

86th Legislative Session Summary

CITY OF GALVESTON

The 86th Texas Legislature enacted the following bills of interest for the City of Galveston.

PROPERTY TAX

S.B. 2 (Burrows / Bettencourt) – Property Tax Reform: Of primary importance to Galveston, the bill:

1. Reduces the existing 8 percent “rollback” rate to a 3.5 percent “voter-approval” tax rate.
2. Requires a mandatory November election for cities (population of 30,000 or more), counties and special purpose districts who adopt a tax rate above the voter-approval rate (exceptions for increased expenditures by a taxing unit necessary for disaster response).
3. Authorizes a carry forward for any unused increment between the adopted maintenance and operations tax rate and the voter-approved tax rate for up to three years.
4. Restores an 8 percent rollback rate for up to three (3) years 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.
5. For the fiscal year beginning in 2020, local governments are prohibited from taking action that effectively decreases the total compensation to which a first responder employed by the taxing unit was entitled in the preceding fiscal year of the taxing unit.

Effective on January 1, 2020.

H.B. 492 (Shine/Taylor) – Temporary local option exemption from ad valorem taxation: repeals the current local option reappraisal statute and provides a mandatory percentage disaster exemption for property damaged by a disaster (15, 30, 60, or 100 percent based upon level of damage). The property owner must apply for the exemption but need not re-apply in subsequent years. The exemption: 1) applies to real and personal property and would be prorated from the date of the disaster and refunds would be provided for taxes already paid; and 2) is effective immediately upon qualification and remains effective until the property is reappraised. The exemption expires on January 1 of the first tax year in which the property is reappraised. Effective on January 1, 2020, but only if H.J.R. 34 is approved at the election on November 5, 2019.

H.B. 3143 (Murphy/West) – Property Tax Abatement: reauthorizes the Chapter 312 program of the Property Redevelopment and Tax Abatement Act for ten (10) years until September 1, 2029, and adds a new hearing and 30-day notice requirements as well as additional reporting and oversight provisions. Effective on September 1, 2019.

S.B. 443 (Hancock) – Property Tax 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.

SALES TAX

H.B. 1525 (Burrows/Nelson) – Marketplace Providers: requires a marketplace provider to remit and collect sales and use taxes. The sale of a taxable item made 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. The bill defines “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.

Effective on October 1, 2019.

H.B. 2153 (Burrows/Nelson) – Local Sales and Use Taxes on Remote Sales: remote sellers will collect and remit local use taxes related to sales of taxable items (via mail, catalogs, computer data bases, or other communication systems) by computing the amount to collect and remit using either: 1) the combined rate of all applicable local use taxes; or 2) the single local use tax rate. The single local use tax rate is set at 1.75 percent from October 1 to December 31, 2019. Beginning January 1, 2020, the Comptroller will determine the rate based on the estimated average rate of local sales and use taxes imposed in Texas during the preceding state fiscal year. The taxing unit’s share of money along with the pro rata share of penalties or interest on delinquent taxes will be transmitted monthly to each eligible taxing unit. The Comptroller can retain a percentage of each taxing unit’s share as a charge for administration (2 percent) and to make refunds for overpayments of taxes and redeem dishonored checks and drafts (not to exceed 5 percent). Effective on October 1, 2019.

TEXAS WINDSTORM INSURANCE ASSOCIATION (TWIA)

H.B. 1900 (G. Bonnen/Taylor) –TWIA Reforms: the bill: 1) requires replacement cost to be determined at the time of policy issuance and/or renewal; 2) addresses funding structure, expending premiums and other revenues, and annual payments to the Catastrophe Reserve Trust Fund; and 3) creates a TWIA Legislative Funding and Funding Structure Oversight Board composed of four (4) members appointed by the Lt. Governor and four (4) members appointed by the House Speaker. The Board will: 1) assess TWIA’s current funding and funding structure; 2) evaluate catastrophic risk pools in other states; 3) identify problems and recommendations regarding TWIA’s funding structure and sustainability; and 4) submit a report to the Governor, Lt. Governor and House Speaker by November 15, 2020. TWIA will make the rate adequacy analysis available on its website at least 14 days before the date the Board votes on a proposed rate filing. The Windstorm Insurance Legislative Oversight Board will evaluate merging TWIA with the Fair Access to Insurance Requirements Plan and submit a report to the Governor, Lt. Governor and House Speaker by January 1, 2021. Effective immediately.

H.B. 1902 (G. Bonnen/Taylor) –TWIA liability limits: provides the TWIA board of directors shall propose maximum liability limits under a windstorm and hail insurance policy issued by the association; and (2) the maximum liability limits are considered approved by the commissioner unless the commissioner disapproves or modifies the liability limits by order issued within 30 days after the date the proposed adjustments are filed. Effective on September 1, 2019.

H.B. 1944 (Lucio/Hancock) – Deadline Extensions for claims and related settlement disputes: Concerns have been raised regarding the maximum allowable deadline extension for claims arising from more than one storm during the same year. The bill replaces the 120-day cap on the aggregate length of deadline extensions related to claims filed during a particular catastrophe year with a 120-day cap on the aggregate length of the extension of deadlines that apply to TWIA only and that relate to claims arising from a particular storm. Changes provided in the bill are an effort to ensure both claimants and TWIA have sufficient time to settle claims and resolve disputes. Effective on September 1, 2019.

