Memorandum

CITY OF DALLAS

DATE August 16, 2019

TO Honorable Mayor and Members of the Dallas City Council

SUBJECT 2019 Legislative Update

On Wednesday, August 21, 2019, the City Council will be briefed on the 86th Session of the State Legislature. I will be presenting the briefing along with Clifford Sparks, City Attorney's Office – State Legislative Director. The materials are attached for your review.

Christopher J. Caso
Interim City Attorney

c: T.C. Broadnax, City Manager
Kimberly Bizor Tolbert, Chief of Staff to the City Manager

86th State Legislature Update

City Council Briefing

August 21, 2019

Chris Caso
City Attorney (Interim)

Clifford Sparks
State Legislative Director
City Attorney's Office

Overview

- Anti-Local Control Tone of the Session
- Key Statistics
- High Priority Legislation
- Preemption Legislation that Passed or Failed
- Legislative Program Priorities
- Budget Successes
- Next Steps
- Appendix

Anti-Local Control Tone of the Session

"People were giving us lip service": Texas cities' legislative efforts have struggled this year

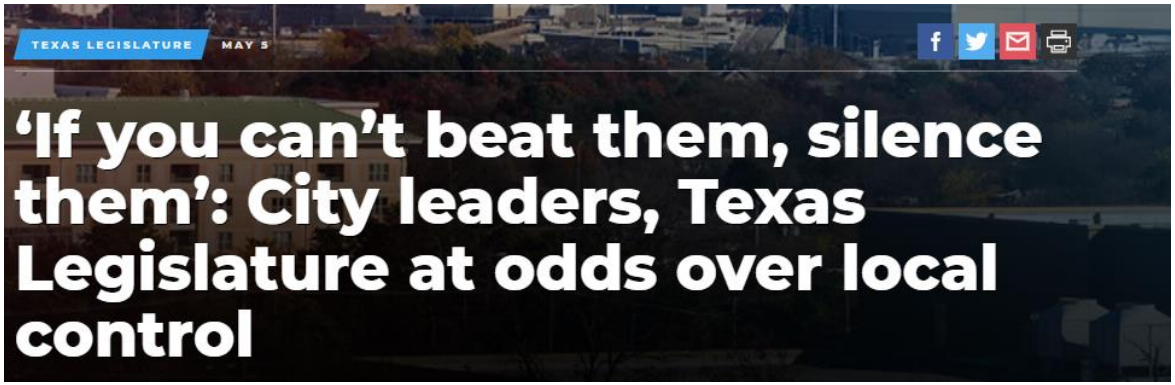
THE TEXAS TRIBUNE

> When weighing in on issues like property taxes, the main interest group representing cities has encountered skepticism.

U.S.News & WORLD REPORT

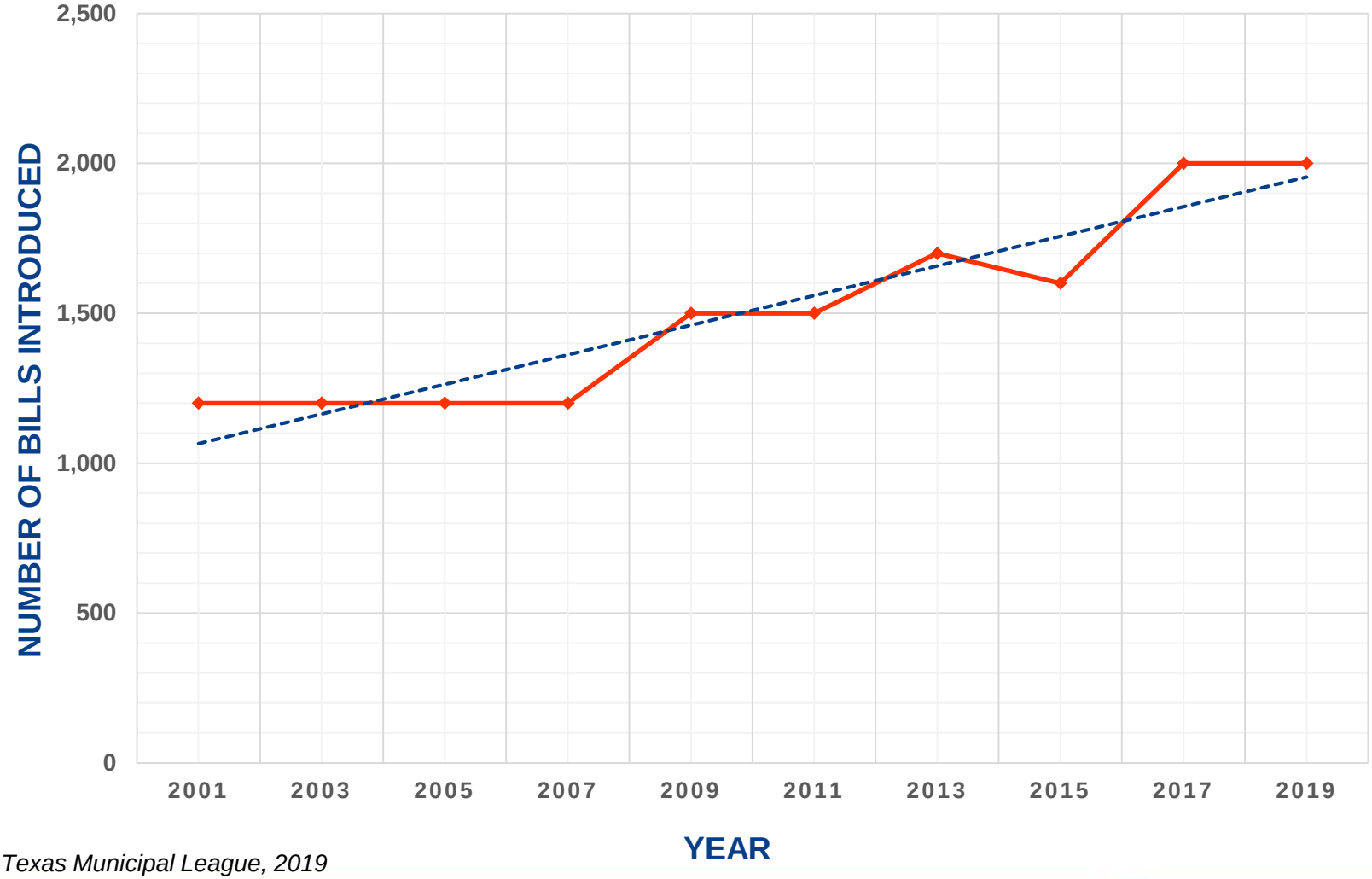
In the Lone Star State, Cities Feel the Heat

Some Texas lawmakers say the state's 'overreach' meddles with their local purview.



DALLASNEWS
Powered by The Dallas Morning News

Estimated Number of Introduced City-Related Bills, 2001-2019



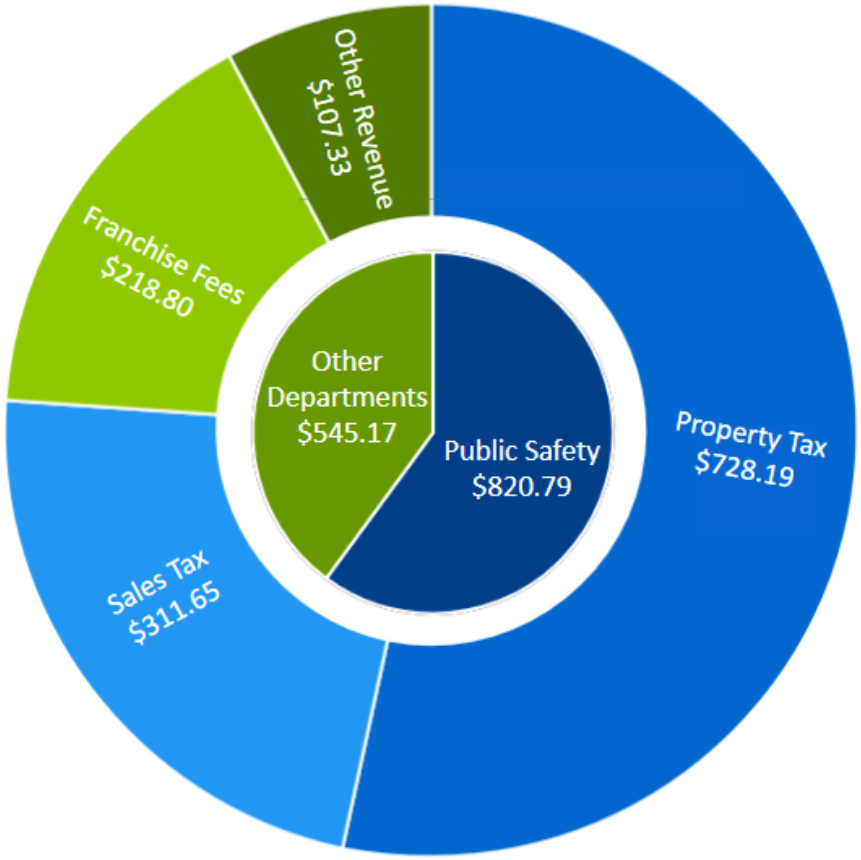
Source: Texas Municipal League, 2019

86th Legislature Statistics

- 7,324 bills filed
- 1,429 bills passed
- 56 bills vetoed
- 2,000+ bills filed relating to cities
- 338 bills passed relating to cities

SB 2: Texas Property Tax Reform and Transparency Act of 2019

- **Revenue Cap**: Cities and counties capped at a **3.5% voter-approval tax rate**
- **Elections:** Mandatory elections (on November uniform election date) to exceed the cap
- **First Responders:** Taxing units may not adopt a budget for a fiscal year or take any other action that has the effect of decreasing the total compensation to which a first responder employed by the taxing unit was entitled in the preceding fiscal year of the taxing unit
- **Appraisal Transparency Reforms**
- **Effective January 1, 2020**



General Fund Expense and Revenue, ***FY 2018-19*** *Adopted Budget*

High Priority Legislation

- **Cable Franchise Fees (SB 1152)**
  - Budget Impact
    - FY20 = $6.6M decrease
    - FY21 = $9M decrease (total)
- **Red Light Cameras (HB 1631)**
  - Budget Impact
    - FY19 (current year) = $1M net decrease
    - FY20 = $2.4M net decrease
    - Decrease $7.5M revenue and $5.1M expense

Preemption Legislation that Passed

- **Building permit fees**
  - HB 852
- **City impound lot fees**
  - HB 1140
- **Building materials regulations**
  - HB 2439
- **Designation of historic landmarks**
  - HB 2496
- **Public Information Act/Open Meetings Act**
  - HB 2840, SB 943, SB 944
- **Contingent fee contracts for legal services**
  - HB 2826
- **Property Redevelopment and Tax Abatement Act (Chap. 312)**
  - HB 3143
- **Land development applications/replats**
  - HB 3167
- **Regulation of dogs in an outdoor dining area**
  - SB 476
- **Adverse actions against a person's affiliation with a religious organization**
  - SB 1978

Preemption Legislation that Failed

- **Monuments bills**
  - HB 583, HB 2648, and SB 1663
- **Employment-related bills**
  - SB 15, SB 2485, SB 2486, SB 2487, and SB 2488
- **Juvenile curfew**
  - HB 1332
- **Anti-lobbying**
  - SB 29
- **Super preemption bills**
  - HB 3899, SB 1209

Legislative Program Priorities

- **Homestead preservation bills**
  - SB 1128 and SB 1280
- **Land bank**
  - SB 1129
- **Weapons in secured areas of airports**
  - HB 1168
  - Vetoed by Governor

Budget Successes

Budget Item	2018-2019 Appropriated	2020-2021 Appropriated (HB 1)	Change
Dallas Specific			
Texas Task Force 2	$2.00 M	**$2.00 M**	$0.00 M
Local Park Grant to the Judge Charles Rose, Sr. Park.	$0.00 M	**$1.00 M**	$1.00 M
Prisoner Reentry Services Pilot Program	$0.00 M	**$500,000**	$500,000
Statewide			
Automobile Theft and Burglary Grants	$5.60 M	**$25.66 M**	$20.06 M
Texas Moving Image Industry Incentive Program	$32.0 M	**$50.0 M**	$18.0 M
Local Parks Grants	$28.7 M	**$36.1 M**	$7.4 M
Library Resource Sharing	$37.6 M	**$39.6 M**	$2.0 M
Local Library Aid	$7.15 M	**$8.88 M**	$1.73 M

Next Steps

- City Attorney's Office working with City Departments to implement State mandates via code amendments or policy changes
- Legislative Team interim initiatives
  - Monitor State interim charges and agency actions
  - Outreach and communication with State delegates
  - Identify issues of interest for City legislative priorities for the 87th State Legislative Session

Appendix A

City of Dallas

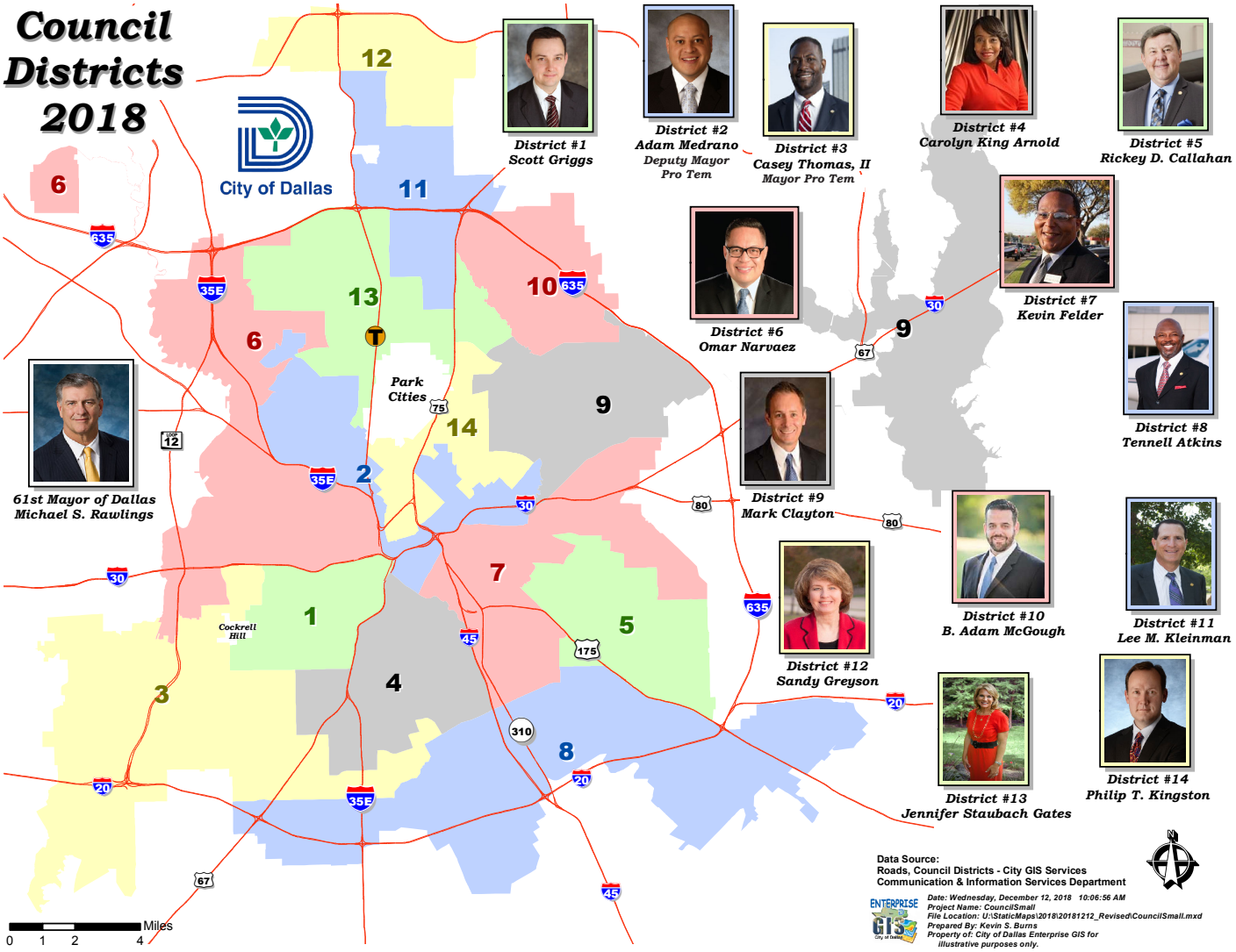
ADOPTED PROGRAM FOR THE 86TH SESSION OF THE TEXAS LEGISLATURE

As Approved by the Dallas City Council
November 14, 2018

2019

City of Dallas

Mayor and City Council 2017-2019



City of Dallas

Mayor and City Council 2017-2019

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181618

November 14, 2018

WHEREAS, the 86th Session of the Texas Legislature will convene in January 2018; and

WHEREAS, many legislative issues affecting local government will be considered; and

WHEREAS, the City of Dallas has historically adopted a legislative program for consideration by the Legislature.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas Legislative Program for the 86th Session of the Texas Legislature is hereby adopted.

SECTION 2. That the City Attorney is directed to communicate the items included in the state legislative program to members of the Texas Legislature.

SECTION 3. That the City Attorney is directed to support legislation that upholds the City of Dallas' home-rule authority, as well as oppose legislation that diminishes resources or home-rule authority.

SECTION 4. That for those issues that arise during or prior to the Session for which there is no official City position and there is insufficient time to convene a meeting of the Legislative Ad Hoc Committee or the City Council, the Chair of the Legislative Ad Hoc Committee is authorized to represent and protect the interests of the City.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED BY
CITY COUNCIL

NOV 14 2018

CITY SECRETARY

City of Dallas

GENERAL PRINCIPLES: PLAYING DEFENSE

As the largest city in North Texas, Dallas is responsible for providing high quality and reliable services to its 1.3 million residents while creating policies that grow the local economy. The City has cultivated a top-tier standard of living for its residents in addition to a robust and diversified economy due to its fiscal stewardship and local policies.

Dallas is proud to share a few of its many accomplishments. The City of Dallas:

- Continues to maintain an unemployment rate lower than the state of Texas and the U.S.
- Ranks in the top ten for U.S. cities with high-paying jobs and low cost of living.
- Leads contributions to the nation's 4th largest MSA in terms of real GDP.
- Experienced the greatest population increase for a metropolitan area in the U.S. in 2017 – attracting large numbers from both international and domestic migration.
- Reduced the violent crime rate significantly over the past 10 years.
- Dedicated 100 percent of its property tax and almost 30 percent of sales tax to public safety, while increasing pay for public safety officials to recruit and retain talent.

The City of Dallas will oppose any legislation that will preempt its ability to serve its constituents or limit the City's ability to be a strong fiscal steward.

PROTECTING LOCAL DEMOCRACY

The City of Dallas does not support any legislation that will preempt its ability to serve the nuanced needs of its residents. The City of Dallas has proven through its continued economic and population growth that it is well equipped to meet the needs of the community and effectively solve problems.

FISCAL STEWARDSHIP

The City of Dallas does not support any legislation that will limit the City's ability to be a strong fiscal steward. The City of Dallas works diligently to implement fiscally sound and responsible budgets to provide services for the protection, safety, and welfare of its residents.

City of Dallas

CITY OF DALLAS LEGISLATIVE AGENDA

During the 86th Legislative Session, the City of Dallas will pursue and support legislation that reinforces the City's discretion to meet the needs of its residents and will defend against legislation that inhibits or restrains its local autonomy.

Public Safety

City residents expect and deserve to be safe and secure where they live, work, and play. As one of the largest cities in the state of Texas, the City of Dallas supports a police force of approximately 3,000 uniformed officers. In addition, the FY 2018-19 adopted budget includes 1,942 firefighters. Public safety personnel totals nearly 60 percent of the General Fund budget, including 100 percent of the property tax collected within city limits and almost 30 percent of the sales tax revenue.

Investment in public safety will increase in fiscal year 2018-2019 with increased wages for first responders, recruitment and retention funding to help stabilize police and fire staffing, and increased pension contributions.

General Fund Expense and Revenue, FY 2018-19 Adopted Budget

The City of Dallas will support legislation that enhances its ability to protect and serve its citizenry, such as opportunities to harness state funding for local law enforcement and strategies for safer and more transparent policing.

TEXAS TASK FORCE 2

During the 85th Session, the City of Dallas successfully advocated for $2 million in sustainment funding for Texas Task Force 2. Texas Task Force 2 is a regional urban search and rescue team that deploys to communities that are impacted by catastrophic events. Texas Task Force 2 has recently been deployed in the recovery efforts following Hurricane Harvey and other natural disasters. In the 86th Session, the City of Dallas will continue to advocate for sustainment funding for Texas Task Force 2.

City of Dallas

Economic Vitality

The City of Dallas continues to foster and sustain one of the most diverse and robust economies in Texas and the U.S. The city is home to 16 Fortune 500 companies and over 250 corporate headquarters. In 2018, Dallas was ranked third in the nation for the number of corporate relocations and expansions. Businesses benefit from the business-friendly climate, with the cost of doing business 4 percent lower in Dallas than the national average.

Dallas' labor force participation rate continues to be well above the nation's. For the past 3 years, Dallas has maintained an unemployment rate lower than the state of Texas and the U.S. A diverse economy offers many opportunities for dual profession families and assures a strong pool of talent for area businesses.

The City of Dallas will support legislation that acknowledges its responsible economic stewardship and encourages autonomy when passing policies that help the local economy thrive. Specifically, the City will support legislation that entrusts discretion over the use of local fees, taxes, and policy tools that will continue to foster a strong economic climate.

City of Dallas

Transportation and Infrastructure

The City of Dallas is nationally recognized for its commitment to safe and reliable city infrastructure as well as diverse transportation options.

City residents have access to multiple transportation options including travel by car, bus, plane, and light rail. The City's commitment to increase investment in various transit options such as bike lanes and streetcars will improve city air quality and help the city become more sustainable.

Improving local infrastructure remains a top priority for the City of Dallas and in November 2017, Dallas voters approved a $1.05 billion bond program, which addresses many major infrastructure needs, including 1,030 transportation and street projects.

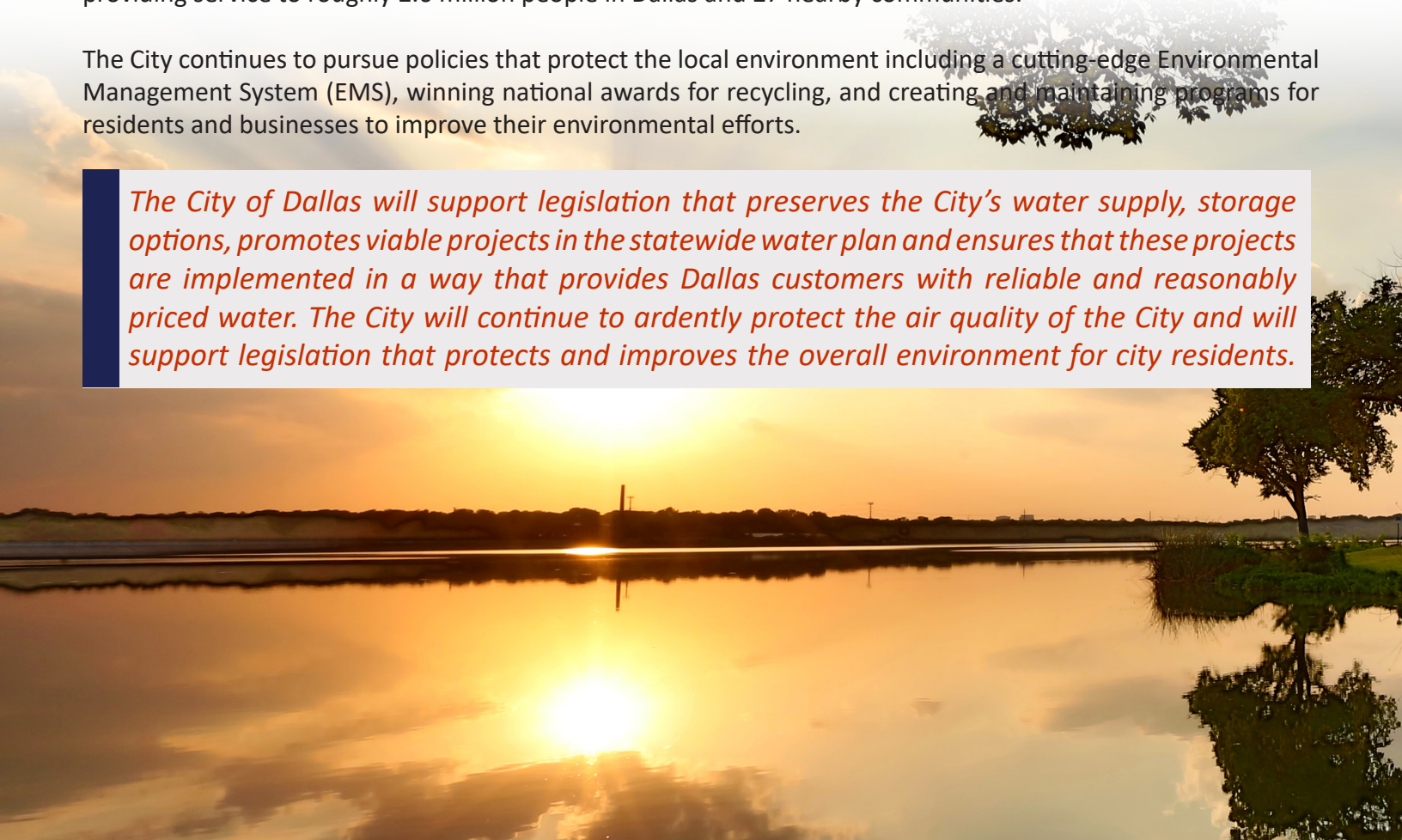
The City of Dallas will support legislation that maintains and improves City infrastructure, increases funding, and diversifies resident transportation options across transit modes.

Water and Environmental Quality

The City of Dallas prioritizes protecting and improving the local environment. Because of smart and effective conservation efforts beginning in the 1950's, the City has enough water supplies to meet today's demand, providing service to roughly 2.6 million people in Dallas and 27 nearby communities.

The City continues to pursue policies that protect the local environment including a cutting-edge Environmental Management System (EMS), winning national awards for recycling, and creating and maintaining programs for residents and businesses to improve their environmental efforts.

The City of Dallas will support legislation that preserves the City's water supply, storage options, promotes viable projects in the statewide water plan and ensures that these projects are implemented in a way that provides Dallas customers with reliable and reasonably priced water. The City will continue to ardently protect the air quality of the City and will support legislation that protects and improves the overall environment for city residents.



City of Dallas

Housing and Mental Health

Effectively meeting the mental health and housing needs of residents is pivotal to the success and prosperity of the community and the city. In 2018, the City of Dallas passed its first-ever comprehensive housing policy. The data-driven and locally informed policy encompasses three main goals: to create and maintain affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty through incentives and requirements.

The City continues to lead in innovative and effective solutions to meet the mental health needs of its citizens. The Rapid Integrated Group Healthcare Team (RIGHT) Care program is a specially-trained and equipped response team dispatched for behavioral emergencies. Since its launch in 2018, ambulance calls for mental health services in southern Dallas have decreased by 23 percent.

The City will support legislation that protects and improves the mental health and housing options of city residents, including continued home ownership for current and future residents, reducing homelessness, increasing mental health resources, and expanding strategies to affordable housing options for its growing population.

City of Dallas

Parks and Recreation

The City provides residents access to a variety of lakes, trails, and city parks. The Dallas Park System is one of the largest municipal park systems in the nation with 397 parks totaling over 20,118 acres of developed and undeveloped parkland. Access to parks across Dallas provides residents a high quality of life through recreation activities, health and wellness programs, and social equity programs.

The City of Dallas will support legislation that improves access and funding availability to parks and recreational opportunities.

Arts and Culture

Arts and culture are economic drivers of the city and contribute to the high quality of life for Dallas residents. The City of Dallas has the largest urban arts district in the country and is home to citizens from over 60 countries around the world, each serving to enrich the city's cultural landscape.

The City of Dallas will support legislation that adds to the existing arts and cultural vibrancy of the community.

City of Dallas

Social Equity

The City of Dallas complies with all federal and state immigration laws.

The City of Dallas implements strategies to advance equity and increase economic mobility for vulnerable and marginalized residents. Dallas is a participating city in the Rockefeller Foundation's 100 Resilient Cities program, which is dedicated to helping cities become resilient to the economic, social, and environmental challenges that are a part of the 21st century.

The City of Dallas strives to be a welcoming city for all. In 2017, the City established the Office of Welcoming Communities and Immigrant Affairs to bridge the space between newcomers and existing Dallas residents, to find common ground, foster informed understanding, and promote shared leadership.

The city's population continues to grow with almost 25 percent of residents being foreign born. Immigrants make up almost 32 percent of the employed labor force of the Dallas-metro area and they play a critical role in several key industries including accounting for almost 70 percent of construction workers.

Their work contributes directly to the economic strength of the city, earning $7.9 billion and contributing $591.1 million to state and local taxes in 2016.

The City of Dallas is proud of its diversity and committed to ensuring that residents are protected regardless of race, religion, gender, or sexual orientation. The City is recognized by the Human Rights Campaign for its leadership in non-discrimination protections in employment, housing, and public accommodations.

The City of Dallas will support legislation that enables it to effectively promote the successful inclusion of immigrants into the social and economic fabric of the Dallas community. Dallas recognizes the strength in cultural diversity and will support legislation that fosters an inclusive vision of Texas for all residents. The City of Dallas will oppose any legislation that discriminates against community members and inhibits the future growth of the city.

City of Dallas

Collaborative Efforts

The city of Dallas is home to one of the most diverse, economically robust, and highly-educated populations in Texas. The opportunity for productive collaboration drives the city's prosperity. The City of Dallas will continue to foster and pursue collaboration with organizations such as the Texas Municipal League, North Texas Commission, Dallas Regional Mobility Commission, Regional Transportation Council, North Central Texas Council of Governments, other governmental bodies, chambers of commerce, transportation agencies, higher education institutions, social sector leaders, and City commissions and task forces, to further its legislative agenda. Collaboration with these entities enables the City to leverage its resources in a more inclusive, strategic, and impactful manner. The City of Dallas will utilize these relationships to successfully promote its legislative agenda.

City of Dallas

City of Dallas Legislative Team

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Appendix B

Memorandum

CITY OF DALLAS

DATE August 7, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT 86th State Legislative Session

The 86th Session of the Texas Legislature concluded on May 27, 2019. Attached is a document that contains brief, noncomprehensive summaries of the bills affecting municipalities that were passed during the session. I plan to brief this at your August 21, 2019, City Council Briefing Meeting. Please feel free to contact me should you have any questions or concerns.

Christopher J. Caso
Interim City Attorney

T.C. Broadnax, City Manager
Kimberly Bizor Tolbert, Chief of Staff to the City Manager
Mark Swann, City Auditor
Bilierae Johnson, City Secretary
Preston Robinson, Administrative Judge
Jon Fortune, Assistant City Manager
Liz Cedillo-Pereira, Chief of Equity and Inclusion

Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
Michael Mendoza, Chief of Economic Development and Neighborhood Services
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
Majed A. Al-Ghafry, Assistant City Manager

CONTENTS

The 86th State Legislative Session was particularly tough session for Texas cities with the passage of a 3.5% revenue cap via SB 2, and with other preemptive bills, such as legislation banning red light cameras (HB 1631), preempting historic preservation processes (HB 2496), and more. However, several negative pieces of legislation aimed at preempting cities failed to pass, including the legislature's attempt to preempt paid sick leave and other employment-related legislation (SB 15, SB 2485, SB 2486, and SB 2488), an attempt to restrict cities' and municipal-related advocacy groups' ability to lobby in Austin (SB 29), high-speed rail budget rider #44, and multiple bills aimed at derailing the Dallas-Houston high-speed rail project.

The table below shows that the number of city-related bills introduced and passed over the last ten legislative sessions continues to rise. According to the Texas Municipal League, around 25 percent of the legislature's time is now focused on cities, and a significant portion of that effort is directed at preemption.

YEAR	Total Bills Introduced*	Total Bills Passed	City-Related Bills Introduced	City-Related Bills Passed
2001	5,712	1,621	1,200+	150+
2003	5,754	1,403	1,200+	110+
2005	5,369	1,397	1,200+	105+
2007	6,374	1,495	1,200+	120+
2009	7,609	1,468	1,500+	120+
2011	6,303	1,410	1,500+	160+
2013	6,061	1,437	1,700+	220+
2015	6,476	1,329	1,600+	220+
2017	6,800	1,220	2,000+	290+
2019	7,541	1,437	2,000+	330+

* Includes bills and proposed Constitutional amendments; regular session only.

