

# Summary of Enactments 85th Legislature

Regular Session  
and  
1st Called Session  
2017



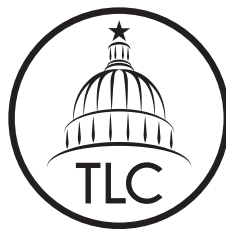
Texas Legislative Council

# Summary of Enactments 85th Legislature

Regular Session  
and  
1st Called Session  
2017

Prepared by the Research Division  
of the  
Texas Legislative Council  
and the  
Legislative Reference Library of Texas

Published by the  
Texas Legislative Council  
P.O. Box 12128  
Austin, Texas 78711-2128



Lieutenant Governor Dan Patrick, Joint Chair  
Speaker Joe Straus, Joint Chair  
Jeff Archer, Executive Director

*The mission of the Texas Legislative Council is  
to provide professional, nonpartisan service and support  
to the Texas Legislature and legislative agencies.  
In every area of responsibility,  
we strive for quality and efficiency.*

Copies of this publication have been distributed in compliance with the state depository law (Subchapter G, Chapter 441, Government Code) and are available for public use through the Texas State Publications Depository Program at the Texas State Library and other state depository libraries. The publication can be found online at <http://www.tlc.texas.gov/session>.

Additional copies of this publication may be obtained from the council:

By mail: P.O. Box 12128, Austin, TX 78711-2128

By phone: (512) 463-1144

By e-mail: [house.documentdistribution@tlc.texas.gov](mailto:house.documentdistribution@tlc.texas.gov)

By online request form (legislative offices only): <http://bilreq/House.aspx>

# Table of Contents

<b>Introduction</b> .....	v
<b>Enactments of the 85th Legislature</b> .....	1
Agriculture .....	1
Alcoholic Beverages .....	5
Appropriations and State Finance .....	9
Business and Commerce .....	15
Civil Remedies and Procedures .....	23
Corrections.....	29
Courts .....	33
Criminal Justice .....	41
Economic Development .....	55
Elections.....	57
Emergency Response .....	63
Energy Resources .....	65
Environment.....	67
Family Law .....	71
Government Purchasing.....	85
Health and Human Services .....	89
Higher Education.....	107
Insurance .....	117
Juvenile Justice.....	127
Labor and Employment .....	131
Local Government.....	137
Military Forces and Veterans.....	145
Occupational Regulation .....	153
Open Government and Privacy .....	165
Parks and Wildlife .....	169
Probate and Guardianship.....	173
Property Interests and Housing.....	179
Public Education.....	183
Public Retirement Systems.....	203
Public Safety.....	207
Special Districts .....	215
State Government.....	237
Sunset Review .....	247
Taxes and Tax Administration .....	253
Transportation .....	269
Utilities.....	283
Water .....	287
<b>Vetoes by the Governor</b> .....	293
<b>Index to Enacted Bills and Joint Resolutions</b> .....	309

*This page intentionally left blank.*

# Introduction

*Summary of Enactments, 85th Legislature*, provides summaries of all bills and joint resolutions passed by the Texas Legislature during the 2017 Regular and 1st Called Sessions, from January 10 through May 29 and from July 18 through August 15, respectively. It is intended to be a convenient reference to the main features of enacted measures and is not to be considered a comprehensive or legal analysis.

With assistance from the staff of the Legislative Reference Library, the summaries have been organized into chapters based on their primary subject matter. Summaries of vetoed bills appear in both the applicable subject matter chapter and in the “Vetoed by the Governor” chapter.

		Filed	Passed	Vetoed
Regular	Bills	6,631	1,211	50*
	Joint Resolutions	169	9	–
1st C.S.	Bills	508	12	0
	Joint Resolutions	52	0	–

\*The governor also vetoed several line items in the General Appropriations Act (S.B. 1).

The text of enacted bills and joint resolutions and related histories, analyses, fiscal notes, and summaries are provided electronically at [Texas Legislature Online](#). For assistance in locating legislation, visit the [website of the Legislative Reference Library](#) or contact the library at (512) 463-1252.

Of the nine joint resolutions passed, two relate to applications to the U.S. Congress for the calling of an Article V convention and seven proposed amendments to the Texas Constitution. Those seven amendments were presented to voters on the November 7, 2017, election ballot, and all were approved. For analyses of the proposed amendments to the Texas Constitution, see the [Texas Legislative Council’s publications web page](#).