S.B. 615 (Buckingham/Paddie) – TWIA Sunset Review: TWIA operations and the sunset review date for programs administered by TWIA are extended until 2031. TWIA board members for first tier coastal county and 100 miles from the Texas coastline (other than the one property and casualty agent member) seats must be representative of the general public. Board members and subcommittee members who have a financial or personal interest and may financially benefit from a discussion or vote on underwriting and actuarial matters must disclose any potential conflict of interest of the member. The bill requires training for TWIA appointees prior to participation on the board as well as a training manual distributed annually to all board members. TWIA must establish a process for automatic policy renewals, accept payment of premiums by credit card, and provide policyholders the option to pay premium installments. *Effective on September 1, 2019.*

DISASTER RESPONSE

H.B. 5 (Phelan/Kolkhorst) – Disaster Recovery Debris Management Plan and Training: requires the Texas Division of Emergency Management (TDEM) to develop a catastrophic debris management plan and training, as well as creates a work group to advise local governments on how TDEM can assist with recovery efforts. *Effective on September 1, 2019.*

H.B. 6 (Morrison/Kolkhorst) – Disaster Recovery Task Force; State HOT for coastal management: requires TDEM to establish a recovery task force to assist communities and individuals with financial issues, federal programs, and resiliency planning to speed local recovery efforts. The bill requires training for emergency management coordinators in certain counties. Catastrophic debris management requirements for certain county emergency management programs are effective by January 1, 2020. A share of state hotel occupancy taxes (state HOT) collected in certain coastal counties will be allocated to a General Revenue-Dedicated coastal erosion response account, effective for the state fiscal year beginning September 1, 2021. Allocated state HOT will be appropriated to the General Land Office for certain coastal management program purposes that benefit a coastal county. These state HOT provisions expire September 1, 2031. *Effective on September 1, 2019.*

H.B. 7 (Morrison/Huffman) – Disaster Preparation: requires the governor’s office to develop a list of laws that could be waived in the event of a disaster to streamline the recovery process. *Effective on September 1, 2019.*

H.B. 2325 (Metcalf/Hancock) – Communications During a Disaster: provides TDEM, the Texas A&M AgriLife Extension Service, and state and local government will coordinate efforts to make 9-1-1 emergency service capable of receiving text messages from a cellular telephone or other wireless communication device. TDEM will develop: 1) standards for use of social media by governmental entities during and after a disaster; 2) mobile applications for wireless communication devices to communicate critical information directly to disaster victims and first responders; and 3) a comprehensive disaster web portal for providing disaster information to the public. *Effective on September 1, 2019.*

H.B. 2345 (Walle/Hinojosa) – Disaster Mitigation: creates the Institute for Disaster Resilient Texas as part 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 risks; (3) provide information and solutions to aid in the formation of state and local partnerships to support disaster planning, mitigation, response, and recovery; and (4) collect and

communicate comprehensive flood-related information, including applicable updated inundation maps. Effective immediately.

S.B. 6 (Kolkhorst/Morrison) – Emergency Management: requires, no later than January 1, 2020, the TDEM to develop a disaster response model guide and a wet debris study group for local communities. In addition, the bill creates a disaster recovery loan program for communities that suffered significant infrastructure damage. Effective on September 1, 2019.

S.B. 7 (Creighton/Phelan) – Flood Recovery and Resilience Funding: provides a conduit for \$2 billion in flood recovery and resilience funding included in the supplemental appropriations bill, SB 500. The bill creates two new funds - the Texas Infrastructure Resiliency Fund and the Flood Infrastructure Fund, to address Hurricane Harvey recovery and prepare for future flooding and disasters. The Texas Water Development Board (TWDB) will administer the funds and a portion of money will be available for local community match requirements in order to free up federal aid. Effective immediately, except provisions related to the Flood Infrastructure Fund take effect on January 1, 2020, but only if the constitutional amendment, H.J.R. 4, is approved by the voters.

S.B. 8 (Perry/Larson) – Regional and Statewide Flood Planning: authorizes the TWDB to: coordinate flood planning between regions and watersheds; create updated flood maps; and recommend flood mitigation projects. Not later than September 1, 2021, TWDB shall: (a) designate flood planning regions; (b) adopt guidance for regional flood plans, including procedures for amending adopted plans; and (c) designate representatives to serve on initial flood planning groups for each flood planning region. A flood planning group must hold at least one public meeting in the flood planning region to accept comments on the regional flood plan. Following public comment, the group must submit the plan to the Board not later than January 10, 2023. The comprehensive state flood plan, incorporating regional flood plans and completed no later than September 1, 2024, will be updated each five-year period after that date. Effective Immediately.

S.B. 1082 (Taylor/Deshotel) – Coastal Barrier System: would continue the interim committee to study the feasibility of creating and maintaining a coastal barrier system that includes a series of gates and barriers to prevent storm surge damage to gulf beaches or coastal ports, industry, or property. Effective on June 1, 2019.

S.B. 982 (Kolkhorst/Zerwas) – Disaster Emergency Services: directs the TDEM and the Department of State Health Services (DSHS) to consult with local governmental entities in developing a plan to increase local emergency shelter capabilities for specialty care population shelter and care during a disaster. DSHS will collaborate with local medical organizations to ensure communications between physicians and local government emergency response teams regarding physician resources in the county or region. A governor-appointed 11-member task force will study methods on caring for elderly and persons with disabilities during a disaster or emergency evacuation. Effective on September 1, 2019.