Source: Texas Municipal League. June 2019. https://www.tml.org/602/June-14-2019-Number-24

BUDGET SUCCESSES

Despite the preemptive session, the City of Dallas secured key budget successes for the 2020-2021 biennium, summarized below:

Budget Item	2018-2019 Appropriated	2020-2021 Appropriated (HB 1)	Change
Automobile Theft and Burglary Grants	$5.60 M	$25.66 M	$20.06 M
Library Resource Sharing	$37.6 M	$39.6 M	$2.0 M
Local Library Aid	$7.15 M	$8.88 M	$1.73 M
Local Park Grant to the Judge Charles Rose, Sr. Park.	$0.00 M	$1.00 M	$1.00 M
Local Parks Grants	$28.7 M	$36.1 M	$7.4 M
Prisoner Reentry Services Pilot Program	$0.00 M	$500,000	$500,000
Texas Moving Image Industry Incentive Program	$32.0 M	$50.0 M	$18.0 M
Texas Task Force 2	$2.00 M	$2.00 M	$0.00 M

Notably, this year's Texas Legislature put $50 million into the Texas Moving Image Industry Incentive Program for the next biennium, up from $32 million allocated two years ago.

In addition, the City secured $2 million in new funds for Texas Task Force 2 (TTF2) – the regional type I Urban Search and Rescue Team. Since its inception in 2005, TTF2 has responded to natural and man-made disasters and emergencies throughout the State of Texas – without a consistent state-funding mechanism. The $2 million biennium funding will be used to sustain the equipment and training for the regional team.

Healthy Community Collaboratives funding, the Rider to Article II, HHSC budget appropriates $25 million statewide. Dallas will get a share of that, but it will depend on what the community raises as well, because it requires matching funds.

Another budget success includes HB 1525 (Rep. Burrows and Sen. Nelson). This bill relates to the administration and collection of sales and use taxes applicable to sales involving marketplace providers. This bill relates to the Supreme Court ruling in *Wayfair v. South Dakota*, which allows for the collection of sales tax on sales to its residents by out-of-state internet retailers. A state sales tax can be constitutionally collected so long as it does not discriminate against or place excessive burdens on those engaging in interstate commerce. City budget staff anticipate a minor increase in revenue to the City as a result of the passage of this bill.

ECONOMIC DEVELOPMENT AND HOUSING

Economic Development

H.B. 304 (Paul/Nelson) – Municipal Management Districts: this bill makes various changes to the governance and operation of municipal management districts. See full legislation for details. **(Effective September 1, 2019.)**

H.B. 1136 (Price/Nelson) – Tourism Public Improvement Districts: this bill: (1) authorizes any city to establish a tourism public improvement district composed of territory in which the only businesses are one or more hotels; (2) provides that a district created after September 1, 2019, may undertake a project only for advertising, promotion, or business recruitment, as those categories directly relate to hotels; and (3) authorizes a city council to include property in a tourism public improvement district if: (a) the property is a hotel; and (b) the property could have been included in the district without violating the requisite petition requirements when the district was created regardless of whether the record owners of the property signed the original petition. **(Effective immediately.)**

H.B. 2018 (Thierry/Huffman) – Municipal Management Districts: provides that: (1) not later than the 90th day after the date a municipal management district annexes or excludes land, the district shall provide a description of the metes and bounds of the district, as of the date the annexation takes effect, to each city that, on the date the annexation takes effect: (a) has territory that overlaps with the district's territory; or (b) is adjacent to the district; and (2) the district is not required to provide the description of the metes and bounds to a city that has waived in writing the city's right to the description. **(Effective September 1, 2019.)**

H.B. 3143 (Murphy/West) – Property Tax Abatement: this bill: (1) extends the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2029; (2) requires the governing body of a taxing unit, before it adopts, amends, repeals, or reauthorizes property tax abatement guidelines and criteria, to hold a public hearing regarding the proposed adoption, amendment, repeal, or reauthorization at which members of the public are given the opportunity to be heard; (3) requires a taxing unit that maintains an Internet website to post the current version of the guidelines and criteria governing tax abatement agreements on the website; (4) provides that, for the first three years following the expiration of a tax abatement agreement, the chief appraiser shall deliver to the comptroller a report containing the appraised value of the property that was the subject of the agreement; (5) provides that the public notice of a meeting at which the governing body of a taxing unit will consider the approval of a tax abatement agreement with a property owner must contain: (a) the name of the property owner and the name of the applicant for the tax abatement agreement; (b) the name and location of the reinvestment zone in which the property subject to the agreement is located; (c) a general description of the nature of the improvements or repairs included in the agreement; and (d) the estimated cost of the improvements or repairs; and (6) requires the notice required under (5), above, to be given in the manner required by the Open Meetings Act, except that the notice must be provided at least 30 days before the scheduled time of the meeting. **(Effective September 1, 2019.)**

H.B. 4347 (Anchia/Nelson) – Hotel Occupancy Taxes: this bill, among other changes affecting the eligibility of certain cities to use tax revenue for hotel and convention center projects and other qualified projects, provides that a city may authorize a nonprofit corporation to act on behalf of the city for any purposes related to the use or allocation of the city's hotel occupancy tax revenue. **(Effective September 1, 2019.)**

Housing

H.B. 1385 (T. King/Hancock) – Industrialized Housing and Buildings: removes the height limit for a structure to be classified as industrialized housing and buildings. **(Effective September 1, 2019.)**

H.B. 1973 (Button/Nelson) – Affordable Housing: alters the scoring system for an application for a low income housing tax credit by authorizing the Texas Department of Housing and Community Affairs to use the maximum number of points that could have been awarded based on a written statement by a state representative to increase the maximum number of points that may be awarded for the application attributable to community participation on the basis of a resolution from the applicable city or county government when no written statement is received for an application from the state representative who represents the district containing the proposed development site. **(Effective September 1, 2019.)**

H.B. 2529 (Leach/Watson) – Housing Authorities: provides that a tenant of a public project over which a housing authority has jurisdiction, or a recipient of housing assistance administered through a municipal housing authority's choice voucher program or project-based rental assistance program may be appointed as a commissioner of the authority. **(Effective September 1, 2019.)**

GOVERNMENT PERFORMANCE AND FINANCIAL MANAGEMENT

Budget and Finance

H.B. 440 (Murphy/Lucio) – Local Debt: this bill, among other things: (1) requires a political subdivision that maintains a website to include any sample ballot prepared for a general obligation bond election to be prominently posted on the political subdivision's website during the 21 days before the election, along with the election order, notice of the election, and contents of the proposition; (2) provides that a political subdivision may not issue a general obligation bond to purchase, improve, or construct improvements or to purchase personal property if the weighted average maturity of the issue of bonds to finance the improvements or personal property exceeds 120 percent of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds; (4) provides that a political subdivision other than a school may use the unspent proceeds of issued general obligation bonds only: (a) for the specific purpose for which the bonds were authorized; (b) to retire the bonds; or (c) for a purpose other than the specific purpose for which the bonds were issued if: (i) the specific purpose is accomplished or abandoned; and (ii) a majority of the votes cast in an election held in the political subdivision approve the use of the proceeds for the proposed purpose; (5) requires the election order and the notice of the election for an election authorized to be held under (4)(c), above, to state the proposed purpose for which the bond proceeds are to be used; and (6) requires a political subdivision to hold the election under (4)(c), above, in the same manner as an election to issue bonds in the political subdivision. **(Effective September 1, 2019. Also see "City Secretary's Office" section, below.)**

H.B. 477 (Murphy/Bettencourt) – Local Debt: this bill: (1) requires the document ordering an election to authorize a political subdivision to issue debt obligations to distinctly state the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the date the election is ordered, which may be based on the political subdivision's expectations relative to variable rate debt obligations; (2) requires the ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision to specifically state: (a) a general description of the purposes for which the debt obligations are to be authorized; (b) the total principal amount of the debt obligations to be authorized; and (c) that taxes sufficient to pay the principal of and interest on the debt obligations will be imposed; (3) requires a political subdivision with at least 250 registered voters to prepare a voter information document for each proposition to be voted on at the election; (4) requires the voter information document to be posted: (a) on election day and during early voting in a prominent location at each polling place; (b) not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election; and (c) during the 21 days before the election, on the political subdivision's website; (5) authorizes a political subdivision to include the voter information document in the debt obligation election order; (6) requires

the voter information document to distinctly state: (a) the language that will appear on the ballot; (b) the following information formatted as a table: (i) the principal of the debt obligations to be authorized; (ii) the estimated interest for the debt obligations to be authorized; (iii) the estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and (iv) as of the date the political subdivision adopts the debt election order: (A) the principal of all outstanding debt obligations of the political subdivision; (B) the estimated remaining interest on all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations; and (C) the estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations; (c) the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead with an appraised value of $100,000 to repay the debt obligations (based upon assumptions made by the governing body of the political subdivision); and (d) any other information that the political subdivision considers relevant or necessary to explain the information required to be included in the voter information document; (7) requires the political subdivision to identify in the debt obligation order the major assumptions made in connection with the statement in Section 6(c), above, including: (a) the amortization of the political subdivision's debt obligations, including outstanding debt obligations and the proposed debt obligations; (b) changes in estimated future appraised values within the political subdivision; and (c) the assumed interest rate on the proposed debt obligations; (8) requires a political subdivision that maintains a website to provide the information in Section 6, above, on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the debt obligation election; (9) extends the timeframe to publish newspaper notice of intention to issue a certificate of obligation (CO) from 30 to 45 days before the passage of the ordinance; (10) requires an issuer of COs that maintains a website to continuously post notice of intention to issue a CO on its website for at least 45 days before the passage of the CO issuance ordinance; and (11) requires that the notice of intention to issue a CO include the following information: (a) the then-current principal of all outstanding debt obligations of the issuer; (b) the then-current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full, which may be based on the issuer's expectations relative to the interest due on any variable rate debt obligations; (c) the maximum principal amount of the COs to be authorized; (d) the estimated combined principal and interest required to pay the COs to be authorized on time and in full; (e) the estimated interest rate for the COs to be authorized or that the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (f) the maximum maturity date of the COs to be authorized. **(Effective September 1, 2019. Also see "City Secretary's Office" section, below.)**

H.B. 1495 (Toth/Creighton) – Lobby Reporting/Budgeting: provides, among other things, that: (1) the contracts disclosure requirements from H.B. 1295 (2015) apply to a contract for services that would require a person to register as a lobbyist under state law, regardless of whether such contract: (a) requires an action or vote by the governing body of the city before the contract may be signed; or (b) has a value of at least $1 million; and (2) the proposed budget of a political subdivision must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for: (a) notices required by law to be published in a newspaper by the political subdivision or a representative of the political subdivision; and (b) directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in the state's lobby law. **(Effective immediately. Also see "Lobbying" section, below.)**

S.B. 30 (Birdwell/Phelan) – Bond Propositions: this bill, among several other provisions: (1) requires each single specific purpose for which bonds requiring voter approval are to be issued to be printed on the ballot as a separate proposition; (2) provides that a proposition may include as a specific purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the specific purpose; and (3) requires a proposition seeking approval of the issuance of bonds to specifically include a plain language description of the single specific purpose for which the bonds are to be authorized. **(Effective September 1, 2019. Also see "City Secretary's Office" section, above.)**

S.B. 65 (Nelson/Geren) – Lobby Reporting/Budgeting: provides, among other things, that: (1) the contracts disclosure requirements from H.B. 1295 (2015) apply to a contract for services that would require a person to register as a lobbyist under

state law, regardless of whether such contract: (a) requires an action or vote by the governing body of the city before the contract may be signed; or (b) has a value of at least $1 million; and (2) "consulting service" means "the service of studying or advising a state agency under a contract that does not involve the traditional relationship of employer and employee;" (3) a political subdivision that enters or has entered into a contract for consulting services with a state agency, regardless of whether the term of the contract has expired, shall prominently display on its website the following regarding contracts for services that would require a person to register as a lobbyist under state law: (a) the execution dates; (b) the contract duration terms, including any extension options; (c) the effective dates; (d) the final amount of money the political subdivision paid in the previous fiscal year; and (e) a list of all legislation advocated for, on, or against by all parties and subcontractors to the contract, including the position taken on each piece of legislation in the prior fiscal year; (5) in lieu of displaying the items described by (4), above, a political subdivision may post on its website the contract for those services; and (6) the proposed budget of a political subdivision described by (3), above, must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in the state lobby law. **(Effective September 1, 2019. Also see "Lobbying" section, below.)**

S.B. 1152 (Hancock/Phelan) – Telecommunications/Cable Right-of-Way Rental Fees (preemptive): this bill would authorize a cable or phone company to stop paying the lesser of its state cable franchise or telephone access line fees, whichever are less for the company statewide. More specifically, the bill provides that: (1) a certificated telecommunications provider is not required to pay any compensation for a given calendar year if the provider determines that the sum of the compensation due from the provider and any member of the provider's affiliated group to all cities in this state is less than the sum of the fees due from the provider and any member of the provider's affiliated group to all cities in this state under the state cable franchise law; (2) the determination under (1) for a given year must be based on amounts actually paid, or amounts that would have been paid notwithstanding the bill, during the 12-month period ending June 30 of the immediately preceding calendar year by the provider and any member of the provider's affiliated group; (3) item (1), above, does not exempt a CTP from paying compensation to a city if the provider is not required to pay a state cable franchise fee to that city; (4) a CTP shall file, not later than October 1 of each year, an annual written notification with each city in which the provider provides telecommunications services of the provider's requirement to pay compensation under (1) or exemption from the requirement to pay compensation under (3) for the following calendar year; (5) a holder of a state-issued certificate of franchise authority is not subject to the five percent fee for a given calendar year if the holder determines that the sum of fees due from the holder and any member of the holder's affiliated group to all cities in this state is less than the sum of the compensation due from the holder and any member of the holder's affiliated group to all cities in this state under the telephone access line fee law; (6) the determination under (5) for a given year must be based on amounts actually paid, or amounts that would have been paid notwithstanding the bill, during the 12-month period ending June 30 of the immediately preceding calendar year by the holder and any member of the holder's affiliated group; (7) item (5), above, does not exempt a holder from paying compensation to a city if the holder is not required to pay a telephone access line fee to that city; and (8) a holder shall file, not later than October 1 of each year, an annual written notification with each city in which the holder provides cable or video services of the holder's requirement to pay the fee or exemption from the requirement to pay the fee under (5), above, for the following calendar year. **(Effective September 1, 2019 and applies to a payment made after January 1, 2020. Also see "Utilities" section, below.)**

Communications and Information Services

H.B. 2364 (Darby/Perry) – Statewide Technology Centers: applies state law governing the provision of information resources by the Department of Information Resources through statewide technology centers (i.e., Government Code Chapter 2054, Subchapter L) to electronic messaging services and outsourced managed services that are: (1) obtained by a state agency using state funds; (2) used by a state agency; or (3) used by a participating local government. **(Effective September 1, 2019.)**

H.B. 3834 (Caprigilone/Paxton) – Cybersecurity Training: provides that: (1) the Department of Information Resources (DIR) with the cybersecurity council and industry stakeholders shall annually: (a) certify at least five cybersecurity training programs for state and local government employees; and (b) update standards for maintenance of certification by the cybersecurity training programs; (2) a certified training program must: (a) focus on forming information security habits and procedures that protect and procedures that protect information resources; (b) teach best practices for detecting, assessing, reporting, and addressing information security threats; (3) DIR may identify and certify training programs provided by state agencies and local governments that satisfy the above requirements; (4) DIR shall annually publish on the its website the list of certified cybersecurity training programs; (5) a local government that employs a dedicated information resources cybersecurity officer may offer to its employees a cybersecurity training program that satisfies the certified requirements described in (2); (6) at least once a year, a local government shall identify employees who have access to a local government computer system or database and require those employees and elected officials of the local government to complete a certified cybersecurity training program; and (7) the governing body of the local government may select the most appropriate certified cybersecurity training program for employees to complete and shall: (a) verify and report on the completion of a cybersecurity training program by employees of the local government to DIR; and (b) require periodic audits to ensure compliance. **(Effective immediately.)**

S.B. 64 (Nelson/Phelan) – Cybersecurity: provides that: (1) a cybersecurity event is added to the definition of disaster under the Texas Disaster Act; (2) the Department of Information Resources (DIR) shall submit to the governor, the lieutenant governor, and speaker of the house of representatives a report identifying preventative and recovery efforts the state can undertake to improve cybersecurity in this state, including an evaluation of a program that provides an information security officer to assist small state agencies and local governments that are unable to justify hiring a full-time information security officer; (3) DIR shall establish an information sharing and analysis organization to provide a forum for state agencies, local governments, public and private institutions of higher education, and the private sector to share information regarding cybersecurity threats, best practices, and remediation strategies; (4) the state cybersecurity coordinator shall establish a cyberstar certificate program to recognize public and private entities that implement the best practices for cybersecurity developed (5) each state agency and local government shall, in the administration of the agency or local government, consider using next generation technologies, including cryptocurrency, blockchain technology, and artificial intelligence; and (6) the Public Utility Commission shall establish a program to monitor cybersecurity efforts among utilities, including a municipally owned electric utility, and the program shall: (a) provide guidance on best practices in cybersecurity and facilitate the sharing of cybersecurity information between utilities; and (b) provide guidance on best practices for cybersecurity controls for supply chain risk management of cybersecurity systems used by utilities. **(Effective September 1, 2019. Also see "Emergency Management and Disaster Recovery" and "Utilities" sections, below.)**

S.B. 1303 (Bettencourt/Bell) – City and ETJ Mapping and Notice: provides that: (1) every city must maintain a copy of the map of city's boundaries and extraterritorial jurisdiction in a location that is easily accessible to the public, including: (a) the city secretary's office and the city engineer's office, if the city has an engineer; and (b) if the city maintains a website, on the city's website; (2) a city shall make a copy of the map under (1), above, available without charge; (3) not later than January 1, 2020, a home rule city shall: (a) create, or contract for the creation of, and make publicly available a digital map that must be made available without charge and in a format widely used by common geographic information system software; (b) if it maintains an website, make the digital map available on that website; and (c) if it does not have common geographic information system software, make the digital map available in any other widely used electronic format; and (4) if a city plans to annex under the "consent exempt" provisions that remain in the Municipal Annexation Act after the passage of H.B. 347 (summarized elsewhere in this edition), a home rule city must: (a) provide notice to any area that would be newly included in the city's ETJ by the expansion of the city's ETJ resulting from the proposed annexation; and (b) include in the notice for each hearing a statement that the completed annexation of the area will expand the ETJ, a description of the area that would be newly included in the ETJ, a statement of the purpose of ETJ designation as provided by state law, and a brief description of each municipal ordinance that would be applicable, as authorized by state law relating to subdivision ordinances, in the area that would be newly included in the ETJ; and (c) before the city may institute annexation proceedings, create, or contract for the creation of, and make publicly available, without charge and in a widely used electronic format, a digital map that identifies the area proposed for annexation and any area that would be newly included in the ETJ as a result of the proposed annexation.

(Note: Many of the remaining provisions of this bill modified sections in Chapter 43 of the Local Government Code, relating to municipal annexation, which were eliminated by H.B. 347. Effective immediately. Also see "Land Use, Zoning, and Annexation" section, below.)

S.B. 1510 (Schwertner/Munoz) – Rough Proportionality: provides that: (1) if a city requires, including under an ETJ subdivision agreement under Chapter 242, as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license and is retained by the city; and (2) the city's determination shall be completed within thirty days following the submission of the developer's application for determination. **(Effective immediately. Also see "Land Use, Zoning, and Annexation" section, below.)**

Pension

S.B. 322 (Huffman/Murphy) – Public Retirement Systems: provides that: (1) a public retirement system shall select an independent firm with substantial experience in evaluating institutional investment practices and performance to evaluate the appropriateness, adequacy, and effectiveness of the system's investment practices and performance and to make recommendations for improving the system's investment policies, procedures, and practices; (2) each evaluation must include: (a) an analysis of any investment policy or strategic investment plan adopted by the retirement system and the retirement system's compliance with that policy or plan; (b) a detailed review of the retirement system's investment asset allocation, including: (i) the process for determining target allocations; (ii) the expected risk and expected rate of return; (iii) the appropriateness of selection and valuations methodologies of alternative and illiquid assets; and (iv) future cash flow and liquidity needs; (3) a review of appropriateness of investment fees and commissions paid by the retirement system; (4) a review of the retirement system's governance process related to investment activities, including investment decision-making processes, delegation of investment authority, and board investment expertise and education; and (5) a review of the retirement system's investment manager selection and monitoring process. **(Effective immediately.)**

S.B. 2224 (Huffman/Murphy) – Public Retirement Systems: would provide that a governing body of a public retirement system shall: (1) adopt a written funding policy that details the governing body's plan for achieving a funded ratio of the system that is equal to or greater than 100 percent; (2) maintain for public review at its main office a copy of the policy; (3) file a copy of the policy and each change to the policy with the board not later than the 31st day after the date the policy or change, as applicable, is adopted; (4) submit a copy of the policy and each change to the policy to the system's associated governmental entity not later than the 31st day after the date the policy or change is adopted; and (5) each public retirement system shall adopt a funding policy no later than January 1, 2020. **(Effective September 1, 2019.)**

Grants

H.B. 2952 (Guillen/Zaffirini) – Emergency Radio Infrastructure Grant Program: requires the governor's office to establish a program to provide grants to finance interoperable statewide emergency radio infrastructure. **(Effective September 1, 2019. Also see "Public Safety – Emergency Management and Disaster Recovery" section, below.)**

H.B. 3285 (Sheffield/Huffman) – Opioid Antagonist Grant Program: provides that: (1) the criminal justice division of the governor's office must establish and administer a grant program to provide financial assistance to a law enforcement agency in this state that seeks to provide opioid antagonists to peace officers, evidence technicians, and related personnel who, in the course of performing their duties, are likely to come into contact with opioids or encounter persons suffering forma an apparent opioid-related drug overdose; and (2) the executive commissioner of the Health and Human Services Commission: (a) must operate a program to provide opioid antagonists for the prevention of opioid overdoses in a manner determined by the executive commissioner to best accomplish that purpose; and (b) may provide opioid antagonists to emergency medical

services personnel, first responders, public schools, community centers, and other persons likely to be in a position to respond to an opioid overdose. **(Effective September 1, 2019. Also see "Public Safety – Other" section, below.)**

S.B. 7 (Creighton/Phelan) – Flood Planning Funds: among several other provisions, this bill: (1) creates the state Infrastructure Fund to provide funding for flood projects, which are defined as drainage, flood mitigation, or flood control project, including: (a) planning and design activities; (b) work to obtain regulatory approval to provide nonstructural and structural flood mitigation and drainage; (c) construction of structural flood mitigation and drainage infrastructure; and (d) construction and implementation of nonstructural projects, including projects that use nature-based features to protect, mitigate, or reduce flood risk; (2) provides that the Infrastructure Fund may only be used for the following purposes: (a) to make a loan to an eligible political subdivision, including a city, at or below market 50 interest rates for a flood project; (b) to make a grant or loan at or below market interest rates to an eligible political subdivision, including a city, for a flood project to serve an area outside of a metropolitan statistical area in order to ensure that the flood project is implemented; (c) to make a loan at or below market interest rates for planning and design costs, permitting costs, and other costs associated with state or federal regulatory activities with respect to a flood project; (d) to make a grant to an eligible political subdivision, including a city, to provide matching funds to enable the eligible political subdivision to participate in a federal program for a flood project; (e) to make a grant to an eligible political subdivision, including a city, for a flood project if the Board determines that the eligible political subdivision does not have the ability to repay a loan; (f) as a source of revenue or security for the payment of principal and interest on bonds issued by the Board if the proceeds of the sale of the bonds will be deposited in the Infrastructure Fund; (g) to pay the necessary and reasonable expenses of the Board in administering the Infrastructure Fund; and (h) to make transfers to the Research and Planning Fund; and (3) creates the state Texas Infrastructure Resiliency Fund ("Resiliency Fund") to be administered by the Board that constitutes of three separate accounts: (a) the Floodplain Management Account; (b) the Hurricane Harvey Fund; and (c) the Federal Matching Account, for several purposes, including providing grants and loans to eligible political subdivisions. **(Effective immediately, except that the provisions related to the Flood Infrastructure Fund take effect on January 1, 2020, but only if H.J.R. 4 is approved by the voters. See H.J.R. 4, and other details about S.B. 7 in the "Emergency Management and Disaster Recovery" section, below.)**

S.B. 20 (Huffman/S. Thompson) – Human Trafficking: among several other provisions, this bill provides that the Office of the Governor, in collaboration with the Child Sex Trafficking Prevention Unit, must establish and administer a grant program to train local law enforcement officers to recognize signs of sex trafficking. **(Effective September 1, 2019. Also see "Human Trafficking" section, below.)**

S.B. 340 (Huffman) – Opioid Antagonists: the bill: (1) establishes a state grant program to provide financial assistance to a law enforcement agency that seeks to provide opioid antagonists to its personnel who in the course of performing their duties are likely to come into contact with opioids or encounter persons suffering from an apparent opioid-related drug overdose; (2) requires a law enforcement agency that seeks a grant described in Item (1) above to first adopt a policy addressing the usage of an opioid antagonist for a person suffering from an apparent opioid-related drug overdose; (3) requires a law enforcement agency that applies for a grant to provide information to the state about the frequency and nature of: (a) interactions between peace officers and persons suffering from an apparent opioid-related drug overdose; (b) calls for assistance based on an apparent opioid-related overdose; and (c) any exposure by the law enforcement agency personnel to opioids or suspected opioids in the course of performing their duties; and (4) requires a law enforcement agency receiving a grant to provide to the state, as soon as practicable after receiving the grant, proof of purchase of the opioid antagonists. **(Effective immediately. Also see "Public Safety – Other" section, below.)**

Equipment and Fleet Management

S.B. 58 (Zaffirini/Bohac) – Property Tax Exemption for Motor Vehicles: exempts from property taxes: (1) a motor vehicle leased to the state or a political subdivision of the state; or (2) a motor vehicle that: (a) is leased to an organization that is exempt from federal income taxation as a 501(c)(3); and (b) would be exempt from taxation if the vehicle were owned by the organization. **(Effective September 1, 2019. Also see "Property Tax" section, below.)**

Labor and Human Resources

H.B. 541 (Gonzalez/Zaffirini) – Breast Milk Expressing: provides that a mother is entitled to express breast milk in any location in which the mother's presence is otherwise authorized. **(Effective September 1, 2019.)**

H.B. 621 (Neave/Zaffirini) – Child Abuse Reporting: provides that an employer, including a city, may not take any adverse employment action against a professional (an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license of certificate is required, has direct contact with children) who in good faith: (1) reports child abuse or neglect to: (a) the person's supervisor; (b) an administrator of the facility where the person is employed; (c) a state regulatory agency; or (d) a law enforcement agency; or (2) initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect. **(Effective September 1, 2019.)**

H.B. 1074 (Price/Zaffirni) – Training Programs: repeals the current law that prohibits employers from discrimination against employees between the ages of 40 and 56 on the basis of their age, when selecting employees for participation in apprenticeship, on-the-job training, or other training or retraining program. **(Effective September 1, 2019.)**

S.B. 370 (Watson/Smithee) – Jury Service: this bill: (1) prohibits an employer, including a city, from discharging, threatening to discharge, intimidating, or coercing any permanent employee because the employer serves as a juror, attends or has a scheduled attendance in connection with jury service in any court in the United States; and (2) provides that an employee described in (1), above, who is discharged, threatened with discharge, intimidated or coerced is entitled to return to the same employment that the employee held when summoned for jury duty provided that the employee, as soon as practicable after release from jury service, gives the employer actual notice that the employee intends to return. **(Effective September 1, 2019.)**

Lobbying

H.B. 1495 (Toth/Creighton) – Lobby Reporting/Budgeting: provides, among other things, that: (1) the contracts disclosure requirements from H.B. 1295 (2015) apply to a contract for services that would require a person to register as a lobbyist under state law, regardless of whether such contract: (a) requires an action or vote by the governing body of the city before the contract may be signed; or (b) has a value of at least $1 million; and (2) the proposed budget of a political subdivision must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for: (a) notices required by law to be published in a newspaper by the political subdivision or a representative of the political subdivision; and (b) directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in the state's lobby law. **(Effective immediately. Also see "Budget and Finance" section, above.)**

S.B. 65 (Nelson/Geren) – Lobby Reporting/Budgeting: provides, among other things, that: (1) the contracts disclosure requirements from H.B. 1295 (2015) apply to a contract for services that would require a person to register as a lobbyist under state law, regardless of whether such contract: (a) requires an action or vote by the governing body of the city before the contract may be signed; or (b) has a value of at least $1 million; and (2) "consulting service" means "the service of studying or advising a state agency under a contract that does not involve the traditional relationship of employer and employee;" (3) a political subdivision that enters or has entered into a contract for consulting services with a state agency, regardless of whether the term of the contract has expired, shall prominently display on its website the following regarding contracts for services that would require a person to register as a lobbyist under state law: (a) the execution dates; (b) the contract duration terms, including any extension options; (c) the effective dates; (d) the final amount of money the political subdivision paid in the previous fiscal year; and (e) a list of all legislation advocated for, on, or against by all parties and subcontractors to the contract, including the position taken on each piece of legislation in the prior fiscal year; (5) in lieu of displaying the items described by (4), above, a political subdivision may post on its website the contract for those services; and (6) the proposed

budget of a political subdivision described by (3), above, must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in the state lobby law. **(Effective September 1, 2019. Also see "Budget and Finance" section, above.)**

Property Tax

H.B. 492 (Shine/Taylor) – Property Tax Exemption: this bill, among other things, provides a property tax exemption for "qualified property" that is (a) is located in an area declared by the governor to be a disaster area following a disaster; (b) is at least 15 percent damaged by the disaster, as determined by the chief appraiser; and (c) for tangible personal property used for the production of income, is the subject of a rendition statement or property report filed by the property owner that demonstrates that the property had taxable situs in the disaster area for the tax year in which the disaster occurred. **(Effective January 1, 2020, but only if H.J.R. 34 is approved by election on November 5, 2019. See H.J.R. 34, below.)**

H.J.R. 34 (Shine/Bettencourt) – Property Tax Exemption: amends the Texas Constitution to authorize the legislature to: (1) provide that a person who owns property located in an area declared by the governor to be a disaster area is entitled to a temporary property tax exemption by a political subdivision of a portion of the appraised value of that property; and (2) provide that, if the governor first declares territory in the political subdivision to be a disaster area as a result of a disaster on or after the date the political subdivision adopts a tax rate for the tax year in which the declaration is issued, a person is entitled to the exemption for that tax year only if the exemption is adopted by the governing body of the political subdivision. **(Only effective if approved by election on November 5, 2019. See H.B. 492, above.)**

H.B. 1313 (P. King/Birdwell) – Property Tax Appraisal: this bill, among other things, provides that the chief appraiser may not increase the appraised value of a property that had the value lowered through challenge in the next tax year in which the property is appraised, unless the increase by the chief appraiser is reasonably supported by clear and convincing evidence. **(Effective January 1, 2020.)**

H.B. 1883 (G. Bonnen/Creighton) – Property Tax Deferral: provides that: (1) an eligible person serving on active duty in any branch of the United States armed forces, regardless of whether the person is serving during a war or national emergency declared in accordance with federal law, may pay delinquent property taxes on property in which the person owns any interest without penalty or interest no later than the 60th day after the date on which the earliest of the following occurs: (a) the person is discharged from active military service; (b) the person returns to the state for more than 10 days; or (c) the person returns to non-active duty status in the reserves; and (2) a delinquent tax for which a person defers payment under (1) that is not paid on or before the date the deferral period prescribed by (1) expires: (a) accrues interest at a rate of six percent for each year or portion of a year the tax remains unpaid; but (b) does not incur a penalty. **(Effective September 1, 2019.)**

H.B. 1885 (G. Bonnen/Zaffirini) – Delinquent Property Taxes: authorizes the governing body of a taxing unit to waive penalties and interest on a delinquent tax if: (1) the property for which the tax is owed is subject to a mortgage that does not require the owner of the property to fund an escrow account for the payment of the taxes on the property; (2) the tax bill was mailed or delivered by electronic means to the mortgagee of the property, but the mortgagee failed to mail a copy of the bill to the owner of the property; and (3) the taxpayer paid the tax not later than the 21st day after the date the taxpayer knew or should have known of the delinquency. **(Effective January 1, 2020.)**

H.B. 2859 (Capriglione/Fallon) – Property Tax Exemption (preemptive): this bill: (1) exempts precious metals from property taxation if they are held in a Texas depository, regardless of whether the precious metals are held or used by the person for the production of income; and (2) prohibits the governing body of a city from providing for the taxation of precious metal exempted from taxation under (1), above. **(Effective January 1, 2020, but only if H.J.R. 95 is approved at the election on November 5, 2019. See H.J.R. 95, below.)**

H.J.R. 95 (Capriglione/Fallon) – Property Tax Exemption: amends the Texas Constitution to authorize the legislature to exempt from property taxation precious metals held in a Texas depository. **(Effective if approved at the election on November 5, 2019. See H.B. 2859, above.)**

