chapter 62 was codified nearly 50 years ago and legislators have contended that many of its administrative sections are out of date and inconsistent with the operations of modern navigation districts and other local governments. This bill:

Revises provisions relating to the administration, powers, and duties of Section 59 navigation districts and provides for the employment of an executive director for such districts.

**Separate Pilot Board for the Port of Houston—S.B. 1915**

*by Senator Alvarado—House Sponsors: Representative Canales and Cain*

The Port of Houston is one of the world's busiest ports, responsible for 1.2 million jobs and over \$265 billion in statewide economic impact. The pilots who guide vessels through the Houston Ship Channel (HSC) have a policy to effect one-way ship traffic to allow larger vessels to depart and arrive safely. Certain stakeholders, including oil companies that export products via the port, claim that this policy creates delays and financial losses.

Currently, the commissioners of the Houston Port Authority (HPA) serve as the Harris County Board of Pilot Commissioners (BPC). Some contend that this presents a conflict of interest, for two reasons: they say that pilots should be the final arbiter of all safety and traffic decisions on the HSC and that HPA is a market participant with a financial interest in traffic decisions. Interested parties believe separating HPA from BPC will allow for smoother operation of the HSC. This bill:

Separates HPA from BPC, creating new seats for nine pilot commissioners; authorizes BPC to make decisions about the adoption and implementation of ship movement strategies; and lists qualifications for serving as a pilot commissioner.

**Port Authority Advisory Committee Reporting—S.B. 1959**

*by Senator Creighton—House Sponsor: Representative Deshotel*

The Port Authority Advisory Committee (committee) advises the Texas Transportation Commission on policy matters and provides updates on Texas' maritime ports. Under current law, the committee is required to submit two biennial reports, which legislators have contended are redundant. One report involves the Port Capital Program, which defines the goals and objectives of the committee concerning the development of maritime port facilities and an intermodal transportation system; the other report focuses on Texas maritime ports, including a list of projects recommended by the committee. Legislators have suggested combining the two reports. This bill:

Combines the two-year report on Texas maritime ports with the two-year maritime port mission plan and renames the Capital Program as the Maritime Port Mission Plan.

**Limiting the Length of Vessels in Harris County Ports—S.B. 2223**

*by Senator Creighton—House Sponsors: Representatives Canales and Cain*

The Harris County Board of Pilot Commissioners (BPC) licenses and regulates vessels, pilots, and pilot services for Harris County ports. Usually, BPC maintains two-way ship traffic, but with the recent proliferation of larger vessels, BPC has implemented one-way traffic to safely accommodate them. Certain stakeholders, including oil companies that export products via the port, claim that

this policy creates delays and financial losses. Suggestions have been made to limit the size of vessels that can access Harris County ports. This bill:

Limits the size of vessels that may access waters within BPC's jurisdiction; requires BPC to adopt rules to minimize interference with two-way ship traffic; and authorizes BPC to admit ships exceeding the maximum length if it determines that the ships can safely participate in two-way ship traffic.

**Regional Transit Authorities—H.B. 71**

*by Representatives Martinez and Guillen—Senate Sponsor: Senator Lucio*

Regional transit authorities (RTAs) are governmental entities that may build, own, and operate a public transportation system. Currently, there is no RTA in Hidalgo, Cameron, or Willacy Counties; stakeholders have contended that rapid growth in these areas has created a need for public transportation services. This bill:

Creates a regional transit authority for Hidalgo, Cameron, and Willacy Counties.

Grants eminent domain powers to RTAs. Grants bonding authority to RTAs.

**Denton County Transportation Authority—S.B. 1066**

*by Senator Nelson—House Sponsor: Representative Parker*

Currently, there is one countywide public transportation authority (CPTA), the Denton County Transportation Authority (DCTA). Not all member cities of a CPTA are required to contribute sales tax revenues to the authority's operations costs; however, all member cities are given a voting seat on the board. Stakeholders have contended that the disparity effectively makes municipal representatives unaccountable for the use of CPTA funds. This bill:

Revises the composition, appointment, and operations of the board of directors of DCTA.

Authorizes the board of directors of such an authority to enter into an agreement with a municipality to provide certain public transportation services if the board approves the agreement.

**Eligible Projects for Regional Mobility Authorities—S.B. 2248**

*by Senator Rodríguez—House Sponsor: Representative Ortega*

El Pasoans consider the Wyler Aerial Tramway at Franklin Mountains State Park to be an icon of the City of El Paso. The tramway was donated to the Texas Parks and Wildlife Department in 1997 but was closed in 2018 after failing a safety inspection. The Camino Real Regional Mobility Authority has offered to perform necessary repairs, but current law does not allow a regional mobility authority (RMA) to undertake tramway projects. This bill:

Redefines "governmental entity" to include RMAs for the purpose of providing authority to RMAs to undertake certain projects. Adds aerial tramways to the projects that may be undertaken by a governmental entity.

### Memorial Roadway Designations

The following bills provide for the memorial designation of a roadway or a portion of a roadway in the name of individuals or a group whose communities wish to honor their memory or contribution to society:

- H.B. 23 (Lambert; SP: Buckingham)—Designates State Highway Loop 322 in Taylor County as the Officer Rodney T. Holder Memorial Highway.
- H.B. 310 (Flynn; SP: Hall)—Designates a portion of Farm-to-Market Road 1570 and Spur 1570 in Hunt County as the John L. Horn Memorial Parkway.
- H.B. 519 (Thierry; SP: Miles and West)—Designates a portion of State Highway 288 in Harris County as the Barbara Jordan Memorial Parkway.
- H.B. 540 (Leach et al.; SP: Paxton)—Designates the portion of U.S. Highway 75 in the City of Richardson as the Officer David Sherrard Memorial Highway.
- H.B. 587 (Stephenson et al.; SP: Kolkhorst)—Designates a portion of State Highway 71 in Wharton County as the Game Warden Justin Hurst Memorial Highway.
- H.B. 635 (Dutton; SP: Miles)—Designates a portion of U.S. Highway 59 in Harris County as the Commissioner El Franco Lee Memorial Highway.
- H.B. 693 (Harris; SP: Schwertner)—Designates the portion of U.S. Highway 84 in Freestone County as the Trooper Damon Allen Memorial Highway.
- H.B. 884 (Raney et al.; SP: Schwertner)—Designates a portion of Business State Highway 6-R in Brazos County as the Carolyn and John David Crow Memorial Parkway.
- H.B. 1039 (Clardy; SP: Nichols)—Designates U.S. Highway 59 in Garrison as the Constable Darrell Lunsford Memorial Highway.
- H.B. 1249 (Kacal; SP: Schwertner)—Designates U.S. Highway 84 in Limestone County as the Trooper Damon Allen Memorial Highway.
- H.B. 1605 (Herrero; SP: Hinojosa)—Modifies the name of a portion of Farm-to-Market Road 666 in Nueces County as the Kollyn Gene Barton Memorial Highway.
- H.B. 1779 (Clardy; SP: Nichols)—Designates a portion of State Highway 21 in Nacogdoches County as the Sergeant Tom Sitton Memorial Highway.
- H.B. 1810 (Murr; SP: Perry)—Designates a portion of U.S. Highway 377 in Kimble County as the Governor Coke R. Stevenson Memorial Highway.
- H.B. 1821 (Cole et al.; SP: Watson)—Designates a portion of State Loop 111 in Travis County as the Richard Overton Memorial Highway.
- H.B. 1837 (Hefner; SP: Hughes)—Designates a portion of U.S. Highway 67 in Titus County as the Titus County World War II Veterans Memorial Highway.
- H.B. 1838 (Hefner; SP: Hughes)—Designates a portion of U.S. Highway 271 in Titus County as the Titus County Korean War Veterans Memorial Highway.
- H.B. 1856 (Price et al.; SP: Seliger)—Designates a portion of U.S. Highway 287 as the Honorable Teel Bivins Memorial Highway.
- H.B. 1858 (Clardy; SP: Nichols)—Designates the portion of United States Highway 259 in Nacogdoches County as the Deputy Sheriff Raymond Bradley Jimmerson Memorial Highway.
- H.B. 1969 (Clardy; SP: Nichols)—Designates the portion of State Highway 7 in Nacogdoches County as the Bataan and Corregidor Veterans Memorial Highway.