S.B. 986 (Kolkhorst/Phelan) – Statewide Emergency Management Contracts: provides that the comptroller will update the state contract management guide to include contract management standards and information on emergency management contracts. The guide will include: (a) preferred contracting standards; (b) information on contracts necessary to respond to a natural disaster, including debris removal, information management services, and construction services; and (c) procedures to assist a state agency with contracting for services before a natural disaster occurs. Effective on September 1, 2019.

S.B. 799 (Alvarado/Murphy) – Disaster Recovery Business Advisory Council: transfers TDEM administration to the Texas A&M University System effective September 1, 2019. A 12-member business advisory council, appointed by the Governor, Lt. Governor, and House Speaker, will advise TDEM on: a) policies and program operations to assist businesses with disaster recovering; (b) state resources and services needed to assist businesses in recovering from catastrophic loss of electric power; and (c) recommendations for addressing state or local governmental response inefficiencies or problems that impact businesses and the economy. A work group, including TDEM representatives and local and federal governmental entities, will make recommendations regarding wet debris removal categories, jurisdictional roles and responsibilities, and issues that impede wet debris removal. *TDEM transfer provisions are effective immediately; the remaining provisions are effective on September 1, 2019.*

S.B. 289 (Lucio/Morrison) – Disaster Recovery Task Force – TDEM will create a disaster recovery task force to provide assistance for communities and individuals on financial issues, available federal assistance programs, and recovery and resiliency planning to speed local recovery efforts. The General Land Office (GLO or other designated state agency) shall receive and administer federal and state funds appropriated for long-term disaster recovery. Coastal local governments shall develop and adopt local housing recovery plans that provide for rapid and efficient construction of permanent replacement housing following a disaster. Such local housing recovery plans will be submitted to the Hazard Reduction and Recovery Center at Texas A&M University for certification. GLO or the designated state agency will seek appropriate federal agency approval for the immediate post-disaster implementation of local housing recovery plans. *Effective on September 1, 2019.*

S.B. 285 (Miles/E. Thompson) – Hurricane Preparedness and Mitigation: directs the governor to issue a proclamation before hurricane season instructing municipalities and other entities to conduct community outreach and education activities on hurricane preparedness between May 25 and May 31 each year. Before and during hurricane season, the GLO will conduct public information campaigns to provide local officials and the public with information on available types of assistance available under state and federal law in the event of a major hurricane or flooding event. *Effective on September 1, 2019.*

S.B. 416 (Huffman/Walle) – Legal advice following disaster: authorizes the attorney general to provide legal counsel to a political subdivision subject to a state declared emergency on issues related to disaster mitigation, preparedness, response, and recovery. A request for counsel in areas subject to the disaster declaration is made by: (1) the political subdivision’s emergency management director; (2) the county judge or a county commissioner; or (3) the mayor a city. *Effective Immediately.*

PURCHASING

H.B. 793 (P. King/Creighton) – Contracts with companies that boycott Israel: Current law prohibits state agencies and political subdivisions from entering into contracts with companies for goods or services unless the contract contains written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. This bill clarifies 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 from public funds of the governmental entity. *Effective Immediately.*

H.B. 985 (Parker/Hancock) – Collective Bargaining Organizations: prohibits governmental entities from: 1) prohibiting, requiring, discouraging, or encouraging a contractor or subcontractor from entering into or adhering to an agreement with a collective bargaining organization for a state-funded project, including state-guaranteed debt; or (2) discriminating against a contractor or subcontractor based on involvement in an agreement, including the contractor’s or subcontractor’s status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement. *Effective September 1, 2019.*

S.B. 1928 (Fallon/Krause) – Contracting: clarifies that any party seeking to sue certain licensed professionals for malpractice is required to file a certificate of merit. A claimant is 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 practice area of the defendant and offers testimony based on the person’s knowledge, skill, experience, education, training, and practice. The bill provides for certain exceptions. *Effective Immediately.*

H.B. 1999 (Leach/Creighton) – Construction Defects: the bill applies to certain construction liability claims for real or personal property damages caused by alleged construction defects as asserted by the public entity affected by the construction defect against a contractor. The bill excludes claims related to personal injury or residential property, Texas Department of Transportation contracts, state or federal highway funded projects, or certain civil works projects. An inspection report by a licensed engineer identifying the defect, current physical condition of the affected improvements, and descriptions of any modifications or maintenance made by the government entity is required before a governmental entity files an action. Government entities may recover report costs if the report identifies a construction defect that is either corrected or for which the entity recovers damages. *Effective Immediately.*

H.B. 2826 (G. Bonnen/Huffman) – Contingency fee legal contracts: the bill imposes certain additional restrictions on a contingency fee contract awarded by a political subdivisions. Such contingency fee legal contracts require approval from the Attorney General before they can take effect. Political subdivisions may contest the Attorney General’s refusal to approve a contract on non-procedural grounds at the State Office of Administrative Hearings. *Effective on September 1, 2019.*