S.B. 2 (Bettencourt/Burrows) – Property Tax Cap (preemptive): this bill, known as the "Texas Property Tax Reform and Transparency Act of 2019," makes numerous changes to the process for adopting property tax rates. Among other things, the bill: (1) renames the "rollback" tax rate the "voter-approval" tax rate; (2) for a taxing unit other than a special taxing unit, provide for a voter-approval rate of 3.5 percent; (3) requires a mandatory election on the November uniform election date to exceed the 3.5 percent rate; (4) for a taxing unit other than a special taxing unit, authorizes the taxing unit to carry forward any unused increment between the adopted maintenance and operations tax rate and the voter-approval tax rate for up to three years; (5) prohibits the governing body of a taxing unit from adopting a budget or taking any other action in the fiscal year beginning in 2020 that has the effect of decreasing the total compensation to which a first responder employed by the taxing unit was entitled in the preceding fiscal year of the taxing unit; (6) authorizes a taxing unit other than a special taxing unit to temporarily use a voter-approval rate of eight percent if any part of the taxing unit is located in an area declared a disaster area by the governor or president of the United States; and (7) makes numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date. See full legislation for further details. **(Effective January 1, 2020.)**

S.B. 58 (Zaffirini/Bohac) – Property Tax Exemption for Motor Vehicles: exempts from property taxes: (1) a motor vehicle leased to the state or a political subdivision of the state; or (2) a motor vehicle that: (a) is leased to an organization that is exempt from federal income taxation as a 501(c)(3); and (b) would be exempt from taxation if the vehicle were owned by the organization. **(Effective September 1, 2019. Also see "Equipment and Fleet Management" section, above.)**

S.B. 443 (Hancock/Murphy) – Homestead Exemption: lengthens the duration of a residence homestead property tax exemption for property that is rendered uninhabitable or unusable by a casualty or by wind or water damage from two years to five years if: (1) the property is located in an area declared to be a disaster area by the governor following a disaster; and (2) the residential structure located on the property is rendered uninhabitable or unusable as a result of the disaster. **(Effective immediately.)**

S.B. 812 (Lucio/S. Thompson) – Property Tax Appraisal: this bill, for purposes of the value of a replacement structure for the ten percent appraisal cap for a residence homestead, defines "disaster recovery program" as a disaster recovery program administered by the General Land Office or by a political subdivision of the state that is funded with community development block grant disaster recovery money authorized by federal law. **(Effective immediately.)**

S.B. 1642 (Miles/Wu) – Right of Redemption: provides that an owner of real property sold at a tax sale who is entitled to redeem the property may not transfer the owner's right of redemption to another person. **(Effective immediately.)**

S.B. 2083 (Hinojosa/Darby) – Property Tax Appraisal: provides that, if the federal government, the state, or a political subdivision takes possession of taxable property under a possession and use agreement or pursuant to pending eminent domain-related litigation, 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 of which is 365 and the numerator of which is the number of days that elapsed prior to the effective date of the possession and use agreement or the date the entity took possession pursuant to pending eminent domain-related litigation. **(Effective immediately.)**

Purchasing/Procurement

H.B. 793 (P. King/Creighton) – Boycotting Israel (preemptive): modifies the provisions of H.B. 89 (2017) – which provides that neither a state agency nor a political subdivision may enter into a contract with a company for goods or services, unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract – by providing that: (1) "company" does not include a sole proprietorship; and (2) the law

applies only to a contract that: (a) is between a governmental entity and a company with 10 or more full-time employees; and (b) has a value of $100,000 or more that is to be paid wholly or partly from public funds of the governmental entity. **(Effective immediately.)**

H.B. 985 (Parker/Hancock) – State-Funded Public Works Contracts (preemptive): provides that: (1) a governmental entity, including a city, awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, may not: (a) prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or (b) discriminate against a person described by (1) based on the person's involvement in the agreement, including the person's: (i) status or lack of status as a party to the agreement; or (ii) willingness or refusal to enter into the agreement; and (2) the bill may not be construed to: (a) prohibit activity protected by the National Labor Relations Act, including entering into an agreement with a collective bargaining organization relating to the project; or (b) permit conduct prohibited under the National Labor Relations Act. **(Effective September 1, 2019. Also see "Public Works" section below.)**

H.B. 1999 (Leach/Creighton) – Construction Liability Claims: among several provisions, this bill: (1) provides that, before bringing an action asserting a claim to which the bill applies, the governmental entity must provide each party with whom the governmental entity has a contract for the design or construction of an affected structure a written report by certified mail, return receipt requested, that clearly: (a) identifies the specific construction defect on which the claim is based; (b) describes the present physical condition of the affected structure; and (c) describes any modification, maintenance, or repairs to the affected structure made by the governmental entity or others since the affected structure was initially occupied or used; (2) provides that, before bringing an action asserting a claim to which the bill applies, the governmental entity must allow each party with whom the governmental entity has a contract for the design or construction of an affected structure and who is subject to the claim and any known subcontractor or supplier who is subject to the claim: (a) a reasonable opportunity to inspect any construction defect or related condition identified in the report for a period of 30 days after sending the report required by (1), above; and (b) at least 120 days after the inspection to correct any construction defect or related condition identified in the report or enter into a separate agreement with the governmental entity to correct any construction defect or related condition identified in the report; (3) provides that the governmental entity is not required to allow a party to make a correction or repair under (2), above, if: (a) the party is a contractor and cannot provide payment and performance bonds to cover the corrective work, cannot provide liability insurance or workers' compensation insurance, has been previously terminated for cause by the governmental entity, or has been convicted of a felony; or (b) the governmental entity previously complied with the process required by (2), above, regarding a construction defect or related condition identified in the report and the defect or condition was not corrected as required by (2)(a) or (b), above, or the attempt to correct the construction defect or related condition identified in the report resulted in a new construction defect or related condition; (4) provides that, if the report and opportunity to correct are provided during the final year of a limitations or repose period applicable to the claim, the limitations or repose period is tolled until the first anniversary of the date on which the report is provided; (5) provides that: (a) if a governmental entity brings an action asserting a claim without complying with the bill, the court, arbitrator, or other adjudicating authority shall dismiss the action without prejudice; and (b) if an action is dismissed without prejudice and the governmental entity brings a second action asserting a claim without complying with the bill, the court, arbitrator, or other adjudicating authority shall dismiss the action with prejudice; (6) provides that, if a report provided by a governmental entity identifies a construction defect that is corrected or for which the governmental entity recovers damages, the party responsible for that construction defect shall pay the reasonable amounts incurred by the governmental entity to obtain the report with respect to identification of that construction defect; (7) provides that the bill does not prohibit or limit a governmental entity from making emergency repairs to the property as necessary to protect the health, safety, and welfare of the public or a building occupant; (8) provides that, if a party, in connection with a potential claim against the party, receives a written notice of an alleged construction defect or a report identifying a construction defect and provides the notice or report to the party's insurer, the insurer shall treat the provision of the notice or report to the party as the filing of a suit asserting that claim against the party for purposes of the relevant policy terms; and (9) does not apply to: (a) a claim for personal injury, survival, or wrongful death; (b) a claim involving the construction of residential property covered under the Property Code; (c) a contract entered into by the Texas Department of Transportation; (d) a project that receives money from a state or federal highway fund; or (e) a civil works project as defined by the alternative procurement and delivery method chapter in state law. **(Effective**

September 1, 2019, except that (12), above, applies only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2020. Also see "Public Works" section, below.)

H.B. 2868 (Phelan) – Interior Design Services: adds to the Professional Procurement Services Act services provided by a person lawfully engaged in interior design, regardless of whether such person is a registered interior designer under state law, with the result that a city must procure the services based on qualifications. **(Effective September 1, 2019.)**

H.B. 2826 (G. Bonnen/Huffman) – Contingent Fee Legal Contracts (preemptive): in regard to a political subdivision's procurement of legal services under a contingent fee contract: (1) requires the political subdivision to attempt to negotiate a contract: (a) with a well-qualified attorney or law firm on the basis of demonstrated competence, qualifications, and experience; and (b) at a fair and reasonable price; (2) allows the political subdivision to require an attorney or law firm to indemnify or hold harmless the political subdivision from claims and liabilities resulting from negligent acts or omissions of the attorney or firm, but not negligent acts or omissions of the political subdivision (this does not prevent an attorney or firm from defending a political subdivision in accordance with a contract for the defense of negligent acts or omissions of the political subdivision); (3) requires the political subdivision to give written notice to the public of: (a) the reasons for pursuing the matter; (b) the competence, qualifications, and experience of the attorney or firm; (c) the nature of the relationship between the political subdivision and the attorney or firm; (d) the reason the legal services cannot be adequately performed by attorneys and personnel of the political subdivision; (e) the reason the contract cannot be based on the payment of hourly fees without contingency; and (f) the reason the contingent fee contract is in the best interest of the residents; (4) requires the contract be approved at an open meeting called for the purpose of considering the matters described in (3), above, and requires the political subdivision to make certain written findings in regard to those matters; (5) provides that the contract: (a) is public information and may not be withheld under any exception to disclosure; and (b) must be submitted to and approved by the Attorney General before it is effective and enforceable (and repeals the requirement that such a contract must be approved by the comptroller); (6) allows a political subdivision to contest the Attorney General's refusal to approve a contract in a State Office of Administrative Hearings contested case proceeding; (7) allows a political subdivision or its auditor to inspect or obtain copies of the time and expense records; (8) requires, at the conclusion of the matter, the contracting attorney or law firm to provide a public written statement describing the outcome of the matter, the amount of any recovery, the computation of the contingent fee, and final time and expense records; (9) provides that litigation and other expenses payable under the contract may be reimbursed only if the political subdivision's auditor makes certain determinations; (10) provides that a contract entered into or an arrangement made in violation of the procurement requirements for contingent fee contracts is void as against public policy and no fees may be paid to any person under the contract or any theory of recovery for work performed in connection with the void contract; and, (11) provides that a contract that is approved by the Attorney General cannot later be declared void. **(Effective September 1, 2019. Also see "City Attorney's Office" section, below.)**

S.B. 300 (Miles/E. Thompson) – Disaster Recovery Contracts: this bill: (1) requires that the general land office (GLO) enter into indefinite quantity contracts with vendors to provide information management services, construction services, including engineering services, and other services the GLO determines may be necessary to construct, repair, or rebuild property or infrastructure in the event of a natural disaster; (2) provides that such contracts must: (a) provide that the contract is contingent on: (i) the availability of funds; (ii) the occurrence of a natural disaster not later than 48 months after the effective date of the contract; and (iii) delivery of the services to an area declared by the governor or president of the United States to be a disaster area as a result of the natural disaster; and (b) have a term of four years; (3) provides that such contracts may be funded by local, state, and federal agencies and the state disaster contingency fund; (4) provides that if the GLO determines that federal funds may be used for a contract, the GLO shall ensure that the contract complies with the requirements of the Federal Acquisition Regulation; and (4) provides that the GLO shall consider and apply any applicable state law and rules of the GLO relating to contracting with historically underutilized businesses. **(Effective September 1, 2019. Also see "Emergency Management and Disaster Recovery" section, below.)**

S.B. 1928 (Fallon/Krause) – Professional Services: this bill: (1) defines "claimant" to mean a party, including a plaintiff or third-party plaintiff, seeking recovery for damages, contribution, or indemnification; (2) provides that, in any action or arbitration proceeding for damages arising out of the provision of professional services by a licensed or registered professional, a

claimant shall be required to file with the complaint an affidavit of a third-party licensed architect, licensed professional engineer, registered landscape architect, or registered professional land surveyor who: (a) is competent to testify; (b) holds the same professional license or registration as the defendant; and (c) practices in the area of practice of the defendant and offers testimony based on the person's knowledge, skill, experience, education, training, and practice; and (3) provides for certain exceptions to (2). **(Effective immediately.)**

Sales Tax

H.B. 1525 (Burrows/Nelson) – Marketplace Providers: this bill, among other things: (1) defines a "marketplace" as a physical or electronic medium through which persons (other than the owner or operator of the medium) make sales of taxable items, including a store, Internet website, software application, or catalog; (2) provides that a marketplace provider has the rights and duties of a seller or retailer for sales and use tax purposes; and (3) provides that a sale of a taxable item made by a marketplace seller through a marketplace is consummated at the location in the state to which the item is shipped or delivered or at which possession is taken by the purchaser. **(Effective October 1, 2019.)**

H.B. 2153 (Burrows/Nelson) – Local Sales and Use Taxes on Remote Sales: among other things, this bill, in relation to the collection of sales taxes on remote sales: (1) provides that a remote seller required to collect and remit local use taxes in connection with a sale of a taxable item must compute the amount to collect and remit using either: (a) the combined rate of all applicable local use taxes; or (b) the single local use tax rate; (2) provides that the single local use tax rate effective in a calendar year is equal to the estimated average rate of local sales and use taxes imposed in the state during the preceding state fiscal year; (3) requires the comptroller to deposit revenue remitted to the comptroller from taxes computed using the single local use tax rate in the state treasury to be held in trust for the benefit of eligible taxing units; (4) provides that a local taxing unit is an eligible taxing unit if it has adopted a sales and use tax; (5) requires, on a monthly basis, the comptroller to transmit to each eligible taxing unit's treasurer (or the officer performing the functions of that office) the taxing unit's share of money held in trust together with the pro rata share of any penalty or interest on delinquent taxes computed using the single local use tax rate that may be collected; (6) authorizes the comptroller to deduct two percent of each taxing unit's share as a charge by the state for the administration of the tax and deposit that amount in the state treasury to the credit of the comptroller's operating fund; (7) requires the comptroller to retain a portion of each eligible taxing unit's share of money held in trust by the comptroller, not to exceed five percent of the amount eligible to be transmitted to the taxing unit, to make refunds for overpayments of taxes computed using the single local use tax rate, make refunds to purchasers pursuant to Section 6, above, and to redeem dishonored checks and drafts deposited under Section 9, above; (8) requires the comptroller to compute for each calendar month the percentage of the total sales and use tax allocations to each taxing unit under current allocation laws and rules; (9) requires the comptroller to determine each eligible taxing unit's share of the new money held in trust from deposits for a given month by applying the percentage computed for the eligible taxing unit under current laws and rules to the total amount held in trust from deposits for that month; and (10) authorizes the comptroller to combine an eligible taxing unit's share of the money held in trust under Section 3, above, with other money held for that taxing unit.

H.B. 3086 (Cole/Zaffirini) – Sales Tax Exemption: exempts from sales and use taxes tangible personal property that will become an ingredient or component part of a motion picture, video, or audio master recording, a copy of which is sold or offered for ultimate sale, licensed, distributed, broadcast, or otherwise exhibited for consideration. **(Effective immediately.)**

H.B. 3386 (Geren/Nelson) – Amusement Services Sales Tax Exemption: provides that an amusement service is exclusively provided by a nonprofit corporation organized for the purpose of encouraging agriculture by the maintenance of public fairs and exhibitions of livestock, if the service is provided at an approved venue project the principal use of which is for rodeos, livestock shows, equestrian events, agricultural expositions, county fairs, or similar events. **(Effective October 1, 2019.)**

H.B. 4542 (Guillen/Hinojosa) – Brewpub Reporting: subjects brewpubs to the sales tax reporting standards applicable to other entities involved in the manufacture and distribution of alcoholic beverages. **(Effective September 1, 2019.)**

S.B. 1214 (Schwertner/Wilson) – Aircraft Sales Tax Exemption: provides, for purposes of the sales and use tax exemption for certain aircraft, that any travel, regardless of distance, to a location to perform a service in connection with an agricultural use does not disqualify an aircraft from the exemption. **(Effective September 1, 2019. Also see "Aviation" section, above.)**

HUMAN AND SOCIAL NEEDS

Childcare Facilities and Family Homes

S.B. 568 (Huffman/G. Bonnen) – Child-Care Facilities and Family Homes: this bill: (1) transfers some regulatory authority over childcare facilities and family homes from the Department of Family and Protective Services to the Health and Human Services Commission (commission) and modifies certain requirements and penalties that apply to these facilities and homes; (2) requires the executive commissioner to establish safe sleeping standards; (3) requires licensed child-care facilities and registered family homes to comply with the safe sleeping standards in (2), and to provide written notice to parents and legal guardians if the commission determines the facility or home did not comply; (4) requires a license or registration holder to notify parents and guardians if they don't have certain liability insurance coverage, and requires the commission to post the information on its website; (5) gives the commission authority to add restrictions and conditions to a certification or registration if the facility or home has repeated violations, and prohibits the commission from renewing the license of a facility cited for a violation that is not corrected by the required compliance date unless the violation is pending an administrative review or in a contested case proceeding; (6) requires licensees and registrants to report serious incidents involving children to the commission and the affected children's parents or guardians; and (7) allows the commission to impose administrative penalties without first imposing nonmonetary administrative sanctions for violations of certain high-risk standards, and requires the commission to recommend specified penalties for certain violations by facilities or family homes. **(Effective September 1, 2019.)**

Code Compliance

H.B. 234 (Krause/Nelson) – Sale of Lemonade (preemptive): provides that a city, county, or other local public health authority may not adopt or enforce an ordinance, order, or rule that prohibits – including by requiring a license, permit, or fee – the occasional sale of lemonade or other nonalcoholic beverages from a stand on private property or in a public park by an individual younger than 18 years of age. **(Effective September 1, 2019.)**

H.B. 1694 (Lambert/Johnson) – Farmer's Markets (preemptive): this bill: (1) prohibits a local government authority, including a local health department, from: (a) requiring a person to obtain a permit in order to provide samples of food at a farm or farmers' market; (b) regulating the provision of samples of food at a farm or farmers' market except as expressly provided in certain state law; and (c) adopting a rule requiring a farmers' market to pay a permit fee for conducting a cooking demonstration for educational purposes or providing samples of food; (2) provides that a local government authority may: (a) perform an inspection to enforce the requirements of the bill for preparing and distributing samples of food at a farm or farmers' market; and (b) require a person to obtain a permit under the chapter to offer for sale or distribution to consumers food cooked at a farm or farmers' market; (3) provides that a cottage food production operation may only provide samples of food if an individual, operating out of the individual's home, produces certain foods; and (4) provides that the provisions above do not apply to a person who provides samples of food at a farm or farmers' market and does not sell food directly to consumers at the farm or farmers' market. **(Effective September 1, 2019.)**

S.B. 476 (Hancock/Menendez) – Dogs at Restaurants (preemptive): provides that: (1) a food service establishment may permit a customer to be accompanied by a dog in an outdoor dining area if: (a) the establishment posts a sign in a conspicuous location in the area stating that dogs are permitted; (b) the customer and dog access the area directly from the exterior of the establishment; (c) the dog does not enter the interior of the establishment; (d) the customer keeps the dog on a leash and controls the dog; (e) the customer does not allow the dog on a seat, table, countertop, or similar surface; and (f) in the area, the establishment does not prepare food or permit open food other than food that is being served to a customer; and (2) a city

may not adopt or enforce an ordinance, rule, or similar measure that imposes a requirement on a food service establishment for a dog in an outdoor dining area that is more stringent than the requirements in (1). **(Effective September 1, 2019. Also see "Dallas Animal Services" section, above.)**

H.B. 2584 (Cortez/Mendendez) – Code Enforcement Officers: this bill: (1) exempts a code enforcement officer from the prohibition on carrying a club, if the officer holds a certificate of registration as a code enforcement officer and is carrying the club to deter animal bites while the officer is on duty; and (2) requires the Texas Commission of Licensing and Regulation to include educational training requirements regarding the principles and procedures to be followed when possessing or carrying an instrument used for deterring animal bites. **(Effective September 1, 2019.)**

Dallas Animal Services

H.B. 2828 (P. King/Fallon) – Public Information Act: provides that: (1) the name, address, telephone number, email address, driver's license number, social security number, or other personally identifying information of a person who obtains ownership or control of an animal from a city animal shelter is confidential; (2) a governmental body may disclose the information in (1) to a governmental entity, or to a person who is under contract with a governmental entity and provides animal control services, animal registration services, or related services to the governmental entity, for a purpose related to the protection of public health and safety; and (3) an entity or person in (2) must maintain the confidentiality of the information and not use it for any purpose that does not directly relate to the protection of public health and safety. **(Effective immediately. Also see "Open Government/Public Information" section, below.)**

S.B. 476 (Hancock/Menendez) – Dogs at Restaurants (preemptive): provides that: (1) a food service establishment may permit a customer to be accompanied by a dog in an outdoor dining area if: (a) the establishment posts a sign in a conspicuous location in the area stating that dogs are permitted; (b) the customer and dog access the area directly from the exterior of the establishment; (c) the dog does not enter the interior of the establishment; (d) the customer keeps the dog on a leash and controls the dog; (e) the customer does not allow the dog on a seat, table, countertop, or similar surface; and (f) in the area, the establishment does not prepare food or permit open food other than food that is being served to a customer; and (2) a city may not adopt or enforce an ordinance, rule, or similar measure that imposes a requirement on a food service establishment for a dog in an outdoor dining area that is more stringent than the requirements in (1). **(Effective September 1, 2019. Also see "Code Compliance" section, above.)**

PUBLIC SAFETY AND CRIMINAL JUSTICE

Courts and Detention Services/Judiciary

H.B. 435 (Shaneen/Zaffirini) – Uncollectible Fees and Cost: this bill allows the trial court in a criminal action or proceeding to enter an order forgiving an outstanding fee or item of cost and close the case when request by the officer authorized to collect fees or items of cost and: (1) the defendant is deceased; (2) the defendant is serving a sentence for imprisonment for life or life without parole; or (3) the fee has been unpaid for at least 15 years. **(Effective September 1, 2019.)**

H.B. 685 (Clardy/Hughes) – Court Clerk Liability: provides that a court clerk (including a municipal court clerk): (1) is not responsible for the management or removal of a document from a state court document database and is not liable for damages resulting from the release of a document in the database, if the clerk in good faith performs the duties as clerk as provided by law and the Texas Rules of Civil Procedure; and (2) is not liable for the release of a sealed or confidential document in the clerk's custody, unless the clerk acts intentionally, or with malice, reckless disregard, or gross negligence in the release of the document. **(Effective immediately.)**

H. B. 771 (S. Davis/Zaffirini) – Warning Signs for Wireless Communication Devices: (1) authorizes a school or school district to post a warning sign prohibiting the use of wireless communication devices while operating a motor vehicle in a

school crossing zone with the approval of the local authority; and (2) provides that a prohibition on the use of a wireless communication device while operating a school bus or passenger bus with a minor passenger does not apply to an operator of a bus using a wireless communication device in the performance of the operator's duties as a bus drive and in a manner similar to using a two-way radio. **(Effective September 1, 2019. Also see "Public Safety—Other" section, below.)**

H.B. 1717 (White/Huffman) – Municipal Judges: confirms that one person may hold more than one office as an elected or appointed municipal judge in more than one city at the same time. **(Effective January 1, 2020 if H.J.R 72 is approved at an election on November 5, 2019. See H.J.R. 72, below.)**

H.J.R. 72 (White/Huffman) – Municipal Judges: amends the Texas Constitution to confirm that one person may hold more than one office as an elected or appointed municipal judge in 67 more than one city at the same time. **(Effective if approved at the election on November 5, 2019. See H.B. 1717, above.)**

H.B. 1528 (Rose/West) – Misdemeanor Family Violence Offenses: provides that: (1) if a defendant is charged with a misdemeanor offense involving family violence, the judge or justice must take the defendant's plea in open court; (2) information in the computerized criminal history system relating to sentencing must include for each sentence, among the other things required by current law, whether the judgment imposing the sentence reflects an affirmative finding of family violence; (3) the arresting law enforcement agency shall prepare a uniform incident fingerprint card described and initiate the reporting process for each offender charged with a misdemeanor punishable by fine only that involves family violence; and (4) on disposition of a case in which an offender is charged with a misdemeanor punishable by fine only that involves family violence, the clerk of the court exercising jurisdiction over the case shall report the applicable information regarding the person's citation or arrest and the disposition of the case to the Department of Public Safety using a uniform incident fingerprint card or an electronic methodology approved by the Department of Public Safety. **(Effective September 1, 2019. Also see "Domestic Violence and Sexual Assault" section, below.)**

H.B. 2048 (Zerwas/Huffman) – Drivers Responsibility Program: among several other provisions, this bill provides that: (1) the driver responsibility program is repealed; (2) the fee authorized under the automobile burglary and theft prevention authority is increased to $4; (3) a person who enters a plea of guilty or nolo contendere to or is convicted of a traffic offense shall pay $50 as a state traffic fine and the city or county may retain four percent of the state traffic fine collected as a service fee for collection if the city or county remits the funds to the comptroller within a prescribed period; (4) outlines fines and fees for specific offenses, see legislation; (5) the court must waive all fines and cost if a person is required to pay the fine under (4), above, is found by the court to be indigent; and (6) a city or county may retain four percent of the money collected under (4), above, as a service fee for the collection if the county remits the funds to the comptroller within a prescribed period, and retain the interest accrued if the custodian of the money keeps records of the amount of money collected that is on deposit in the treasury and remits the funds to the comptroller within the prescribed period. **(Effective September 1, 2019.)**

H.B. 2955 (Price/Zaffirini) – Specialty Court Programs: provides that the Office of Court Administration of the Texas Judicial System: (1) will have oversight over approving specialty court programs; (2) provide technical assistance to specialty court programs upon request; (3) coordinate with an entity funded by the criminal justice division of the governor's office that provides service to specialty court programs; (4) monitor compliance of the specialty court program with the required programmatic best practices; (5) notify the criminal justice division about each specialty program that is not in compliance with required programmatic best practices; and (5) coordinate with and provide information to the criminal justice division on request of the divisions. **(Effective September 1, 2019)**

S.B. 40 (Zaffirini/Lucio) – Municipal Courts: provides, among other things, that: (1) if a disaster precludes a municipal court (or municipal court of record) from conducting its proceedings at the location assigned for the proceedings, the presiding judge of the administrative judicial region, with the approval of the judge of the affected municipal court, may designate an alternate location for the proceedings: (a) in the corporate limits of the city; or (b) outside the corporate limits of the city at the location the presiding judge of the administrative judicial region determines is closest in proximity to the city that allows the court to safely and practicably conduct its proceedings; and (2) if a disaster precludes a municipal court (or municipal court of record)

from holding its terms, the presiding judge of the administrative judicial region, with the approval of the judge of the affected municipal court (or municipal court of record), may designate the terms and sessions of court. **(Effective immediately.)**

S.B. 325 (Huffman/Landgraf) – Protective Order Registry: provides that: (1) the Office of Court Administration (OCA), in consultation with the Department of Public Safety and the courts of the state, shall establish and maintain a centralized Internet-based registry for certain applications for a protective order filed and certain protective orders issued in this state; (2) the OCA shall establish and maintain the registry to allow city and county case management systems to easily interface with the registry; and (3) the clerk of the court shall enter: (a) a copy of the application for a protective order into the registry as soon as possible but not later than 24 hours after the time an application is filed; and (b) a copy of the protective order and, if applicable, a notation regarding modification or extension of the order, into the registry as soon as possible but not later than 24 hours after the time the court issues the original, modified, or extended protective order. **(Effective September 1, 2019.)**

S.B. 346 (Zaffirini/Leach) – Municipal Court Costs, Fines, and Fees/Indigent Defendants: this bill completely updates municipal court costs, fines, and fees, and makes numerous changes to a determination of a defendant's ability to pay. See final legislation for details. **(Effective January 1, 2020)**

S.B. 489 (Zaffirini/Smithee) – Municipal Judge's Residence Address: provides that: (1) the Texas Ethics Commission must remove or redact the residence address of a municipal judge or the spouse of a municipal judge from any report filed by the judge in the judge's capacity or made available on the Internet on receiving notice from the Office of Court Administration of a judge's qualification for office or on receipt of a written request from the municipal judge or spouse of the municipal judge; and (2) the city secretary must remove or redact the residence address of the municipal judge, municipal judge's spouse, or candidate for the office of municipal judge, from a financial statement filed before the financial statement is made available to a member of the public on the written request of a municipal judge or candidate for municipal judge. **(Effective September 1, 2019. Also see "City Secretary's Office" section, below.)**

S.B. 562 (Zaffirini/Price) – Competency Restoration: revises various procedures for sending defendants for competency restoration and provides that a person who has been placed under a custodial or noncustodial arrest for commission of a misdemeanor is entitled to have all records and files relating to the arrest expunged (and related fees waived) if the person completes a mental health court program and meets certain other requirements. **(Effective immediately. Also see "Mental Health" section, below.)**

S.B. 891 (Huffman/Leach) – Judicial Administration: provides that: (1) the Uniform Electronic Transactions Act does not apply to the transmission, preparation, completion, enforceability, or admissibility of a document in any form that is: (a) produced by a court reporter appointed by a judge of a court of record, a certified court reporter, or registered shorthand reporting firm for use in the state or federal judicial system; or (b) governed by rules adopted by the supreme court, including rules governing the electronic filing system established by the supreme court; (2) the Office of Court Administration: (a) must identify each law enacted by the legislature following each regular legislative session that imposes or changes the amount of a court cost or fee collected by the clerk of a district, county, statutory county, municipal, or justice court from a party to a civil case or a defendant in a criminal case, including a filing or docketing fee, jury fee, cost on conviction, or fee or charge for services or to cover the expenses of a public official or agency; (b) must prepare a list of each court cost or fee to be imposed or changed and publish the list in the Texas Register not later than August 1st after the end of the regular legislative session at which the law imposing or changing the amount of the cost or fee was enacted; (c) must develop and maintain a public Internet website that allows a person to easily publish certain public information on the Internet website or the office to post certain public information on the Internet website on receipt from the person; (d) must allow the public to easily access, search, and sort the information on the Internet website; (e) will have oversight over approving specialty court programs; and (f) must: (i) provide technical assistance to specialty court programs upon request; (ii) coordinate with an entity funded by the criminal justice division of the governor's office that provides service to specialty court programs; (iii) monitor compliance of the specialty court program with the required programmatic best practices; and (iv) notify the criminal justice division about each specialty program that is not in compliance with required programmatic best practices; and (3) the collection improvement program and corresponding statutes are repealed. **(Effective September 1, 2019, unless otherwise provided.)**

S.B. 2390 (Powell/Guillen) – Order for Emergency Protection: this bill: (1) allows the court issuing certain emergency protection orders to make confidential the mailing address of the person protected by the order upon the request of the person protected by the order or if determined necessary by the magistrate; and (2) requires the court clerk to: (a) strike the mailing address from the public records of the court; (b) maintain a confidential record of the mailing address for use only by the court and law enforcement agency to enter into the Department of Public Safety's statewide law enforcement database; and (c) prohibit the release of the information to the defendant. **(Effective September 1, 2019. Also see "Domestic Violence and Sexual Assault" section, below.)**

Domestic Violence and Sexual Assault

H.B. 8 (Neave/Nelson) – Evidence of Sex Offenses: among several provisions, this bill provides that: (1) there is no statute of limitation on sexual assault, if: (a) during the investigation of the offense, biological matter is collected and the matter: (i) has not yet been subjected to forensic DNA testing; or (ii) has been subjected to forensic DNA testing and the test results show that the matter does not match the victim or any other person whose identity is readily ascertained; or (b) probable cause exists to believe that the defendant has committed the same or a similar sex offense against five or more victims; (2) an entity, which includes law enforcement agencies, must ensure that biological evidence, other than the contents of a sexual assault examination kit, collected pursuant to an investigation or prosecution of a felony offense or conduct constituting a felony offense is retained and preserved for not less than 40 years, or until any applicable statute of limitations has expired, if there is an unapprehended actor associated with the offense; and (3) an entity is required to ensure that the contents of a sexual assault examination kit collected pursuant to an investigation or prosecution of a felony offense or conduct constituting a felony offense is retained and preserved for not less than 40 years, or until any applicable statute of limitations has expired, whichever period is longer, regardless whether a person has been apprehended for or charged with committing the offense. See legislation for full details. **(Effective September 1, 2019.)**

H.B. 616 (Neave/Nelson) – Sexual Assault Forensic Medical Examinations: among several other provisions, this bill provides that: (1) a victim of the offense of sexual assault has the right to a forensic medical examination if, within 120 hours of the offense, the offense is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility; (2) if a sexual assault is reported to a law enforcement agency within 120 hours of the assault, the law enforcement agency, with the consent of the victim, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services must request a forensic medical examination of the victim of the alleged assault for use in the investigation or prosecution of the offense; (3) if the sexual assault is not reported within 120 hours of the assault, the law enforcement agency may request a forensic medical examinations of a victim or an alleged sexual assault as considered appropriate by the agency on receipt of the appropriate consent; (4) if a sexual assault is reported to a law enforcement agency as provided by (2) and (3), above, the following section outlines reporting an documentation guidelines required by a law enforcement agency, see legislation for details; and (5) law enforcement agencies are not required to pay for the cost of the evidence collection kits or the examination when the agency request a forensic medical examination of a victim of an alleged sexual assault or other sex offense for use in the investigation or prosecution of the offense. **(Effective September 1, 2019.)**