- H.B. 2167 (Burrows; SP: Seliger)—Designates a portion of U.S. Highway 62 in Seminole as the Dell Ross Claiborne Memorial Highway.
- H.B. 2331 (Burrows; SP: Seliger)—Designates a portion of U.S. Highway 385 in Seagraves as the Irvin "Butch" Hill Memorial Highway.
- H.B. 2351 (VanDeaver; SP: Hughes)—Designates a portion of Farm-to-Market Road 196 in Lamar County as the Nick S. Lingo Memorial Highway.
- H.B. 2571 (Toth and Metcalf; SP: Creighton)—Designates a portion of Interstate Highway 45 in Montgomery County as the George P. Mitchell Memorial Highway.
- H.B. 2577 (Burrows; SP: Seliger)—Designates a portion of U.S. Highway 180 in Gaines County as the Bob Ford Memorial Highway.
- H.B. 2615 (Kacal and Charles "Doc" Anderson; SP: Birdwell)—Designates a portion of U.S. Highway 84 in McLennan County as the Waco Police Sgt. Bobby Vicha Memorial Highway.
- H.B. 2809 (Middleton; SP: Creighton)—Designates the portion of State Highway 99 in Chambers County as the Deputy Sheriff Shane Detwiler Memorial Highway.
- H.B. 3029 (Moody; SP: Rodríguez)—Designates Spur 16 in El Paso County as the Henry Gallegos, Sr., Memorial Highway.
- H.B. 3471 (Talarico; SP: Schwertner)—Designates a portion of U.S. Highway 79 as the Sgt. Chris Kelley Memorial Highway.
- H.B. 3671 (Frank; SP: Perry)—Designates a portion of State Highway 6 as the Corporal David Anthony Gentry Memorial Bridge.
- H.B. 3780 (Burrows and Frullo; SP: Perry)—Designates Farm-to-Market Road 41 in Lubbock County as the David Nelson Memorial Highway.
- H.B. 4211 (Nevárez; SP: Nichols)—Designates State Highway Loop 480 in Maverick County as Loop JUNO.
- H.B. 4727 (Greg Bonnen; SP: Kolkhorst)—Designates the portion of State Highway 35 in Matagorda County as the D. R. "Tom" Uher Memorial Highway.
- H.B. 4762 (Guillen; SP: Zaffirini)—Designates a portion of Farm-to-Market Road 716 in Duval County as the Pete Salinas Trail.
- S.B. 228 (Hinojosa; SP: Guillen)—Designates a portion of U.S. Highway 281 as the Corporal Roel Garcia Memorial Highway.
- S.B. 497 (Zaffirini et al.; SP: Rodríguez)—Designates a portion of State Highway 71 in Travis County as the Trooper Carlos Ray Warren Memorial Highway.
- S.B. 575 (Perry; SP: Burrows)—Designates a portion of U.S. Highway 84 in Lubbock County as the Trooper Jerry Don Davis Memorial Highway.
- S.B. 1134 (Watson; SP: Hinojosa)—Designates a portion of Farm-to-Market Road 734 in Austin as the Master Sergeant Jonathan J. Dunbar Memorial Parkway.
- S.B. 1221 (Campbell and Creighton; SP: Cyrier)—Designates a portion of Ranch-to-Market Road 150 in Hays County as the William B. Travis Heritage Trail.
- S.B. 2024 (Buckingham; SP: Shine and Buckley)—Designates a portion of Interstate Highway 35 as the Trooper Tom Nipper Memorial Highway.
- S.B. 2156 (Buckingham; SP: Shine et al.)—Designates the portion of Interstate Highway 14 in Bell County as the First Cavalry Division Veterans Highway.

**Deployment of Advanced Metering and Meter Information Networks—H.B. 853**

*by Representative Moody et al.—Senate Sponsor: Senator Rodríguez*

Ten years ago, in anticipation of the deployment of advanced utility metering and meter information networks, legislation was enacted to provide consumer protections and cost savings to customers. Some regions of Texas are not yet using advanced metering technology and, although utilities in those areas do not intend to adopt advanced metering systems in the near future, the purpose of this bill is to clarify that the same rules and consumer protections currently in place for Electric Reliability Council of Texas (ERCOT) utilities will apply if and when non-ERCOT utilities do choose to deploy the technology. This bill relates to the El Paso Electric Company service area specifically. This bill:

Authorizes certain non-ERCOT electric utilities to recover costs associated with the deployment of advanced meters and meter information networks.

**Deployment of Advanced Metering and Meter Information Networks—H.B. 986**

*by Representative Price et al.—Senate Sponsor: Senator Perry*

This bill is identical in substance to H.B. 853 except that it covers the Xcel Energy/Southwestern Public Service Corporation service area specifically. This bill:

Authorizes certain non-ERCOT electric utilities to recover costs associated with the deployment of advanced meters and meter information networks.

**Establishment of Rates for Certain Utilities—H.B. 1397**

*by Representative Phelan et al.—Senate Sponsor: Senator Nichols et al.*

Concerns have been raised over possible negative financial effects on electric utilities outside of the Electric Reliability Council of Texas (ERCOT) due to those utilities having to operate under an outdated regulatory model resulting in a time lag for investment recovery. A generation rider is an alternative mechanism to recover generation investments outside of a base-rate case, with the goal of reducing the time lag between the date the infrastructure is placed in service and the date a utility may start recovering its investment. The purpose of this bill is to encourage generation investment in non-ERCOT areas of Texas by allowing the Public Utility Commission of Texas (PUC) to approve a generation rider for non-ERCOT utilities. This bill:

Extends from September 1, 2023, to September 1, 2031, the expiration date of certain statutory provisions relating to cost recovery and rate adjustment for electric utilities operating solely outside of ERCOT.

Authorizes such an electric utility to file, and authorizes PUC to approve, an application for a rider to recover the utility's reasonable and necessary power generation investment and costs associated with that investment.



Authorizes such an application to be filed by the utility and approved by PUC before the utility places the power generation investment in service to enable full and timely recovery.

### **Deployment of Advanced Metering and Meter Information Networks—H.B. 1595**

*by Representative Paddie—Senate Sponsor: Senator Hughes*

Ten years ago, in anticipation of the deployment of advanced utility metering and meter information networks, legislation was enacted to provide consumer protections and cost savings to customers. Some regions of Texas are not yet using advanced metering technology and, although utilities in those areas do not intend to adopt advanced metering systems in the near future, the purpose of this bill is to clarify that the same rules and consumer protections currently in place for the Electric Reliability Council of Texas (ERCOT) utilities will apply if and when non-ERCOT utilities do choose to deploy the technology. This bill is identical in substance to H.B. 853 and H.B. 986. This bill:

Authorizes certain non-ERCOT electric utilities to recover costs associated with the deployment of advanced meters and meter information networks.

### **Considering Employee Compensation in Establishing Gas Utility Rates—H.B. 1767**

*by Representative Murphy et al.—Senate Sponsor: Senator Birdwell et al.*

It has been noted that there is currently little consistency regarding compensation and benefits for gas utility employees are considered when a regulatory authority establishes a utility's rates. This bill:

Requires a regulatory authority, when establishing a gas utility's rates, to presume that employee compensation and benefits expenses, excluding pension and other postemployment benefits, are reasonable and necessary if expenses are consistent with recent market compensation studies..

### **Creation of the Governor's Broadband Development Council—H.B. 1960**

*by Representative Price et al.—Senate Sponsor: Senator Perry*

It has been noted that it is becoming increasingly difficult in the growing e-commerce economy to conduct various business transactions without Internet connectivity. Concerns have been raised that lack of proper broadband connectivity in rural areas of Texas has left many residents at a disadvantage compared to other areas of the state. The purpose of this bill is to help close this digital divide by creating a broadband development council within the governor's office. This bill:

Amends the Government Code to create a 17-member governor's broadband development council. Sets out provisions relating to the council's composition, member terms and vacancies, designation of a presiding officer, council meetings, and administrative support for the council.

Sets out duties for the council, including researching the progress of broadband in unserved areas, defined as a census block without access to broadband capable of providing certain minimum download and upload speeds; identifying barriers to residential and commercial broadband development in unserved areas; studying technology-neutral solutions to overcome those barriers; and analyzing specified potential benefits of statewide broadband access.

Requires the council to prepare and deliver a report in electronic form of its findings and recommendations to the governor, the lieutenant governor, and each member of the legislature, not later than November 1 of each year, with the first report due in 2020.

**Sale of Electric Power to Public Customers—H.B. 2263**  
*by Representative Paddie et al.—Senate Sponsor: Senator Hancock*

The Texas General Land Office (GLO) was authorized to sell electricity to government entities when the power market was deregulated. The program was created to provide a power purchase option for government entities to ease the transition to a deregulated market. However, concerns have been raised that the GLO program has been in direct competition with private companies since its inception and has several competitive advantages in bidding against retail power companies. It has been noted that today, 20 years after deregulation, the market is sufficiently developed, participants are sophisticated, and the rates offered are exceptionally competitive compared to anywhere else in the country. Thus, interested parties have suggested that the GLO state power program is no longer necessary and the program should now be abolished, due mainly to its direct competition with private companies. This bill:

Provides for the abolishment of the state power program in approximately five years, with an official end date of January 1, 2024, allowing current participants to continue in the program until that time. Allows continuation of the state's gross receipts tax exemption on retail electricity sale to all public schools upon expiration of the program.

**Broadband Projects by the Texas Department of Transportation—H.B. 2422**  
*by Representative Charles "Doc" Anderson et al.—Senate Sponsor: Senator Perry*

It has been noted that many rural Texans lack access to broadband Internet service. With the continuing reliance on high-speed Internet connectivity in our daily lives, concerns have been raised that this lack of broadband access is leaving rural communities behind in areas such as education, health care, and economic development. The purpose of this bill is to promote and incentivize cost-effective broadband expansion by providing for Texas Department of Transportation coordination of certain broadband projects. This bill:

Requires the Texas Department of Transportation (TxDOT) to encourage and coordinate efforts to plan, relocate, install, or improve broadband conduit in highway rights-of-way in conjunction with any current or planned highway construction.

Requires TxDOT to develop a strategy to facilitate the timely and efficient deployment of broadband conduit or other broadband facilities on state-owned land and in state-owned buildings in areas where such a strategy is needed.

Requires TxDOT to give special consideration to applicable projects likely to improve access to broadband by rural or underserved communities.

Requires TxDOT, to the extent practicable, to assist political subdivisions in taking advantage of voluntary joint trenching opportunities.

Requires TxDOT to submit to the legislature an annual report that explains the actions taken by TxDOT in carrying out the bill's provisions, any gains in broadband speed or access associated with voluntary joint trenching opportunities, and any costs or cost savings to the state, private entities, or end users of broadband services associated with voluntary joint trenching opportunities.

### **Facility Removal Provisions in Wind Power Facility Agreements—H.B. 2845**

*by Representative Canales et. al.—Senate Sponsor: Senator Creighton*

Concerns have been raised regarding the responsibility of operators of wind power facilities located on leased land to remove a facility at the end of the facility's lifespan or in other circumstances. This bill:

Requires a wind power facility agreement to provide that the operator of a wind power facility located on leased land is responsible for any removal of the facility and infrastructure and substances related to the facility and for returning the property to its initial condition.

Requires the facility operator to provide certain financial assurance to the landowner to guarantee the performance of such obligations.