S.B. 22 (Campbell/Noble) – Abortion Providers: prohibits governmental entities from entering into a “taxpayer resource transaction” (defined in a way to exclude basic services such as police, fire, or utilities) with an abortion provider or an affiliate of an abortion provider. The Attorney General may file an action to enjoin a violation of the bill’s provisions and recover reasonable attorney’s fees and costs. Sovereign or governmental immunity of a governmental entity to suit and from liability is waived to the extent the liability is created by violation of this bill. The bill may not be construed to restrict a city or county from prohibiting abortion. *Effective September 1, 2019.*

OPEN GOVERNMENT

H.B. 81 (Canales/Hinojosa) – Public Information: provides that 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. A contract provision that violates the bill is void. *Effective Immediately.*

H.B. 305 (Paul/Nelson) – Website Requirement: requires political subdivisions with tax authority to create and maintain a publicly accessible Internet website providing the following information: (1) contact information, including a mailing address, telephone number, and email address; (2) each elected officer; (3) the date and location of the next election for officers; (4) requirements and candidacy filing deadlines for each elected office, continuously posted for at least one year before the election day for the office; (5) each notice of an open meeting; and (6) all minutes or recordings of an open meeting. *Effective on September 1, 2019.*

H.B. 1495 (Toth/Creighton) – Lobby Reporting/Budgeting: mandates certain contract disclosure requirements under current law apply to contracts that would require persons to register as a lobbyist under state law. This provision applies regardless of whether the contract requires prior approval by the governing body of the city before the contract may be signed or has a value of at least \$1 million. A political subdivision's proposed budget must include a comparison between proposed and actual expenditures for the same purpose in the preceding year. The proposed budget must include line item 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 defined in the state's lobby law. *Effective immediately.*

H.B. 2828 (P. King/Fallon) – Animal Shelter Public Information: ensures confidentiality of certain personal identifying information (i.e. name, address, telephone number, email address, driver's license number, social security number) of a person who obtains ownership or control of an animal from a city animal shelter. There are limited exceptions, including disclosure to a governmental entity, a person under contract with a governmental entity to provide animal services or related services for the protection of public health and safety. *Effective immediately.*

H.B. 2840 (Canales/Hughes) – Right to Speak at Open Meeting: provides that local governmental bodies (but not state agencies): (1) allow persons to speak on an agenda item at the meeting before or during the body's consideration of the item; (2) may adopt reasonable rules regarding the public's right to address the body (i.e., time limits); (3) if simultaneous translation equipment is not used, time limits for persons who address the body through a translator must be given at least twice the allotted time of a person who does not require a translator; 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. 3175 (Deshotel/Creighton) – Public Information of Disaster Recovery Funds: provides certain information maintained by a governmental body is confidential and not subject to Public Information Act, including: (1) 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; and (2) any other identifying information for an individual or household that applies for state or federal disaster recovery funds. Once disaster funds are awarded, the individual or household street name and amount of funds awarded are not confidential. *Effective on September 1, 2019.*

S.B. 65 (Nelson/Geren) – Lobby Reporting/Budgeting: political subdivisions with contracts that would require a person to register as a lobbyist under Chapter 305, must display on their website a report on the effective dates, duration, expenditures in the prior fiscal year, and a list of legislation advocated for, on, or against. Alternatively, the political subdivision may post the contract on their

website. The political subdivision's proposed budget must include a comparison of proposed and actual prior year expenditures and a line-item indicating expenditures for directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as defined in state lobby law. This provision applies to consulting services contracts entered into before, on, or after the effective date of the bill. Certain contract disclosure requirements under current law will apply to contracts that would require a person to register as a lobbyist, under state lobby law. Effective on September 1, 2019.

S.B. 494 (Huffman/Walle) – Open Government during emergencies: Allows a governmental body impacted by a disaster (as defined in the bill) to suspend Texas Public Information Act's requirements for an initial period not to exceed seven (7) consecutive days with notice. The governmental body must provide notice to the attorney general, in a form prescribed by that office. The initial period may be extended by another seven (7) days if needed. Other procedural matters are also set out in the bill. Effective on September 1, 2019.

S.B. 944 (Watson/Capriglione) – Public Information Act/Temporary Custodians: among various changes to the Public Information Act, the bill provides that a current or former officer or employee of a governmental body who maintains public information on a privately owned device shall: a) forward or transfer the public information to the governmental body or a governmental body server to be preserved as other public information; or b) preserve the public information in its original form in a backup or archive and on the privately owned device for the time required by law. Effective September 1, 2019.

S.B. 1640 (Watson/Phelan) – Open Meetings Act/Criminal Conspiracy: asserts it is a violation for a governmental body to engage in a communication or series of communications on an issue where the communication is with less than a quorum but the members engaging in the series of communication would constitute a quorum. The violation requires the individual knew at the time the communication was made that the series of communications involved or would involve a quorum and would constitute a deliberation once the quorum of members engaged in the series of communications. For example, deliberations cannot be made outside of a posted meeting through an exchange of communications such as e-mail. (Note: this bill attempts to address a recent Court of Criminal Appeals opinion in *Doyal v. State*, which found the existing statute unconstitutional.) Effective Immediately.

ELECTIONS

H.B. 831 (Huberty/Huffman) – Candidate Residency: provides when satisfying the continuous residency eligibility requirement, a person establishes an intent to return claim to a residence after a temporary absence 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. The criteria for establishing an intent to return after a temporary absence does not apply to persons displaced due to a declared local, state, or national disaster. Effective on January 1, 2020.