H.B. 1528 (Rose/West) – Misdemeanor Family Violence Offenses: provides that: (1) if a defendant is charged with a misdemeanor offense involving family violence, the judge or justice must take the defendant's plea in open court; (2) information in the computerized criminal history system relating to sentencing must include for each sentence, among the other things required by current law, whether the judgment imposing the sentence reflects an affirmative finding of family violence; (3) the arresting law enforcement agency shall prepare a uniform incident fingerprint card described and initiate the reporting process for each offender charged with a misdemeanor punishable by fine only that involves family violence; and (4) on disposition of a case in which an offender is charged with a misdemeanor punishable by fine only that involves family violence, the clerk of the court exercising jurisdiction over the case shall report the applicable information regarding the person's citation or arrest and the disposition of the case to the Department of Public Safety using a uniform incident fingerprint

card or an electronic methodology approved by the Department of Public Safety. **(Effective September 1, 2019. Also see "Courts and Detention Services/Judiciary" section, above.)**

H.B. 1590 (Howard/Watson) – Sexual Assault Survivors' Task Force: provides that: (1) the governor shall establish the Sexual Assault Survivors' Task Force within the criminal justice division; (2) the task force shall, among other things, (a) advise and provide resources to the Texas Commission on Law Enforcement (TCOLE) and other law enforcement organizations to improve law enforcement officer training related to the investigation and documentation of cases involving sexual assault and other sex offenses, with a focus on the interactions between law enforcement officer and survivors; and (b) provide to law enforcement agencies, prosecutors, and judges with jurisdiction over sexual assault or other sex offense case information and resources to maximize effective and empathetic investigation, prosecution, and hearings; (3) TCOLE shall consult with the task force regarding minimum curriculum requirements for training in the investigation and documentation of cases that involve sexual assault or other sex offenses; and (4) the task force expires September 1, 2023. **(Effective Immediately.)**

H.B. 3106 (Goldman/Huffman) – Sexual Assault Offenses: this bill: (1) requires a law enforcement agency that investigates a sexual assault or other sex offense to enter into the national database of the Violent Criminal Apprehension Program the following information regarding the investigation, as available: (a) the suspect's name and date of birth; (b) the specific offense being investigated; (c) the manner in which the offense was committed; and (d) any other information required by the Federal Bureau of Investigation for inclusion in the database; and (2) excepts the information described in (1) from disclosure under the Public Information Act. **(Effective September 1, 2019.)**

S.B. 212 (Huffman/Morrison) – Reporting Requirements: provides that a postsecondary educational institution that receives a report of an incident of sexual harassment, sexual assault, dating violence, or stalking, is allowed to disclose the report to a law enforcement officer as necessary to conduct a criminal investigation of the report. **(Effective January 1, 2020.)**

S.B. 2390 (Powell/Guillen) – Order for Emergency Protection: this bill: (1) allows the court issuing certain emergency protection orders to make confidential the mailing address of the person protected by the order upon the request of the person protected by the order or if determined necessary by the magistrate; and (2) requires the court clerk to: (a) strike the mailing address from the public records of the court; (b) maintain a confidential record of the mailing address for use only by the court and law enforcement agency to enter into the Department of Public Safety's statewide law enforcement database; and (c) prohibit the release of the information to the defendant. **(Effective September 1, 2019. Also see "Courts and Detention Services/Judiciary" section, above.)**

Emergency Management and Disaster Recovery

H.B. 5 (Phelan) – Disaster Recovery: among several other provisions, this bill provides that: (1) the Texas Division of Emergency Management (Division) shall, in consultation with any other state agencies selected by the Division, develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster; (2) the Texas A&M Engineering Extension Service shall establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal; (3) the Division, in consultation with the Federal Emergency Management Agency, shall develop and publish a model contract for debris removal services to be used by political subdivisions following a disaster; (4) the Division shall consult with comptroller to establish appropriate contracting standards and contractor requirements to include in the model contract and include a contract for debris removal services on the schedule of multiple award contracts or in another cooperative purchasing program administered by the comptroller; (5) a wet debris study group consisting of representatives of the Division, any other selected state agencies, and local and federal governmental entities shall be established for the purpose of studying issues related to removal of wet debris, including best practices for clearing wet debris following a disaster and determining responsibility for that removal; and (6) a work group consisting of representatives of the Division, any other selected agencies, and local governmental entities shall be established for the purpose of conducting a study on local restrictions that impede disaster recovery efforts, including efforts to remove debris and erect short-term housing; and (7) the work study described in Item (6) above must include: (a) an overview of official actions by governing

bodies of political subdivisions and requirements imposed by deed restrictions or property owners' associations that impede state and federal disaster recovery efforts in the state; and (b) recommendations for minimizing the effect of the official actions and said requirements on state and federal disaster recovery efforts in this state. See full legislation for further details. **(Effective September 1, 2019.)**

H.B. 6 (Morrison) – Disaster Recovery Task Force: among several other provisions, this bill: (1) provides that the Texas Division of Emergency Management shall develop a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters by providing specialized assistance for communities and individuals to address financial issues, available federal assistance programs, and recovery and resiliency planning to speed recovery efforts at the local level; and (2) provides that the disaster recovery task force shall develop procedures for preparing and issuing a report listing each project related to a disaster that qualifies for federal assistance, and such report must be submitted to the appropriate federal agencies as soon as practicable after any disaster. See full legislation for further details. **(Effective September 1, 2019.)**

H.B. 7 (Morrison) – Disaster Preparation: among several other provisions, this bill provides that: (1) the governor's office, using existing resources, shall compile and maintain a comprehensive list of regulatory statutes and rules that may require suspension during a disaster; (2) on request by the governor's office, a state agency that would be impacted by the suspension of a statute or rule on the list compiled shall review the list for accuracy and shall advise the governor's office regarding statutes or rules that should be added to the list; (3) the Texas Division on Emergency Management (Division), in consultation with other state agencies, shall develop a plan to assist political subdivisions with executing contracts for services that political subdivisions are likely to need following a disaster; (4) the plan must include: (a) training on the benefits to a political subdivision of executing disaster preparation contracts in advance of a disaster; (b) recommendations on the services political subdivisions are likely to need following a disaster, including debris management and infrastructure repair; and (c) assistance to political subdivisions with finding persons capable of providing such services and executing contracts with those persons in advance of a disaster; and (5) the Division shall consult with the comptroller regarding including a contract for services a political subdivision is likely to need following a disaster, including debris management and infrastructure repair, on the schedule of multiple award contracts or as part of another cooperative purchasing agreement administered by the comptroller. See full legislation for further details. **(Effective September 1, 2019.)**

H.B. 137 (Hinojosa/Perry) – Hazardous Dam Reporting: requires the Texas Commission on Environmental Quality to provide: (1) a report of a dam that has a hazard classification of high or significant to the emergency management director for a city or county in which the dam is located within 30 days after the date of the designation; and (2) a biannual report including condition status and other information on each dam with a hazard classification of high or significant to the emergency management director of each city and county and the executive director or equivalent position of each council of government or local or regional development council in which a dam included in the report is located. **(Effective September 1, 2019. Also see "Water and Flood Control" section, below.)**

H.B. 1307 (Hinojosa/Huffman) – Disaster Case Management: provides that: (1) the Texas Division of Emergency Management (Division) shall, subject to the availability of funds, contract with a vendor to develop and maintain an electronic disaster case management system; (2) the system may be used for case management during and after a disaster by persons selected by the Division, including, among others, persons affected by a disaster and a municipality or county affected by the disaster; (3) the system may include the capability for a person affected by a disaster to apply for assistance from multiple sources and allow the person to control which other users of the system have access to information submitted by the person to the system; and (4) information collected or maintained by the system that could identify a person affected by a disaster is confidential and not subject to disclosure under the Texas Public Information Act, but may disclosed to a governmental body for the purpose of disaster relief or recovery. **(Effective September 1, 2019.)**

H.B. 1177 (Phelan/Bettencourt) – Carrying Handguns during Disaster: provides that: (1) a person, regardless of whether he or she holds a license, may carry a handgun if: (a) the person carries the handgun while evacuating from an area following the declaration of a state or local disaster with respect to that area or reentering that area following the person's evacuation;

(b) not more than 168 hours have elapsed since the state of disaster was declared, or more than 168 hours have elapsed since the time the declaration was made and the governor has extended the period during which a person may carry a handgun under the bill; and (c) the person is not prohibited by state or federal law from possessing a firearm; (2) a person may carry a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on the premises of a location operating as an emergency shelter in a location listed in (3), below, during a declared local or state disaster if the owner, controller, or operator of the premises or a person acting with apparent authority authorizes the carrying of the handgun, the person carrying the handgun complies with any rules and regulations of the owner, controller, or operator of the premises, and the person is not prohibited by state or federal law from possessing a firearm; and (3) regardless of any state law prohibition, a person may carry, with the consent of the owner, et al., required by (2), above, on the premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, on the premises of a polling place on the day of an election or while early voting is in progress, on the premises of any government court or offices utilized by the court, on the premises of a racetrack, on the premises of an institution of higher education or private or independent institution of higher education, on any public or private driveway, street, sidewalk or walkway, parking lot, 96 parking garage, or other parking area of an institution of higher education or private or independent institution of higher education, on the premises of a business that has a permit or license issued by the Alcoholic Beverage Code, in an amusement park, or on the premises of a church, synagogue, or other established place of religious worship. **(Effective September 1, 2019. Also see "Firearms/Licensed Carry" section, below.)**

H.B. 2305 (Morrison/Kolkhorst) – Emergency Management Training: provides that the Texas Division of Emergency Management shall establish a work group of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors, emergency management coordinators, and other emergency management personnel on the state or local level. **(Effective September 1, 2019.)**

H.B. 2315 (E. Thompson/Kolkhorst) – Manufactured Homes: provides that: (1) state law requirements related to the issuance of a title and statements of ownership shall not apply to the purchase of a manufactured home by a federal governmental agency for the purpose of providing temporary housing in response to a natural disaster or other declared emergency; (2) the Texas Department of Motor Vehicles (Department) shall establish a process to automatically issue a title to a government agency for a travel trailer used by the government agency to provide temporary housing in response to a natural disaster or other declared emergency; and (3) the Department may provide for the issuance of a title for a travel trailer described in item (2) above that is owned or operated by the United States or transferred to a state agency from the United States. **(Effective September 1, 2019.)**

H.B. 2325 (Metcalf/Hancock) – Communications During Disaster: among several other provisions, this bill provides that: (1) the Texas Division of Emergency Management (Division), in consultation with the Texas A&M AgriLife Extension Service, shall coordinate state and local government efforts to make 9-1-1 emergency service capable of receiving text messages from a cellular telephone or other wireless communication device; (2) the Division, in consultation with any state agency or private entity the Division determines is appropriate, shall develop standards for the use of social media as a communication tool by governmental entities during and after a disaster; (3) such standards must: (a) require state agencies, political subdivisions, first responders, and volunteers that use social media during and after a disaster to post consistent and clear information: (b) optimize the effectiveness of social media use during and after a disaster; and (c) require that certain official social media accounts be used during and after a disaster only for providing credible sources of information; (4) the Division shall develop a mobile application for wireless communication devices to communicate critical information during a disaster directly to disaster victims and first responders; (5) the Division shall develop a comprehensive disaster web portal that must: (a) provide disaster information to the public, including information on programs and services available to disaster victims and funding for and expenditures of disaster assistance programs; (b) provide information on disaster response and recovery activities; and (c) provide information on obtaining assistance from the Federal Emergency Management Agency, state agencies, organized volunteer groups, and any other entities providing disaster assistance; (6) to the extent practicable, municipalities, among other entities, shall conduct community outreach, including public awareness campaigns, and education activities on disaster preparedness each year; and (7) a public safety entity, including a city, may purchase information technology commodity

items through the Department of Information Resources (DIR) if the entity finds the purchase of those commodities will assist the entity in providing disaster education or preparing for a disaster. **(Effective September 1, 2019.)**

H.B. 2340 (Dominguez/Johnson) – Emergency and Disaster Management: this bill: (1) provides that one of the purpose of Texas Disaster Act of 1975 is to encourage the adoption of the goals of the strategic plan of the Federal Emergency Management Agency for preparing for, responding to, and recovering from a disaster that emphasizes cooperation among federal agencies, state agencies, local governments, and other nonprofit and private entities; (2) establishes the unmanned aircraft study group to study issues related to the appropriate use of unmanned aircraft in responding to and recovering from a disaster; (3) establishes a work group of state agencies involved in disaster management to develop recommendations for improving the manner in which electronic information is stored by and shared among stated agencies and between state agencies and federal agencies; (4) establishes a permitting task force comprised of various state agencies to be activated if a state of disaster is declared because of weather conditions for the purpose of expediting environmental permitting and access to funds from federal disaster relief programs following the disaster; and (5) provides that the Office of State Federal Relations Advisory Policy Board, in consultation with the Texas Division of Emergency Management, shall: (a) study federal law and policies related to issues affecting the ability of federal agencies, state agencies, and local governments to cooperate in responding to a disaster, including procurement issues, housing assistance, information sharing, personnel, and federal disaster programs; and (b) make recommendations to improve federal laws and policies related to such issues. **(Effective September 1, 2019.)**

H.B. 2345 (Walle/Hinojosa) – Disaster Mitigation: creates the Institute for Disaster Resilient Texas as a component of Texas A&M University to: (1) develop data analytic tools to support disaster planning, mitigation, response, and recovery by the state, political subdivisions, and the public; (2) create and maintain web-based analytical and visual tools to communicate disaster risks and ways to reduce those risks, including tools that work on the level of individual parcels of land; (3) provide evidence-based information and solutions to aid in the formation of state and local partnerships to support disaster planning, mitigation, response, and recovery; (4) collect, display, and communicate comprehensive flood-related information, including applicable updated inundation maps, for use by decision-makers and the public; and (5) collaborate with institutions of higher education, state agencies, local governments, and other political subdivisions to accomplish the purposes of the bill. **(Effective immediately.)**

H.B. 2952 (Guillen/Zaffirini) – Emergency Radio Infrastructure Grant Program: requires the governor's office to establish a program to provide grants to finance interoperable statewide emergency radio infrastructure. **(Effective September 1, 2019. Also see "Grants" section, above.)**

H.B. 3175 (Deshotel/Creighton) – Public Information of Disaster Recovery Funds: provides that: (1) the following information that is maintained by a governmental body is confidential and not subject to release under the Public Information Act: (a) the name, social security number, house number, street name, and telephone number of an individual or household that applies for state or federal disaster recovery funds; (b) the name, tax identification number, address, and telephone number of a business entity or an owner of a business entity that applies for state or federal disaster recovery funds; and (c) any other information the disclosure of which would identify or tend to identify a person or household that applies for state or federal disaster recovery funds; and (2) the street name and census block group of and the amount of disaster recovery funds awarded to a person or household are not confidential after the date on which disaster recovery funds are awarded to the person or household. **(Effective September 1, 2019. Also see "Open Government/Public Information" section, below.)**

H.B. 3365 (Paul/Alvarado) – Disaster Assistance Liability: this bill clarifies that: (1) notwithstanding the provisions of the Texas Tort Claims Act, an entity and the authorized representative of the entity are not liable for the act or omission of a person providing care, assistance, or advice on request of an authorized representative of a local, state, or federal agency, including a fire department, a police department, an emergency management agency, and a disaster response agency; and (2) such immunity from liability is in addition to any other immunity or limitations of liability provided by law. **(Effective immediately. Also see "City Attorney's Office" section, below.)**

H.B. 3616 (Hunter/Lucio) – Faith-Based Disaster Response Task Force: establishes a task force on faith-based disaster response to: (1) develop and implement a plan for improving data collection regarding faith-based organizations that participate in disaster response; (2) develop best practices for communicating, cooperating, and collaborating with faith-based organizations to strengthen disaster response in the state; (3) identify and address inefficiencies in disaster response provided by the state and faith-based organizations; and (4) identify and address gaps in state services that could be provided by faith-based organizations. **(Effective immediately.)**

S.B. 6 (Kolkhorst/Morrison) – Emergency Management: among several other provisions, this bill provides that: (1) no later than January 1, 2020, the Texas Division of Emergency Management (Division) shall develop a model guide for local officials regarding disaster response and recovery that must provide a comprehensive approach to disaster recovery by local officials and include information on: (a) contracting for debris removal; (b) obtaining federal disaster funding; (c) coordinating the availability and construction of short-term and long-term housing; and (d) obtaining assistance from local, state, and federal volunteer organizations; (2) the emergency management training required by current law must include training based on the disaster response guide described in Item (1) above; (3) the Division, in consultation with any other state agencies selected by the Division, shall develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster (4) the Division shall consult with the comptroller about including a contract for debris removal services on the schedule of multiple award contracts or in another cooperative purchasing program administered by the comptroller; (5) the Texas A&M Engineering Extension Service, in coordination with the Texas Commission on Environmental Quality, shall establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal; (6) a wet debris study group shall be established and be composed of representatives of the Division, any other state agencies selected by the Division, and local and federal governmental entities for the purpose of studying issues related to preventing the creation of wet debris and best practices for clearing wet debris following a disaster, including the creation of maintenance programs for bodies of water in the state; (7) the Division shall establish an emergency management work group composed of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors, emergency management coordinators, and any other emergency management personnel; and (8) subject to appropriation of funds by the legislature, the Disaster Recovery Loan Account (Account) shall be created as an account in the general revenue fund to be administered by the Division, and the Division shall by rule, establish a loan program to use money from the Account to provide short-term loans for disaster recovery projects to eligible political subdivisions. See full legislation for further details. **(Effective September 1, 2019.)**

S.B. 7 (Creighton/Phelan) – Flood Planning Funds: among several other provisions, this bill: (1) defines the term "flood control planning" for purposes of the types of activities that the Texas Water Development Board (Board) may provide funding from the Research and Planning Fund to political subdivisions, to mean any work related to: (a) planning for flood protection; (b) preparing applications for and obtaining regulatory approvals at the local, state or federal level; (c) activities associated with administrative or legal proceedings by regulatory agencies; and (d) preparing engineering plans and specifications to provide structural and nonstructural flood mitigation and drainage; (2) modifies current law to provide that the Board, in establishing the criteria of eligibility for flood control planning funds from the Research and Planning Fund, shall consider the relative need of the political subdivision for the money, giving greater importance to a county that has a median household income that is not greater than 85 percent of the median state household income; (3) creates the state Infrastructure Fund to provide funding for flood projects, which are defined as drainage, flood mitigation, or flood control project, including: (a) planning and design activities; (b) work to obtain regulatory approval to provide nonstructural and structural flood mitigation and drainage; (c) construction of structural flood mitigation and drainage infrastructure; and (d) construction and implementation of nonstructural projects, including projects that use nature-based features to protect, mitigate, or reduce flood risk; (4) provides that the Board shall act as a clearinghouse for information about state and federal flood planning, mitigation, and control programs that may serve as a source of funding for flood projects; and (5) creates the state Texas Infrastructure Resiliency Fund ("Resiliency Fund") to be administered by the Board that constitutes of three separate accounts: (a) the Floodplain Management Account; (b) the Hurricane Harvey Fund; and (c) the Federal Matching Account for several purposes, including providing grants and loans to eligible political subdivisions. See full legislation for further details. **(Effective immediately, except that the provisions related to the Flood Infrastructure Fund take effect on January 1, 2020, but**

only if H.J.R. 4 is approved by the voters. See H.J.R. 4, below. Also see the bill in the "Water and Flood Control" section, below, and other details about S.B. 7 in the "Grants" section, above.)

H.J.R. 4 (Phelan/Creighton) – Flood Infrastructure Funds: Amends the Texas Constitution to provide that: (1) the flood infrastructure fund is created as a special fund in the state treasury outside the general revenue fund; and (2) as provided by general law, money in the flood infrastructure fund may be administered and used, without further appropriation, by the Texas Water Development Board or that board's successor in function to provide financing for a drainage, flood mitigation, or flood control project, including: (a) planning and design activities; (b) work to obtain regulatory approval to provide nonstructural and structural flood mitigation and drainage; or (c) construction of structural flood mitigation and drainage infrastructure. **(Effective if approved at the election on November 5, 2019. See S.B. 7, above.)**

S.B. 8 (Perry/Larson) – Flood Planning: among other provisions, this bill provides that: (1) not later than September 1, 2024, and before the end of each successive five-year period after that date, the Texas Water Development Board (Board) shall prepare and adopt a comprehensive state flood plan that incorporates approved regional flood plans; (2) the state flood plan must: (a) provide for orderly preparation for and response to flood conditions to protect against the loss of life and property; (b) be a guide to state and local flood control policy; (c) contribute to water development where possible; and (d) include: (i) an evaluation of the condition and adequacy of flood control infrastructure on a regional basis; (ii) a statewide, ranked list of ongoing and proposed flood control and mitigation projects and strategies necessary to protect against the loss of life and property from flooding and a discussion of how those projects and strategies might further water development, where applicable; (iii) an analysis of completed, ongoing, and proposed flood control projects included in previous state flood plans, including which projects received funding; (iv) an analysis of development in the 100-year floodplain areas as defined by the Federal Emergency Management Agency; and (v) legislative recommendations the Board considers necessary to facilitate flood control planning and project construction; (3) the Board, in coordination with other state agencies shall adopt guidance principles for the state flood plan that reflect the public interest of the entire state, and shall review and revise the guidance principles, with input from other state agencies as necessary and at least every fifth year to coincide with the five-year cycle for adoption of a new state flood plan; (4) the Board shall, not later than September 1, 2021: (a) designate flood planning regions corresponding to each river basin; (b) adopt guidance principals for the regional flood plans, including procedures for amending adopted plans; and (c) designate representatives from each flood planning region to serve as the initial flood planning group; (5) each regional flood planning group shall: (a) hold public meetings to gather from interested persons, including members of the public and other political subdivisions located in that county, suggestions and recommendations as to issues, provisions, projects, and strategies that should be considered for inclusion in a regional flood plan; and (b) consider information collected from the public meetings in creating a regional flood plan; (6) the State Soil and Water Conservation Board (State Board) shall: (a) prepare and adopt a 10-year dam repair, rehabilitation, and maintenance plan that describes the repair and maintenance needs of flood control dams; (b) prepare and adopt a new plan before the end of the 10th year following the adoption of the initial plan; and (c) deliver the adopted plan to the Board; (7) the Board, in coordination with the State Board and the Texas Commission on Environmental Quality shall prepare a report of the repair and maintenance needs of all dams that: (a) are not licensed by the Federal Energy Regulatory Commission; (b) do not have flood storage; (c) are required to pass floodwaters; and (d) have failed; and (8) the State Board shall deliver to the Board, each year, a report regarding progress made on items listed in the plan. See full legislation for further details. **(Effective immediately. Also see "Water and Flood Control" section, below.)**

S.B. 64 (Nelson/Phelan) – Cybersecurity: provides that: (1) a cybersecurity event is added to the definition of disaster under the Texas Disaster Act; (2) the Department of Information Resources (DIR) shall submit to the governor, the lieutenant governor, and speaker of the house of representatives a report identifying preventative and recovery efforts the state can undertake to improve cybersecurity in this state, including an evaluation of a program that provides an information security officer to assist small state agencies and local governments that are unable to justify hiring a full-time information security officer; (3) DIR shall establish an information sharing and analysis organization to provide a forum for state agencies, local governments, public and private institutions of higher education, and the private sector to share information regarding cybersecurity threats, best practices, and remediation strategies; (4) the state cybersecurity coordinator shall establish a cyberstar certificate program to recognize public and private entities that implement the best practices for cybersecurity

developed (5) each state agency and local government shall, in the administration of the agency or local government, consider using next generation technologies, including cryptocurrency, blockchain technology, and artificial intelligence; and (6) the Public Utility Commission shall establish a program to monitor cybersecurity efforts among utilities, including a municipally owned electric utility, and the program shall: (a) provide guidance on best practices in cybersecurity and facilitate the sharing of cybersecurity information between utilities; and (b) provide guidance on best practices for cybersecurity controls for supply chain risk management of cybersecurity systems used by utilities. **(Effective September 1, 2019. Also see "Communications and Information Services" section, above, and "Utilities" sections, below.)**

S.B. 285 (Miles/E. Thompson) – Hurricane Preparedness and Mitigation: provides, among other things, that: (1) the governor shall issue a proclamation each year before hurricane season instructing, among other things, that municipalities and other entities conduct, to the extent practicable, community outreach and education activities on hurricane preparedness between May 25 and May 31 of each year; and (2) the General Land Office shall conduct a public information campaign each year before and during hurricane season to provide local officials and the public with information regarding housing assistance that may be available under state and federal law in the event of a major hurricane or flooding event, including types of assistance unavailable under that law. **(Effective September 1, 2019.)**

S.B. 289 (Lucio/Morrison) – Natural Disasters: among other provisions, this bill requires the Texas Division of Emergency Management to develop a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters by providing specialized assistance for communities and individuals to address financial issues, available federal assistance programs, and recovery and resiliency planning to speed recovery efforts at the local level. **(Effective September 1, 2019.)**

S.B. 300 (Miles/E. Thompson) – Disaster Recovery Contracts: this bill: (1) requires that the general land office (GLO) enter into indefinite quantity contracts with vendors to provide information management services, construction services, including engineering services, and other services the GLO determines may be necessary to construct, repair, or rebuild property or infrastructure in the event of a natural disaster; (2) provides that such contracts must: (a) provide that the contract is contingent on: (i) the availability of funds; (ii) the occurrence of a natural disaster not later than 48 months after the effective date of the contract; and (iii) delivery of the services to an area declared by the governor or president of the United States to be a disaster area as a result of the natural disaster; and (b) have a term of four years; (3) provides that such contracts may be funded by local, state, and federal agencies and the state disaster contingency fund; (4) provides that if the GLO determines that federal funds may be used for a contract, the GLO shall ensure that the contract complies with the requirements of the Federal Acquisition Regulation; and (5) provides that the GLO shall consider and apply any applicable state law and rules of the GLO relating to contracting with historically underutilized businesses. **(Effective September 1, 2019. Also see "Purchasing/Procurement" section, above.)**

S.B. 416 (Huffman/Walle) – Legal Advice for Disasters: would provide that the Attorney General may provide, to a political subdivision that is subject to a stated declared emergency, legal counsel on matters related to disaster mitigation, preparedness, response, and recovery upon the request of: (1) the political subdivision's emergency management director; (2) the county judge or a commissioner of a county subject to the declaration; or (3) the mayor of a city subject to the declaration. **(Effective immediately.)**

S.B. 494 (Huffman) – Open Government/Emergencies: among other provisions, this bill: (1) provides that, in an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity or a supplemental notice is sufficient if it is posted for at least one hour before the meeting is convened; (2) provides that at an emergency meeting for which notice or supplemental notice is posted, a governmental body may deliberate or take action only on: (a) a matter that is directly related to the emergency or urgent public necessity identified in the notice or supplemental notice; or (b) an agenda item listed on a notice of the meeting before the supplemental notice was posted; (3) repeals current law that requires notice be provided to members of the media in instances where the sudden relocation of a large number of residents from the area of declared disaster is required; (4) requires the presiding officer or member of a governing body who calls an emergency meeting to provide notice of the meeting to members of the media at least one hour

before the meeting is convened; (5) provides that when a governmental body is currently impacted by a catastrophe that interferes with the ability of a governmental body to comply with the requirements of the Texas Public Information Act (Act), a governmental body may suspend the applicability of the requirements of the Act for an initial period not to exceed seven consecutive days provided that the governmental body provides notice to the Office of the Attorney General, in a form prescribed by that office, that the governmental body is currently impacted by a catastrophe and has elected to suspend the applicability of the Act; (6) provides that the initial suspension period begins not earlier than the second day before the date the governmental body submits notice to the Office of the Attorney General and ends not later than the seventh day after the date the governmental body submits that notice; (7) provides that a governmental body may extend the initial suspension period described in item (5), above, for one period of time not to exceed seven consecutive days, if the governing body determines that the governing body is still impacted by the catastrophe on which the initial suspension period was based and notice of the extension is submitted to the Office of the Attorney General in a form prescribed by the office; (8) provides that a request for public information received by a governmental body during a suspension is considered to have been received by the governmental body on the first business day after the date the suspension period ends; (9) tolls the requirements of the Act related to a request for public information received by a governmental body before the date the initial suspension period begins until the first business day after the date the suspension period ends; and (10) requires the Office of the Attorney General to continuously post on its website each notice submitted to the office from the date the office receives the notice until the first anniversary of that date. See full legislation for details. **(Effective September 1, 2019. Also see "Open Government/Public Information" section, below.)**

S.B. 799 (Alvarado/Murphy) – Disaster Recovery: among other provisions, this bill: (1) creates a business advisory council that consists of 12 members who represent business in the state and are appointed by the governor, lieutenant governor, and Speaker of the House of Representatives to: (a) advise the Division on policies, rules, and program operations to assist businesses in recovering from a disaster; (b) advise the Division on the state resources and services needed to assist businesses in recovering from a catastrophic loss of electric power; and (c) proposed solutions to address inefficiencies or problems in the state or local governmental disaster response with respect to impact on businesses and the economy; (2) creates a wet debris working group composed of representatives of the Division, any other state agencies selected by the Division, and local and federal governmental entities for the purpose of conducting a study related to wet debris removal, including (a) current jurisdictions of local, state, federal, and private entities responsible for wet debris removal, including any concurrent, joint or overlapping roles and responsibilities of those entities; (b) funding sources applicable to each wet debris; and (c) clarifying local, state, federal, and private entities' roles and responsibilities for wet debris removal; and (3) creates a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters by providing specialized assistance for communities and individuals to address financial issues, available federal assistance programs, and recovery and resiliency planning to speed recovery efforts at the local level. **(The provision described in Item 1 is effective immediately; the remaining provisions are effective on September 1, 2019.)**

S.B. 982 (Kolkhorst/Zerwas) – Disaster Emergency Services: provides that: (1) the Texas Division of Emergency Management (Division), in consultation with the Department of State Health Services (DSHS) and local governmental entities that have established emergency management plans, shall develop a plan to increase the capabilities of local emergency shelters in the provision of shelter and care for specialty care populations during a disaster; (2) the Division, in consultation with DSHS, shall increase awareness of and encourage local government emergency management response teams to utilize services provided by local volunteer networks that are available in the area to respond during a disaster or emergency; (3) the Division shall develop a plan to create and manage state-controlled volunteer mobile medical units in each public health region to assist counties that lack access to a local volunteer network; (4) DSHS shall collaborate with local medical organizations that represent licensed physicians who practice in a county or public health region to, among other things, ensure that physicians are informed about local government emergency response teams and those teams are aware of physician resources in the county or region, as applicable; (5) the task force on disaster issues affecting persons who are elderly and persons with disabilities is establishing consisting of 11 members appointed by the governor, including, among others, one member who represents municipalities; and (6) such task force shall study methods to more effectively accommodate persons who are elderly and persons with disabilities during a disaster or emergency evacuation. **(Effective September 1, 2019.)**

Firearms/Licensed Carry

H.B. 121 (Swanson/Creighton) – Licensed Carry: provides that it is a defense to prosecution to the offenses of trespass by a license holder with a concealed or openly carried handgun (i.e., going where a "30.06" or "30.07" sign prohibits carry) that the license holder was personally given notice by oral communication and promptly departed from the property. **(Effective September 1, 2019.)**

H.B. 1177 (Phelan/Creighton) – Carrying Handguns during Disaster: provides that: (1) a person, regardless of whether he or she holds a license, may carry a handgun if: (a) the person carries the handgun while evacuating from an area following the declaration of a state or local disaster with respect to that area or reentering that area following the person's evacuation; (b) not more than 168 hours have elapsed since the state of disaster was declared, or more than 168 hours have elapsed since the time the declaration was made and the governor has extended the period during which a person may carry a handgun under the bill; and (c) the person is not prohibited by state or federal law from possessing a firearm; (2) a person may carry a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on the premises of a location operating as an emergency shelter in a location listed in (3), below, during a declared local or state disaster if the owner, controller, or operator of the premises or a person acting with apparent authority authorizes the carrying of the handgun, the person carrying the handgun complies with any rules and regulations of the owner, controller, or operator of the premises, and the person is not prohibited by state or federal law from possessing a firearm; and (3) regardless of any state law prohibition, a person may carry, with the consent of the owner, et al., required by (2), above, on the premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, on the premises of a polling place on the day of an election or while early voting is in progress, on the premises of any government court or offices utilized by the court, on the premises of a racetrack, on the premises of an institution of higher education or private or independent institution of higher education, on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education, on the premises of a business that has a permit or license issued by the Alcoholic Beverage Code, in an amusement park, or on the premises of a church, synagogue, or other established place of religious worship. **(Effective September 1, 2019. Also see "Emergency Management and Disaster Recovery" section, above.)**