### **Water Utilities Buying Water Utilities—H.B. 3542**

*by Representative Phelan—Senate Sponsor: Senator Lucio*

Sometimes water utility services absorb other water utility services in acquisitions. If an acquired utility service was built with the aid of customer contributions through surcharges, the acquired utility may sell or transfer assets only under conditions that stakeholders say is burdensome. Stakeholders have contended that, as a result, an acquired water utility may not be able to recover investments made in developing its own systems. This bill:

Establishes an optional alternative valuation appraisal process by which experts selected by the Public Utility Commission of Texas perform a valuation of an acquired utility service's assets.

Requires a utility providing retail water or sewer utility service through fewer than 10,000 taps or connections to deliver a report of the utility's financial, managerial, and technical capacity.

**Notice About Terminating Water Fluoridation—H.B. 3552**

*by Representative Sheffield—Senate Sponsor: Senator Flores*

Concerns have been raised regarding terminating the fluoridation of public water without the knowledge of consumers or stakeholders. H.B. 3552 provides certain notice requirements in the event of such a termination. This bill:

Prohibits a person in charge of a public water supply system that furnishes fluoridated water from permanently terminating the fluoridation of the water unless the individual provides written notice to customers of the system and to the Texas Commission on Environmental Quality at least 60 days before the termination.

**Safety and Inspection Requirements for Electric Utilities—H.B. 4150**

*by Representative Paddie et al.—Senate Sponsor: Senators Hughes and Zaffirini*

A recent tragedy at Lake O' the Pines in which three Boy Scouts died after their boat came in contact with a live power line has raised concerns regarding the need to ensure that utility providers are operating in a safe and effective manner. The purpose of this bill is to implement certain safety and inspection reporting requirements to prevent similar accidents from occurring in the future. This bill:

Requires an electric utility, municipally owned utility, or electric cooperative to meet the minimum clearance requirements specified by the National Electrical Safety Code in the construction of any transmission or distribution line over certain lakes in Texas, as specified by the bill.

Requires each electric utility, municipally owned utility, and electric cooperative that owns or operates transmission or distribution assets to submit to the Public Utility Commission of Texas (PUC) a report that includes summary descriptions of certain training programs provided by the electric utility, municipally owned utility, or electric cooperative to its employees and contractors. Requires each electric utility that owns or operates overhead transmission or distribution facilities greater than one kilovolt to submit to the PUC, not later than May 1 of each year beginning in 2020, a report on the facilities for the preceding calendar year, including certain information related to identified occurrences of noncompliance with applicable inspection criteria and identified occurrences of noncompliance with any agreement with the United States Army Corps of Engineers.

Requires each municipally owned utility or electric cooperative that owns or operates transmission or distribution assets to submit to the PUC, not later than May 1 of each year beginning in 2020, a report for the preceding 12-month period ending on March 31, including certain information related to system or asset inspections.

Requires the PUC, not later than September 1 of each year, to make reports received under the bill's provisions publicly available on its website.

### **Broadband Service or Facilities Provided by an Electric Cooperative—S.B. 14**

*by Senator Nichols et al.—House Sponsor: Representative Kuempel et al.*

Many rural areas of Texas still lack access to high-speed Internet. Currently in Texas, many of the easements held by electric cooperatives are designated as electric-only easements, ones that limit use to infrastructure providing electric service. Due to this designation, electric cooperatives are required to adjust each individual easement to include fiber for broadband, a costly and time-consuming process. Other states have addressed this issue by passing legislation authorizing an electric cooperative to provide broadband services along its existing easements for electric service without adjusting individual easements. The purpose of this bill is to lower barriers to broadband access in rural areas where cooperatives already have easements for electric services. This bill:

Authorizes the use of an easement or other property right owned, held, or used by an electric cooperative to provide electricity or other services for the provision of broadband service.

Requires an electric cooperative to provide notice to affected landowners and allow 60 days to opt out of a cooperative's utilization of the easement for broadband purposes.

Requires a cooperative to maintain separate books and records of operations related to broadband and to ensure that electric rates do not include costs of operations for broadband or other non-electric costs.

Requires that fees charged to an electric cooperative for attaching broadband facilities on the electric cooperative's poles be comparable to the fees charged to other broadband service members for such attachment.

### **Ratemaking for Water Utilities—S.B. 700**

*by Senators Nichols and Watson—House Sponsor: Representative Geren*

The legislature transferred the rate regulation of water and wastewater from the Texas Commission on Environmental Quality (TCEQ) to the Public Utility Commission of Texas (PUC) after a review by the Sunset Advisory Commission found that PUC was better positioned to exercise that power since it already regulates rates for other utility services. Stakeholders have contended that the regulatory process at PUC for water and wastewater services could be improved to help water utilities navigate the approval process. This bill:

Changes the number of taps or connections that constitute a Class B or Class C utility, provides for a Class D utility for ratemaking processes, authorizes temporary or emergency rates for troubled systems, and allows rate adjustments for the smallest utility class.

**Cybersecurity of Electric Utilities—S.B. 936**

*by Senator Hancock—House Sponsor: Representative Hernandez*

Electric utilities are working to secure digital information from malicious actors and also comply with federal standards for cybersecurity, but much of the work utilities do to secure their networks has been done apart from any oversight and coordination. The purpose of this bill is to develop a framework for a partnership between the Public Utility Commission of Texas (PUC), Texas electric utilities, and the Electric Reliability Council of Texas (ERCOT) to secure critical electric infrastructure against cyber vulnerabilities. The cybersecurity monitor program is not intended to be a traditional regulatory compliance program, but rather to provide outreach to Texas electric utilities to evaluate universal corporate principals and programs for infrastructure protection and to assist in identifying areas for improvement. This bill:

Sets forth a cybersecurity monitor program.

Requires the PUC to select an entity to act as the PUC's cybersecurity monitor.

Requires designated cybersecurity monitors to manage a comprehensive cybersecurity outreach program for monitored utilities; meet regularly with monitored utilities to discuss emerging threats, best business practices, and training opportunities; review self-assessments by monitored utilities of cybersecurity efforts; research and develop best business practices regarding cybersecurity; and report to the PUC on monitored utility cybersecurity preparedness.

Requires the PUC to allow an electric utility to recover costs associated with the cybersecurity monitor program.

Allows entities that operate outside ERCOT to elect to participate in the program, including electric utilities, municipally owned utilities, or electric cooperatives.

Allows staff of the cybersecurity monitor to communicate with PUC staff and requires PUC staff and commissioners to maintain the confidentiality of cybersecurity information.

Specifies that information from the cybersecurity monitor is not subject to the Texas Open Records Act and that deliberations of a government body to consider information from the cybersecurity monitor program are also not required to be open meetings.

**Energy Storage Registration Requirements—S.B. 1012**

*by Senator Zaffirini—House Sponsor: Representative Holland et al.*

Current law requires owners and operators of utility scale batteries to register as power generation companies with the Public Utility Commission of Texas (PUC). However, municipally owned utilities (MOU) and electric cooperatives, neither of which qualify as power generation companies under the definition provided in the Utilities Code, can also own or operate batteries. Therefore, interested parties have raised concerns that current statute could be interpreted to mean that MOUs and electric cooperatives are required to register with PUC, contrary to PUC policy. The purpose

of this bill is to clarify portions of the Utilities Code to affirm that MOUs and electric cooperatives may own or operate batteries without registering as power generation companies. This bill:

Provides that an MOU or an electric cooperative that owns or operates electric energy storage equipment or facilities is not required to register with PUC as a power generation company.

### **Regulation of Power Generation Companies—S.B. 1211**

*by Senator Hancock—House Sponsor: Representative Phil King et al.*

The Public Utility Commission of Texas (PUC) reviews merger and acquisition (M&A) activities of power generation companies in the Electric Reliability Council of Texas (ERCOT) to ensure that no single company owns an amount of the statewide generation fleet that would allow it to exercise market power. The Utilities Code prohibits a power generation company from owning more than 20 percent of the total installed generation capacity in ERCOT and triggers PUC review of M&A transactions to ensure that no single company exceeds the 20 percent limit. Currently, the Utilities Code also requires review of transactions that involve more than one percent of the total electricity for sale in the state. The number of M&A transactions has increased substantially over the last several years but few of them threaten to surpass the 20 percent ownership limit. Although most M&A transactions result in less than five percent market share for one owner, the allocation of agency staff and resources necessary to complete the required analyses is the same for all transactions. Thus, interested parties have raised concerns that the current review requirements are burdensome for the PUC and slow down private industry transactions, creating unnecessary barriers. The purpose of this bill is to reduce administrative burden and increase efficiency in the industry, allowing private companies to consolidate without unnecessary barriers. This bill:

Raises the threshold that triggers PUC review of a merger and acquisition transaction from one percent to 10 percent.

### **Administrative Penalties Imposed by the Public Utility Commission—S.B. 1358**

*by Senator Hancock—House Sponsor: Representative Parker*

When the Public Utility Commission of Texas (PUC) issues a notice of violation of the Public Utility Regulatory Act (PURA) and there is no response within 20 days, PUC considers the person or company to be in default of the notice of violation. Currently, PURA requires the executive director of the PUC to set a hearing at the State Office of Administrative Hearings (SOAH) even though the person has not responded to the notice of violation and will likely not appear for a hearing. The purpose of this bill is to remove the requirement for a SOAH hearing before the violation can proceed at the commission level in situations where a person has failed to respond, allowing PUC violations to move more quickly through the administrative process toward resolution and reducing resource waste for both the PUC and SOAH. This bill:

Removes the requirement for an administrative hearing before proceeding to the PUC in situations where a person has failed to respond to a notice of violation.

Sets forth the conditions under which notice is deemed to have been received.

Requires the executive director, if a person failed to respond to a notice of violation, to approve a determination of violation and impose the recommended penalty or order a hearing on the determination and the recommended penalty.