H.B. 1048 (Guillen/Zaffirini) – Use of County Early Polling Places: prohibits political subdivisions from designating locations as early voting polling places, unless the location is an eligible county polling place already designated as an early voting polling place for the election. Effective Immediately.

H.B. 1067 (Ashby/Schwertner) Removal of deceased candidates from the ballot in certain elections: authorizes the authority responsible for preparing the ballots in an election other than the general election for state and county officers to choose to omit from the ballot a candidate who dies on or before the deadline for filing an application for a place on the ballot and to extend the filing deadline for such an application for the office sought by the candidate until the fifth day after the filing deadline. *Effective Immediately.*

H.B. 4129 (Swanson/Zaffirini) Removal from the ballot of a withdrawing candidate: 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 on September 1, 2019.*

OTHER FINANCE AND ADMINISTRATION

H.B. 234 (Krause/Nelson) – Sale of Lemonade by Children: 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 individuals younger than 18 years of age. *Effective on September 1, 2019.*

H.B. 440 (Murphy/Lucio) – General Obligation (GO) Bonds issued by Political Subdivisions: the bill: (1) requires political subdivisions to post on their website a sample GO bond ballot, election order, election notice, and proposition contents 21 days before the election; (2) places certain restrictions on issuing GO bonds if the weighted average maturity of the bonds needed to finance the improvements exceeds 120 percent of the reasonably expected weighted average economic life of the financed improvements; (3) unspent GO bond proceeds may be used by political subdivisions, other than a school, only for: (a) specific authorized purposes; (b) bond retirement; or (c) if the original purpose is accomplished or abandoned, a new proposed purpose is approved by voters. The bill outlines notice and election requirements when seeking approval for new proposed purposes to be supported with unspent GO bond proceeds. *Effective on September 1, 2019.*

H.B. 477 (Murphy) – Local Debt: provides certain requirements regarding notice prior to bond elections and ballot language in these elections. Political subdivisions shall prepare voter information documents that distinctly state ballot language and certain additional information in a table format (i.e., estimated maximum annual tax increase on a \$100,000 residence homestead to repay the debt obligations). Political subdivisions must post the voter information document on their website beginning 21 days before the election and ending the day after the election. The notice of intention to issue a certificate obligation (CO) must be published in a newspaper and posted continuously on the issuer's website at least 45 days before the passage of the CO issuance ordinance. The bill identifies specific information that must be included in the notice of intention to issue a CO. *Effective on September 1, 2019.*

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 on September 1, 2019.*

H.B. 1962 (Lambert/Hall) – Texas State Library and Archives Commission (TSLAC)/Records Retention: in addition to extending TSLAC functions until September 1, 2031, the bill: requires local governments to: 1) submit the name of the records management officer to the TSLAC; 2) file a plan or ordinance establishing a records management program with the TSLAC; 3) 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 4) file with TSLAC a written certification of the local government’s records control schedule that establishes a retention period for each local government record, in compliance with TSLAC and any other state or federal requirements.; The bill repeals certain state laws related to TSLAC involvement in city record retention. *Effective on September 1, 2019.*

H.B. 3834 (Caprigilone/Paxton) – Cybersecurity Training: the Department of Information Resources (DIR) will annually certify at least five cybersecurity training programs for state and local government employees and update standards for certification maintenance. Local governments that employ a dedicated information resources cybersecurity officer may offer to its employees a cybersecurity training program that satisfies the certified requirements of DIR. Local governments must require those employees and elected officials identified with access to a local government computer system or database to complete an annual certified cybersecurity training program. Local governments shall verify and report completion of cybersecurity training programs by employees to DIR and require periodic audits to ensure compliance. *Effective immediately.*

S.B. 30 (Birdwell/Phelan) – Bond Propositions: this bill, among other things: (1) requires each single specific purpose for bonds requiring voter approval to be printed on the ballot as a separate proposition; (2) a specific purpose may be one or more structures or improvements serving the substantially same purpose or related improvements and equipment necessary to accomplish the specific purpose; and (3) requires a proposition to include plain language descriptions of specific purposes. *Effective on September 1, 2019.*

S.B. 496 (Perry/Murr) – Historic Courthouse Preservation Program: requires the Historical Commission to consider the county’s or city’s local funding capacity, as measured by the total taxable value of properties in the county or city, as applicable, when considering whether to grant an application for a grant or loan for a historic courthouse project. *Effective on September 1, 2019.*

S.B. 476 (Hancock/Menendez) – Dogs at Restaurants. permits food service establishments to allow 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 where 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. A city is prohibited from adopting or enforcing an ordinance, rule, or similar measure that is more stringent than the bill’s requirements. *Effective on September 1, 2019.*

S.B. 1978 (Hughes/Krause) – Religious Beliefs: governmental entities are prohibited from taking any adverse action against persons based wholly or partly on their membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. “Adverse action” is a governmental entity action 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. “Person” does not include: a) employees acting within the scope of employment; b) contractors acting within the scope of a contract; or c) individuals or medical or residential custodial health care facilities while providing medically necessary services to prevent another’s death or imminent serious physical injury. *Effective on September 1, 2019.*