*This page intentionally left blank.*

# Enactments of the 85th Legislature

## Agriculture

This chapter covers legislation on ranching, farming, and maintaining a healthy agricultural sector and includes legislation relating to the functions and duties of the Department of Agriculture.

**House Bill 338**  
**Effective:** 9-1-17

**House Author:** Burrows  
**Senate Sponsor:** Perry

House Bill 338, the Producer Protection Act, amends the Agriculture Code to require a contract between a producer and purchaser regarding an agricultural product to state that it is an acreage contract or a quantity contract and to prohibit a purchaser from filing suit against a producer under an acreage contract unless the producer knowingly fails to deliver to the purchaser all of an agricultural product grown on specified land as provided by the contract.

**House Bill 572**  
**Effective:** Vetoed

**House Author:** Stephenson et al.  
**Senate Sponsor:** Kolkhorst

House Bill 572 amends the Agriculture Code to require the Department of Agriculture, in coordination with the Texas Commission on Environmental Quality and the Texas A&M AgriLife Extension Service, to organize pesticide waste and pesticide container collection activities statewide. The bill establishes the pesticide disposal fund for purposes of such activities.

Governor's Reason for Veto: "According to the fiscal note on House Bill 572, the program created by the bill will either result in a cost to the state budget of \$2 million over five years, or will result in the Texas Department of Agriculture raising fees to offset the cost. Neither outcome is desirable."

**House Bill 1730**  
**Effective:** 6-15-17

**House Author:** Cyrier  
**Senate Sponsor:** Kolkhorst

House Bill 1730 amends the Agriculture Code to change the frequency at which the Department of Agriculture (TDA) submits the state's primary standards of weights and measures to the National Institute of Standards and Technology or an institute-approved laboratory for certification to the frequency required to maintain recognition of the TDA metrology laboratory.

**House Bill 2029**  
**Effective:** 9-1-17

**House Author:** Lozano et al.  
**Senate Sponsor:** Perry

House Bill 2029 amends the Agriculture Code to exempt a commercial weighing or measuring device that is exclusively used to weigh food sold for immediate consumption from statutory provisions relating to the inspection and registration of weighing or measuring devices.

**House Bill 2174**  
**Effective:** 9-1-17

**House Author:** Darby et al.  
**Senate Sponsor:** Nichols

House Bill 2174 amends the Agriculture Code to exempt certain motor fuel metering devices from provisions relating to weights and measures and to provide for the inspection and registration of such devices. The bill, among other provisions, requires the Department of Agriculture (TDA) to receive complaints regarding motor fuel metering devices, limits the amount the TDA may increase a fee for the registration and inspection of weighing or measuring devices in a state fiscal biennium, revises procedures for collecting samples of and testing motor fuel quality, and changes the criteria by which the TDA may stop the sale of motor fuel or mark a device used to dispense motor fuel as out of order.



## Agriculture

### **House Bill 2567** **Effective:** 9-1-17

**House Author:** Bailes  
**Senate Sponsor:** Nichols

House Bill 2567 amends the Natural Resources Code to revise and update provisions relating to forest pest control. The bill, among other provisions, removes the exception to the requirement for the landowner of infested forest land to pay all charges and expenses of pest control measures taken by the Texas A&M Forest Service, removes the cap on the amount charged by the service for such measures and constituting a legal claim against the landowner, and revises certain related notice requirements.

### **House Bill 2817** **Effective:** 9-1-17

**House Author:** González, Mary et al.  
**Senate Sponsor:** Perry et al.

House Bill 2817 amends the Agriculture Code and Penal Code to require the Department of Agriculture (TDA) to establish a cattle inspection program to discourage and investigate property crimes involving cattle on request by the Texas and Southwestern Cattle Raisers Association under certain circumstances. The bill sets out provisions relating to cattle inspections and regulatory assessments under the program and provides for TDA oversight of the association's budget for the program. The bill makes causing the death of a head of cattle or bison or the death of a horse a third degree felony criminal mischief offense, with certain exceptions.

### **House Bill 3063** **Effective:** 9-1-17

**House Author:** Kacal et al.  
**Senate Sponsor:** Perry

House Bill 3063 amends the Property Code to provide for the creation, date of attachment, effect, and discharge of an agricultural lien against an agricultural crop delivered or transferred by the crop's agricultural producer to a warehouse and to revise provisions relating to the applicability of an agricultural lien against commingled crops, the perfection and priority of an agricultural lien on crops, and the prohibition against a waiver of producer rights to seek certain remedies.