Removes the requirement that the executive director set a hearing when a person has failed to respond in a timely manner to a notice of violation and provides that PUC may refer the case to SOAH if PUC commissioners choose to set a hearing.

**Retail Electric Market Brokerage Services—S.B. 1497**  
*by Senator Zaffirini—House Sponsor: Representative Parker*

As the competitive retail electric market has matured in recent years, new entities are providing brokerage services to retail customers. While most brokers conduct business ethically, a small segment have provided poor or misleading services to consumers, including misrepresenting pricing, hosting unreliable websites deceptively similar to reputable ones, ignoring customer protection rules, and failing to provide fee transparency. Although these brokers serve as intermediaries between customers and retail electric providers, they are not required to register with the Public Utility Commission of Texas (PUC) because they do not fall under the definition of an aggregator. Because they are not required to register with the PUC, the state has little recourse when seeking to address customer complaints. This bill:

Requires persons providing brokerage services to register with the PUC.

Requires registered brokers to comply with PUC customer protection provisions, disclosure requirements, and marketing guidelines.

Requires the PUC to adopt rules as necessary to implement the bill.

Requires the PUC to process applications to register as a broker not later than the 60th day after filing of the application.

**Updates Related to Business Entities—S.B. 1938**  
*by Senator Hancock—House Sponsor: Representative Phelan et al.*

Today in Texas, the entity that owns the endpoint of an existing electrical transmission line is the entity that has the right to build any new interconnected facility, a policy established in Electric Reliability Council of Texas (ERCOT) protocol. However, ambiguity in the Utilities Code has created confusion regarding this process. Thus, interested parties have identified needed changes to the Public Utility Regulatory Act to establish in statute improved procedures for the development of transmission facilities and to preserve Public Utility Commission of Texas (PUC) jurisdiction and regulatory authority over utility transmission rates. This bill:



Limits the persons to whom the PUC may grant a certificate to build, own, or operate a new electric transmission facility that directly interconnects with an existing electric utility facility or municipally-owned utility facility to the owner of that existing facility and requires, for a new transmission facility that will directly interconnect with facilities owned by different electric utilities or municipally-owned utilities, that each entity be certified to build, own, or operate the new facility in separate and discrete equal parts, unless agreements are made otherwise.

Authorizes an electric utility or municipally-owned utility that is authorized to build, own, or operate a new transmission facility under applicable bill provisions to designate another municipally-owned utility or another electric utility currently certified by the PUC within the same electric power region, coordinating council, independent system operator, or power pool to build, own, or operate a portion or all of such new transmission facility, subject to requirements adopted by the PUC by rule.

Authorizes an electric cooperative to be certified to build, own, or operate a new facility in place of any other electric cooperative if both cooperatives agree.

Authorizes an electric utility to sell, assign, or lease a certificate or a right obtained under a certificate if the purchaser, assignee, or lessee is already certificated by the PUC to provide electric service within the same electric power region, coordinating council, independent system operator, or power pool or if the purchaser, assignee, or lessee is an electric cooperative or municipally-owned utility.

Authorizes the PUC to approve a sale, assignment, or lease to an entity not previously certified as part of certain transactions subject to PUC approval, if the approval will not diminish the state's retail rate jurisdiction.

Establishes that any purchase, assignment, or lease under these provisions requires that the PUC determine that the purchaser, assignee, or lessee can provide adequate service.

**Release From Certificates of Convenience and Necessity—S.B. 2272**  
*by Senators Nichols and Creighton—House Sponsor: Representative Metcalf*

The Water Code requires a water and sewer utility or a water supply or sewer service corporation to hold a certificate of convenience and necessity (CCN) issued by the Public Utility Commission of Texas (PUC) to provide retail services to the public. Owners of certain land not receiving water or sewer services may petition the PUC for the area's expedited release from a CCN to receive service from another utility.

Currently, a retail public utility may not provide service in a decertified area without first providing compensation to the decertified retail public utility when the PUC determines the property is made useless or valueless by decertification. The law provides for a process to determine whether compensation is owed to a CCN holder. However, stakeholders have raised concerns that, in the petition process, proving that decertified property is made useless or valueless by its decertification is too difficult to prove, resulting in little to no compensation for decertified utilities. This bill:

Requires the monetary compensation, if any, required of a landowner petitioning for expedited release of an area from a water or sewer utility's CCN to be determined by a qualified, mutually selected independent appraiser. Sets forth provisions revising the procedure for expedited release of land from a CCN.

**Providing Students Information on College Credit for Military Service—H.B. 114**

*by Representative White et al.—Senate Sponsor: Senators Birdwell and Alvarado*

Veterans, military service members, and students interested in military service are sometimes unaware of the availability of college course credit awarded for experience, education, and training obtained during military service. This bill seeks to facilitate greater communication between high school counselors, community colleges, the Texas Workforce Commission (TWC), apprenticeship programs, and military recruiters to provide high school students with information on how military service can translate into college credit. This bill:

Requires a high school counselor to provide information to a student and the student's parent or guardian annually regarding the availability of college credit awarded by institutions of higher education to veterans and military service members for experience, education, and training obtained during military service.

Requires TWC, in cooperation with the Texas Higher Education Coordinating Board, to develop and annually make available to school districts informational materials regarding the availability of college credit to veterans and military service members for experience, education, and training obtained during military service, including information regarding the College Credit For Heroes Program.

**State Open Burn Pit Registry for Service Members and Veterans—H.B. 306**

*by Representative Herrero et al.—Senate Sponsor: Senator Hinojosa*

It has been noted that Texas service members and veterans who served in certain conflicts abroad may have been exposed to open burn pit smoke or other airborne hazards during their service. This bill:

Requires the Department of State Health Services (DSHS) to create and maintain a state open burn pit registry consisting of voluntarily submitted information on service members and veterans, such as service history and medical conditions, which shall be electronically linked with the open burn pit registry maintained by the United States Department of Veterans Affairs (VA).

Requires DSHS, with the assistance of the Texas Veterans Commission, to develop and include on the DSHS website certain information relating to registration and use of the state registry and the federal registry; the health effects of exposure to airborne hazards and the availability of related treatment; the process for applying to the VA for service-related disability compensation; and the manner of appealing VA decisions.

Requires DSHS to submit a report to the legislature every two years assessing the effectiveness of information collection and including recommendations to improve the registry system.

**Texas Veterans Leadership Program and Operation Welcome Home—H.B. 696**

*by Representative Blanco et al.—Senate Sponsor: Senator Alvarado*

Created in 2008, the Texas Veterans Leadership Program (TVLP) employs veterans to help other veterans locate educational, employment, and medical services, amongst other duties. The Operation Welcome Home program (OWH), established in 2016, utilizes services such as career technical training and educational programs to improve employment opportunities for veterans. Both programs are operated by the Texas Workforce Commission (TWC). This bill:

Requires TWC to establish and administer TVLP, requires TVLP to collaborate with local workforce development boards, and authorizes TVLP to collaborate with other federal, state, county, municipal, and private agencies.

Requires TVLP to employ veterans to serve as veteran resource and referral specialists.

Requires TWC to establish and administer OWH, and requires TWC to build partnerships between military transition centers and local workforce development boards to ensure the availability of employment services.

Authorizes TWC to award grants to state, local, or private entities that perform activities related to the purposes of the program.

Requires TWC to administer OWH using funds previously appropriated to TWC or received from federal or other sources.

**Veterans Reemployment Program—H.B. 714**

*by Representatives Lucio III and Lopez—Senate Sponsor: Senators Rodríguez and Lucio*

In connection with efforts to facilitate veterans' reentry to the civilian workforce, there have been calls to specifically target veterans who are placed on community supervision (probation) for misdemeanor offenses. This bill:

Establishes a veterans reemployment program to provide education and training to veterans who are placed on community supervision or deferred adjudication after being convicted of a misdemeanor. Requires the program to consist of courses developed by the Texas Workforce Commission providing the participant with the workplace skills most likely to result in gainful employment.

Requires a court, on completion of the program and if certain other conditions are met, to enter an order of nondisclosure with respect to all records of the offense for which the defendant was placed on community supervision.

**Camo Alert System for Missing Service Members With Mental Illness—H.B. 833**

*by Representative Hernandez et al.—Senate Sponsor: Senator Menéndez*

Concerns have been raised regarding the perceived lack of an immediate and structured response from law enforcement when military personnel suffering from mental illness have disappeared. In such cases, the missing individuals may be in need of urgent medical care and may be a danger to themselves. This bill:

Requires the Department of Public Safety of the State of Texas, with the cooperation of the Texas Department of Transportation, the Office of the Governor, and other appropriate state law enforcement agencies, to develop and implement a statewide camo alert system similar to existing amber and silver alerts for locating missing service members with a mental illness.

Provides that enrollment in the alert system would be voluntary.

**Informing Military Defendants of Plea Consequences—H.B. 929 [VETOED]**

*by Representatives Anchia and Blanco—Senate Sponsor: Senator Watson*

In criminal cases involving defendants in the military, pleading guilty or no contest in an effort to secure a reduced penalty for charges may affect the defendant's eligibility for enlistment or reenlistment in the United States armed forces or may result in the person's discharge from the armed forces. It has been suggested that uniform instructions regarding the impact of a conviction resulting from such a plea will assist magistrates throughout Texas and further the administration of justice within the court. This bill:

Requires a magistrate to inform a person who is arrested and taken before the magistrate that a plea of guilty or nolo contendere for the offense charged may affect the person's eligibility for enlistment or reenlistment in the U.S. armed forces or may result in the person's discharge from the U.S. armed forces.