MUNICIPAL COURTS

HB 1717/HJR 72: Municipal Judges in more than one city: the bill 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 on January 1, 2020 if H.J.R 72 is approved at an election on November 5, 2019.*

S.B. 40 (Zaffirini/Leach) – Municipal Courts during a disaster: a presiding judge of the administrative judicial region, with the approval of the affected municipal court judge, may designate alternative locations for municipal court proceedings as well as court terms and sessions when impacted by a disaster. An alternate location may be: (a) in the city corporate limits; or (b) outside city corporate limits at a location the presiding judge of the administrative judicial region determines is closest to the city and allows the court to safely conduct proceedings. *Effective Immediately.*

S.B. 346 (Zaffirini/Leach) – Municipal Court Costs, Fines, and Fees/Indigent Defendants: The bill updates municipal court costs, fines, and fees, and makes numerous changes for determining a defendant’s ability to pay. The court will hold a hearing to determine whether the fine imposes an undue hardship on the defendant. The court shall consider whether the fine and costs should be satisfied through one or more methods under current law, such as payment at a later date or community service. *Effective on January 1, 2020.*

PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT

H.B. 852 (Holland/Fallon) – Building Permit Fees: prohibits cities from considering the value of a dwelling or construction or improvement cost of that dwelling when determining building permit or inspection fee amounts. Cities are also prohibited from requiring disclosure of information related to the value of or cost of constructing or improving a 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. 1136 (Price/Nelson) – Tourism Public Improvement Districts: cities may establish tourism public improvement districts in areas where the only businesses are one or more hotels. Districts created after September 1, 2019, may undertake a project only for advertising, promotion, or business recruitment, as those categories directly relate to hotels. A property may be included 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 property owners signed the original petition. *Effective immediately.*

H.B. 2439 (Phelan/Buckingham) – Building Materials and Methods: prohibits a city from mandating any building materials that are more stringent than those in a building code, with exceptions for windstorm and hail insurance, historic districts and historic preservation, and state and federal funding source or housing program requirements. Voids conflicting rules, charter provisions, ordinance, order, building code or other regulation adopted by a governmental entity that conflicts with the bill. *Effective on September 1, 2019.*

H.B. 2496 (Cyrier/Buckingham) – Local Historic Landmarks: prohibits cities from designating a property as a local historic landmark unless: (a) the property owner 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. Cities may designate a property owned by a qualified religious organization as a local historic landmark with the consent of the organization. No later than the 15th day before the initial designation hearing, the city must provide a statement to the property owner describing impacts a local historic landmark designation may have on the owner and the owner's property. Further, cities must allow the property owner to withdraw consent at any time during the designation process. *Effective immediately.*

H.B. 3167 (Oliverson/Hughes) – Land Development Applications/Replats: provides numerous changes to subdivision platting and land development application procedures. Municipal authorities must approve, conditionally approve, or disapprove a plan or plat within 30 days after the date the plan or plat is filed. City Council must approve, conditionally approve, or disapprove a plan or plat within 30 days after approval action by the planning commission. The plan or plat is deemed approved unless it is disapproved within the 30-day period. Upon written request by the applicant, the 30-day timeframe may be extended an additional 30 days. Cities cannot establish a deadline for submitting a response to a conditional approval or disapproval. The applicant's response must be approved or disapproved within 15 days of the date the response was submitted. *Effective on September 1, 2019.*

H.B. 3314 (Romero/Zaffirini) – Subdivision Platting: modifies certain replatting hearing and notice requirements. When a proposed replat requires a variance or exception, a public hearing must be held by the municipal planning commission or City Council. For proposed replats that do not require a variance or exception, within 15 days of the replat approval, the city shall mail written notices of the replat approval to each lot owner in the original subdivision that is within 200 feet of the lots to be replatted (as determined by the most recent municipality or county tax roll). The notice of a replat approval must include: (a) the zoning designation of the property after the replat; and (b) telephone and e-mail information a lot owner may use to contact the city about the replat. *Effective on September 1, 2019.*

H.B. 2497 (Cyrier/Hughes) – Board of Adjustment: identifies persons allowed to appeal to the board of adjustment regarding decisions made by an administrative official. Such appeals must be filed within 20 days after the date the administrative official decision is made. The board of adjustment shall decide an appeal 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 on September 1, 2019.*

H.B. 2858 (Toth/Schwertner) – Swimming Pool and Spa Code: the bill adopts the International Swimming Pool and Spa Code (the "Code"), as it existed on May 1, 2019, as the municipal swimming pool and spa code in the state. The 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. A city may establish procedures for the adoption of local amendments to the Code as well as administration and enforcement. Cities may review and adopt amendments made by the Code after May 1, 2019. Effective on September 1, 2020.

S.B. 26/S.J.R. 26 (Kolkhorst/Cyrier) – Parks Funding: requires the Legislature to appropriate sporting goods sales tax revenue credited to the Parks and Wildlife Department that may be used only for specified purposes. Among these purposes are: (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 portion for benefits and salaries of department employees paid from sporting goods sales tax revenues; and (5) to fund the state portion for annuitant group coverages under the group benefits program operated by the Employees Retirement System of Texas attributable to sporting goods sales tax revenues. Effective on September 1, 2021, but only if S.J.R. 24 is approved at the election on November 5, 2019.