H.B. 1552 (Paul/Schwertner) – Retired Law Enforcement Officers/Handguns: provides, among other things, that; (1) the head of a state or local law enforcement agency may allow a qualified retired law enforcement officer who is a retired commissioned peace officer an opportunity to demonstrate weapons proficiency if the officer provides to the agency a sworn affidavit stating that: (a) the officer honorably retired after not less than a total of 10 years of cumulative service as a commissioned officer with one or more state or local law enforcement agencies; or (b) before completing 10 years of cumulative service as a commissioned officer with one or more state or local law enforcement agencies, separated from employment with the agency or agencies and is a qualified retired law enforcement officer; (2) the state or local law enforcement agency shall establish written procedures for the issuance or denial of a certificate of proficiency, and the agency shall issue the certificate to a retired commissioned peace officer who satisfactorily demonstrates weapons proficiency; and (3) a qualified retired law enforcement officer who holds the certificate under (2) is authorized to carry essentially anywhere. **(Effective September 1, 2019.)**

H.B. 1791 (Krause/Fallon) – Licensed Carry Notice (preemptive): provides that a state agency or a political subdivision of the state may not take any action, including an action consisting of the provision of notice by a communication described by Penal Code Sections 30.06 or 30.07 (Concealed/Open Carry Trespass by Handgun License Holder) that states or implies that a license holder who is carrying a handgun under the authority of state law is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity, unless license holders are prohibited from carrying a handgun on the premises or other place by state law. **(Effective September 1, 2019.)**

H.B. 3231 (Clardy/Fallon) – Firearms Regulations (preemptive): among other provisions, this bill provides that: (1) a city may not adopt regulations relating to: (a) the transfer, possession, wearing, carrying, ownership, storage, transportation,

licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories; (b) commerce in firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories; or (c) the discharge of a firearm or air gun at a sport shooting range; (2) an ordinance, resolution, rule, or policy adopted or enforced by a city, or an official action, including in any legislative, police power, or proprietary capacity, taken by an employee or agent of a city in violation of (1), above, is void; (3) Section (1), above, does not affect the authority a city has under another law to, among other items in current law: (a) adopt or enforce a generally applicable zoning ordinance, land use regulation, fire code, or business ordinance; (b) regulate the carrying of a firearm by a person licensed to carry a handgun in accordance with express state law authority; or (c) regulate or prohibit an employee's carrying or possession of a firearm, firearm accessory, or ammunition in the course of the employee's official duties; and (4) the existing authority for a city to regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster if the city finds the regulations necessary to protect public health and safety does not authorize the seizure or confiscation of any firearm, air gun, knife, ammunition, or firearm or air gun supplies or accessories from an individual who is lawfully carrying or possessing the firearm, air gun, knife, ammunition, or firearm or air gun supplies or accessories. **(Effective September 1, 2019.)**

Human Trafficking

H.B. 2613 (Frullo/Huffman) – Human Smuggling and Trafficking: this bill: (1) makes the operation of a "stash house" a Class A misdemeanor; (2) expands the contraband definition as it applies to property used to facilitate or intended to be used to facilitate felonies to include all offenses in Penal Code Chapter 43, which covers public indecency crimes; (3) expands the contraband definition as it applies to property used or intended to be used to commit human trafficking, operating a stash house, promoting prostitution, and compelling prostitution; and (4) requires that contraband forfeited from the crimes of human smuggling, continuous human smuggling, operating a stash house, aggravated promotion of prostitution, compelling prostitution, and human trafficking be used to provide direct victim services. **(Effective September 1, 2019.)**

H.B. 3091 (Deshotel/Campbell) – Public Information: this bill: (1) makes information related to the location or physical layout of a family violence shelter center or victims of trafficking shelter center confidential; and (2) creates a criminal offense for disclosing or publicizing the location or physical layout of shelters with the intent to threaten the safety of any inhabitant of these shelters. **(Effective September 1, 2019. Also see "Open Government/Public Information" section, below.)**

H.B. 3800 (S. Thompson /Huffman) – Human Trafficking Reporting: requires a peace officer who investigates the alleged commission of human trafficking to prepare and submit to the attorney general a written report that includes details of the offense, including the offense being investigated and certain information regarding each person suspected of the offense and each victim of the offense. **(Effective September 1, 2019. Also see "Open Government/Public Information" section, below.)**

S.B. 20 (Huffman/S. Thompson) – Human Trafficking: among several other provisions, this bill provides that: (1) a person may petition the court that convicted the person or placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information (CHRI) on the grounds that the person committed the offense solely as a victim of human trafficking, continuous human trafficking, or compelling prostitution, if the person: (a) is convicted or placed on deferred adjudication community supervision for certain offenses, including a Class C theft; and (b) if requested by the applicable law enforcement agency or prosecuting attorney to provide assistance in the investigation or prosecution of human trafficking, continuous human trafficking, or compelling prostitution, or a federal offense containing elements that are substantially similar to the elements of human trafficking, continuous human trafficking, or compelling prostitution, and: (i) provided assistance in the investigation or prosecution of the above offenses; or (ii) did not provide assistance in the investigation or prosecution of the above offenses due to the person's age or a physical or mental disability resulting from being a victim of the above offenses; (2) a person convicted or placed on deferred adjudication community supervision for certain offenses that the person committed solely as a victim of human trafficking, continuous human trafficking or compelling prostitution may file a petition for an order of nondisclosure of CHRI with respect of each offense, and may request consolidation of those petitions, in a district court of the county in which the person was convicted; (3) after notice to the state and opportunity for a hearing, the court with jurisdiction over the petition must issue an order prohibiting criminal justice

agencies from disclosing the public CHRI relating the offense if the court determines: (a) the person committed the certain offenses solely as a victim of human trafficking, continuous human trafficking or compelling prostitution; (b) if applicable, the person did not commit another certain offenses on or after the date in which the person's first petition for an order of nondisclosure was submitted; and (c) issuance of the order is in the best interests of justice; (4) the person may petition the applicable court only on or after the first anniversary of the date the person: (a) completed the sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed; or (b) received a dismissal and discharge if the person was placed on deferred adjudication community supervision; (5) a victim of human trafficking, continuous human trafficking or compelling prostitution, is entitled to be informed that the victim may petition for an order of nondisclosure of CHRI if (1), above, applies; (6) a commercially sexually exploited persons court program must provide each program participant with information related to the right to petition for an order of nondisclosure of CHRI under (1), above; (7) the Health and Human Services Commission must establish a matching grant program to award to a city a grant in an amount equal to the amount committed by the city for the development of a sex trafficking prevention needs assessment which must outline: (a) the prevalence of sex trafficking crimes in the city; (b) strategies for reducing the number of sex trafficking crimes in the city; and (c) the city's need for additional funding for sex trafficking prevention programs and initiatives; and (8) the Office of the Governor, in collaboration with the Child Sex Trafficking Prevention Unit, must establish and administer a grant program to train local law enforcement officers to recognize signs of sex trafficking. See full legislation for details. **(Effective September 1, 2019. Also see "Grants" section, above.)**

S.B. 72 (Nelson/Guillen) – Human Trafficking Prevention Coordinating Council: requires the Office of the Attorney General to establish a human trafficking prevention coordinating council to develop and implement a five-year strategic plan for preventing human trafficking that must include, among other things, certain information about related programs and services administered by political subdivisions. **(Effective September 1, 2019.)**

S.B. 1219 (Alvarado/S. Thompson) – Human Trafficking Signs: provides that: (1) a person who operates a transportation hub as prescribed by (3)(b), below, are required to post the signs as prescribed by (3)(a), below, at the transportation hub; (2) a "transportation hub" is defined as a bus stop, train, train station, rest area, or airport; and (3) the Attorney General by rule must prescribe: (a) the design and content of a sign regarding service and assistance available to victims of human trafficking to be displayed at transportation hub in both English and Spanish; (b) the transportation hubs that are required to post the signs described in (3)(a), above; and (c) the manner the sign must be displayed at the transportation hub and any exceptions to the sign posting requirements. **(Effective September 1, 2019. Also see "Aviation" section, above.)**

Mental Health

H.B. 601 (Price/Zaffirini) – Arrestees' Mental Health: revises the procedures and reporting requirements regarding arrestees who are or may be persons with a mental illness or an intellectual disability, including: (1) requiring interviews with defendants when local mental health and intellectual and developmental disability authorities collect information about those in custody whom municipal jailers and sheriff's believe may be a person with a mental illness or an intellectual disability; (2) providing that the interview described in (1) must be included in a report when the authorities share information they have collected with the magistrate, defense attorney, prosecutor, and the court, and that the report is confidential; and (3) authorizing magistrates to order defendants to obtain services, in addition to the current authority to obtain treatment, when releasing them on bond. **(Effective September 1, 2019.)**

S.B. 562 (Zaffirini/Price) – Competency Restoration: revises various procedures for sending defendants for competency restoration and provides that a person who has been placed under a custodial or noncustodial arrest for commission of a misdemeanor is entitled to have all records and files relating to the arrest expunged (and related fees waived) if the person completes a mental health court program and meets certain other requirements. **(Effective immediately. Also see "Courts and Detention Services/Judiciary" section, above.)**

Other

H. B. 771 (S. Davis/Zaffirini) – Warning Signs for Wireless Communication Devices: (1) authorizes a school or school district to post a warning sign prohibiting the use of wireless communication devices while operating a motor vehicle in a school crossing zone with the approval of the local authority; and (2) provides that a prohibition on the use of a wireless communication device while operating a school bus or passenger bus with a minor passenger does not apply to an operator of a bus using a wireless communication device in the performance of the operator's duties as a bus drive and in a manner similar to using a two-way radio. **(Effective September 1, 2019. Also see "Courts and Detention Services/Judiciary" section, above.)**

H.B. 914 (S. Thompson/Zaffirini) – Bingo Prize Fees: revises the regulation of bingo games to: (1) provide that the Texas Lottery Commission (rather than the licensee) must give a city and a city police department notice of issuance of a license; (2) require that a licensed organization collect from a person who wins a cash bingo prize of more than $5 a fee in the amount of 5 percent of the amount of the prize (current law is not limit ed to cash prizes); (3) provide that a licensee that collects a bingo prize fee in a county or city that was entitled to receive a portion of the fee as of January 1, 2019 must: (a) remit 50 percent of the prize fee to the Texas Lottery Commission; and (b) remit 50 percent to: (i) the county that votes to impose the fee before November 1, 2019; (ii) the city that votes to impose the fee before November 1, 2019; (iii) the county and city, in equal shares, provided that each votes to impose the fee before November 1, 2019; or (iv) if neither the county nor city votes before November 1, 2019, to impose the prize fee, deposit the money in the organization's funds; (4) authorize a city or county to vote to discontinue the imposition of a bingo prize fee; (5) provide that a county or city may receive a portion of the bingo prize fee only if: (a) the county or city was entitled to receive a portion of the fee as of January 1, 2019; and (b) the governing body of the county or city: (i) by majority vote of the governing body approves the continued receipt of funds and notifies the Texas Lottery Commission of that decision not later than November 1, 2019; and (ii) notifies each licensed organization within the county or city's jurisdiction, as applicable, of the continued imposition of the fee; and (6) require the Texas Lottery Commission to notify the governing body of a city or county of the requirement for continued receipt of the prize fee not later than October 1, 2019. **(Effective January 1, 2020, except that (4), above, is effective September 1, 2019.)**

H.B. 979 (Hernandez/Smith) – DNA Records: requires a person convicted of a class A misdemeanor offense of unlawful restraint or assault to provide to a law enforcement agency one or more specimens for the purpose of creating a record in the DNA database system. **(Effective September 1, 2019.)**

H.B. 1028 (Guillen/Huffman) – Criminal Penalties: expands the types of offenses for which punishment is increased if committed in a disaster area or an evacuated area to include the following: (1) arson; (2) burglary of a coin-operated or coin collection machines; (3) burglary of vehicles; and (4) criminal trespass. **(Effective September 1, 2019.)**

H.B. 1140 (T. King/Zaffirini) – Governmental Vehicle Storage Facility: this bill: (1) allows the Texas Commission on Licensing and Regulation to, each odd-numbered year (and not later than November 1), adjust the impoundment fee charged by a governmental vehicle storage facility to an amount equal to the amount of the fee on December 31 of the preceding year multiplied by the percentage increase or decrease in the consumer price index during the preceding state fiscal biennium; and (2) provides that, if the fee is decreased under (1), a governmental vehicle storage facility must begin charging the adjusted fee on the effective date of the decrease, and if the fee is increased, the facility may begin charging the adjusted fee any time on or after the effective date of the increase**. (Effective immediately.)**

H.B. 1325 (T. King/Perry) – Hemp Production (preemptive): (1) regulates the production of hemp and the products made from hemp; (2) gives the state primary regulatory authority over the production of hemp; (3) provides that an application to participate in the state hemp program as a hemp grower or hemp product manufacturer must include written consent allowing local law enforcement agencies, as well as other agencies, to enter onto all premises where hemp is cultivated, processed, or stored to conduct a physical inspection or to ensure compliance with the bill and rules adopted under the bill; and (4) prohibits a city, county, or other political subdivision of this state from enacting, adopting, or enforcing a rule, ordinance, order,

resolution, or other regulation that prohibits the cultivation, handling, transportation, or sale of hemp as authorized by the bill. **(Effective immediately.)**

H.B. 1399 (Smith/Creighton) – DNA Records: provides that: (1) a law enforcement agency that took a specimen of DNA from a defendant arrested for certain felony offenses must immediately destroy the record of the collection of the specimen, and the Department of Public Safety (DPS) must destroy the specimen and the record of its receipt, if: (a) the defendant is acquitted of the offenses for which the defendant was arrested; (b) the defendant's case is dismissed, or (c) after an individual has been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of a crime for which the person was sentenced; and (2) the court must provide notice of the acquittal or dismissal to the applicable law enforcement agency and DPS as soon as practicable after the acquittal or the dismissal of the case. **(Effective September 1, 2019.)**

H.B. 1518 (Coleman/Seliger) – Dextromethorphan Sale to Minors (preemptive): provides that: (1) a business establishment may not dispense, distribute, or sell dextromethorphan to a customer under 18 years old and must verify age by requiring identification if the person looks younger than 27 years old; (2) after a business establishment gets one warning for a violation of the law, the business establishment is liable to the state for a civil penalty of $150 for the second violation and $250 for each subsequent violation; and (3) a political subdivision may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan and any such ordinance, rule, regulation, or policy is void and unenforceable. **(Effective September 1, 2019.)**

H.B. 1769 (G. Bonnen/Taylor) – Missing Adult Alert System: this bill requires: (1) the Texas Department of Public Safety to develop and implement a statewide alert system for missing adults (a person who is 18 years or older but younger than 65 years); and (2) local law enforcement agencies to take various actions to activate the alert system described in (1). **(Effective September 1, 2019.)**

H.B. 1789 (Tinderholt/Fallon) – Mutual Aid Law Enforcement Task Force: modifies current law to allow a county, city or joint airport to enter into an agreement with any city or county, regardless of whether the city is a neighboring city, or the county is contiguous, to form a mutual aid law enforcement task force to cooperate in criminal investigations and law enforcement. **(Effective immediately. Also see "Aviation" section, above.)**

S.B. 21 (Huffman/Zerwas) – Cigarettes, E-Cigarettes, and Tobacco Products (preemptive): provides that: (1) the legal age to purchase tobacco products is raised from 18 to 21 years (with an exception for military members); and (2) a political subdivision may not adopt or enforce an ordinance or requirement relating to the lawful age to sell, distribute, or use cigarettes, e-cigarettes, or tobacco products that is more stringent than a requirement prescribed by state law. **(Effective September 1, 2019.)**

S.B. 751 (Hughes/Meyer) – Deceptive Video Criminal Penalties: (1) defines "deep fake video" to mean a video created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality; and (2) creates a criminal offense if a person, with the intent to injure a candidate or influence the result of an election, creates a deep fake video and causes it to be published or distributed within 30 days of an election. **(Effective September 1, 2019. Also see "City Secretary's Office" section, below.)**

S.B. 2100 (Birdwell/Smithee) – Law Enforcement Animals: provides: (1) that a city may transfer a law enforcement animal as surplus property to a person capable of humanely caring for the animal, if the animal is at the end of its working life or is subject to circumstances that justify making the animal available for transfer before the end of its working life; (2) a priority list of those who may receive a law enforcement animal; (3) that a contract for the transfer may be without charge to the transferee, but may impose requirements on the transferee in caring for the animal; and (4) that a city that transfers a law enforcement animal is not liable for damages arising from the transfer, including damages arising from the animal's law enforcement training or for veterinary expenses. **(Effective September 1, 2019.)**

S.J.R. 32 (Birdwell/Tinderholt) – Law Enforcement Animals: proposes an amendment to the Texas Constitution to allow a city to transfer a law enforcement dog, horse, or other animal to the animal's handler or another qualified caretaker for no consideration on the animal's retirement or at another time if the transfer is in the animal's best interest. **(Effective if approved at the election on November 5, 2019.)**

H.B. 3285 (Sheffield/Huffman) – Opioid Antagonist Grant Program: provides that: (1) the criminal justice division of the governor's office must establish and administer a grant program to provide financial assistance to a law enforcement agency in this state that seeks to provide opioid antagonists to peace officers, evidence technicians, and related personnel who, in the course of performing their duties, are likely to come into contact with opioids or encounter persons suffering forma an apparent opioid-related drug overdose; and (2) the executive commissioner of the Health and Human Services Commission: (a) must operate a program to provide opioid antagonists for the prevention of opioid overdoses in a manner determined by the executive commissioner to best accomplish that purpose; and (b) may provide opioid antagonists to emergency medical services personnel, first responders, public schools, community centers, and other persons likely to be in a position to respond to an opioid overdose. **(Effective September 1, 2019. Also see "Grants" section, above.)**

H.B. 3371 (Darby/Taylor) – Battery-Charged Fences (preemptive): provides that a city or county may not: (1) adopt or enforce an ordinance, order, or regulation that requires a permit for the installation or use of certain battery-charged fences; (2) impose installation or operational requirements for battery-charged fences that are inconsistent with the standards in the bill or those set by the International Electrotechnical Commission; or (3) prohibit the installation or use of battery-charged fences. **(Effective September 1, 2019. Also see "Sustainable Development and Construction" section, below.)**

H.B. 3540 (Burns/Hughes) – Peace Officer's Authority: provides that: (1) a peace officer, before arresting a person with an intellectual or developmental disability that lives in certain group homes or an intermediate care facilities, may release the person at the person's residence if the officer: (a) believes confinement of the person in a correctional facility is unnecessary to protect the person and the other persons who reside at the residence; and (2) made reasonable efforts to consult with the staff at the person's residence and with the person regarding that decision; and (2) a peace officer and the agency or political subdivision that employs that peace officer may not be held liable for damages to persons or property that results from the action of a person released under (1) above. **(Effective September 1, 2019.)**

H.B. 4236 (Anderson/Birdwell) – Body Worn Camera Recordings: provides that: (1) a law enforcement agency may permit the following to view a recording, provided that the law enforcement agency determines that the viewing furthers a law enforcement purpose and that any authorized representative who is permitted to view the recording was not a witness to the incident: (a) a person who is depicted in a body worn camera recording of an incident that involves the use of deadly force by a peace officer; or related to an administrative or criminal investigation of an officer; or (b) if the person is deceased, the person's authorized representative; (2) a person viewing a recording may not duplicate the recording or capture video or audio from the recording; and (3) a permitted viewing of a recording is not considered to be a release of public information for purpose of the Public Information Act. **(Effective September 1, 2019. Also see "Open Government/Public Information" section, below.)**

H.B 4350 (Bohac/Alvarado) – 9-1-1 System: this bill: (1) provides that a public safety answering point operated by an emergency communications district may transmit emergency response requests to private safety entities: (a) with the approval of the district's board; (b) the consent of each participating jurisdiction; and (c) the consent of the emergency services district serving the relevant area; and (2) allows a participating jurisdiction's or emergency services district's consent described in (1) to be withdrawn at any time. **(Effective immediately.)**

S.B. 11 (Taylor/Bonnen) – School Safety: among several other provisions, this bill provides that: (1) a school district's school safety and security committee must include certain persons, including: (a) one or more representatives of an office of emergency management of a county or city in which the district is located; and (b) one or more representatives of the local police department or sheriff's office; (2) the school safety and security committee must consult with local law enforcement agencies on methods to increase law enforcement presence near district campuses; and (3) the commissioner of education

must provide to a school district an annual allotment that must be used to improve school safety and security, including cost associated with providing security for the district, including collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resources officers to schools in the district. See full legislation for details. **(Effective Immediately.)**

S.B. 340 (Huffman) – Opioid Antagonists: the bill: (1) establishes a state grant program to provide financial assistance to a law enforcement agency that seeks to provide opioid antagonists to its personnel who in the course of performing their duties are likely to come into contact with opioids or encounter persons suffering from an apparent opioid-related drug overdose; (2) requires a law enforcement agency that seeks a grant described in Item (1) above to first adopt a policy addressing the usage of an opioid antagonist for a person suffering from an apparent opioid-related drug overdose; (3) requires a law enforcement agency that applies for a grant to provide information to the state about the frequency and nature of: (a) interactions between peace officers and persons suffering from an apparent opioid-related drug overdose; (b) calls for assistance based on an apparent opioid-related overdose; and (c) any exposure by the law enforcement agency personnel to opioids or suspected opioids in the course of performing their duties; and (4) requires a law enforcement agency receiving a grant to provide to the state, as soon as practicable after receiving the grant, proof of purchase of the opioid antagonists. **(Effective immediately. Also see "Grants" section, above.)**

S.B. 1827 (Menendez/Lambert) – Administration of Epinephrine: among several provisions, the bill: (1) allows a law enforcement agency to acquire and possess epinephrine auto-injectors; (2) allows a peace officer to possess and administer an epinephrine auto-injector only if the officer has successfully completed training in the use of the device in a course approved by the Texas Commission on Law Enforcement; (3) allows a physician or a person who has been delegated prescriptive authority to: (a) prescribe epinephrine auto-injectors in the name of the law enforcement; and (b) provide the law enforcement agency with a standing order for the administration of an epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis; (4) allows a pharmacist to dispense an epinephrine auto-injector to a law enforcement agency without requiring the name of or any other identifying information relating to the user; (5) requires a law enforcement agency that acquires and possesses epinephrine auto-injectors to adopt and implement a policy regarding the maintenance, administration, and disposal of the epinephrine auto-injectors; (6) provides that the administration by a peace officer of an epinephrine auto-injector to a person in accordance with the bill does not constitute the unlawful practice of any health care profession; (7) provides that a person who in good faith takes, or fails to take, action relating to the administration of an epinephrine auto-injector by a peace officer is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act; and (8) provides that governmental immunity from suit or liability is not waived. **(Effective September 1, 2019.)**

Public Safety Personnel and Worker's Compensation

H.B. 292 (S. Thompson/Huffman) – Peace Officer Minimum Curriculum: this bill requires: (1) the Texas Commission on Law Enforcement to include the basic education and training program on the trafficking of persons in the minimum curriculum requirements for peace officers; and (2) a peace officer to complete the program described in (1) not later than the second anniversary of the date the officer is licensed, unless the officer completes the program as part of the officer's basic training course. **(Effective September 1, 2019.)**

H.B. 766 (Huberty/Watson) – Tuition Exemptions for Disabled Peace Officers and Firefighters: modifies current law to provide that an institution of higher education shall exempt a student from the payment of tuition and fees for a course for which space is available if the student is: (1) a resident of the state and has resided in the state for 12 months immediately preceding the beginning of the semester or session for which an exemption is sought; (2) permanently disabled as a result of an injury suffered during the performance of a duty as a peace officer or a firefighter of the state or political subdivision; and (3) unable to continue employment as a peace officer or firefighter because of the disability. **(Effective immediately.)**

H.B. 872 (Hefner/Flores) – Survivor Benefits: provides that: (1) not later than the 30th day after the date of the death of a peace officer that occurs in the performance of duties in the officer's position or as a result of an action that occurs while the

officer is performing those duties, the officer's employing entity must furnish to the board of trustees of the Employees Retirement System of Texas (ERS) proof of the death in the form and with additional evidence and information required by the board; (2) the officer's employing entity must furnish the required evidence and information concerning proof of death to ERS regardless of whether the entity believes the officer's death satisfies the survivors eligibility requirements; (3) ERS must consider the proof, evidence, and information required by (1), above, and any additional information required by the rules to determine whether the officer's death satisfies the survivors' eligibility requirements and justifies the payment of assistance to the officer's eligible survivors; and (3) the Attorney General may use any means authorized by law to compel the employer's compliance with (1), above, if the employer fails to comply. **(Effective September 1, 2019.)**

H.B. 971 (Clardy/Minjarez) – Certification of Law Enforcement Officers: provides that the Texas Commission on Law Enforcement shall adopt rules to allow an officer who has served in the military to receive, based on that military service, credit toward meeting any training hours required for an intermediate, advanced, or master proficiency certification. **(Effective September 1, 2019.)**

H.B. 1064 (Ashby/Birdwell) – Texas Firefighters Day: designates May 4th as Texas Firefighters Day. **(Effective September 1, 2019.)**

H.B. 1090 (C. Bell/Kolkhorst) – First Responders: this bill: (1) expands the definition of first responder to include: (a) an emergency response operator or emergency services dispatcher who provides communication support services for a governmental entity by responding to requests for assistance in emergencies; and (b) other emergency response personnel employed by a governmental entity; and (2) expands the waiver of sovereign or governmental immunity from suit for claims of workers' compensation discrimination to such first responders. **(Effective September 1, 2019.)**

H.B. 1256 (Phelan/Kolkhorst) – First Responder Immunization History: provides that an employer of a first responder, with the first responder's electronic or written consent, shall have direct access to the state immunization register to verify the first responder's immunization record. **(Effective September 1, 2019.)**

H.B. 1418 (Phelan/Huffman) – Immunizations: requires the Health and Human Services Commission adopt a system that provides an individual who files an application for certification or recertification as an emergency medical services (EMS) personnel with the following information: (1) if the individual's immunization history is included in the immunization registry, written notice of the individual's immunization history, using information from the immunization registry; or (2) if the applicant's immunization history is not included in the immunization history: (a) details about the program developed for informing first responders about the immunization registry and educating first responders about the benefits of being included in the immunization registry; and (b) the specific risks to EMS personnel when responding rapidly to an emergency of exposure to and infection by a potentially serious or deadly communicable disease that an immunization may prevent. **(Effective immediately.)**

H.B. 2143 (J. Turner/Whitmire) – First Responder's PTSD: this bill: (1) expands the workers compensation presumption for post-traumatic stress disorder (PTSD) to include PTSD caused by multiple, as well as single, events; and (2) for purposes of a claim, the date of injury for posttraumatic stress disorder suffered by a first responder is the date on which the first responder first knew or should have known that the disorder may be related to the first responder's employment. **(Effective September 1, 2019.)**

H.B. 2164 (Burns/Hughes) – Peace Officer Weapons: provides that: (1) an establishment serving the public (e.g., a hotel, motel, or other place of lodging; a restaurant or other place where food is offered for sale to the public; a retail business or other commercial establishment or an office building to which the general public is invited; a sports venue; and any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited) may not prohibit or otherwise restrict a peace officer or special investigator from carrying on the establishment's premises a weapon that the peace officer or special investigator is otherwise authorized to carry, regardless of whether the peace officer or special investigator is engaged in the actual discharge

of the officer's or investigator's duties while carrying the weapon; (2) an establishment serving the public that violates (1) is subject to a civil penalty in the amount of $1,000 for each violation; and (3) the Attorney General may sue to collect a civil penalty under the bill. **(Effective September 1, 2019.)**

H.B. 2446 (Swanson/Fallon) – Firefighters and Emergency Medical Service Personnel: among several other provisions, this bill provides that: (1) a volunteer fire department or a fire department operated by an emergency service district is entitled to obtain a criminal history record information (CHRI) from the Department of Public Safety (DPS) that relates to a person who holds a position with the fire department and seeks to conduct fire safety inspections without becoming certified as a fire inspector by the Texas Commission on Fire Protection (TCFP); (2) a city is entitled to obtain a CHRI from DPS that relates to a person who seeks the city's authorization to conduct fire safety inspections without becoming certified as a fire inspector by the TCFP; (3) the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of a firefighter, volunteer firefighter, or emergency medical service personnel is considered confidential under the personnel exceptions of the Public Information Act; (4) the work schedule or a time sheet of a firefighter, volunteer firefighter, or emergency medical services personnel is confidential and excepted under the Public Information Act; and (5) the home address in appraisal records of a firefighter, volunteer firefighter, or emergency medical service personnel is confidential if these individuals choose to restrict public access to the information by filling out the prescribed form. **(Effective Immediately.)**

H.B. 2503 (Kacal/Menendez) – Workers' Compensation Death Benefits: provides that an individual who remarries is eligible for workers' compensation death benefits for life if the individual's former spouse died in the line of duty and the individual's former spouse was one of the following: (1) a first responder; (2) an elected, appointed or employed peace officer of the state, a political subdivision or a private institution of higher education; or (3) an intrastate fire mutual aid system team member or a regional incident management team member who is activated by the Texas Division of Emergency Management (Division) or is injured during training sponsored or sanctioned by the Division. **(Effective September 1, 2019.)**

H.B. 3635 (J. Turner/Hughes) – Survivor Benefits: this bill: (1) modifies current law to provide that the eligible survivors of certain individuals described in item (2), below, who die in the line of duty shall be entitled to a lump sum payment by the state of $500,000 during the 12 months beginning September 1, 2019, and thereafter, effective September 1 of each following year, an adjustment to the lump sum in an amount equal to the percentage change in the consumer price index for all urban consumers for the preceding year: including: (1) peace officers appointed, elected or employed by a city; and (2) provides that item (1) above applies to, among others, the following individuals: (a) an individual elected, appointed, or employed as a peace officer by a city; (b) a member of an organized police reserve or auxiliary unit who regularly assists peace officers in enforcing criminal laws; (c) a certified firefighter who is employed by a city; (d) an individual employed by a city whose principal duties are aircraft crash and rescue firefighting; (e) a member of an organized volunteer fire-fighting unit that renders fire-fighting services without remuneration and conducts a minimum of two drills each month, each two hours long; (f) an individual who performs emergency medical services or operates an ambulance, is employed by the city or is an emergency medical services volunteer, and is qualified as an emergency care attendant; (g) an individual who is employed or formally designated as a chaplain for an organized volunteer firefighting unit of a city or a law enforcement agency of a city; and (h) an individual employed by a city to be a trainee for a position described above. **(Effective September 1, 2019.)**

S.B. 16 (Hancock/Stucky) – Peace Officer Loan Repayment Assistance Program: provides that the Higher Education Coordinating Board must establish and administer a program to provide loan repayment assistance in the repayment of eligible loans for eligible persons who agree to continued employment as full-time peace officers in this state for a specified time. **(Effective September 1, 2019.)**

S.B. 586 (Watson/Neave) – Peace Officer Training Requirements: the bill, among other things, adds to the required peace officer training program, training to recognize, document, and investigate cases involving child abuse or neglect, family violence, and sexual assault that include use of best practices and trauma-informed techniques; and (2) requires the Texas Commission on Law Enforcement to establish a certification program for officers who complete training on responding to allegations of family violence or sexual assault. **(Effective September 1, 2019.)**

S.B. 971 (Huffman/Herrero) – Assault Training: would provide that the minimum curriculum training and minimum continuing education training required for peace officers must include instruction in recognizing and recording, in certain types of cases, circumstances indicating that a victim may have been assaulted by strangulation or suffocation. **(Effective September 1, 2019.)**

S.B. 1582 (Lucio/Wray) – Peace Officer Disease Presumption: provides that: (1) a peace officer is entitled to preventative immunization for any disease to which the officer may be exposed in performing official duties and for which immunization is possible; (2) a peace officer and any member of the officer's immediate family are entitled to vaccination for a contagious disease to which the officer is exposed during the course of employment; (3) a peace officer is presumed to have suffered a disability or death during the course and scope of employment if the peace officer: (a) received preventative immunization against small pox, or another disease to which the officer may be exposed during the course and scope of employment and for which immunization is possible; and (b) suffered death or total or partial disability as a result of the immunization; (4) a peace officer who suffers tuberculosis, or any other disease or illness of the lungs or respiratory tract that has a statistically positive correlation with services as a peace officer that results in death or total or partial disability is presumed to have contracted the disease or illness during the course and scope of employment as a peace officer; (5) a peace officer who suffers an acute myocardial infraction or stroke resulting in disability or death is presumed to have suffered the disability or death during the course and scope of employment as a peace officer if: (a) while on duty, the peace officer: (i) was engaged in a situation that involved nonroutine stressful or strenuous physical activity that involved fire suppression, rescue, hazardous material response, emergency medical services, or other emergency response activity; or (ii) participated in a training exercise that involved nonroutine stressful or strenuous physical activity; and (b) the acute myocardial infraction occurred while the officer was engaging in the activity described herein; (6) that the provisions described in Items (3), (4), and (5) above only apply to an individual elected, appointed, or employed to serve as a peace officer for a governmental entity, including a city, who: (a) on becoming a peace officer received a physical examination that failed to reveal evidence of the illness or disease for which benefits or compensation are sought using a presumption; (b) is employed for five or more years as a peace officer; and (c) seeks benefits or compensation for a disease or illness that is discovered during employment as a peace officer; and (7) if an insurance carrier's notice of refusal to pay workers' compensation benefits is sent in response to a claim for compensation resulting from a peace officer's disability or death for which an applicable disease presumption is claimed, the notice must include a statement by the carrier that: (a) explains why the carrier determined a presumption does not apply to the claim for compensation; and (b) describes the evidence that the carrier reviewed in making the determination. **(Effective September 1, 2019.)**