**Military Service Credit for Law Enforcement Proficiency Certificates—H.B. 971**

*by Representatives Clardy and Minjarez—Senate Sponsor: Senator Zaffirini*

There have been calls to allow peace officers and reserve law enforcement officers who have served in the military to receive proficiency certificate credit for skills learned in the military, preventing them from having to complete remedial training. This bill:

Requires the Texas Commission on Law Enforcement to adopt rules to allow a peace officer or reserve law enforcement officer who has served in the military to receive credit toward meeting any training hours required for an intermediate, advanced, or master proficiency certificate.

**Deferral of Delinquent Property Taxes for U.S. Military Personnel—H.B. 1883**

*by Representative Greg Bonnen et al.—Senate Sponsor: Senator Creighton*

It has been noted that military service members in any branch of the United States armed forces may defer delinquent property tax payments without penalty while serving in a war or during a national emergency. There have been calls to extend this privilege to all active duty military personnel, regardless of war or emergency. This bill:

Removes the requirement that a person serving on active duty in the U.S. armed forces be serving in a war or national emergency to be eligible for deferred payment of delinquent property taxes without penalty or interest.

Establishes that a delinquent tax for which such a person defers payment beyond the deferral period accrues interest at a rate of six percent and does not incur a penalty.

**Texas Military Preparedness Commission—H.B. 2119**

*by Representative Cortez—Senate Sponsor: Senator Campbell*

H.B. 2119 is the companion bill to S.B. 2131 and is identical with the exception of the provisions described below. This bill:

Subjects meetings of the Texas Military Preparedness Commission (TMPC) to certain notice requirements.

Requires an audio record of public TMPC meetings to be made publicly available.

**Reducing Licensing Delays for Military Members and Families—H.B. 2214**

*by Representative Hernandez—Senate Sponsor: Senator Taylor*

Concerns have been raised that service members, military spouses, and veterans seeking occupational licenses have faced delays in the application process. This bill:

Requires the Texas Department of Licensing and Regulation (TLDR) to conduct a review of its occupational license program to determine which are in significant demand by military service members, military spouses, and veterans.

Requires TLDR to submit a report to the legislature not later than December 1, 2020, presenting the results of the review and offering recommendations on how to make the process more efficient.

**Online State Resources to Military Families Relocating to Texas—H.B. 2530**

*by Representative Flynn—Senate Sponsor: Senator Zaffirini*

Concerns have been raised that military families must navigate many different state agencies to find relevant information when relocating to Texas. This bill:

Requires the Texas Veterans Commission to develop and maintain an online repository including information of use to active duty military members and their families relocating to Texas, providing information on assistance, fee waivers, and programs related to occupational licenses, education, and health care.

**Grant Requirements for Texas Veterans + Family Alliance Program—S.B. 822**

*by Senator Nelson—House Sponsor: Representative Flynn*

The 84th Legislature created the Texas Veterans + Family Alliance Grant Program (TV+FA). TV+FA supports community mental health programs providing mental health services and treatment for Texas veterans and their families. It has been suggested that the existing program could better serve its purpose if certain statutory provisions were updated to better align it with similar community grant programs. This bill:

Repeals provisions requiring the Health and Human Services Commission (HHSC) to enter into an agreement with a qualified nonprofit or private entity to serve as administrator of the grant program.

Requires HHSC to ensure that each grant recipient obtains or secures contributions to match awarded grants according to the provisions of the bill.

Requires HHSC to condition the provision of each grant on a potential grant recipient providing funds from non-state sources in a total amount of at least 50 percent of the grant amount for smaller communities and 100 percent for larger ones.

**Discount Toll Programs for Certain Veterans—S.B. 1091**

*by Senator Nichols—House Sponsor: Representative Ashby*

The Transportation Code allows toll project entities to offer discount or gratis programs for disabled veterans using electronic toll transponders. Legislators have noted that currently there is no limit on the number of toll transponders that can be issued to an eligible veteran. The Texas Department of Transportation pays for all waived fees; legislators have raised concerns that the program could become too expensive to continue without a cap. This bill:

Authorizes a toll entity to limit the number of transponders issued to individuals using the entity's tollway under a veteran discount program and requires an entity that adopts such a limit to allow a program participant one extra transponder upon demonstration of hardship.

**Reporting of Information on Veterans Treatment Court Programs—S.B. 1180**

*by Senator Menéndez et al.—House Sponsor: Representative Lopez*

It has been noted that there are numerous veterans treatment court programs in Texas that aim to reduce recidivism rates among veterans by requiring active participation in certain self-improvement programs as an alternative to traditional incarceration. There have been calls to provide lawmakers with more information on these programs to facilitate well-informed policy decisions. This bill:

Requires the Texas Veterans Commission to report the following information for each veterans treatment court program annually: the total number of participants, the number of participants who successfully completed the program, the number of participants who failed to complete the program, and the amount of grant funding received by the program.

**Continuation of Texas Military Preparedness Commission—S.B. 1443**

*by Senator Campbell—House Sponsor: Representative Flynn*

The governor's Texas Military Preparedness Commission (TMPC) oversees the Defense Economic Adjustment Assistance Grant Program (DEAAG). DEAAG was created in 1997 and is an infrastructure grant program designed to assist defense communities that have been positively or negatively impacted by a change in defense contracts. This bill:

Extends TMPC to September 1, 2021.

Deletes text specifying required criteria TMPC must use in evaluating DEAGG grant applications and provides that TMPC establishes evaluation criteria.

Repeals a provision that a defense community is considered adversely affected if it contains or is in proximity to more than one military base.

**Establishing the Purple Star Campus Program—S.B. 1557**

*by Senator Lucio—House Sponsor: Representative Bernal*

Military-family students may require certain services due to emotional and behavioral needs related to parental deployment and frequent moves. When military families come to Texas, they look for schools that can accommodate these needs and provide relevant programs. It has been noted that, while many schools offer military family assistance, there is no easy way to identify schools that best serve military-family students. This bill:

Redefines the term "military-connected student" as a student who is a dependent of a current or former member of the United States military, the Texas National Guard, or a reserve force of the United States military; or was a dependent of a member of such a military or reserve force killed in the line of duty.



Requires the Texas Education Agency to designate a district campus as a Purple Star Campus if it meets certain criteria, including designating a staff member as military liaison.

**Recognizing Acts of Military Service Performed by a Crew—S.B. 1597**

*by Senator Hall—House Sponsor: Representative Shine*

It has been observed that while recognition of military service is often rightfully bestowed upon individuals for specific acts of valor, some exemplary acts performed by military members as a crew do not receive the same recognition. This bill:

Expands eligibility for the Lone Star Medal of Valor, the Texas Outstanding Service Medal, and the Texas Medal of Merit to include certain acts of military service performed as a member of a crew.

**Hazardous Pay for Texas Military Department Security Officers—S.B. 1598**

*by Senator Hall—House Sponsor: Representative Tinderholt*

Texas Military Department (TMD) security officers currently do not receive the same hazardous duty pay supplement that similar state employees receive at other agencies. This bill:

Makes security officers employed by TMD eligible for hazardous duty pay.

**Evaluating the Services of Veterans County Service Officers—S.B. 2104**

*by Senator Zaffirini et al.—House Sponsor: Representative Miller*

Texas veterans county service officers play an important role in serving the state's veteran population, but counties are burdened with funding this vital resource. This bill:

Establishes the Texas Veterans County Service Officer Task Force (task force) to study the impact and efficacy of veterans county service officers.

Requires the Texas Veterans Commission to prepare a report of the task force's recommendations on how to best leverage the services of veterans county service officers and submit the report by December 1, 2020.

**Texas Military Value Revolving Loan Fund—S.B. 2131**

*by Senator Powell et al.—House Sponsor: Representative Cortez*

The Texas Legislature established two programs to support the redevelopment of closed military installations and to help local communities enhance the value of active military installations: the Defense Economic Adjustment Assistance Grant (DEAAG), which provides grants funds, and the Texas Military Value Revolving Loan Fund, created to offer a low-cost method for military

communities to finance needed projects. However, it has been observed that the fund has been underutilized. This bill:

Authorizes the Texas Military Preparedness Commission (TMPC) to approve projects by electronic vote and through teleconference meetings, in order to expedite applications.

Authorizes TMPC and the Texas Public Finance Authority to streamline the loan application process by creating a common application form.

Clarifies that loan proceeds for eligible projects can be used to pay off other debt, including commercial debt, incurred for the purpose of financing the project.

**H.B. 51** (Canales; SP: Zaffirini) Relating to the creation and promulgation of certain standard forms for statewide use in criminal actions. **Reason for veto:** "House Bill 51 would require the creation and use of standardized forms for certain actions in criminal cases. The Office of Court Administration can already create forms for courts to use, so House Bill 51 is unnecessary for that purpose. But in going further and mandating that judges use these standardized forms, the bill as drafted could create larger problems. The author's good intentions are appreciated, but the bill may end up discouraging judges from giving individualized attention to the important matters being waived or otherwise addressed by the forms, and it risks creating loopholes for criminal defendants to exploit whenever the forms are not used. It also could preclude judges from handling these matters orally on the record, which unduly restricts the ability of judges to run their courtrooms."

**H.B. 70** (Mary González et al.; SP: Hall) Relating to a strategic plan goal by the Department of Agriculture to prevent crop diseases and plant pests in this state. **Reason for veto:** "House Bill 70 would unnecessarily direct the Department of Agriculture to include in its strategic plan the goal of preventing crop diseases and plant pests. That subject is adequately covered in the Department of Agriculture's most recent strategic plan, and that is not expected to change in future iterations. *See* Tex. Gov't Code § 2056.002(b)."

**H.B. 93** (Canales; SP: Hinojosa) Relating to the inclusion of a magistrate's name on certain signed orders. **Reason for veto:** "House Bill 93 would mandate that all orders by magistrate judges not only be signed, but also include the magistrate's name in legible print or writing. Yet it does not address what the consequences would be if the magistrate's name is not printed in the form prescribed, which could create loopholes for opportunistic litigants and prompt needless challenges to court orders. The author may have intended to address the integrity of court orders against possible forgery, but the bill as drafted is not the right answer."