S.B. 1303 (Bettencourt/Bell) – Required Digital Mapping for Cities: home rule cities must maintain a map of the city's boundaries and extraterritorial jurisdiction in a location easily accessible to the public (i.e. City Secretary's Office and city website) and provide copies without charge. No later than January 1, 2020, home rule cities shall facilitate creation of a digital map to be posted on the city's website and made available to the public in a format widely used by common geographic information system software, without charge. If the city does not have common geographic information system software, make the digital map available in any other widely used electronic format. Effective on September 1, 2019.

PENSION

H.B. 2763 (Flynn/Taylor) – Galveston Police Pension Plan: addresses: 1) funding contributions (18 percent city; 12 percent police); 2) pension plan board composition (4 city-appointed and 4 police appointed) and board member expertise and training requirements; board actions affecting major plan changes require a super majority vote of the trustees; and plan assumptions (7 percent return until January 2, 2020, and actuarially evaluated thereafter). Effective Immediately.

S.B. 322 (Huffman) – Public Retirement System Investments: provides that a public retirement system shall select an independent firm to: (1) evaluate the appropriateness, adequacy, and effectiveness of the retirement system's investment practices and performance; and (2) make recommendations for improving the retirement system's investment policies, procedures, and practices. Effective Immediately.

S.B. 1337 (Huffman/Flynn) - Texas Municipal Retirement System: amends current law relating to credit in, benefits from, and administration of the Texas Municipal Retirement System (TMRS). Among the changes, the bill specifies the maximum amortization period for a city's actuarial accrued liability is 30 years and clarifies the Board's authority to set amortization periods. Further, the bill amends prior service credit (PSC) to provide recognition of service performed before the city joins TMRS. Under the bill, a city may choose a PSC rate of zero percent to comply with the Texas Constitution. Also, the bill eliminates the excluded prior service credit from the calculation of updated service credit (USC). Effective on January 1, 2020.

S.B. 2224 (Huffman/Murphy) – Public Retirement System Funding Policy: requires a public retirement system governing body to: (1) adopt a written funding policy detailing the governing

body's plan for achieving a 100 percent or greater funded ratio of the system; (2) maintain a copy of the policy for public review at its main office; (3) file a copy of the policy and each change to the policy with the Pension Review Board within 31 days of the date the policy or change is adopted; (4) submit a copy of the policy and each policy change to the system's associated governmental entity within 31 days of the date the policy or change is adopted; and (5) public retirement system shall adopt a funding policy no later than January 1, 2020. *Effective on September 1, 2019.*

PERSONNEL

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 PTSD 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 on 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 on September 1, 2019.*

H.B. 2584 (Cortez/Menedez) – Code Enforcement Carrying a Club: the bill allows code enforcement officers to carry a club to deter animal bites while on duty. The Texas Commission of Licensing and Regulation will establish educational training requirements regarding principles and procedures code enforcement officers must follow when carrying the club for deterring animal bites. *Effective on September 1, 2019.*

H.B. 3635 (J. Turner/Hughes) – Survivor Benefits: Current law provides for a \$500,000 lump sum financial assistance payment to the eligible survivors of certain law enforcement officers, firefighters, and other public employees killed in the line of duty. This bill provides for an annual adjustment of that amount to match inflation. *Effective on September 1, 2019.*

S.B. 1582 (Lucio/Wray) – Peace Officer Disease Presumption: includes peace officers in the list of employees eligible for preventative immunizations and vaccinations for disease the officer may have been exposed to when performing official duties. Also, the bill provides peace officers with the same disability and line of duty death presumptions related to the diseases and illnesses named in the statute, except for cancer. The bill clarifies applicable provisions to peace officers for governmental entities, 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. *Effective on September 1, 2019.*

S.B. 2551 (Hinojosa/Burrows) – Firefighter and EMT Disease Presumption: provides that certain fire fighters and emergency medical technicians (EMT) who suffer from one or more of the 11 cancers identified in statute 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. The bill also makes certain administrative claim procedure changes for such cases. Further, a political subdivision that self-insure either individually or collectively is liable for: 1) sanctions,

administrative penalties, and other remedies authorized under the Workers' Compensation Act; and 2) for certain attorney's fees paid to a claimant's attorney. *Effective immediately.*

PUBLIC SAFETY

H.B. 61 (White/Nichols) – Road lane requirements adjacent to certain vehicles: directs that, unless otherwise directed by a police officer, a motor vehicle operator commits a misdemeanor when failing to slow to the required speed and vacate the lane closest to certain utility, municipal solid waste or highway maintenance or construction vehicles. *Effective on September 1, 2019.*

H.B. 1177 (Phelan/Bettencourt) – Carrying Handguns during Disaster: cities cannot prohibit a person from carrying a handgun regardless of whether or not that person holds a license when evacuating from a disaster area for up to 168 hours following the declaration of a disaster, unless the person is prohibited by state or federal law from possessing a firearm. The person may carry the handgun concealed or carried in a shoulder or belt holster in an emergency shelter during a declared local or state disaster as authorized by the owner of the premises. *Effective on September 1, 2019.*

H.B. 1791 (Krause/Fallon) – Licensed Carry Notice: provides that state agencies or political subdivisions may not take any action that states or implies that a handgun license holder carrying a handgun is prohibited from entering or remaining on premises owned or leased by the entity unless license holders are prohibited from carrying a handgun on the premises by state law. The bill revises the contents required as part of a complaint filed with the Attorney General regarding a violation of that prohibition. *Effective on September 1, 2019.*