S.B. 2551 (Hinojosa/Burrows) – Firefighter and EMT Disease Presumption: this bill, among other provisions: (1) modifies current law to provide that certain fire fighters and emergency medical technicians (EMT) who suffer from one or more of the following 11 cancers resulting in death or total or partial disability are presumed to have developed the cancer during the course and scope of employment as a firefighter or EMT: (a) cancer that originates at the stomach, colon, rectum, skin, prostate, testis, or brain; (b) non-Hodgkin's lymphoma; (c) multiple myeloma; (d) malignant melanoma; and (e) renal cell carcinoma; (2) provides that an administrative law judge, in addressing an argument based on a rebuttal, shall make findings of fact and conclusions of law that consider whether a qualified expert, relying on evidence-based medicine, stated the opinion, that based on reasonable medical probability, an identified risk factor, accident, hazard, or other cause not associated with the individual's service as a firefighter or EMT was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred; (3) provides that an insurance carrier is not required to comply with a requirement to meet a 15-day deadline under the Workers' Compensation Act to either initiate benefit payments in response to a claim or provide a written notice of refusal to pay benefits if: (a) the claim results from an employee's disability or death for which a disease presumption is claimed; and (b) not later than the 15th day after the date on which the insurance carrier received written notice of the injury, the insurance carrier has provided notice that describes all steps taken by the insurance carrier to investigate the injury before the notice was given and the evidence the carrier reasonably believes is necessary to complete its investigation of the compensability of the injury; (4) establishes that a political subdivision that self-insures either individually or collectively is liable for: (a) sanctions, administrative penalties, and other remedies authorized under the Workers' Compensation Act; and (b) for certain attorney's fees paid to a claimant's attorney; (5) provides that a

pool (two or more political subdivisions collectively self-insuring under an interlocal agreement) or a political subdivision that self-insures may establish an account for the payment of death benefits and lifetime income under the provisions of the Workers' Compensation Act (the Account); (6) provides that: (a) the Account may accumulate assets in an amount that the pool or political subdivision, in its sole discretion, determines is necessary in order to pay death benefits and lifetime income benefits; and (b) the establishment of the Account or the amount of assets accumulated in the Account does not affect the liability of a pool or a political subdivision for the payment of death benefits and lifetime income benefits; (7) provides that the provisions of the Public Funds Investment Act does not apply to the investment of assets in the Account; (8) provides that the pool or political subdivision investing or reinvesting the assets of an Account shall discharge its duties solely in the interest of current and future beneficiaries: (a) for the exclusive purposes of: (i) providing death benefits and lifetime income benefits to current and future beneficiaries; and (ii) defraying reasonable expenses of administering the account; (b) with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with matters of the type would use in the conduct of an enterprise with a like character and like aims; (c) by diversifying the investments of the account to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and (d) in accordance with the documents and instruments governing the account to the extent that the documents and instruments are consistent with the provisions of the bill; and (9) provides that, in choosing and contracting for professional investment management services for services for an Account and in continuing the use of an investment manager, the pool or political subdivision must act prudently and in the interest of the current and future beneficiaries of the account. See full legislation for details. **(Effective immediately.)**

QUALITY OF LIFE, ARTS, CULTURE AND LIBRARIES

Library

H.B. 1962 (Lambert/Hall) – TSLAC/Record Retention: among other provisions, this bill: (1) provides that a local government must: (a) submit to the Texas State Library and Archives Commission (TSLAC) director and librarian the name of the records management officer; (b) file a plan or ordinance establishing a records management program with the TSLAC director and librarian; (c) notify TSLAC at least 10 days before destroying a local government record that does not appear on a records retention schedule issued by TSLAC; and (d) file with the TSLAC director and librarian a written certification that the local government has prepared a records control schedule that establishes a retention period for each local government record and complies with the TSLAC schedules and any other state or federal requirements; and (2) repeals various state laws that require TSLAC involvement in city record retention, including requirements in current law that a local records control schedule be filed with the TSLAC director and librarian, that the director and librarian approve a list of obsolete records, and that an electronic storage authorization request be approved by TSLAC. **(Effective September 1, 2019.)**

Park and Recreation

H.B. 2858 (Toth/Schwertner) – Swimming Pool and Spa Code (preemptive): provides that: (1) to protect the public health, safety, and welfare, the International Swimming Pool and Spa Code, as it existed on May 1, 2019, is adopted as the municipal swimming pool and spa code in this state; (2) the International Swimming Pool and Spa Code applies to all construction, alteration, remodeling, enlargement, and repair of swimming pools and spas in a city that elects to regulate pools or spas, including by requiring fencing under current state law; (3) a city may establish procedures for the adoption of local amendments to the International Swimming Pool and Spa Code and the administration and enforcement of the International Swimming Pool and Spa Code; and (4) a city may review and adopt amendments made by the International Code Council to the International Swimming Pool and Spa Code after May 1, 2019. **(Effective September 1, 2019.)**

S.B. 26 (Kolkhorst/Cyrier) – Parks Funding: this bill, among other things, requires the legislature to allocate sporting goods sales tax revenue credited to the Parks and Wildlife Department in specific amounts provided in the General Appropriations Act, and those amounts may be used only for the following purposes: (1) to acquire, operate, maintain, and make capital improvements to parks; (2) for assistance to local parks; (3) to pay debt service of bonds issued by the department; (4) to

fund the state contributions for benefits and benefit-related costs attributable to the salaries and wages of department employees paid from sporting goods sales tax receipts; and (5) to fund the state contributions for annuitant group coverages under the group benefits program operated by the Employees Retirement System of Texas attributable to sporting goods sales tax receipts. **(Effective September 1, 2021, but only if S.J.R. 24 is approved at the election on November 5, 2019. See S.J.R. 24, below.)**

S.J.R. 24 (Kolkhorst/Cyrier) – Parks Funding: amends the Texas Constitution to: (1) automatically appropriate the net revenue received from the collection of any state taxes on the sale, storage, use, or other consumption of sporting goods to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function; and (2) authorize the legislature, by adoption of a resolution approved by a record vote of two-thirds of the members of each house of the legislature, to direct the comptroller to reduce the amount of money appropriated to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, under certain circumstances. **(Effective if approved at the election on November 5, 2019. See S.B. 26, above.)**

Sanitation

H.B. 61 (White/Nichols) – Lighting on Certain Vehicles: provides that: (1) the definition of "a highway maintenance or construction vehicle" includes equipment for guardrail repair, sign maintenance, temporary-traffic-control device placement or removal, and road construction; (2) the Texas Department of Transportation shall adopt standards and specifications that apply to lamps on highway maintenance and construction vehicles and may adopt standards and specifications that permit the use of flashing lights for identification purposes on highway construction vehicles; (3) a person may not operate a highway maintenance or construction vehicle that is not equipped with lamps or that does not display lighted lamps as required by the standards and specifications adopted by TxDOT; (4) an escort flag vehicle, which is a vehicle that precedes or follows an oversize or overweight vehicle for the purpose of facilitating the safe movement of the oversize or overweight vehicle, may be equipped with alternating or flashing blue and amber lights; (5) an operator of a motor vehicle commits a misdemeanor if, unless otherwise directed by a police officer, fails to slow to the required speed and fails to vacate the lane closest to the following vehicles in certain circumstances for, among others vehicles: (a) a service vehicle used by or for a utility and using visual signals that comply with lighting standards and specifications set by TxDOT; (b) a stationary vehicle used exclusively to transport municipal solid waste or recyclable material while being operated in connection with the removal or transportation of municipal solid waste or recyclable material from a location adjacent to the highway; or (c) a highway maintenance or construction vehicle operated pursuant to a contract; and (6) a vehicle in (5)(a), (5)(b), (5)(c), a stationary authorized emergency vehicle, a stationary tow truck, and a TxDOT vehicle may be equipped with flashing blue lights. **(Effective September 1, 2019. Also see "Transportation" section, below.)**

H.B. 1331 (Thompson/Miles) – Municipal Solid Waste Facility Permit Fees: provides that the Texas Commission on Environmental Quality shall charge a fee of $2,000 for an application for a permit for a municipal solid waste facility. **(Effective September 1, 2019.)**

H.B. 1435 (E. Thompson/Birdwell) – Municipal Solid Waste Facilities: provides that: (1) before a permit for a proposed municipal solid waste management facility is issued, amended, extended, or renewed, the Texas Commission on Environmental Quality shall inspect the facility or site used or proposed to be used to store, process, or dispose of municipal solid waste to confirm information included in the permit application; and (2) the commission by rule shall prescribe the kinds of information in a permit application that require confirmation under the bill. **(Effective September 1, 2019.)**

H.B. 1953 (E. Thompson/Hancock) – Gasification and Pyrolysis: this bill: (1) prevents the Texas Commission on Environmental Quality from considering post-use polymers and recoverable feedstocks as solid waste if they are converted using pyrolysis or gasification into valuable raw, intermediate, and final products; and (2) treats products created from pyrolysis and gasification processes as recycled materials, thus requiring cities to give preference to purchasing products made from pyrolysis and gasification. **(Effective immediately.)**

MOBILITY SOLUTIONS, INFRASTRUCTURE AND SUSTAINABILITY

Aviation

H.B. 1789 (Tinderholt/Fallon) – Mutual Aid Law Enforcement Task Force: modifies current law to allow a county, city or joint airport to enter into an agreement with any city or county, regardless of whether the city is a neighboring city or the county is contiguous, to form a mutual aid law enforcement task force to cooperate in criminal investigations and law enforcement. **(Effective immediately. Also see "Public Safety – Other" section, below.)**

S.B. 1214 (Schwertner/Wilson) – Aircraft Sales Tax Exemption: provides, for purposes of the sales and use tax exemption for certain aircraft, that any travel, regardless of distance, to a location to perform a service in connection with an agricultural use does not disqualify an aircraft from the exemption. **(Effective September 1, 2019. Also see "Sales Tax" section, below.)**

S.B. 1219 (Alvarado/S. Thompson) – Human Trafficking Signs: provides that: (1) a person who operates a transportation hub as prescribed by (3)(b), below, are required to post the signs as prescribed by (3)(a), below, at the transportation hub; (2) a "transportation hub" is defined as a bus stop, train, train station, rest area, or airport; and (3) the Attorney General by rule must prescribe: (a) the design and content of a sign regarding service and assistance available to victims of human trafficking to be displayed at transportation hub in both English and Spanish; (b) the transportation hubs that are required to post the signs described in (3)(a), above; and (c) the manner the sign must be displayed at the transportation hub and any exceptions to the sign posting requirements. **(Effective September 1, 2019. Also see "Human Trafficking" section, below.)**

Environment

H.B. 907 (Huberty/Creighton) – Aggregate Production Penalties: this bill: (1) increases the penalties for aggregate production operations operating without being registered to: (a) an annual range of $10,000 to $20,000; and (b) over three or more years to $40,000; (2) provides that the Texas Commission on Environmental Quality shall inspect each active aggregate production operation at least once every two years during the first six years the operation is registered; and (3) provides that TCEQ, for a period of one year, may conduct unannounced periodic inspections of an aggregate production operation if the operation has violated an environmental law or rule in the preceding three year period. **(Effective September 1, 2019.)**

H.B. 2203 (Miller/Kolkhorst) – Radioactive Substance Release: provides that: (1) notwithstanding the Texas Disaster Act or any other law requiring confidentiality, 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 shall immediately provide notice to each political subdivision of this state into which the substance was released; (2) the notice must include the name, quantity, and state of matter of the radioactive substance released, if known; and (3) the information contained in the notice provided to a political subdivision under is confidential and not subject to disclosure under the Public Information Act. **(Effective immediately.)**

H.B. 2771 (Lozano/Hughes) – Oil and Gas Activities: provides that: (1) the Texas Commission on Environmental Quality may issue permits for the discharge of produced water, hydrostatic test water, and gas plant effluent resulting from certain oil and gas activities into waters of Texas; and (2) the discharge of produced water, hydrostatic test water, and gas plant effluent into water in Texas must meet the water quality standards established by the TCEQ. **(Effective September 1, 2019. Also see "Water and Flood Control" section, below.)**

H.B. 3745 (Bell/Birdwell) – Texas Emissions Reduction Plan: establishes the Texas Emission Reduction Plan Fund that is funded by, among other things, the TERP surcharge on the sale, lease, or rental of off-highway equipment and certain on-road diesel equipment and provides that money in the fund is used for various emission reductions programs. **(Effective August 30, 2019.)**

S.B. 241 (Nelson/Longoria) – Nonattainment Areas: requires each political subdivision in a nonattainment area or in an affected county (except school districts and certain water districts) to establish a goal to reduce electric consumption by the entity by at least five percent each state fiscal year for seven years, beginning September 1, 2019. **(Effective September 1, 2019. Also see "Utilities" section, below.)**

Land Use, Zoning, and Annexation

H.B. 347 (P. King/Birdwell) – Unilateral Annexations: ends most unilateral annexations by any city, regardless of population or location. Specifically, the bill: (1) eliminates the distinction between Tier 1 and Tier 2 cities and counties created by S.B. 6 (2017); (2) eliminates existing annexation authority that applied to Tier 1 cities and makes most annexations subject to the three consent annexation procedures created by S.B. 6 (2017), which allow for annexation: (a) on request of the each owner of the land; (b) of an area with a population of less than 200 by petition of voters and, if required, owners in the area; and (c) of an area with a population of at least 200 by election of voters and, if required, petition of landowners; and (3) authorizes certain narrowly-defined types of annexation (e.g., city-owned airports, navigable streams, strategic partnership areas, industrial district areas, etc.) to continue using a service plan, notice, and hearing annexation procedure. **(Effective immediately.)**

H.B. 2634 (Flynn/Hughes) – Cemetery Location: provides that, when determining the distance from the boundaries of a city where an individual, corporation, partnership, firm, trust, or association may establish or operate a cemetery, the boundary of an annexed area is not considered to be a boundary of the city if the annexed area cannot be developed as residential or commercial property and is primarily used for flood control. **(Effective September 1, 2019.)**

H.B. 2497 (Cyrier/Hughes) – Board of Adjustment: this bill: (1) requires the city council to approve rules adopted by the board of adjustment; (2) allows the following persons to appeal to the board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project: (a) a person aggrieved by the decision; or (b) an officer, department, board, or bureau of the city affected by the decision; (3) allows the following persons to appeal to the board of adjustment a decision by an administrative official that is related to a specific application, address, or project: (a) a person who files an application that is the subject of the decision; (b) a person who is the owner of property or representative of the owner that is the subject of the decision; (c) a person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or (d) any officer, department, board, or bureau of the city affected by the decision; (4) requires that a decision made by an administrative official be appealed to the board of adjustment not later than the 20th day after the date the decision is made; and (5) requires the board of adjustment to decide an appeal described in (4) at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed. **(Effective September 1, 2019.)**

H.B. 4257 (Craddick/Campbell) – Annexation Retaliation: provides that: (1) the disapproval of the proposed annexation of an area does not affect any existing legal obligation of the city proposing the annexation to continue to provide governmental services in the area, including water or wastewater services, regardless of whether the municipality holds a certificate of convenience and necessity to serve the area; and (2) a city that makes a wholesale sale of water to a special district may not charge rates for the water that are higher than rates charged in other similarly situated areas solely because the district is wholly or partly located in an area that disapproved of a proposed annexation. **(Effective immediately.)**

S.B. 1303 (Bettencourt/Bell) – City and ETJ Mapping and Notice: provides that: (1) every city must maintain a copy of the map of city's boundaries and extraterritorial jurisdiction in a location that is easily accessible to the public, including: (a) the city secretary's office and the city engineer's office, if the city has an engineer; and (b) if the city maintains a website, on the city's website; (2) a city shall make a copy of the map under (1), above, available without charge; (3) not later than January 1, 2020, a home rule city shall: (a) create, or contract for the creation of, and make publicly available a digital map that must be made available without charge and in a format widely used by common geographic information system software; (b) if it maintains an website, make the digital map available on that website; and (c) if it does not have common geographic information system software, make the digital map available in any other widely used electronic format; and (4) if a city plans

to annex under the "consent exempt" provisions that remain in the Municipal Annexation Act after the passage of H.B. 347 (summarized elsewhere in this edition), a home rule city must: (a) provide notice to any area that would be newly included in the city's ETJ by the expansion of the city's ETJ resulting from the proposed annexation; and (b) include in the notice for each hearing a statement that the completed annexation of the area will expand the ETJ, a description of the area that would be newly included in the ETJ, a statement of the purpose of ETJ designation as provided by state law, and a brief description of each municipal ordinance that would be applicable, as authorized by state law relating to subdivision ordinances, in the area that would be newly included in the ETJ; and (c) before the city may institute annexation proceedings, create, or contract for the creation of, and make publicly available, without charge and in a widely used electronic format, a digital map that identifies the area proposed for annexation and any area that would be newly included in the ETJ as a result of the proposed annexation. **(Note: Many of the remaining provisions of this bill modified sections in Chapter 43 of the Local Government Code, relating to municipal annexation, which were eliminated by H.B. 347. Effective immediately. Also see "Communications and Information Services" section, above.)**

S.B. 1510 (Schwertner/Munoz) – Rough Proportionality: provides that: (1) if a city requires, including under an ETJ subdivision agreement under Chapter 242, as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license and is retained by the city; and (2) the city's determination shall be completed within thirty days following the submission of the developer's application for determination. **(Effective immediately. Also see "Communications and Information Services" section, above.)**

Public Works

H.B. 339 (Murr/Perry) – Work Zones: requires an entity that sets a lower speed limit on a road or highway in the state highway system for a construction or maintenance work zone to place a sign at the end of the zone indicating the speed limit after the zone ends. **(Effective September 1, 2019.)**

H.B. 985 (Parker/Hancock) – State-Funded Public Works Contracts (preemptive): provides that: (1) a governmental entity, including a city, awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, may not: (a) prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or (b) discriminate against a person described by (1) based on the person's involvement in the agreement, including the person's: (i) status or lack of status as a party to the agreement; or (ii) willingness or refusal to enter into the agreement; and (2) the bill may not be construed to: (a) prohibit activity protected by the National Labor Relations Act, including entering into an agreement with a collective bargaining organization relating to the project; or (b) permit conduct prohibited under the National Labor Relations Act. **(Effective September 1, 2019.)**

H.B. 1960 (Price/Perry) – Broadband Development Council: provides for the creation of the Governor's Broadband Development Council to: (1) research the progress of broadband development in unserved areas; (2) identify barriers to residential and commercial broadband deployment in unserved areas; (3) study technology-neutral solutions to overcome barriers identified; (4) analyze how statewide access to broadband would benefit economic development, the delivery of educational opportunities in higher and public education, state and local law enforcement, state emergency preparedness, and the delivery of health care services, including telemedicine and telehealth; and (5) to report its findings and recommendations to the governor, the lieutenant governor, and each member of the legislator. **(Effective immediately. Also see "Utilities" section, below.)**

H.B. 1999 (Leach/Creighton) – Construction Liability Claims: among several provisions, this bill: (1) provides that, before bringing an action asserting a claim to which the bill applies, the governmental entity must provide each party with whom the governmental entity has a contract for the design or construction of an affected structure a written report by certified mail,

return receipt requested, that clearly: (a) identifies the specific construction defect on which the claim is based; (b) describes the present physical condition of the affected structure; and (c) describes any modification, maintenance, or repairs to the affected structure made by the governmental entity or others since the affected structure was initially occupied or used; (2) provides that, before bringing an action asserting a claim to which the bill applies, the governmental entity must allow each party with whom the governmental entity has a contract for the design or construction of an affected structure and who is subject to the claim and any known subcontractor or supplier who is subject to the claim: (a) a reasonable opportunity to inspect any construction defect or related condition identified in the report for a period of 30 days after sending the report required by (1), above; and (b) at least 120 days after the inspection to correct any construction defect or related condition identified in the report or enter into a separate agreement with the governmental entity to correct any construction defect or related condition identified in the report; (3) provides that the governmental entity is not required to allow a party to make a correction or repair under (2), above, if: (a) the party is a contractor and cannot provide payment and performance bonds to cover the corrective work, cannot provide liability insurance or workers' compensation insurance, has been previously terminated for cause by the governmental entity, or has been convicted of a felony; or (b) the governmental entity previously complied with the process required by (2), above, regarding a construction defect or related condition identified in the report and the defect or condition was not corrected as required by (2)(a) or (b), above, or the attempt to correct the construction defect or related condition identified in the report resulted in a new construction defect or related condition; (4) provides that, if the report and opportunity to correct are provided during the final year of a limitations or repose period applicable to the claim, the limitations or repose period is tolled until the first anniversary of the date on which the report is provided; (5) provides that: (a) if a governmental entity brings an action asserting a claim without complying with the bill, the court, arbitrator, or other adjudicating authority shall dismiss the action without prejudice; and (b) if an action is dismissed without prejudice and the governmental entity brings a second action asserting a claim without complying with the bill, the court, arbitrator, or other adjudicating authority shall dismiss the action with prejudice; (6) provides that, if a report provided by a governmental entity identifies a construction defect that is corrected or for which the governmental entity recovers damages, the party responsible for that construction defect shall pay the reasonable amounts incurred by the governmental entity to obtain the report with respect to identification of that construction defect; (7) provides that the bill does not prohibit or limit a governmental entity from making emergency repairs to the property as necessary to protect the health, safety, and welfare of the public or a building occupant; (8) provides that, if a party, in connection with a potential claim against the party, receives a written notice of an alleged construction defect or a report identifying a construction defect and provides the notice or report to the party's insurer, the insurer shall treat the provision of the notice or report to the party as the filing of a suit asserting that claim against the party for purposes of the relevant policy terms; and (9) does not apply to: (a) a claim for personal injury, survival, or wrongful death; (b) a claim involving the construction of residential property covered under the Property Code; (c) a contract entered into by the Texas Department of Transportation; (d) a project that receives money from a state or federal highway fund; or (e) a civil works project as defined by the alternative procurement and delivery method chapter in state law. **(Effective September 1, 2019, except that (12), above, applies only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2020. Also see "Purchasing/Procurement" section, above.)**

H.B. 2899 (Leach/Hinojosa) – Transportation Project Construction Defects (preemptive): applies to contracts for transportation projects by a governmental entity, which is defined as a political subdivision of the state acting through a local government corporation, regional mobility authority, or regional tollway authority, and provides that: (1) a contractor who enters into a contract with a governmental entity is not civilly liable or otherwise responsible for the accuracy, adequacy, sufficiency, suitability, or feasibility of any project specifications and is not liable for any damage to the extent caused by: (a) a defect in those project specifications; or (b) the errors, omissions, or negligent acts of a governmental entity, or of a third party retained by a governmental entity under a separate contract, in the rendition or conduct of professional duties arising out of or related to the project specifications; and (2) a governmental entity may not require that engineering or architectural services be performed to a level of professional skill and care beyond the level that would be provided by an ordinarily prudent engineer or architect with the same professional license and under the same or similar circumstances in a contract: (a) for engineering or architectural services; or (b) that contains engineering or architectural services as a component part. **(Effective immediately. Also see "Transportation" section, below.)**

H.B. 3163 (Springer/Zaffirini) – Accessible Parking Spaces: this bill provides that any accessible parking space or area designated by a political subdivision must conform with the standards and specifications described in the legislation, see legislation for details. **(Effective September 1, 2019.)**

H.B. 3871 (Krause/Lucio) – Speed Limits: this bill: (1) adds open-enrollment charter schools to the list of schools that can require a city to hold a public hearing to consider the prima facie speed limits on a highway near a school in the city; (2) requires a city, on request of the governing body of a school or institution of higher education, to conduct an engineering and traffic investigation for a highway or road after the public hearing in (1); and (3) provides that after each public hearing in (1), the governing body of a school or institution of higher education may make only one request for an engineering and traffic investigation. **(Effective September 1, 2019. Also see "Transportation" section, below.)**

Sustainable Development and Construction

H.B. 864 (Anchia/Birdwell) – Gas Pipeline Incidents: among other provisions, this bill provides that the Texas Railroad Commission by rule shall require a distribution gas pipeline facility operator, after a pipeline incident involving the operator's pipelines, to: (a) notify the commission of the incident before the expiration of one hour following the operator's discovery of the incident; (b) provide the following information to the commission before the expiration of one hour following the operator's discovery of the incident: (i) the pipeline operator 's name and telephone number; (ii) the location of the incident; (iii) the time of the incident; and (iv) the telephone number of the operator's on-site person; and (c) provide the following information to the commission when the information is known by the operator: (i) the fatalities and personal injuries caused by the incident; (ii) the cost of gas lost; (iii) estimated property damage to the operator and others; (iv) any other significant facts relevant to the incident, including facts related to ignition, explosion, rerouting of traffic, evacuation of a building, and media interest; and (v) other information required under federal regulations to be provided to the Pipeline and Hazardous Materials Safety Administration or a successor agency after a pipeline incident or similar incident. **(Effective September 1, 2019. Also see "Utilities" section, below.)**

H.B. 866 (Anchia/Birdwell) – Gas Distribution Pipelines: provides that (1) a distribution gas pipeline facility operator may not install as part of the operator's underground system a cast iron, wrought iron, or bare steel pipeline; (2) the railroad commission by rule shall require the operator of a distribution gas pipeline facility system to: (a) develop and implement a risk-based program for the removal or replacement of underground distribution gas pipeline facilities; and (b) annually remove or replace at least eight percent of underground distribution gas pipeline facilities posing the greatest risk in the system and identified for replacement under the program; (3) a distribution gas pipeline facility operator shall replace any known cast iron pipelines installed as part of the operator's underground system not later than December 31, 2021; and (4) the bill's provisions expire on September 1, 2023. **(Effective immediately. Also see "Utilities" section, below.)**

H.B. 852 (Holland/Fallon) – Building Permit Fees (preemptive): provides that: (1) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling; and (2) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program. **(Effective immediately.)**

H.B. 1652 (Huberty/Bettencourt) – Real Estate / Property Tax Sale: provides that, if directed by the commissioners' court of the county, a public resale of property by a taxing unit must be conducted using online bidding and sale**. (Effective immediately.)**

H.B. 1833 (Wray) – Transfer of Real Property: provides that: (1) a business entity may execute an affidavit identifying one or more individuals with the authority to engage in a real estate transaction, including selling, applying for zoning or rezoning or other governmental permits, or platting an estate or interest in real property, on behalf of the entity; (2) such affidavit must be executed under penalty of perjury by an individual who swears that the individual: (a) is at least 18 years old; (b) is

authorized to execute and deliver the affidavit on behalf of the entity; (c) is fully competent to execute and deliver the affidavit on behalf of the entity; and (d) understands that third parties will rely on the truthfulness of the statements made in the affidavit; (3) the affidavit must recorded in the county clerk's office in the county in which the real property is located; and (4) a person who in good faith acts in reliance on such affidavit that has not been terminated or expired is not liable to any person for that act and may assume, without inquiry, the existence of the facts contained in the affidavit provided that the person does not have actual knowledge that any material representations contained in the affidavit are incorrect. **(Effective September 1, 2019.)**

H.B. 2439 (Phelan/Buckingham) – Building Materials (preemptive): among other provisions, this bill provides that: (1) a governmental entity, including a city, may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that: (a) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or (b) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; (2) a governmental entity that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with the prohibition in (1), above; (3) the prohibition in (1), above, does not apply to: (a) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program; (b) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage; (c) an ordinance or other regulation that: (i) regulates outdoor lighting for the purpose of reducing light pollution; and (ii) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; (d) an ordinance or order that: (i) regulates outdoor lighting; and (ii) is adopted under the authority of state law; or (e) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a city may regulate through zoning, if the city: (i) is a certified local government under the National Historic Preservation Act; or (ii) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission; (f) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019; (g) a building located in an area designated as a historic district on the National Register of Historic Places; (h) a building designated as a Recorded Texas Historic Landmark; (i) a building designated as a State Archeological Landmark or State Antiquities Landmark; (j) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity; (k) a building located in a World Heritage Buffer Zone; (l) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program; or (m) the installation of a fire sprinkler protection system; (4) a rule, charter provision, ordinance, order, building code, or other regulation adopted by a governmental entity that conflicts with the bill is void; (5) the Attorney General or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of the bill; and (6) the Attorney General may recover reasonable attorney's fees and costs incurred in bringing an action under the bill, and sovereign and governmental immunity to suit is waived and abolished to the extent necessary to enforce the bill. **(Effective September 1, 2019.)**

H.B. 2496 (Cyrier/Buckingham) – Local Historic Landmarks (preemptive): this bill: (1) prohibits a city that has established a process for designating places or areas of historical, culture, or architectural significance through zoning regulations from designating a property as a local historic landmark unless: (a) the owner of the property consents to the designation; or (b) the designation is approved by three-fourths vote of the city council and the zoning, planning, or historical commission, if any; (2) allows a city to designate a property owned by a qualified religious organization as a local historic landmark only if the organization consents to the designation; (3) requires a city to provide a property owner a statement describing certain impacts that a local historic landmark designation may have on the owner and the owner's property no later than the 15th day before

the date of the initial hearing on the designation; and (4) requires a city to allow the owner of a property to withdraw consent at any time during the local historic landmark designation process. **(Effective immediately.)**

H.B. 3167 (Oliverson/Hughes) – Land Development Applications/Replats (preemptive): makes numerous changes to the subdivision platting process, particularly regarding the approval of a subdivision plat or site plan and the approval of replats, including: (1) the municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed (as opposed to current law, which requires the city to "act on" any such plats within the time limits), and a plan or plat is approved by the municipal authority unless it is disapproved within that period; and (2) if an ordinance requires that a plan or plat be approved by the governing body of the city in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is approved by the inaction of the commission, and a plan or plat is approved by the governing body unless it is disapproved within that period. **(Effective September 1, 2019.)**

H.B. 3314 (Romero/Zaffirini) – Replats: provides that a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat: (1) is signed and acknowledged by only the owners of the property being replatted; (2) is approved by the municipal authority responsible for approving plats; and (3) does not attempt to amend or remove any covenants or restrictions. In addition, for a replat that, during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot or any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot: (1) if the proposed replat requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the city; (2) if a proposed replat does not require a variance or exception, the city shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll; (3) sections (1) and (2) do not apply to a proposed replat if the municipal planning commission or the governing body of the city holds a public hearing and gives notice of the hearing in the manner provided by section (2); (4) the notice of a replat approval required by section (2) must include: (a) the zoning designation of the property after the replat; and (b) a telephone number and e-mail address an owner of a lot may use to contact the city about the replat. **(Effective September 1, 2019.)**

H.B. 3371 (Darby/Taylor) – Battery-Charged Fences (preemptive): provides that a city or county may not: (1) adopt or enforce an ordinance, order, or regulation that requires a permit for the installation or use of certain battery-charged fences; (2) impose installation or operational requirements for battery-charged fences that are inconsistent with the standards in the bill or those set by the International Electrotechnical Commission; or (3) prohibit the installation or use of battery-charged fences. **(Effective September 1, 2019. Also see "Public Safety - Other" section, above.)**

S.B. 22 (Campbell/Noble) – Abortion Providers (preemptive): provides that: (1) a governmental entity may not enter into a "taxpayer resource transaction" (which is defined in a way to exclude provision of basic services such as police, fire, or utilities) with an abortion provider or an affiliate of an abortion provider; (2) the Attorney General may bring an action in the name of the state to enjoin a violation of (1); (3) the Attorney General may recover reasonable attorney's fees and costs in bringing an action in (2); (4) sovereign or governmental immunity, as applicable, of a governmental entity to suit and from liability is waived to the extent the liability is created by (1); and (5) the bill may not be construed to restrict a city or county from prohibiting abortion. **(Effective September 1, 2019. Also see "City Attorney's Office" section, below.)**

S.B. 357 (Nichols/Canales) – Billboard Height: this bill, among other things, modifies Texas Department of Transportation outdoor advertising provisions to provide that: (1) a sign may not be higher than 60 feet, excluding a cutout that extends above the rectangular border of the sign, measured: (a) from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or (b) if the main-traveled way is below grade, from the base of the sign structure; (2) item (1) does not apply to a sign regulated by a city certified for local control under an agreement with the department as provided by department rule; (3) a sign existing on March