**H.B. 109** (Martinez; SP: Hinojosa) Relating to the operation of open-enrollment charter schools on Memorial Day. **Reason for veto:** "Although the purpose of House Bill 109 was to keep Texas schools closed on Memorial Day, as written it would allow up to 859 school districts to remain open on the holiday. Memorial Day is an important holiday, intended to honor and remember the brave men and women who gave their lives in defense of our country. Teaching young Texans how to respectfully celebrate this holiday is critical, and we do not accomplish this goal with a law that may require them to attend school on Memorial Day. If the goal was to create more uniformity in how charter schools and school districts celebrate holidays, the Legislature should draft a more targeted bill next session."

**H.B. 345** (Holland and Guillen; SP: Schwertner and Alvarado) Relating to the automatic issuance of a personal identification certificate to a person 60 years of age or older whose driver's license has been surrendered or revoked. **Reason for veto:** "I have already signed House Bill 2092, requiring DPS to adopt procedures for issuing personal identification certificates to all individuals who surrender their driver's licenses. House Bill 345 would apply to only some of those individuals and require DPS to adopt additional procedures for the automatic issuance of personal identification certificates. Disapproving House Bill 345 will allow individuals to transition to personal identification certificates when they desire and ensure that implementation of this program will not cause administrative headaches."

**H.B. 389** (Bailes; SP: Nichols) Relating to the regulation of game rooms in certain counties. **Reason for veto:** "I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions from the relevant statute. House Bill 389 attempts to amend the provisions already repealed by House Bill 892. As such, House Bill 389 is unnecessary and I am vetoing it at the request of the author."

**H.B. 448** (Chris Turner et al.; SP: Zaffirini and Alvarado) Relating to the creation of an offense for failing to secure certain children in a rear-facing child passenger safety seat system. **Reason for veto:** "House Bill 448 is an unnecessary invasion of parental rights and an unfortunate example of over-criminalization. Texas already compels drivers to use a car seat for a child under eight years of age. *See* Tex. Transp. Code § 545.412. House Bill 448 would get even more prescriptive, dictating which way the car seat must be facing for a child under two years of age. It is not necessary to micromanage the parenting process to such a great extent, much less to criminalize different parenting decisions by Texans."

**H.B. 455** (Allen et al.; SP: Watson) Relating to policies on the recess period in public schools. **Reason for veto:** "I appreciate the good intentions behind House Bill 455, and there is no disputing the educational and health benefits of recess during the school day. But requiring the State and its school districts to churn out more policies and mandates about recess is just bureaucracy for bureaucracy's sake."

**H.B. 463** (Springer; SP: Perry et al.) Relating to reciprocity agreements between certain air ambulance companies operating a subscription program. **Reason for veto:** "House Bill 463, by mandating that air ambulance companies enter into reciprocity agreements, would unnecessarily intrude into the operations of private businesses and could very well reduce the availability of products that protect rural Texans from expensive air ambulance bills. The author was understandably trying to help Texans, but this bill likely runs afoul of federal law and could have unintended consequences. The Legislature and the federal government should find better ways to address the high costs of air ambulance services."

**H.B. 651** (Springer et al.; SP: Kolkhorst) Relating to the creation and operations of health care provider participation programs in counties not served by a hospital district or a public hospital. **Reason for veto:** "I have signed House Bill 4289, which grants counties, cities, and hospital districts the authority to establish a health care provider participation program. In light of House Bill 4289, House Bill 651 is unnecessary because it sought to achieve the same purpose and similarly would grant authority to establish these programs, but only for certain counties. I am grateful to Representative Springer and Senator Kolkhorst for working to address this important issue."

**H.B. 929** (Anchia and Blanco; SP: Watson) Relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere. **Reason for veto:** "Under current law, a magistrate must inform an arrested person of important constitutional protections, such as the right to counsel. House Bill 929 would have added yet more recitations about non-constitutional matters, making these magistrations warnings less helpful to arrestees. Magistrations should focus arrestees on exercising their constitutional rights at the beginning of the criminal-justice process."

**H.B. 994** (Guillen and Swanson; SP: Flores and Zaffirini) Relating to appeals to justice courts of certain ad valorem tax determinations. **Reason for veto:** "The Tax Code permits homeowners to protest the appraised value of their property to an Appraisal Review Board and, if they are not satisfied with the Board's ruling, to appeal that ruling to district court or binding arbitration. House Bill 994 would have created an exception to this process for just one county, allowing homeowners in Atascosa County whose homes are valued at \$500,000 or less to appeal to a justice of the peace, rather than to a district court or arbitration. The Legislature has not identified a reason to treat the residents of one county so differently, and to depart from uniform procedures for property tax appraisal and protest."

**H.B. 1031** (Deshotel; SP: Creighton) Relating to the regulation of game rooms in certain counties. **Reason for veto:** "I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions from the relevant statute. House Bill 1031 attempts to amend the provisions already repealed by House Bill 892. As such, House Bill 1031 is unnecessary."

**H.B. 1053** (Guillen; SP: Lucio) Relating to the administration, powers, and duties of certain navigation districts; authorizing the imposition of a tax. **Reason for veto:** "House Bill 1053 has two fatal flaws: First, it would exempt the Willacy County Navigation District from competitive bidding requirements applicable to all other navigation districts, allowing it to donate, exchange, convey, sell, or lease a real property interest for less than reasonable market value and without providing public notice. This exception to the general laws of our State would unnecessarily undermine the tenets of transparency. Second, it would authorize the Port of Harlingen Authority to impose an ad valorem tax. The end-of-session addition of this power was not properly vetted through the legislative process and did not receive a public hearing. While likely not the intent of this bill's author or sponsor, this would set a bad example for how special districts can evade statutory and legislative oversight in the future."

**H.B. 1059** (Lucio III; SP: Rodríguez) Relating to a biennial report on stormwater infrastructure in this state. **Reason for veto:** "House Bill 1059 would mandate a series of reports that are redundant and unnecessary. Many cities and counties are already using adaptive strategies to manage stormwater runoff. Institutions of higher education, meanwhile, are providing sufficient information and support to local governments to promote even broader application of these stormwater-management tools."

**H.B. 1099** (Guillen; SP: Hinojosa and Flores) Relating to peace officers commissioned by the State Board of Veterinary Medical Examiners. **Reason for veto:** "House Bill 1099 would allow the Texas Board of Veterinary Medical Examiners to hire peace officers to investigate violations of the Veterinary Licensing Act. Legislation was passed last session to help the Board develop an effective way to inspect and monitor the potential diversion of controlled substances at veterinarians' offices, and to consistently implement its enforcement procedures. The Board should use its existing tools instead of creating more state-commissioned peace officers and seeking out new tasks related to supervising those officers."

**H.B. 1120** (Miller et al.; SP: Miles and Huffman) Relating to the powers of certain county

assistance districts. **Reason for veto:** "Special districts exist to perform functions within their districts, but House Bill 1120 would extend this power outside the boundaries without adequate safeguards to protect against the potential for abuse."

**H.B. 1168** (Anchia et al.; SP: West) Relating to the offense of possessing a weapon in a secured area of an airport. **Reason for veto:** "House Bill 1168 would impose an unacceptable restraint on the Second Amendment rights of law-abiding travelers. The Legislature may have intended simply to keep firearms off the tarmac, but the bill as drafted would newly prohibit carrying in *any* part of the airport terminal building, even ahead of the TSA inspection checkpoint. By vetoing this bill, I am ensuring that Texans can travel without leaving their firearms at home. I look forward to working with the next Legislature on the good idea behind this bill."

**H.B. 1174** (Reynolds et al.; SP: Miles) Relating to the authority of certain county assistance districts to provide a grant or loan. **Reason for veto:** "House Bill 1174 would allow county assistance districts to give their financial resources to other political subdivisions, but would do so without protecting against abuse."

**H.B. 1215** (Collier et al.; SP: Alvarado) Relating to the allocation of low income housing tax credits. **Reason for veto:** "House Bill 1215 mirrors current policy regarding the use of educational quality by the Texas Department of Housing and Community Affairs in administering the low income housing tax credit program. The bill would limit administrative flexibility, however, to a degree that is unacceptable."

**H.B. 1404** (Dean; SP: Hughes) Relating to the regulation of game rooms in certain counties. **Reason for veto:** "I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions from the relevant statute. House Bill 1404 attempts to amend the provisions already repealed by House Bill 892. As such, House Bill 1404 is unnecessary and I am vetoing it at the request of the author."

**H.B. 1476** (Charles "Doc" Anderson; SP: Birdwell) Relating to the regulation of game rooms in certain counties. **Reason for veto:** "I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions in the relevant statute. House Bill 1476 attempts to amend the statute already repealed by House Bill 892. As such, House Bill 1476 is unnecessary."

**H.B. 1742** (Smithee; SP: Johnson) Relating to the mediation of the settlement of certain health benefit claims involving balance billing by out-of-network laboratories. **Reason for veto:** "In an effort to end surprise medical billing in Texas, I have signed Senate Bill 1264 into law. That leaves no work to be done by House Bill 1742, as the bill itself acknowledges in Section 14. I applaud the Legislature for addressing this critical issue in a number of bills, and I am proud to have signed the broadest one that reached my desk."

**H.B. 1771** (Thierry et al.; SP: Huffman) Relating to a prohibition on prosecuting or referring to juvenile court certain persons for certain conduct constituting the offense of prostitution and to the provision of services to those persons. **Reason for veto:** "Although House Bill 1771 is a well-intentioned tool to protect victims of human trafficking, it has unintended consequences. The

bill takes away options that law enforcement and prosecutors can use to separate victims from their traffickers, and it may provide a perverse incentive for traffickers to use underage prostitutes, knowing they cannot be arrested for engaging in prostitution. Efforts to reduce trafficking are to be commended, and I have signed numerous laws this session cracking down on it. I look forward to working with the author on ways to separate victims from their traffickers, both physically and economically."