H.B. 2203 (Miller/Kolkhorst) – Radioactive Substance Release: requires the DSHS or any other state agency that receives a required report of a release of a radioactive substance into the environment to immediately provide notice to each political subdivision of this state affected by the substance 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 is confidential and not subject to disclosure under the Public Information Act. *Effective immediately.*

H.B. 3231 (Clardy/Fallon) – Preemption of Local Firearm Regulations: prohibits cities and counties from adopting certain regulations related to firearms, air guns, knives, or ammunition, including: (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. The Attorney General can bring action against a city or county and recover reasonable expenses for violation of these provisions. The bill does not affect the city's authority to: a) adopt or enforce generally applicable zoning ordinance, land use regulations, fire codes, or business ordinances; b) regulate the carrying of a firearm by a person who is licensed to do so in accordance with law; or 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. *Effective on September 1, 2019.*

H.B. 4236 (Anderson/Birdwell) – Body Worn Camera Recordings: provides circumstances when law enforcement agencies may permit persons to view a recording, provided that the law enforcement agency determines the viewing furthers a law enforcement purpose and the authorized person is permitted to view the recording was not a witness to the incident. The bill identifies the

following authorized persons: (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. Persons viewing a recording may not duplicate the recording or capture video or audio from the recording. A permitted viewing of a recording is not considered to be a release of public information for purpose of the Public Information Act. *Effective on September 1, 2019.*

TRANSPORTATION

H.B. 1548 (Springer/Kolkhorst) – Golf Carts, Neighborhood Electric Vehicles, and Off-Highway Vehicles: requires the Department of Motor Vehicles (DMV) to establish procedures to issue license plates for all-terrain vehicles (ATV, and recreational off-highway vehicles (OHV). The bill authorizes OHVs and golf carts to operate on highways if authorized by a county or municipality, as specified by the bill, and requires the display of a license plate issued by DMV. A golf cart, neighborhood electric vehicle (NEV), or OHV operating at a speed of not more than 25 miles per hour must display a slow-moving-vehicle emblem when operating on a highway. The bill amends various provisions in the Transportation Code and other law regarding the definitions of these types of vehicles. The bill identifies areas where golf carts may operate or cities may restrict or prohibit operation in the interest of safety. *Effective Immediately.*

H.B. 2188 (Frullo/Alvarado) – Electric and Non-Electric Bicycles: provides conditions where cities may regulate operation of electric bicycles. "Electric bicycle" is defined as 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. Cities may prohibit the operation of a bicycle on a sidewalk and establish speed limits for bicycles on designated and certain other paths set aside for bicycle use. Certain laws applicable to off-highway vehicles and bicycles do not apply to electric bicycles. Prohibits a person under 15 years of age from operating (but not riding as a passenger on) on a certain class of electric bicycle. *Effective on September 1, 2019.*

H.B. 3871 (Krause/Lucio) – Speed Limits: open-enrollment charter schools are among the 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. Following a public hearing, the school or higher education institution governing body may make only one request to the city to conduct an engineering and traffic investigation. *Effective on September 1, 2019.*

S.B. 969 (Hancock/Landgraf) – Mobile Delivery Devices: preempts city regulation of personal delivery or mobile carrying device operations on highways or pedestrian areas that is inconsistent with the bill. A "mobile carrying device" is a device that transports cargo while remaining within 25 feet of a human operator and is equipped with technology that allows the operator to actively monitor the device. A "personal delivery device" is a device, manufactured primarily for transporting cargo in a pedestrian area, that is equipped with automated driving technology that enables device operation with the remote support and supervision of a human. A personal delivery or mobile carrying device may operate only: (a) in pedestrian areas at a maximum speed 10 miles per hour; or (b) on the side roadways or the shoulder of highways at a maximum speed of 20 miles per hour. A lower maximum speeds are allowed (not less than seven miles per hour) if local authorities determine the statutory maximum speed is unreasonable or unsafe. Local law enforcement may enforce state laws governing personal delivery or mobile carrying device operation. Business entities that operate a personal delivery device must carry an insurance policy. *Effective Immediately.*

UTILITIES AND ENVIRONMENT

H.B. 2320 (Paul/Taylor) – Utility Services during Disasters: directs TDEM to identify methods for hardening utility facilities and critical infrastructure in order to maintain operations of essential services during disasters. Not later than November 1, 2020, TDEM shall submit a report to the Legislature on improving the oversight, accountability, and availability of building trade services following a disaster. The Public Utility Commission, in cooperation with TDEM, shall: (a) promote public awareness of utility bill payment assistance available during a disaster; and (b) provide the public with billing practice information during a disaster to ensure that consumers of electric, water, and wastewater services have an adequate understanding of their rights. *Effective on September 1, 2019.*

S.B. 1152 (Hancock/Phelan) – Telecommunications / Cable Right-of-Way Franchise Fees: this bill limits the franchise fee payment made by those telecommunication companies who also pay cable fees to pay only the greater of the two, based upon whichever are less for the company statewide. *Effective on September 1, 2019, and applies to payments made after January 1, 2020.*

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 on September 1, 2019.*