1, 2017, that was erected before that date may not be higher than 85 feet, excluding a cutout that extends above the rectangular border of the sign, measured as in (1)(a) or (b); (3) a person who holds a permit for a sign existing on March 1, 2017, that was erected before that date may rebuild 112 the sign, provided that the sign is rebuilt at the same location where the sign existed on that date at a height that does not exceed the lesser of: (a) the height of the sign on March 1, 2017; or (b) 85 feet; (4) except as provided by (5), below, before rebuilding a sign under (3), above, the person who holds the permit for the sign must obtain a new or amended permit if required by stated law or rules; and (5) item (4), above, does not apply to the rebuilding of a sign if the person who holds the permit for the sign rebuilds because of damage to the sign caused by wind or a natural disaster, a motor vehicle accident, or an act of God. **(Effective September 1, 2019.)**

Transportation

H.B. 61 (White/Nichols) – Lighting on Certain Vehicles: provides that: (1) the definition of "a highway maintenance or construction vehicle" includes equipment for guardrail repair, sign maintenance, temporary-traffic-control device placement or removal, and road construction; (2) the Texas Department of Transportation shall adopt standards and specifications that apply to lamps on highway maintenance and construction vehicles and may adopt standards and specifications that permit the use of flashing lights for identification purposes on highway construction vehicles; (3) a person may not operate a highway maintenance or construction vehicle that is not equipped with lamps or that does not display lighted lamps as required by the standards and specifications adopted by TxDOT; (4) an escort flag vehicle, which is a vehicle that precedes or follows an oversize or overweight vehicle for the purpose of facilitating the safe movement of the oversize or overweight vehicle, may be equipped with alternating or flashing blue and amber lights; (5) an operator of a motor vehicle commits a misdemeanor if, unless otherwise directed by a police officer, fails to slow to the required speed and fails to vacate the lane closest to the following vehicles in certain circumstances for, among others vehicles: (a) a service vehicle used by or for a utility and using visual signals that comply with lighting standards and specifications set by TxDOT; (b) a stationary vehicle used exclusively to transport municipal solid waste or recyclable material while being operated in connection with the removal or transportation of municipal solid waste or recyclable material from a location adjacent to the highway; or (c) a highway maintenance or construction vehicle operated pursuant to a contract; and (6) a vehicle in (5)(a), (5)(b), (5)(c), a stationary authorized emergency vehicle, a stationary tow truck, and a TxDOT vehicle may be equipped with flashing blue lights. **(Effective September 1, 2019. Also see "Sanitation" section, above.)**

H.B. 1631 (Stickland/Hall) – Red Light Cameras (preemptive): this bill: (1) prohibits a local authority, including a city, from implementing or operating a photographic traffic signal enforcement system with respect to a highway or street under the jurisdiction of the authority; (2) gives the Attorney General authorization to enforce (1); (3) prohibits a local authority from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system; (4) repeals the laws authorizing the use of photographic signal enforcement systems; and (5) provides that a local authority that had enacted an ordinance to implement a photographic traffic signal enforcement system and entered into a contract for the administration of that system before May 7, 2019, may continue to operate the system under the terms of the contract until the expiration of the contract, unless the contract contains a provision that authorizes termination on the basis of adverse state legislation. **(Effective immediately.)**

H.B. 1548 (Springer/Kolkhorst) – Golf Carts, Neighborhood Electric Vehicles, and Off-Highway Vehicles: among other provisions, this bill: (1) provides that off-highway vehicles (OHVs) owned by the state, county, or city for operation on a public beach or highway to maintain public safety and welfare are subject to certain equipment and safety requirements, including that a person operating the vehicle must wear a seat belt, if the vehicle is equipped with a belt; (2) requires a golf cart, neighborhood electric vehicle (NEV), or OHV operated at a speed of not more than 25 miles per hour to display a slow-moving-vehicle emblem when operated on a highway; and (3) outlines specific requirements with regards to golf carts and OHVs. See full legislation for details. **(Effective immediately.)**

H.B. 2188 (Frullo/Alvarado) – Bicycles (preemptive): this bill regulates the operation of electric and nonelectric bicycles, and: (1) prohibits a city from prohibiting the operation of an electric bicycle on a highway, or in an area in which the operation of a non-electric bicycle is otherwise permitted, unless the area is not open to motor vehicles and has a natural surface tread

made by clearing and grading native soil without adding surfacing materials; (2) allows a city to prohibit the operation of a bicycle on a sidewalk and establish speed limits for bicycles on paths set aside for the exclusive operation of bicycles and other paths on which bicycles may be operated; (3) provides that certain laws applicable to off-highway vehicles and bicycles do not apply to electric bicycles; (4) prohibits a person from operating an electric bicycle, unless the electric motor disengages or ceases to function either when the operator stops pedaling or when the brakes are applied; (5) defines "electric bicycle" to mean a bicycle equipped with fully operable pedals and an electric motor of fewer than 750 watts that can reach a top assisted speed of 28 miles per hour; (6) categorizes electric bicycles into Class 1, Class 2, and Class 3 bicycles, depending on the top assisted speed the bicycle can reach; (7) prohibits a person under 15 years of age from operating (but not riding as a passenger on) a Class 3 electric bicycle; and (8) requires a manufacturer or seller of electric bicycles made or sold on or after January 1, 2020, to: (a) apply a permanent label on the bike indicating the class of electric bicycle and the motor wattage; (b) ensure that the bicycle complies with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission; and (c) ensure the bike is equipped with a speedometer. **(Effective September 1, 2019.)**

H.B. 2290 (Buckley/Flores) – Slow-Moving-Vehicle Emblem: requires a slow-moving-vehicle emblem to be mounted on the rear of the vehicle at a height that does not impair the visibility of the emblem (current law requires the emblem be placed three to five feet above the road surface). **(Effective September 1, 2019.)**

H.B. 2620 (Martinez/Rodriguez) – Oversize and Overweight Vehicles (preemptive): makes various changes relating to oversize and overweight vehicles. Of particular interest to cities, the bill provides that: (1) at least once each fiscal year, the comptroller shall send amounts due from fees collected for an oversize/overweight vehicle permit issued by the Texas Department of Transportation to a city to the office performing the function of treasurer for use only to fund commercial motor vehicle enforcement programs or road and bridge maintenance or infrastructure project; and (2) a city may not require the use of an escort flag vehicle or any other kind of escort for the movement of a manufactured house under a state permit that is in addition to the escort flag vehicle requirements of state law. **(Effective September 1, 2019.)**

H.B. 2837 (Canales/Hinojosa) – Vehicle Operation and Equipment: this bill: (1) provides that the Texas Commercial Driver's License Act does not apply to: (a) a vehicle operated intrastate and driven not for compensation and not in furtherance of a commercial enterprise; or (b) a covered farm vehicle; (2) excepts a slow-moving vehicle from the general limitation on operating on an improved shoulder of a roadway; (3) requires drivers to yield the right of way or pull over when approached by a police vehicle using only its lights; (4) allows the operator of an emergency vehicle to park or stand the vehicle even when not responding to an emergency, pursuing a violator, directing traffic, or conducting an escort; (5) changes the required brake equipment on a trailer, semitrailer, or pole trailer equipped with air or vacuum brakes or that has a gross weight heavier than 4,500 pounds; (6) requires a slow-moving-vehicle emblem to be mounted on the rear of a vehicle requiring the emblem at a height that does not impair the visibility of the emblem; and (7) repeals one of the criminal penalties for having a license plate flipper. **(Effective September 1, 2019.)**

H.B. 2899 (Leach/Hinojosa) – Transportation Project Construction Defects (preemptive): applies to contracts for transportation projects by a governmental entity, which is defined as a political subdivision of the state acting through a local government corporation, regional mobility authority, or regional tollway authority, and provides that: (1) a contractor who enters into a contract with a governmental entity is not civilly liable or otherwise responsible for the accuracy, adequacy, sufficiency, suitability, or feasibility of any project specifications and is not liable for any damage to the extent caused by: (a) a defect in those project specifications; or (b) the errors, omissions, or negligent acts of a governmental entity, or of a third party retained by a governmental entity under a separate contract, in the rendition or conduct of professional duties arising out of or related to the project specifications; and (2) a governmental entity may not require that engineering or architectural services be performed to a level of professional skill and care beyond the level that would be provided by an ordinarily prudent engineer or architect with the same professional license and under the same or similar circumstances in a contract: (a) for engineering or architectural services; or (b) that contains engineering or architectural services as a component part. **(Effective immediately. Also see "Public Works" section, above.)**

H.B. 3171 (Krause/Watson) – Mopeds and Motorcycles: changes the classification and operational requirements for mopeds and certain motorcycles by: (1) repealing the moped license and amending the Class M license so that it no longer authorizes the license holder to operate a moped; (2) amending the definition of "moped" to mean a motor vehicle equipped with a rider's saddle and no more than three wheels, that cannot attain a speed of more than 30 miles per hour in one mile, with an engine that cannot produce more than five-brake horsepower, and a piston displacement of 50 cubic centimeters or less that connects to a power drive system that does not require the operator to shift gears; (3) removing the statutory definition of a "motor-driven cycle" and specifying that the definition of a "motorcycle" does not include a moped; and (4) making various conforming changes related to the classification of a motorcycle or moped. **(Effective September 1, 2019.)**

H.B. 3871 (Krause/Lucio) – Speed Limits: this bill: (1) adds open-enrollment charter schools to the list of schools that can require a city to hold a public hearing to consider the prima facie speed limits on a highway near a school in the city; (2) requires a city, on request of the governing body of a school or institution of higher education, to conduct an engineering and traffic investigation for a highway or road after the public hearing in (1); and (3) provides that after each public hearing in (1), the governing body of a school or institution of higher education may make only one request for an engineering and traffic investigation. **(Effective September 1, 2019. Also see "Public Works" section, above.)**

S.B. 282 (Buckingham/Buckley) – Transportation Funding: provides that: (1) the Texas Department of Transportation shall establish a system to track liquidated damages, including road user costs, retained by the department associated with delayed transportation project contracts; (2) the system must allow the department to correlate the liquidated damages with: (a) the project that was the subject of the damages; and (b) each department district in which the project that was the subject of the damages is located; (3) each year, the department shall: (a) for each department district, determine the amount of money described by (1), above, retained in the previous year that is attributable to projects located in the district; and (b) in addition to other amounts, allocate to each department district an amount of money equal to the amount determined for the district under (a) to be used for transportation projects located in that district; and (4) if a transportation project that was the subject of liquidated damages is located in more than one department district, the department may reasonably allocate the amount of the liquidated damages from that project among the districts in which the project is located. **(Effective September 1, 2019.)**

S.B. 969 (Hancock/Landgraf) – Mobile Delivery Devices (preemptive): among other provisions, this bill: (1) preempts city authority over personal delivery or mobile carrying devices by providing that a local authority may regulate the operation of a personal delivery or mobile carrying device on a highway or in a pedestrian area in a manner not inconsistent with the bill; (2) provides that, for the purposes of crossing a sidewalk or hike and bike trail, a mobile carrying or personal delivery device is not considered a vehicle; (3) provides that a person may operate a personal delivery device only if: (a) the person is a business entity; and (b) a human who is an agent of the business entity actively monitors or exercises physical control over the navigation and operation of the device; (4) provides that a business entity is considered to be the operator of the device solely for the purposes of assessing compliance with applicable traffic laws unless the agent of the entity is operating the device outside the scope of the agent's office or employment; (5) provides that a person is not considered the operator of a personal delivery device solely because the person requests delivery or service provided by the device or dispatches the device; (6) provides that a person operating a mobile carrying device is considered to be the operator of the device for the purpose of assessing compliance with applicable traffic laws; (7) provides that a personal delivery device or mobile carrying device operated under the bill must: (a) operate in a manner that complies with the provisions of the law applicable to pedestrians, unless the provision cannot by its nature apply to the device; (b) yield the right-of-way to all other traffic, including pedestrians; (c) not unreasonably interfere with or obstruct other traffic, including pedestrians; (d) if operated at nighttime, display lights required by law; (e) comply with any applicable regulations adopted by a local authority; (f) not transport hazardous materials; and (g) be actively monitored or controlled as provided for by the bill; (8) provides that a personal delivery or mobile carrying device operated under the bill may be operated only: (a) in a pedestrian area at a speed of not more than 10 miles per hour; or (b) on the side of a roadway or the shoulder of a highway at a speed of not more than 20 miles per hour; (9) provides that a local authority may establish a maximum speed of less than 10 miles per hour in a pedestrian area in the jurisdiction of the local authority if the local authority determines that a maximum speed of 10 miles per hour is unreasonable or unsafe for that area and that a maximum speed established under this subsection may not be less than seven miles per hour; (10) provides

that a personal delivery device must: (a) be equipped with a marker that clearly states the name and contact information of the owner and a unique identification number; and (b) be equipped with a braking system that enables the device to come to a controlled stop; (11) provides that a mobile carrying device must be equipped with a braking system that enables the device to come to a controlled stop; and (12) provides that local law enforcement may enforce the laws of the state relating to the operation of a personal delivery or mobile carrying device. **(Effective immediately.)**

Utilities

H.B. 864 (Anchia/Birdwell) – Gas Pipeline Incidents: among other provisions, this bill provides that the Texas Railroad Commission by rule shall require a distribution gas pipeline facility operator, after a pipeline incident involving the operator's pipelines, to: (a) notify the commission of the incident before the expiration of one hour following the operator's discovery of the incident; (b) provide the following information to the commission before the expiration of one hour following the operator's discovery of the incident: (i) the pipeline operator 's name and telephone number; (ii) the location of the incident; (iii) the time of the incident; and (iv) the telephone number of the operator's on-site person; and (c) provide the following information to the commission when the information is known by the operator: (i) the fatalities and personal injuries caused by the incident; (ii) the cost of gas lost; (iii) estimated property damage to the operator and others; (iv) any other significant facts relevant to the incident, including facts related to ignition, explosion, rerouting of traffic, evacuation of a building, and media interest; and (v) other information required under federal regulations to be provided to the Pipeline and Hazardous Materials Safety Administration or a successor agency after a pipeline incident or similar incident. **(Effective September 1, 2019. Also see "Sustainable Development and Construction" section, above. Per City staff analysis, this will not directly impact City operations.)**

H.B. 866 (Anchia/Birdwell) – Gas Distribution Pipelines: provides that (1) a distribution gas pipeline facility operator may not install as part of the operator's underground system a cast iron, wrought iron, or bare steel pipeline; (2) the railroad commission by rule shall require the operator of a distribution gas pipeline facility system to: (a) develop and implement a risk-based program for the removal or replacement of underground distribution gas pipeline facilities; and (b) annually remove or replace at least eight percent of underground distribution gas pipeline facilities posing the greatest risk in the system and identified for replacement under the program; (3) a distribution gas pipeline facility operator shall replace any known cast iron pipelines installed as part of the operator's underground system not later than December 31, 2021; and (4) the bill's provisions expire on September 1, 2023. **(Effective immediately. Also see "Sustainable Development and Construction" section, above. Per City staff analysis, this will not directly impact City operations.)**

H.B. 1767 (Murphy/Birdwell) – Gas Rate Cases: provides that: (1) "employee compensation and benefits" includes base salaries, wages, incentive compensation, and benefits, but does not include pension or other postemployment benefits and incentive compensation related to attaining financial metrics for an executive officer whose compensation is required to be disclosed under federal law; and (2) when establishing a gas utility's rates, the regulatory authority shall presume that employee compensation and benefits expenses are reasonable and necessary if the expenses are consistent with market compensation studies issued not earlier than three years before the initiation of the proceeding to establish the rates. **(Effective September 1, 2019.)**

H.B. 1960 (Price/Perry) – Broadband Development Council: provides for the creation of the Governor's Broadband Development Council to: (1) research the progress of broadband development in unserved areas; (2) identify barriers to residential and commercial broadband deployment in unserved areas; (3) study technology-neutral solutions to overcome barriers identified; (4) analyze how statewide access to broadband would benefit economic development, the delivery of educational opportunities in higher and public education, state and local law enforcement, state emergency preparedness, and the delivery of health care services, including telemedicine and telehealth; and (5) to report its findings and recommendations to the governor, the lieutenant governor, and each member of the legislator. **(Effective immediately. Also see "Public Works" section, above.)**

H.B. 3557 (Paddie/Birdwell) – Critical Infrastructure Facilities: creates various new criminal offenses related to interfering with a critical infrastructure facility, such as a city's water or electric system, and creates a civil cause of action against a person who damages such a facility. **(Effective September 1, 2019.)**

H.B. 4150 (Paddie/Hughes) – Electric Line Clearances: enacts the William Thomas Heath Power Line Safety Act, applies to an electric utility, municipally owned utility, or electric cooperative, and provides that those entities: (1) shall meet the minimum clearance requirements specified in Rule 232 of the National Electrical Safety Code Standard ANSI (c)(2) in the construction of any transmission or distribution line over 178 listed lakes; (2) that own or operate overhead transmission or distribution assets shall submit to the Public Utility Commission a report that includes: (a) a summary description of hazard recognition training documents provided by the utility or electric cooperative to its employees related to overhead transmission and distribution facilities; and (b) a summary description of training programs provided to employees by the utility or electric cooperative related to the National Electrical Safety Code for the construction of electric transmission and distribution lines; (3) shall submit an updated report not later than the 30th day after the date the utility or electric cooperative finalizes a material change to a document or program included in a report submitted under (2), above; (4) not later than May 1 every five years, that own or operate overhead transmission facilities greater than 60 kilovolts shall submit to the commission a report for the preceding five-year period ending on December 31 of the preceding calendar year that includes: (a) the percentage of overhead transmission facilities greater than 60 kilovolts inspected for compliance with the National Electrical Safety Code relating to vertical clearance in the reporting period; and (b) the percentage of the overhead transmission facilities greater than 60 kilovolts anticipated to be inspected for compliance with the National Electrical Safety Code relating to vertical clearance during the five-year period beginning on January 1 of the year in which the report is submitted; (5) not later than May 1 of each year, that own or operate overhead transmission facilities greater than 60 kilovolts shall submit to the commission a report on the overhead transmission facilities for the preceding calendar year that includes information regarding: (a) the number of identified occurrences of noncompliance regarding the vertical clearance requirements of the National Electrical Safety Code for overhead transmission facilities; (b) whether the utility or electric cooperative has actual knowledge that any portion of the transmission system is not in compliance with the vertical clearance requirements of the National Electrical Safety Code; and (c) whether the utility or electric cooperative has actual knowledge of any violations of easement agreements with the United States Army Corps of Engineers relating to the vertical clearance requirements of the National Electrical Safety Code for overhead transmission facilities; (6) not later than May 1 of each year, that own or operate overhead transmission facilities greater than 60 kilovolts or distribution facilities greater than 1 kilovolt shall submit to the commission a report for the preceding calendar year that includes: (a) the number of fatalities or injuries of individuals other than employees, contractors, or other persons qualified to work in proximity to overhead high voltage lines involving transmission or distribution assets related to noncompliance with the bill; and (b) a description of corrective actions taken or planned to prevent the reoccurrence of fatalities or injuries; and (7) are not required to include in the reports under (5) and (6), above, violations resulting from, and incidents, fatalities, or injuries attributable to a violation resulting from, a natural disaster, weather event, or man-made act or force outside of a utility's or electric cooperative's control. In addition, the bill requires that: (1) not later than September 1, 2019, each year the commission shall make the reports publicly available on the commission's website; (2) a report, and any required information contained in a report, made on an incident or violation under the bill, is not admissible in a civil or criminal proceeding against the electric utility, municipally owned utility, or electric cooperative, or the utility's or electric cooperative's employees, directors, or officers, but the commission may otherwise take enforcement actions under the commission's authority. **(Effective September 1, but delays the reporting requirement until May 1, 2020, and the lake transmission line upgrades until December 31, 2021.)**

S.B. 64 (Nelson/Phelan) – Cybersecurity: provides that: (1) a cybersecurity event is added to the definition of disaster under the Texas Disaster Act; (2) the Department of Information Resources (DIR) shall submit to the governor, the lieutenant governor, and speaker of the house of representatives a report identifying preventative and recovery efforts the state can undertake to improve cybersecurity in this state, including an evaluation of a program that provides an information security officer to assist small state agencies and local governments that are unable to justify hiring a full-time information security officer; (3) DIR shall establish an information sharing and analysis organization to provide a forum for state agencies, local governments, public and private institutions of higher education, and the private sector to share information regarding cybersecurity threats, best practices, and remediation strategies; (4) the state cybersecurity coordinator shall establish a

cyberstar certificate program to recognize public and private entities that implement the best practices for cybersecurity developed (5) each state agency and local government shall, in the administration of the agency or local government, consider using next generation technologies, including cryptocurrency, blockchain technology, and artificial intelligence; and (6) the Public Utility Commission shall establish a program to monitor cybersecurity efforts among utilities, including a municipally owned electric utility, and the program shall: (a) provide guidance on best practices in cybersecurity and facilitate the sharing of cybersecurity information between utilities; and (b) provide guidance on best practices for cybersecurity controls for supply chain risk management of cybersecurity systems used by utilities. **(Effective September 1, 2019. Also see "Emergency Management and Disaster Recovery" and "Communications and Information Services" sections, above.)**

S.B. 241 (Nelson/Longoria) – Nonattainment Areas: requires each political subdivision in a nonattainment area or in an affected county (except school districts and certain water districts) to establish a goal to reduce electric consumption by the entity by at least five percent each state fiscal year for seven years, beginning September 1, 2019. **(Effective September 1, 2019. Also see "Environment" section, above.)**

S.B. 475 (Hancock/Hernandez) – Electric Grid Security Council: provides for: (1) the creation of the Texas Electric Grid Security Council as an advisory body to facilitate the creation, aggregation, coordination, and dissemination of best security practices for the electric industry, including the generation, transmission, and delivery of electricity; and (2) on request from the governor, lieutenant governor, the chair of house of representatives or senate committee having jurisdiction over energy regulation, the council shall issue recommendations regarding: (a) the development of educational programs or marketing materials to promote the development of a grid security workforce; (b) the development of grid security best practices; (c) the preparation for events that threaten grid security; and (d) amendments to the state emergency management plan to ensure coordinated and adaptable response and recovery efforts after events that threaten grid security. **(Effective immediately.)**

S.B. 936 (Hancock) – Electric Cybersecurity Monitor: provides that: (1) a monitored utility is defined as: (a) a municipally owned utility or electric cooperative that owns or operates equipment or facilities in the ERCOT power region to transmit electricity at 60 or more kilovolts; or (b) an electric utility, municipally owned utility, or electric cooperative that operates solely outside the ERCOT power region that has elected to participate in the cybersecurity monitor program; (2) the Public Utility Commission and ERCOT shall contract with an entity selected by the commission to act as the commission's cybersecurity monitor to: (a) manage a comprehensive cybersecurity outreach program for monitored utilities; (b) meet regularly with monitored utilities to discuss emerging threats, best business practices, and training opportunities; (c) review self-assessments voluntarily disclosed by monitored utilities of cybersecurity efforts; (d) research and develop best business practices regarding cybersecurity; (e) report to the commission on monitored utility cybersecurity preparedness; and (2) for an electric utility, municipally owned utility, or electric cooperative that operates solely outside the ERCOT power region, the commission shall adopt rules establishing: (a) procedures to notify the commission, the independent organization and the cybersecurity monitor that the utility or cooperative elects to participate or to discontinue participation; and (b) a mechanism to require an electric utility, municipally owned utility, or electric cooperative that elects to participate to contribute to the costs incurred by the independent organization. **(Effective September 1, 2019.)**

S.B. 1012 (Holland/Zaffirini) – Electric Generation: provides that a municipally owned utility or an electric cooperative that owns or operates electric energy storage equipment or facilities is not required to register as a power generation company. **(Effective September 1, 2019.)**

S.B. 1152 (Hancock/Phelan) – Telecommunications/Cable Right-of-Way Rental Fees (preemptive): this bill would authorize a cable or phone company to stop paying the lesser of its state cable franchise or telephone access line fees, whichever are less for the company statewide. More specifically, the bill provides that: (1) a certificated telecommunications provider is not required to pay any compensation for a given calendar year if the provider determines that the sum of the compensation due from the provider and any member of the provider's affiliated group to all cities in this state is less than the sum of the fees due from the provider and any member of the provider's affiliated group to all cities in this state under the state cable franchise law; (2) the determination under (1) for a given year must be based on amounts actually paid, or amounts that would have been paid notwithstanding the bill, during the 12-month period ending June 30 of the immediately preceding

calendar year by the provider and any member of the provider's affiliated group; (3) item (1), above, does not exempt a CTP from paying compensation to a city if the provider is not required to pay a state cable franchise fee to that city; (4) a CTP shall file, not later than October 1 of each year, an annual written notification with each city in which the provider provides telecommunications services of the provider's requirement to pay compensation under (1) or exemption from the requirement to pay compensation under (3) for the following calendar year; (5) a holder of a state-issued certificate of franchise authority is not subject to the five percent fee for a given calendar year if the holder determines that the sum of fees due from the holder and any member of the holder's affiliated group to all cities in this state is less than the sum of the compensation due from the holder and any member of the holder's affiliated group to all cities in this state under the telephone access line fee law; (6) the determination under (5) for a given year must be based on amounts actually paid, or amounts that would have been paid notwithstanding the bill, during the 12-month period ending June 30 of the immediately preceding calendar year by the holder and any member of the holder's affiliated group; (7) item (5), above, does not exempt a holder from paying compensation to a city if the holder is not required to pay a telephone access line fee to that city; and (8) a holder shall file, not later than October 1 of each year, an annual written notification with each city in which the holder provides cable or video services of the holder's requirement to pay the fee or exemption from the requirement to pay the fee under (5), above, for the following calendar year. **(Effective September 1, 2019 and applies to a payment made after January 1, 2020. Also see "Budget and Finance" section, above.)**

S.B. 1938 (Hancock/Phelan) – Electric Transmission Lines: enacts various technical provisions relating to electric transmission lines, including requirements that: (1) a certificate to build, own, or operate a new transmission facility that directly interconnects with an existing electric utility facility or municipally owned utility facility may be granted only to the owner of that existing facility; and (2) if a new transmission facility will directly interconnect with facilities owned by different electric utilities or municipally owned utilities, each entity shall be certificated to build, own, or operate the new facility in separate and discrete equal parts unless they agree otherwise. **(Effective immediately.)**

Water and Flood Control

H.B. 26 (Metcalf/Nichols) – Dams: provides that: (1) emergency operation centers notified under the bill shall provide notice to the public when a release may contribute to flooding that may result in damage to life and property through all available means and shall include, at a minimum, the following information, if available: (a) the names of the dam and reservoir; (b) the communities downstream that may be impacted and estimated time of impact; (c) the names of affected river basins and tributaries; (d) the expected duration of the release; (e) the level of potential flooding according to the National Weather Service River Forecast Center; and (f) the roads or bridges that are expected to be affected; and (2) a notice provided under (1) may not be considered an admission of liability and may not be used as evidence in any suit related to the releases that are the subject of the notice. **(Effective September 1, 2019.)**

H.B. 137 (Hinojosa/Perry) – Hazardous Dam Reporting: requires the Texas Commission on Environmental Quality to provide: (1) a report of a dam that has a hazard classification of high or significant to the emergency management director for a city or county in which the dam is located within 30 days after the date of the designation; and (2) a biannual report including condition status and other information on each dam with a hazard classification of high or significant to the emergency management director of each city and county and the executive director or equivalent position of each council of government or local or regional development council in which a dam included in the report is located. **(Effective September 1, 2019. Also see "Emergency Management and Disaster Recovery" section, above.)**

H.B. 720 (Larson/Perry) – Aquifer Storage/Recharge: provides that: (1) to the extent state water has not been set aside by the Texas Commission on Environmental Quality, state water may be appropriated, stored, or diverted for recharge into an aquifer underlying the state, other than portions of the Edwards aquifer, and that recharge water loses its classification as state water, storm water, or floodwater and is considered percolating groundwater; (2) unappropriated water, including storm water and flood water, may be appropriated for recharge into an aquifer underlying the state if approved by TCEQ after a motion and hearing on an application for a water right or amendment to a water right; (3) a holder of a water right that authorizes the storage of water for a beneficial use in a reservoir that has not been constructed may file an application to

amend the water right to change the right to allow for storage in an aquifer storage and recovery project and may request an increase in the right that takes into account the amount of water that would have evaporated if the storage reservoir had been built; (4) a holder of a water right authorizing an appropriation of water for storage and that has lost storage because of sedimentation may apply for an amendment to the water right to change the use or purpose for which the appropriate is to be made to storage as part of an aquifer storage and recovery project; (5) TCEQ may authorize the use of a class V injection well as a recharge injection well: (a) by rule; (b) under an individual permit; or (c) under a general permit after public notice and comment; (6) an aquifer recharge project operator shall install a meter on each recharge injection well associated with the aquifer recharge project and provide an annual report to TCEQ showing the volume of water injected for recharge; and (7) an aquifer recharge project operator shall: (a) perform water quality testing annually on water to be injected into a geologic formation as part of the aquifer recharge project; and (b) provide the results of the testing to TCEQ. **(Effective immediately.)**

H.B. 721 (Larson/Perry) – Aquifer Storage and Recovery: requires: (1) the Texas Water Development Board to work with river authorities, major water providers and water utilities, regional water planning groups, and potential sponsors of aquifer storage and recovery projects identified in the state water plan to: (a) conduct studies of aquifer storage and recovery projects and aquifer recharge projects identified in the state water plan or by interested persons; and (b) report the results of each study conducted to regional water planning groups and interested persons; (2) the TWDB to conduct a statewide survey to identify the relative suitability of various major and minor aquifers for use in aquifer storage and recovery projects or aquifer recharge projects based on various considerations; and (3) the TWDB to prepare a report of its findings in (2) to be given to the governor, lieutenant governor, and speaker of the house of representatives. **(Effective immediately.)**

H.B. 807 (Larson/Buckingham) – State and Regional Water Planning: this bill: (1) requires the Texas Water Development Board to appoint an interregional planning council consisting of one member from each regional water planning group to improve coordination among the regional water planning groups, facilitate dialogue regarding water management strategies that could affect multiple regional water planning areas, and share best practices; (2) provides that the council shall hold at least one public meeting and prepare a report to the TWDB on the council's work; and (3) provides that a regional water planning group shall submit to the TWDB a regional water plan that: (a) provides a specific assessment of the potential for aquifer storage and recovery projects to meet those needs if the regional water planning area has significant identified water needs; (b) sets one or more specific goals for gallons of water use per capita per day in each decade of the period covered by the plan for the municipal water user groups in the regional water planning area; (c) assesses the progress of the regional water planning area in encouraging cooperation between water user groups for the purpose of achieving economies of scale and otherwise incentivizing strategies that benefit the entire region; and (d) identifies unnecessary or counterproductive variations in specific drought response strategies, including outdoor watering restrictions, among user groups in the regional water planning area that may confuse the public or otherwise impede drought response efforts. **(Effective immediately.)**

H.B. 1052 (Larson/Perry) – Financial Assistance: this bill: (1) allows the Texas Water Development Board to use the state participation account of the water development fund to provide financial assistance for desalination or aquifer storage and recovery facilities for interregional development of projects; (2) provides that selection criteria for inter-regional water supply projects must prioritize projects that: (a) maximize the use of private financial resources; (b) combine the financial resources of multiple water planning regions; and (c) have a substantial economic benefit to the regions served by affecting a large population, creating jobs in the regions served, and meeting a high percentage of the water supply needs of the water users served by the project; (3) provides that not less than 50 percent of money used from the state participation account in any fiscal year must be used for inter-regional water projects selected under (2); (4) creates a state participation account II that the TWDB may use to provide financial assistance for the development of a desalination or aquifer storage and recovery facility; and (5) provides that the TWDB may act singly or in a joint venture in partnership with any person, including a public or private entity, an agency or political subdivision of this state, another state or a foreign nation, to the extent permitted by law in administering the state participation account II. **(Effective September 1, 2019.)**

H.B. 1964 (Ashby/Creighton) – Water Right Amendments: provides that, among other things and in addition to an application that meets the requirements already in the law and for which the Texas Commission on Environmental Quality has determined that notice or an opportunity for a contested case hearing is not required under another statute or a TCEQ

rule, an application for an amendment to a water right is exempt from any requirements of a statute or TCEQ rule regarding notice and hearing or technical review by the executive director or the TCEQ and may not be referred to the State Office of Administrative Hearings for a contested case hearing if the executive director determines after an administrative review that the application is for certain water rights amendments. **(Effective immediately.)**

H.B. 2590 (Biedermann/Creighton) – Water Districts: makes various changes to the law relating to special districts. Of particular interest to cities, the bill provides that: (1) the provisions related to consent to creation of a water district in a city's extraterritorial jurisdiction apply equally to a water district previously created by an act of the legislature; and (2) a district may enter into a contract with a retail public utility, including a municipal water system, for water or sewer service under which the retail public utility may use the district's water or sewer system to serve customers located in the district. **(Effective September 1, 2019.)**