**H.B. 1806** (Tracy O. King; SP: Campbell) Relating to the use of water withdrawn from the Edwards Aquifer by certain entities. **Reason for veto:** "House Bill 1806 would allow the San Antonio Water System to sell water from the Edwards Aquifer to adjacent counties, many of which are outside the regulatory jurisdiction of the Edwards Aquifer Authority, without any input from other permit holders or the governing board of the Edwards Aquifer Authority. The goal of the Edwards Aquifer Act, which was passed by the 73rd Legislature, was to treat all permit holders equally. This bill goes in the opposite direction by elevating the rights of one user above all others. Vetoing this bill maintains the careful balance of water rights within the Edwards Aquifer Authority and ensures that the resources of the aquifer remain protected."

**H.B. 2111** (Pacheco et al.; SP: Flores) Relating to the period for which a school district's participation in certain tax increment financing reinvestment zones may be taken into account in determining the total taxable value of property in the school district. **Reason for veto:** "Texas stopped allowing school districts to voluntarily erode their tax bases many years ago because of the impact on the school finance system. House Bill 2111 would undo this effort by allowing Southside I.S.D. in San Antonio to contribute its maintenance and operation tax revenue to a tax increment reinvestment zone for an indefinite period of time. The bill also would force taxpayers in Southside I.S.D. to pay higher taxes, undermining the significant reforms accomplished this session."

**H.B. 2112** (Ed Thompson; SP: Zaffirini) Relating to salvage motor vehicles, including flood vehicles, and nonrepairable motor vehicles. **Reason for veto:** "After Hurricane Harvey, I formed the Governor's Commission to Rebuild Texas, which identified ways to improve how our government responds to natural disasters. One of the Commission's recommendations was to develop a process for the Department of Motor Vehicles to coordinate with the Federal Emergency Management Agency to ensure that it has the information necessary to identify flooded vehicles. I have now signed into law House Bill 2310, which implements that recommendation. House Bill 2112 also seeks to address the challenge of identifying flooded vehicles, but in doing so, it would eliminate the current methodology for identification and repeal the provision of law added by House Bill 2310. The new process established in House Bill 2310 should have a chance to work."

**H.B. 2348** (Tracy O. King and Flynn; SP: Perry and Zaffirini) Relating to the prohibition of certain employment discrimination regarding an employee who is a volunteer emergency responder. **Reason for veto:** "First responders play a vital role in disaster recovery, so I appreciate the good intentions of the author. But this does not mean we need to create a new civil cause of action so that employees who volunteer in disasters can sue their employers. House Bill 2348 would open the door to such lawsuits against both public and private employers. Employers have every incentive to accommodate their brave employees who serve as first responders, but they deserve

the flexibility to develop their own leave policies for their employees, instead of having the State dictate the terms."

**H.B. 2475** (Guillen; SP: Zaffirini and West) Relating to the indigent status of a person for purposes of the driver responsibility program. **Reason for veto:** "Because I have signed House Bill 2048 into law, which repeals the Driver Responsibility Program, the changes made in House Bill 2475 are no longer necessary."

**H.B. 2481** (Metcalf et al.; SP: Creighton et al.) Relating to the creation and administration of certain specialty court programs; authorizing fees. **Reason for veto:** "House Bill 2481, as passed by the House, represented an improvement in access to specialty treatment courts for our Texas veterans. Unfortunately, a last-minute amendment was added in the Senate and would create a juvenile family drug court program that is entirely different and unrelated. This new program would authorize a court to exercise jurisdiction over an individual who has never been charged with any crime, but who resides in the home of a child subject to a case under Title 3 of the Family Code and who is suspected by the Department of Family and Protective Services of having a substance abuse problem. The lack of due-process protections is unacceptable. Next session, I look forward to increasing the ability of our Texas veterans to access treatment without this concerning program attached."

**H.B. 2856** (Morrison; SP: Kolkhorst et al.) Relating to restrictions under disaster remediation contracts; creating a criminal offense. **Reason for veto:** "House Bill 2856 attempts to address the very real problem of disaster-remediation contractors who take advantage of disaster victims. But it does so with a stiff criminal penalty in an area where civil remedies already exist, which could discourage well-intentioned, quality tradespeople from seeking work in Texas following a disaster. This could inadvertently harm victims and impede recovery. We must take a more measured approach to this issue—as was done in House Bill 2320, which I have signed into law this session. I look forward to working with the author next session."

**H.B. 3022** (Miller et al; SP: Kolkhorst) Relating to emergency warning systems operated by municipalities and counties. **Reason for veto:** "House Bill 3022 would require the Texas Department of Public Safety to capture the contact information of driver's license applicants who consent to being part of local emergency warning systems, and to work with local governments on creating those local warning systems. I appreciate the author's good intentions, and I have signed important legislation this session that will help Texans prepare for disasters. But to ensure that the local emergency warning systems use data that is accurate, updated, and used appropriately, local governments—not the State—should be in charge of gathering and managing this type of data."

**H.B. 3078** (Senfronia Thompson et al.; SP: Zaffirini) Relating to the review of clemency applications from certain persons who were victims of human trafficking or family violence. **Reason for veto:** "I have signed into law this session a number of important bills that will help Texas continue to lead on the issue of human trafficking. This is a priority for me, and I applaud the author's contribution to this effort. But adding a thick layer of bureaucracy to the Board of Pardons and Paroles, as House Bill 3078 would have done, is not the way to help victims of human trafficking."



**H.B. 3082** (Murphy; SP: Birdwell and Powell) Relating to investigating and prosecuting the criminal offense of operating an unmanned aircraft over or near certain facilities. **Reason for veto:** "Current law already imposes criminal penalties for the conduct addressed in House Bill 3082. This proposed legislation would expose too many Texans to criminal liability for unintentional conduct. Negligently flying a drone over a railroad switching yard should not result in jail time."

**H.B. 3195** (Wu et al.; SP: Whitmire) Relating to juveniles committed to the Texas Juvenile Justice Department and the transition of students from alternative education programs to regular classrooms. **Reason for veto:** "Parts of House Bill 3195 are unnecessary because they duplicate provisions of House Bill 2184, which I have already signed into law. But among its other changes, House Bill 3195 would remove an important requirement: that juvenile offenders participate in certain educational programs before being eligible for parole. This requirement is intended to improve the literacy skills and behavior of juvenile offenders so that recidivism rates decrease. It should not be eliminated."

**H.B. 3252** (Allen; SP: Zaffirini) Relating to the posting of certain notices in a primary election. **Reason for veto:** "House Bill 3252 would change how the public is notified about a primary election, but in a way that could cause confusion and is now unnecessary. House Bill 3252 would require that notice of a primary election be posted on the county clerk's website, but in Texas, some county clerks are not responsible for administering elections. And House Bill 2640, which I have signed into law, now requires the same notice of a primary election to be posted on the county's official website. Disapproving House Bill 3252 will help ensure that voters know where to find information about how to cast their ballot."

**H.B. 3490** (Cole; SP: Huffman et al.) Relating to the prosecution and punishment of the criminal offense of harassment; creating a criminal offense. **Reason for veto:** "Cyberbullying is unacceptable and must be stopped. In 2017, I signed Senate Bill 179 into law because cyberbullying is a very real problem. House Bill 3490 shares the same good intentions. Unfortunately, the language used in the bill is overbroad and would sweep in conduct that legislators did not intend to criminalize, such as repeated criticisms of elected officials on Internet websites. I look forward to working next session to forcefully counter cyberbullying in ways that can be upheld constitutionally."

**H.B. 3511** (VanDeaver et al.; SP: Alvarado and Johnson) Relating to the creation of the Commission on Texas Workforce of the Future. **Reason for veto:** "House Bill 3511 is redundant of the Tri-Agency Workforce Initiative, which is comprised of the Texas Workforce Commission, the Texas Education Agency, and the Texas Higher Education Coordinating Board. Since 2016, those three agencies have worked to assess local economic activity, examine workforce challenges and opportunities, and consider innovative approaches to meeting the State's workforce goals. Together, they are implementing reforms that will improve the quality of education and the workforce in Texas. We need to give those changes a chance to succeed before we start adding bureaucracy and duplicating effort through creation of an expansive new commission."

**H.B. 3648** (Guillen; SP: Whitmire) Relating to the powers and duties of the office of independent ombudsman for the Texas Juvenile Justice Department. **Reason for veto:** "I appreciate the author of House Bill 3648 for seeking to clarify the authority of the independent ombudsman who serves

a vital role in assisting children committed to the Texas Juvenile Justice Department. That important goal has already been accomplished in the exact same way through Senate Bill 1702, which I have signed into law, and the additional part of House Bill 3648 is unnecessary."

**H.B. 3910** (Sherman Sr. et al.; SP: West) Relating to the establishment of one or more supplemental county civil service commissions in certain counties. **Reason for veto:** "The Legislature has not shown the need for House Bill 3910, which would have created additional bureaucracy and increased the number of unelected officials with final decision-making power over county civil service matters. If workload is the problem, the answer is streamlined operations, not state laws creating unaccountable creatures like "supplemental" commissions. There is no apparent justification for singling out one county and giving it this ill-advised carve-out."

**H.B. 4703** (Coleman; SP: Whitmire) Relating to the creation of the Harris County Improvement District No. 28; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes. **Reason for veto:** "House Bill 4703 would create Harris County Improvement District No. 28 within the City of Houston. This municipal management district would be authorized to impose not only new assessments, but also to impose more ad valorem taxes on properties in its territory to fund certain infrastructure and services. These properties, however, are wholly within the service area of the city and its water utility. That means this district would be using its new ad valorem taxation to fund infrastructure and services that the city is already imposing its own taxes to provide. The City of Houston has a history of using special purpose districts to subject citizens to double taxation, and this district would be another example. The creation of such a district should not be used as a tool to circumvent property tax reforms, including the meaningful reform passed this session in Senate Bill 2."