H.B. 2771 (Lozano/Hughes) – Oil and Gas Activities: provides that: (1) the Texas Commission on Environmental Quality may issue permits for the discharge of produced water, hydrostatic test water, and gas plant effluent resulting from certain oil and gas activities into waters of Texas; and (2) the discharge of produced water, hydrostatic test water, and gas plant effluent into water in Texas must meet the water quality standards established by the TCEQ. **(Effective September 1, 2019. Also see "Environment" section, above.)**

H.B. 3142 (Guillen/Johnson) – Public Drinking Water: provides that: (1) the Texas Commission on Environmental Quality shall establish a system to provide automatic reminders as a courtesy to operators of public drinking water supply systems of regular reporting requirements applicable to the systems under the federal Safe Drinking Water Act and TCEQ rules adopted under that law; and (2) the public drinking water supply system is responsible for complying with the applicable reporting requirements regardless of whether TCEQ provides the automatic reminders. **(Effective September 1, 2019.)**

H.B. 3339 (Dominguez/Creighton) – Texas Water Development Board Loan Programs: this bill: (1) cleans up the statutes for the programs that provide for financial assistance from the Texas Water Development Board to consistently require a water conservation plan as part of the application process; and (2) requires all entities applying for SWIFT assistance, not just those with surface water rights, to submit a water conservation plan. **(Effective September 1, 2019.)**

H.B. 3552 (Sheffield/Flores) – Fluoride in Drinking Water: provides that a public water supply system that furnishes, for public or private use, drinking water containing added fluoride may not permanently terminate the fluoridation of the water, unless the system provides written notice to the customers and the Health and Human Services Commission of the termination at least 60 days before the reduction or termination. **(Effective September 1, 2019.)**

S.B. 7 (Creighton/Phelan) – Flood Planning Funds: among several other provisions, this bill: (1) defines the term "flood control planning" for purposes of the types of activities that the Texas Water Development Board (Board) may provide funding from the Research and Planning Fund to political subdivisions, to mean any work related to: (a) planning for flood protection; (b) preparing applications for and obtaining regulatory approvals at the local, state or federal level; (c) activities associated with administrative or legal proceedings by regulatory agencies; and (d) preparing engineering plans and specifications to provide structural and nonstructural flood mitigation and drainage; (2) modifies current law to provide that the Board, in establishing the criteria of eligibility for flood control planning funds from the Research and Planning Fund, shall consider the relative need of the political subdivision for the money, giving greater importance to a county that has a median household income that is not greater than 85 percent of the median state household income; (3) creates the state Infrastructure Fund to provide funding for flood projects, which are defined as drainage, flood mitigation, or flood control project, including: (a) planning and design activities; (b) work to obtain regulatory approval to provide nonstructural and structural flood mitigation and drainage; (c) construction of structural flood mitigation and drainage infrastructure; and (d) construction and implementation of nonstructural projects, including projects that use nature-based features to protect, mitigate, or reduce flood risk; (4) provides that the Board shall act as a clearinghouse for information about state and federal flood planning, mitigation, and control programs that may serve as a source of funding for flood projects; and (5) creates the state Texas Infrastructure Resiliency Fund ("Resiliency Fund") to be administered by the Board that constitutes of three separate accounts: (a) the

Floodplain Management Account; (b) the Hurricane Harvey Fund; and (c) the Federal Matching Account for several purposes, including providing grants and loans to eligible political subdivisions. See full legislation for further details. **(Effective immediately, except that the provisions related to the Flood Infrastructure Fund take effect on January 1, 2020, but only if H.J.R. 4 is approved by the voters. See H.J.R. 4, below. Also see the bill in the "Emergency Management and Disaster Recovery" section, above, and other details about S.B. 7 in the "Grants" section, above.)**

H.J.R. 4 (Phelan/Creighton) – Flood Infrastructure Funds: Amends the Texas Constitution to provide that: (1) the flood infrastructure fund is created as a special fund in the state treasury outside the general revenue fund; and (2) as provided by general law, money in the flood infrastructure fund may be administered and used, without further appropriation, by the Texas Water Development Board or that board's successor in function to provide financing for a drainage, flood mitigation, or flood control project, including: (a) planning and design activities; (b) work to obtain regulatory approval to provide nonstructural and structural flood mitigation and drainage; or (c) construction of structural flood mitigation and drainage infrastructure. **(Effective if approved at the election on November 5, 2019. See S.B. 7, above.)**

S.B. 8 (Perry/Larson) – Flood Planning: among other provisions, this bill provides that: (1) not later than September 1, 2024, and before the end of each successive five-year period after that date, the Texas Water Development Board (Board) shall prepare and adopt a comprehensive state flood plan that incorporates approved regional flood plans; (2) the state flood plan must: (a) provide for orderly preparation for and response to flood conditions to protect against the loss of life and property; (b) be a guide to state and local flood control policy; (c) contribute to water development where possible; and (d) include: (i) an evaluation of the condition and adequacy of flood control infrastructure on a regional basis; (ii) a statewide, ranked list of ongoing and proposed flood control and mitigation projects and strategies necessary to protect against the loss of life and property from flooding and a discussion of how those projects and strategies might further water development, where applicable; (iii) an analysis of completed, ongoing, and proposed flood control projects included in previous state flood plans, including which projects received funding; (iv) an analysis of development in the 100-year floodplain areas as defined by the Federal Emergency Management Agency; and (v) legislative recommendations the Board considers necessary to facilitate flood control planning and project construction; (3) the Board, in coordination with other state agencies shall adopt guidance principles for the state flood plan that reflect the public interest of the entire state, and shall review and revise the guidance principles, with input from other state agencies as necessary and at least every fifth year to coincide with the five-year cycle for adoption of a new state flood plan; (4) the Board shall, not later than September 1, 2021: (a) designate flood planning regions corresponding to each river basin; (b) adopt guidance principals for the regional flood plans, including procedures for amending adopted plans; and (c) designate representatives from each flood planning region to serve as the initial flood planning group; (5) each regional flood planning group shall: (a) hold public meetings to gather from interested persons, including members of the public and other political subdivisions located in that county, suggestions and recommendations as to issues, provisions, projects, and strategies that should be considered for inclusion in a regional flood plan; and (b) consider information collected from the public meetings in creating a regional flood plan; (6) the State Soil and Water Conservation Board (State Board) shall: (a) prepare and adopt a 10-year dam repair, rehabilitation, and maintenance plan that describes the repair and maintenance needs of flood control dams; (b) prepare and adopt a new plan before the end of the 10th year following the adoption of the initial plan; and (c) deliver the adopted plan to the Board; (7) the Board, in coordination with the State Board and the Texas Commission on Environmental Quality shall prepare a report of the repair and maintenance needs of all dams that: (a) are not licensed by the Federal Energy Regulatory Commission; (b) do not have flood storage; (c) are required to pass floodwaters; and (d) have failed; and (8) the State Board shall deliver to the Board, each year, a report regarding progress made on items listed in the plan. See full legislation for further details. **(Effective immediately. Also see "Emergency Management and Disaster Recovery" section, above.)**

S.B. 530 (Birdwell/Wray) – Water Protection Penalties: increases the maximum civil and administrative penalties to $5,000 for violations of laws protecting drinking water public water supplies and bodies of water. **(Effective September 1, 2019.)**

S.B. 942 (Johnson/Metcalf) – State Water Pollution Control Revolving Fund: provides that the state water pollution control revolving fund is held by the Water Development Board to provide: (1) financial assistance to persons for eligible projects for

assistance under the Federal Water Pollution Control Act; and (2) linked deposits to eligible financial institutions for loans to persons for nonpoint source pollution control projects. **(Effective September 1, 2019.)**

S.B. 2272 (Nichols/Metcalf) – CCNs: this bill makes various changes to the decertification and release of a certificate of convenience and necessity by a landowner. **(Effective September 1, 2019.)**

S.B. 2452 (Lucio/Zaffirini) – Texas Water Development Board: this bill: (1) provides that TWDB shall, for assistance to economically distressed areas for water supply and sewer service projects, prioritize projects and give the highest consideration to projects that will have a substantial effect, including projects that: (a) will serve an area for which the Department of State Health Services has determined that a nuisance dangerous to the public health and safety exists resulting from water supply and sanitation problems; or (b) for which the applicant is subject to an enforcement action and the applicant did not cause or allow the violations that are the subject of the enforcement action; (2) provides that, in passing on an application for financial assistance, the TWDB shall consider the ability of the applicant to repay the financial assistance; (3) provides that, in providing financial assistance under the bill, the TWDB may provide the repayable portion of financial assistance from any financial assistance program for which the applicant is eligible; and (4) requires the TWDB to post a report on its website detailing certain information for each project for which the TWDB provided financial assistance under the bill. **(Effective upon approval by the voters of S.J.R. 79. See S.J.R. 79, see below.)**

S.J.R. 79 (Lucio/Gonzalez) – State Water Pollution Control Revolving Fund: provides that the Texas Water Development Board may issue general obligation bonds for the economically distressed areas program account of the Texas Water Development Fund II in amounts such that the aggregate principal amount of the bonds issued by the TWDB under the bill that are outstanding at any time does not exceed $200 million. **(Effective if approved at the election on November 5, 2019. See S.B. 2452, above.)**

OTHER

City Attorney's Office

H.B. 2730 (Leach/Hughes) – Texas Citizens Participation Act (anti-SLAPP law): this bill: (1) revises various definitions in the Texas Citizens Participation Act (TCPA), including the definition of "legal action" and "matter of public concern"; (2) revises various provisions related to motions to dismiss legal actions under the TCPA, including prohibiting a governmental entity or an official or employee acting in an official capacity from filing certain such motions; (3) adds legal actions that are exempt from the TCPA, including a legal action brought under the Texas Whistleblower Act; and (4) specifies that the TCPA applies in cases involving the free speech rights of persons involved in media and artistic endeavors, consumer reviews of businesses, and victims of certain criminal acts. **(Effective September 1, 2019.)**

H.B. 2826 (G. Bonnen/Huffman) – Contingent Fee Legal Contracts: in regard to a political subdivision's procurement of legal services under a contingent fee contract: (1) requires the political subdivision to attempt to negotiate a contract: (a) with a well-qualified attorney or law firm on the basis of demonstrated competence, qualifications, and experience; and (b) at a fair and reasonable price; (2) allows the political subdivision to require an attorney or law firm to indemnify or hold harmless the political subdivision from claims and liabilities resulting from negligent acts or omissions of the attorney or firm, but not negligent acts or omissions of the political subdivision (this does not prevent an attorney or firm from defending a political subdivision in accordance with a contract for the defense of negligent acts or omissions of the political subdivision); (3) requires the political subdivision to give written notice to the public of: (a) the reasons for pursuing the matter; (b) the competence, qualifications, and experience of the attorney or firm; (c) the nature of the relationship between the political subdivision and the attorney or firm; (d) the reason the legal services cannot be adequately performed by attorneys and personnel of the political subdivision; (e) the reason the contract cannot be based on the payment of hourly fees without contingency; and (f) the reason the contingent fee contract is in the best interest of the residents; (4) requires the contract be approved at an open meeting called for the purpose of considering the matters described in (3), above, and requires the

political subdivision to make certain written findings in regard to those matters; (5) provides that the contract: (a) is public information and may not be withheld under any exception to disclosure; and (b) must be submitted to and approved by the Attorney General before it is effective and enforceable (and repeals the requirement that such a contract must be approved by the comptroller); (6) allows a political subdivision to contest the Attorney General's refusal to approve a contract in a State Office of Administrative Hearings contested case proceeding; (7) allows a political subdivision or its auditor to inspect or obtain copies of the time and expense records; (8) requires, at the conclusion of the matter, the contracting attorney or law firm to provide a public written statement describing the outcome of the matter, the amount of any recovery, the computation of the contingent fee, and final time and expense records; (9) provides that litigation and other expenses payable under the contract may be reimbursed only if the political subdivision's auditor makes certain determinations; (10) provides that a contract entered into or an arrangement made in violation of the procurement requirements for contingent fee contracts is void as against public policy and no fees may be paid to any person under the contract or any theory of recovery for work performed in connection with the void contract; and, (11) provides that a contract that is approved by the Attorney General cannot later be declared void. **(Effective September 1, 2019. Also see "Purchasing/Procurement" section, above.)**

H.B. 3365 (Paul/Alvarado) – Disaster Assistance Liability: this bill clarifies that: (1) notwithstanding the provisions of the Texas Tort Claims Act, an entity and the authorized representative of the entity are not liable for the act or omission of a person providing care, assistance, or advice on request of an authorized representative of a local, state, or federal agency, including a fire department, a police department, an emergency management agency, and a disaster response agency; and (2) such immunity from liability is in addition to any other immunity or limitations of liability provided by law. **(Effective immediately. Also see "Emergency Management and Disaster Recovery" section, above.)**

H.B. 3754 (Burrows/West) – Local Alcohol Permit and License Fees: authorizes a city to: (1) enter into a contract with a private attorney or a public or private vendor for the collection of an unpaid local permit or license fee that is more than 60 days past due; and (2) enter into an interlocal agreement with another entity authorized to levy a local permit or license fee for the collection of an unpaid fee that is more than 60 days past due. **(Effective September 1, 2019.)**

S.B. 22 (Campbell/Noble) – Abortion Providers (preemptive): provides that: (1) a governmental entity may not enter into a "taxpayer resource transaction" (which is defined in a way to exclude provision of basic services such as police, fire, or utilities) with an abortion provider or an affiliate of an abortion provider; (2) the Attorney General may bring an action in the name of the state to enjoin a violation of (1); (3) the Attorney General may recover reasonable attorney's fees and costs in bringing an action in (2); (4) sovereign or governmental immunity, as applicable, of a governmental entity to suit and from liability is waived to the extent the liability is created by (1); and (5) the bill may not be construed to restrict a city or county from prohibiting abortion. **(Effective September 1, 2019. Also see "Sustainable Development and Construction" section, above.)**

S.B. 1978 (Hughes/Krause) – Religious Beliefs (preemptive): this bill: (1) prohibits a governmental entity (including a city) from taking any adverse action against a person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization; (2) defines "adverse action" in (1) to mean any action taken by a governmental entity to: (a) withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status for or to a person; (b) withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person; (c) alter in any way the tax treatment of a person; (d) cause any tax, penalty, or payment assessment against a person, or deny, delay, or revoke a tax exemption of a person; (e) disallow a tax deduction for any charitable contribution made to or by a person; (f) deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or (g) withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fund-raising campaign from or to a person; (3) excepts from the term "person" in (1): (a) an employee acting within the scope of employment; (b) a contractor acting within the scope of a contract; or (c) an individual or a medical or residential custodial health care facility while the individual or facility is providing medically necessary services to prevent another's death or imminent serious physical injury; (4) allows a person to assert an actual or threatened violation of the prohibition in (1) as a claim or defense in a judicial or administrative proceeding and obtain injunctive

relief, declaratory relief, court costs, and reasonable attorney's fees, and provides that governmental and sovereign immunity is waived and abolished to the extent of liability for such relief; and (5) allows a person to commence an action described in (4) regardless of whether the person has sought or exhausted available administrative remedies. **(Effective September 1, 2019.)**

City Secretary's Office

H.B. 88 (Swanson/Fallon) – Runoff Ballot: provides that the order of the candidates' names on the ballot of any runoff election or election held to resolve a tie vote shall be in the relative order of names on the original election ballot. **(Effective September 1, 2019.)**

H.B. 273 (Swanson/Zaffirini) – Voting by Mail: requires that the balloting materials for voting by mail shall be mailed to a voter entitled to vote by mail not later than the seventh calendar day after the later of the date the clerk accepts the voter's application for a ballot to be voted by mail or the date the ballots become available for mailing, except that if the mailing date is earlier than the 37th day before election day, the balloting materials shall be mailed not later than the 30th day before election day. **(Effective September 1, 2019.)**

H.B. 831 (Huberty/Huffman) – Candidate Residency: provides, among other things, that: (1) for purposes of satisfying the continuous residency eligibility requirement, a person who claims an intent to return to a residence after a temporary absence may establish that intent only if the person: (a) has made a reasonable and substantive attempt to effectuate that intent; and (b) has a legal right and the practical ability to return to the residence; and (2) the criteria for establishing an intent to return after a temporary absence under (1), above, do not apply to a person displaced from the person's residence due to a declared local, state, or national disaster. **(Effective January 1, 2020.)**

H.B. 440 (Murphy/Lucio) – Local Debt: this bill, among other things: (1) requires a political subdivision that maintains a website to include any sample ballot prepared for a general obligation bond election to be prominently posted on the political subdivision's website during the 21 days before the election, along with the election order, notice of the election, and contents of the proposition; (2) provides that a political subdivision may not issue a general obligation bond to purchase, improve, or construct improvements or to purchase personal property if the weighted average maturity of the issue of bonds to finance the improvements or personal property exceeds 120 percent of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds; (4) provides that a political subdivision other than a school may use the unspent proceeds of issued general obligation bonds only: (a) for the specific purpose for which the bonds were authorized; (b) to retire the bonds; or (c) for a purpose other than the specific purpose for which the bonds were issued if: (i) the specific purpose is accomplished or abandoned; and (ii) a majority of the votes cast in an election held in the political subdivision approve the use of the proceeds for the proposed purpose; (5) requires the election order and the notice of the election for an election authorized to be held under (4)(c), above, to state the proposed purpose for which the bond proceeds are to be used; and (6) requires a political subdivision to hold the election under (4)(c), above, in the same manner as an election to issue bonds in the political subdivision. **(Effective September 1, 2019. Also see "Budget and Finance" section, above.)**

H.B. 477 (Murphy/Bettencourt) – Local Debt: this bill: (1) requires the document ordering an election to authorize a political subdivision to issue debt obligations to distinctly state the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the date the election is ordered, which may be based on the political subdivision's expectations relative to variable rate debt obligations; (2) requires the ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision to specifically state: (a) a general description of the purposes for which the debt obligations are to be authorized; (b) the total principal amount of the debt obligations to be authorized; and (c) that taxes sufficient to pay the principal of and interest on the debt obligations will be imposed; (3) requires a political subdivision with at least 250 registered voters to prepare a voter information document for each proposition to be voted on at the election; (4) requires the voter information document to be posted: (a) on election day and during early voting in a prominent location at each polling place; (b) not later than the 21st day before the election, in three public places in the boundaries of the political

subdivision holding the election; and (c) during the 21 days before the election, on the political subdivision's website; (5) authorizes a political subdivision to include the voter information document in the debt obligation election order; (6) requires the voter information document to distinctly state: (a) the language that will appear on the ballot; (b) the following information formatted as a table: (i) the principal of the debt obligations to be authorized; (ii) the estimated interest for the debt obligations to be authorized; (iii) the estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and (iv) as of the date the political subdivision adopts the debt election order: (A) the principal of all outstanding debt obligations of the political subdivision; (B) the estimated remaining interest on all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations; and (C) the estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations; (c) the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead with an appraised value of $100,000 to repay the debt obligations (based upon assumptions made by the governing body of the political subdivision); and (d) any other information that the political subdivision considers relevant or necessary to explain the information required to be included in the voter information document; (7) requires the political subdivision to identify in the debt obligation order the major assumptions made in connection with the statement in Section 6(c), above, including: (a) the amortization of the political subdivision's debt obligations, including outstanding debt obligations and the proposed debt obligations; (b) changes in estimated future appraised values within the political subdivision; and (c) the assumed interest rate on the proposed debt obligations; (8) requires a political subdivision that maintains a website to provide the information in Section 6, above, on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the debt obligation election; (9) extends the timeframe to publish newspaper notice of intention to issue a certificate of obligation (CO) from 30 to 45 days before the passage of the ordinance; (10) requires an issuer of COs that maintains a website to continuously post notice of intention to issue a CO on its website for at least 45 days before the passage of the CO issuance ordinance; and (11) requires that the notice of intention to issue a CO include the following information: (a) the then-current principal of all outstanding debt obligations of the issuer; (b) the then-current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full, which may be based on the issuer's expectations relative to the interest due on any variable rate debt obligations; (c) the maximum principal amount of the COs to be authorized; (d) the estimated combined principal and interest required to pay the COs to be authorized on time and in full; (e) the estimated interest rate for the COs to be authorized or that the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (f) the maximum maturity date of the COs to be authorized. **(Effective September 1, 2019. Also see "Budget and Finance" section, above.)**

H.B. 1067 (Ashby/Schwertner) – Deceased Candidates: provides that, if a candidate dies on or before the deadline for filing an application for a place on the ballot: (1) the authority responsible for preparing the ballots may choose to omit the candidate from the ballot; and (2) if the authority omits the candidate's name under (1), the filing deadline for an application for a place on the ballot for the office sought by the candidate is extended until the fifth day after the filing deadline. **(Effective immediately.)**

H.B. 1241 (Bucy/Powell) – Election Notice: requires any notice of a polling place location to include the building name, if any, and the street address, including the suite or room number, if any, of the polling place. **(Effective September 1, 2019.)**

H.B. 2075 (Neave/Zaffirini) – Ballot Preparation: provides that a candidate may use any surname acquired by law or marriage for purposes of the form of the candidate's name on the ballot. **(Effective September 1, 2019.)**

H.B. 4129 (Swanson/Zaffirini) – Candidate Withdrawal: provides that, if a candidate files a withdrawal request after the prescribed deadline, but in compliance with other requirements, the authority responsible for preparing the ballot may choose to omit the candidate from the ballot if, at the time of the request: (1) the ballots have not been prepared; and (2) if applicable, the public notice of the test of logic and accuracy has not been published. **(Effective September 1, 2019.)**

H.B. 4130 (Swanson/Creighton) – Accepting Voters: requires the secretary of state to prescribe specific requirements and standards for the certification of an electronic device used to accept voters. **(Effective September 1, 2019.)**

S.B. 30 (Birdwell/Phelan) – Bond Propositions: this bill, among several other provisions: (1) requires each single specific purpose for which bonds requiring voter approval are to be issued to be printed on the ballot as a separate proposition; (2) provides that a proposition may include as a specific purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the specific purpose; and (3) requires a proposition seeking approval of the issuance of bonds to specifically include a plain language description of the single specific purpose for which the bonds are to be authorized. **(Effective September 1, 2019. Also see "Budget and Finance" section, above.)**

S.B. 489 (Zaffirini/Smithee) – Municipal Judge's Residence Address: provides that: (1) the Texas Ethics Commission must remove or redact the residence address of a municipal judge or the spouse of a municipal judge from any report filed by the judge in the judge's capacity or made available on the Internet on receiving notice from the Office of Court Administration of a judge's qualification for office or on receipt of a written request from the municipal judge or spouse of the municipal judge; and (2) the city secretary must remove or redact the residence address of the municipal judge, municipal judge's spouse, or candidate for the office of municipal judge, from a financial statement filed before the financial statement is made available to a member of the public on the written request of a municipal judge or candidate for municipal judge. **(Effective September 1, 2019. Also see "Courts and Detention Services/Judiciary" section, above.)**

S.B. 751 (Hughes/Meyer) – Deceptive Video Criminal Penalties: (1) defines "deep fake video" to mean a video created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality; and (2) creates a criminal offense if a person, with the intent to injure a candidate or influence the result of an election, creates a deep fake video and causes it to be published or distributed within 30 days of an election. **(Effective September 1, 2019. Also see "Public Safety – Other" section, above.)**

Open Government/Public Information

H.B. 81 (Canales/Hinojosa) – Public Information and Parades, Concerts, and Other Entertainment Events (preemptive): provides that: (1) information relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event paid for in whole or part with public funds is subject to the Public Information Act; (2) a person, including a governmental body, may not include a provision in a contract related to an event described by (1) that prohibits or would otherwise prevent the disclosure of information; and (3) a contract provision that violates the bill is void. **(Effective immediately.)**

H.B. 305 (Paul/Nelson) – Website Posting: applies only to a political subdivision with the authority to impose a tax that at any time on or after January 1, 2019, maintained a publicly accessible Internet website and provides that: a political subdivision to which the bill applies shall post on a publicly accessible Internet website the following information: (1) the political subdivision's contact information, including a mailing address, telephone number, and e-mail address; (2) each elected officer of the political subdivision; (3) the date and location of the next election for officers of the political subdivision; (4) the requirements and deadline for filing for candidacy of each elected office of the political subdivision, which shall be continuously posted for at least one year before the election day for the office; (5) each notice of a meeting of the political subdivision's governing body under the Open Meetings Act; and (6) the minutes of a meeting of the political subdivision's governing body. **(Effective September 1, 2019.)**

H.B. 1351 (Cortez/Menendez) – Public Information: provides that the home address, home telephone number, emergency contact information, social security number, family member information, and date of birth of current and former members of the United States Army, Navy, Air Force, Coast Guard, Marine Corps, or an auxiliary service of one of those branches are confidential under the Public Information Act. **(Effective September 1, 2019.)**

H.B. 2828 (P. King/Fallon) – Public Information Act: provides that: (1) the name, address, telephone number, email address, driver's license number, social security number, or other personally identifying information of a person who obtains ownership or control of an animal from a city animal shelter is confidential; (2) a governmental body may disclose the information in (1) to a governmental entity, or to a person who is under contract with a governmental entity and provides animal control services, animal registration services, or related services to the governmental entity, for a purpose related to the protection of public health and safety; and (3) an entity or person in (2) must maintain the confidentiality of the information and not use it for any purpose that does not directly relate to the protection of public health and safety. **(Effective immediately. Also see "Dallas Animal Services" section, above.)**

H.B. 2840 (Canales/Hughes) – Right to Speak at Open Meeting (preemptive): applies to local governmental bodies, including cities (but not state agencies), and provides that: (1) a governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item; (2) a governmental body may adopt reasonable rules regarding the public's right to address the body, including rules that limit the total amount of time that a member of the public may address the body on a given item; (3) only if a governmental body does not use simultaneous translation equipment in a manner that allows the body to hear the translated public testimony simultaneously, a rule adopted under (2) that limits the amount of time that a member of the public may address the governmental body must provide that a member of the public who addresses the body through a translator must be given at least twice the amount of time as a member of the public who does not require the assistance of a translator in order to ensure that non-English speakers receive the same opportunity to address the body; and (4) a governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service, unless the public criticism is otherwise prohibited by law. **(Effective September 1, 2019.)**

H.B. 3091 (Deshotel/Campbell) – Public Information: this bill: (1) makes information related to the location or physical layout of a family violence shelter center or victims of trafficking shelter center confidential; and (2) creates a criminal offense for disclosing or publicizing the location or physical layout of shelters with the intent to threaten the safety of any inhabitant of these shelters. **(Effective September 1, 2019. Also see "Human Trafficking" section, above.)**

H.B. 3175 (Deshotel/Creighton) – Public Information of Disaster Recovery Funds: provides that: (1) the following information that is maintained by a governmental body is confidential and not subject to release under the Public Information Act: (a) the name, social security number, house number, street name, and telephone number of an individual or household that applies for state or federal disaster recovery funds; (b) the name, tax identification number, address, and telephone number of a business entity or an owner of a business entity that applies for state or federal disaster recovery funds; and (c) any other information the disclosure of which would identify or tend to identify a person or household that applies for state or federal disaster recovery funds; and (2) the street name and census block group of and the amount of disaster recovery funds awarded to a person or household are not confidential after the date on which disaster recovery funds are awarded to the person or household. **(Effective September 1, 2019. Also see "Emergency Management and Disaster Recovery" section, above.)**

H.B. 3800 (S. Thompson /Huffman) – Human Trafficking Reporting: requires a peace officer who investigates the alleged commission of human trafficking to prepare and submit to the Attorney General a written report that includes details of the offense, including the offense being investigated and certain information regarding each person suspected of the offense and each victim of the offense. **(Effective September 1, 2019. Also see "Human Trafficking" section, above.)**

H.B. 4236 (Anderson/Birdwell) – Body Worn Camera Recordings: provides that: (1) a law enforcement agency may permit the following to view a recording, provided that the law enforcement agency determines that the viewing furthers a law enforcement purpose and that any authorized representative who is permitted to view the recording was not a witness to the incident: (a) a person who is depicted in a body worn camera recording of an incident that involves the use of deadly force by a peace officer; or related to an administrative or criminal investigation of an officer; or (b) if the person is deceased, the person's authorized representative; (2) a person viewing a recording may not duplicate the recording or capture video or audio

from the recording; and (3) a permitted viewing of a recording is not considered to be a release of public information for purpose of the Public Information Act. **(Effective September 1, 2019. Also see "Public Safety – Other" section, below.)**

S.B. 494 (Huffman) – Open Government/Emergencies: this bill, among other things, (1) provides that, in an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity or a supplemental notice is sufficient if it is posted for at least one hour before the meeting is convened; (2) provides that at an emergency meeting for which notice or supplemental notice is posted, a governmental body may deliberate or take action only on: (a) a matter that is directly related to the emergency or urgent public necessity identified in the notice or supplemental notice; or (b) an agenda item listed on a notice of the meeting before the supplemental notice was posted; (3) repeals current law that requires notice be provided to members of the media in instances where the sudden relocation of a large number of residents from the area of declared disaster is required; (4) requires the presiding officer or member of a governing body who calls an emergency meeting to provide notice of the meeting to members of the media at least one hour before the meeting is convened; (5) provides that when a governmental body is currently impacted by a catastrophe that interferes with the ability of a governmental body to comply with the requirements of the Texas Public Information Act (Act), a governmental body may suspend the applicability of the requirements of the Act for an initial period not to exceed seven consecutive days provided that the governmental body provides notice to the Office of the Attorney General, in a form prescribed by that office, that the governmental body is currently impacted by a catastrophe and has elected to suspend the applicability of the Act; (6) provides that the initial suspension period begins not earlier than the second day before the date the governmental body submits notice to the Office of the Attorney General and ends not later than the seventh day after the date the governmental body submits that notice; (7) provides that a governmental body may extend the initial suspension period described in item (7), above, for one period of time not to exceed seven consecutive days, if the governing body determines that the governing body is still impacted by the catastrophe on which the initial suspension period was based and notice of the extension is submitted to the Office of the Attorney General in a form prescribed by the office; (8) provides that a request for public information received by a governmental body during a suspension is considered to have been received by the governmental body on the first business day after the date the suspension period ends; (9) tolls the requirements of the Act related to a request for public information received by a governmental body before the date the initial suspension period begins until the first business day after the date the suspension period ends; and (10) requires the Office of the Attorney General to continuously post on its website each notice submitted to the office from the date the office receives the notice until the first anniversary of that date. **(Effective September 1, 2019. Also see "Emergency Management and Disaster Recovery" section, above.)**

S.B. 943 (Watson/Capriglione) – Public Information Act: makes several changes related to "contracting information" in the Public Information Act, see legislation for details. **(Effective January 1, 2020.)**

S.B. 944 (Watson/Capriglione) – Public Information Act/Temporary Custodians: makes various changes to the Public Information Act, particularly regarding information held by a "temporary custodian," and other general changes, see legislation for details. **(Effective September 1, 2019.)**

S.B. 988 (Watson/Capriglione) – Public Information: provides that, in a suit by a governmental body to withhold information from a requestor, the court may assess costs of litigation or reasonable attorney's fees incurred by a plaintiff or defendant who substantially prevails only if the court finds the action or the defense of the action was groundless in fact or law. **(Effective September 1, 2019.)**

S.B. 1494 (Paxton/Wu) – Public Information: provides that: (1) the home address, home telephone number, emergency contact information, social security number, date of birth and family member information of the following are considered confidential under the personnel exceptions of the Public Information Act: (a) current or former child protective services caseworker, adult protective serves caseworker, or investigator for the Department of Family and Protective Services (DFPS) and DFPS contractor's current or former employees performing these functions, and (b) state officers elected statewide and members of the legislature; and (2) the home address of the individuals named in (1)(a) and (1)(b), above, is considered

confidential in appraisal records if the individuals chooses to restrict public access on the prescribed form. **(Effective Immediately.)**

S.B. 1640 (Watson/Phelan) – Open Meetings Act Criminal Conspiracy: this bill addresses the Texas Court of Criminal Appeals opinion in *Doyal v. State*, which found the "criminal conspiracy" provision in the Open Meetings Act unconstitutional. Specifically, the bill: (1) redefines "deliberation" to include a verbal or written exchange between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body; (2) retitles the criminal conspiracy provision from "conspiracy to circumvent chapter" to "prohibited series of communications;" and (3) provides that a member of a governmental body commits an offense if the member: (a) knowingly engages in at least one communication among a series of communications that each occur outside of a meeting and that concern an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and (b) knew at the time the member engaged in the communication that the series of communications: (i) involved or would involve a quorum; and (ii) would constitute a deliberation once a quorum of members engaged in the series of communications. **(Effective September 1, 2019.)**