**H.C.R. 86** (Springer et al.; SP: Fallon) Designating the Bowie knife as the official state knife of Texas. **Reason for veto:** "This is the kind of resolution that a Texas Governor would sign without thinking. Fortunately, with a little thinking and study, it was learned that a statement contained in the resolution is factually incorrect: it identifies the location of Jim Bowie's "Sandbar Fight" as "near Natchez, Louisiana," when in fact the fight occurred near Natchez, Mississippi. So, as a thinking Governor, I think it best not to sign a factually incorrect resolution and instead to allow the Legislature to consider this next session."

**H.C.R. 133** (Dutton et al.; SP: West and Miles) Directing the Texas Higher Education Coordinating Board to conduct a study on the creation of a divinity program at Texas Southern University. **Reason for veto:** "I agree with the Legislature's statements, expressed in House Concurrent Resolution 133, regarding the importance of Texas Southern University and the desirability of a divinity program. But Article III, Section 30 of the Texas Constitution requires all laws to be passed as bills. New law cannot be made by concurrent resolution. Because House Concurrent Resolution 133 purports to direct the actions of a state agency in the manner of a law, it goes beyond the proper bounds of a concurrent resolution."

**S.B. 124** (West; SP: Sherman Sr.) Relating to the authority of a county to require electronic bids or proposals for competitive bidding. **Reason for veto:** "Senate Bill 124 would have allowed commissioners courts to create a patchwork of bidding requirements, with some counties accepting hard-copy bids and others insisting on electronic bids. This would lay a trap for the unwary bidder."

If the Legislature prefers electronic bidding, it should pursue consistency across the State."

**S.B. 390** (Miles; SP: Dutton) Relating to the creation of the Northeast Houston Redevelopment District; providing authority to issue bonds; providing authority to impose assessments or fees. **Reason for veto:** "Senate Bill 390 would create, within Houston city limits, a municipal management district that would be governed by a self-perpetuating board appointed by the city and would impose assessments on property to fund services that the city already has a responsibility to provide to area residents. This goes too far. Creating districts like these within city limits undermines core principles of protecting taxpayers and promoting transparency, which led to historic achievements this session in Senate Bill 2. It is tantamount to double taxation on the district's property owners, forcing them to pay an ad valorem tax to the city and another assessment to the district. The creation of a municipal management district, or any special purpose district, should not be used to circumvent property-tax reforms."

**S.B. 467** (Zaffirini; SP: Leach) Relating to the procedures of the State Commission on Judicial Conduct. **Reason for veto:** "Senate Bill 467 is not needed because it would require the State Commission on Judicial Conduct to take actions that it can already do without a statutory change."

**S.B. 511** (Rodríguez and Lucio; SP: Clardy) Relating to the installation of unsafe motor vehicle tires; providing a civil penalty. **Reason for veto:** "Senate Bill 511 would authorize a new civil penalty for installing used tires on vehicles. While ensuring drivers' safety is a legitimate governmental objective, there is no real and substantial relationship between that goal and the way this law would function in practice. I vetoed similar legislation last session and must do so again because more regulation is not the answer to every problem. Texas needs fewer laws that impose regulatory burdens on small businesses and consumers."

**S.B. 536** (Zaffirini; SP: Murr) Relating to associate judges for guardianship proceedings and protective services proceedings in certain courts. **Reason for veto:** "Senate Bill 536 highlights that the answer to a perceived problem cannot always be to throw more state money and bureaucracy at it. The Legislature has not shown that it is necessary to create new associate judgeships to specialize in guardianship proceedings, and Senate Bill 536 was misguided in its attempt to create this expensive new system. The Legislature should find a better way to address this issue."

**S.B. 550** (West and Johnson; SP: Senfronia Thompson) Relating to the eligibility of certain criminal defendants for an order of nondisclosure of criminal history record information. **Reason for veto:** "I vetoed similar legislation in 2015 and must do so again here. Convicted criminals should have a pathway to reintegrating into society after they complete their sentences, and the law rightfully allows them to clear their records in certain circumstances. For example, this session I have signed into law Senate Bill 20, which expands the ability of human trafficking victims to seek orders of nondisclosure. Senate Bill 550, however, would allow individuals who were convicted of violent felonies to hide their dangerous conduct from society and from potential employers. I look forward to working with the next Legislature on a more tailored approach."

**S.B. 667** (Zaffirini; SP: Senfronia Thompson) Relating to probate and guardianship matters and certain procedures for persons who are incapacitated or have a mental illness. **Reason for veto:** "Senate Bill 667 would make a number of improvements to the law governing probate and

guardianship matters, but they unfortunately cannot take effect this session because of a section of the bill that would create new public guardianship offices controlled by counties. It has not been shown that it is necessary to add permanent county offices dedicated to this function. Private attorneys are capable of handling these cases without the expense of this new bureaucracy."

**S.B. 746** (Campbell et al.; SP: Cortez) Relating to certain procedures associated with voter approval of municipal annexation. **Reason for veto:** "I have signed House Bill 347, which reforms municipal annexation procedures to provide property owners in all counties, regardless of population size, protection against forced annexation. Provisions in Senate Bill 746 are based on the tiered county system that was overhauled by House Bill 347. Disapproving Senate Bill 746 will allow the protections in House Bill 347 to work statewide without creating confusion."

**S.B. 815** (Rodríguez; SP: Moody et al.) Relating to the creation and preservation of certain records of criminal proceedings. **Reason for veto:** "The law requires that arrested individuals be brought before a magistrate to be informed about the charges against them and to receive important warnings about their rights. Records must be made of these communications, and while a statute currently fixes the periods for which courts must retain the records, Senate Bill 815 would instead have delegated to an agency the discretion to set—and change—the retention periods. Administrative flexibility is not a virtue in this instance. The Legislature should be the one to provide clear direction on this issue."

**S.B. 1319** (Birdwell and Watson; SP: Murphy) Relating to certain taxes and to an annual report submitted to the comptroller concerning those taxes. **Reason for veto:** "The author of Senate Bill 1319 had the right idea in imposing additional reporting requirements for hotel occupancy taxes. Taxpayers deserve that kind of transparency. But the bill was amended by others to add pet projects that would allow a single county and a single city to have an existing tax, previously enacted for a particular purpose, "converted" by election into a different tax for a different purpose. This tax "conversion" process would have misled voters, masking the reality that such an election is for a new tax by failing to inform them that they could simply allow the existing tax to expire. I applaud the author for his original concept and look forward to approving it next session, without the counterproductive amendments."

**S.B. 1575** (Alvarado and Taylor; SP: Krause) Relating to governmental immunity for and adjudication of claims arising from a local governmental entity's disaster recovery contract. **Reason for veto:** "Disaster-recovery tools are critically important in Texas, and this session I have signed into law important legislation that will help Texans rebuild from prior disasters and prepare for future ones. But Senate Bill 1575 goes too far in shielding municipalities from being sued for all sorts of contracts they may enter into for an unspecified period after a disaster declaration. I look forward to working with the Legislature on a more tailored approach to this issue next session."

**S.B. 1793** (Zaffirini; SP: Longoria) Relating to purchasing and contracting by governmental entities; authorizing fees. **Reason for veto:** "Senate Bill 1793 would have given government lawyers a pass on filling out a nepotism disclosure form prescribed by the State Auditor's Office. For procurement contracts worth at least \$1 million, this form compels agency employees to disclose relationships with, and direct or indirect pecuniary interests in, any party to the proposed

contract with the state agency. Uncovering such ties to a potential vendor is important even if the procurement employee happens to be a member in good standing of the Texas Bar. Government lawyers should fill out the same nepotism disclosure form as everyone else at the agency."

**S.B. 1804** (Kolkhorst; SP: Nevárez and Harless) Relating to public health and safety; authorizing the imposition of a tax. **Reason for veto:** "Senate Bill 1804 was a laudable effort to address domestic violence, until someone slipped in an ill-considered giveaway to a radioactive waste disposal facility. Unfortunately, the bill author's good idea about domestic violence has been dragged down by a bad idea about radioactive waste."

**S.B. 1861** (Menéndez; SP: Flynn) Relating to certain public facilities financed, owned, and operated by a public facility corporation. **Reason for veto:** "Public facility corporations are a way for government entities to get in the business of affordable housing and issue conduit debt. To the extent Senate Bill 1861 would encourage taxing entities, including school districts and community colleges, to engage in activities that are outside of their core missions, it would distract those entities from improving student outcomes. Schools and community colleges should focus on educating students, and House Bill 3 provides the necessary resources to accomplish that goal."

**S.B. 2456** (Powell; SP: Zedler) Relating to the powers and duties of the Karis Municipal Management District of Tarrant County; changing the territory of the district; providing a civil penalty; providing authority to issue bonds. **Reason for veto:** "Municipal management districts typically serve as a financing mechanism for commercial, residential, or entertainment development, but sometimes they are misused to supplant services that a city should provide, resulting in double taxation for district residents. Senate Bill 2456 illustrates the problem. It would give the Karis Municipal Management District, located within the City of Crowley, new powers to perform a litany of services paid for by assessments on property within the district. The services range from police and fire protection to the construction and permitting of public concession facilities. These are services that residents should expect the city to provide, using taxes the city imposes. Yet Senate Bill 2456 would allow the district to impose additional assessments for these services. Property owners should not be forced to pay both residential property taxes to the city and residential assessments to the district. Giving this district such expansive authority would reduce transparency and circumvent the taxpayer protections in Senate Bill 2."

## Comprehensive Index Volumes I and II

The comprehensive index includes the entirety of enrolled and vetoed legislation from the 86th Texas Legislature. References to page numbers can be found in either Volume I or Volume II.

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