### **House Bill 3227** **Effective:** 6-15-17

**House Author:** King, Tracy O.  
**Senate Sponsor:** Lucio

House Bill 3227 amends the Agriculture Code to establish the Department of Agriculture (TDA) as the lead agency for the administration, implementation, and enforcement of, and education and training relating to, the U.S. Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption or any successor federal produce safety rule or standard. The bill includes nongovernmental organizations among those entities with which the TDA coordinates certain programs for fruit and vegetable producers and packers, authorizes the TDA to enter into certain agreements with a federal or state agency for the purpose of produce safety coordination, and establishes an administrative penalty for a violation of a TDA rule related to that purpose.

### **House Bill 3952** **Effective:** 9-1-17

**House Author:** Phillips  
**Senate Sponsor:** Perry

House Bill 3952 amends the Agriculture Code to set out provisions relating to the suspension of the activities of the Texas Grain Producer Indemnity Board, which the bill establishes as inactive but subject to reactivation by the commissioner of agriculture following the petition of at least 200 grain producers. The bill provides for the administration of the grain producer indemnity fund by the Department of Agriculture while the board is inactive.

**House Bill 3992**  
**Effective:** 6-15-17

**House Author:** Murphy  
**Senate Sponsor:** Perry

House Bill 3992 amends the Tax Code to clarify that a cooperative whose single member is a farmers' cooperative described under certain provisions of the federal Internal Revenue Code that has at least 500 farmer-fruit grower members is a cooperative exempted from the franchise tax.

**Senate Bill 1172**  
**Effective:** 9-1-17

**Senate Author:** Perry  
**House Sponsor:** Geren et al.

Senate Bill 1172 amends the Agriculture Code to prohibit a political subdivision, except under limited circumstances, from adopting a measure that regulates seed in any manner, including planting seed or cultivating plants grown from seed, and to void an adopted measure that violates this prohibition.

**Senate Bill 1459**  
**Effective:** 5-19-17

**Senate Author:** Hinojosa  
**House Sponsor:** Martinez, "Mando"

Senate Bill 1459 amends the Tax Code to establish the conditions under which the eligibility for appraisal as agricultural land of land located in a pest management zone and appraised primarily on the basis of the production of citrus does not end because the land ceases to be devoted principally to agricultural use to a certain degree for a specified period.

*This page intentionally left blank.*

## Alcoholic Beverages

This chapter covers legislation on the functions and operations of the Texas Alcoholic Beverage Commission and the regulation of individuals and establishments that sell, serve, manufacture, distribute, or transport alcoholic beverages.

**House Bill 1555**  
**Effective:** 5-26-17

**House Author:** Kuempel  
**Senate Sponsor:** Seliger

House Bill 1555 amends the Government Code to exclude a location for which a person holds a wine and beer retailer's permit that derives less than 30 percent of the location's gross receipts from the sale or service of alcoholic beverages from the locations whose use as a sales agency location by an applicant for or holder of a state lottery sales agent license triggers, on an applicable finding, a requirement for the director of the lottery division of the Texas Lottery Commission to deny the application or for the commission to suspend or revoke the license.

**House Bill 1612**  
**Effective:** 9-1-17

**House Author:** Romero, Jr.  
**Senate Sponsor:** Hancock

House Bill 1612 amends the Alcoholic Beverage Code to include an offense relating to controlled substances or drugs among the bases for suspension of a permit or license relating to alcoholic beverages for which the Texas Alcoholic Beverage Commission (TABC) or the TABC administrator is not required to give the permittee or licensee the opportunity to pay a civil penalty as an alternative to having the permit or license suspended.

**House Bill 2097**  
**Effective:** 9-1-17

**House Author:** Geren  
**Senate Sponsor:** Watson

House Bill 2097 amends the Alcoholic Beverage Code to specify that the authorization for the holder of a brewpub license who holds a wine and beer retailer's permit to sell malt liquor, ale, and beer produced under the license to specified retailers and qualified persons applies to a brewpub license holder whose sale of beer, ale, or malt liquor consists only of beer, ale, or malt liquor manufactured on the brewpub's premises.

**House Bill 2101**  
**Effective:** 9-1-17

**House Author:** Frullo et al.  
**Senate Sponsor:** Creighton

House Bill 2101 amends the Alcoholic Beverage Code to revise the criteria for issuance of a food and beverage certificate to the holder of a wine and beer retailer's permit, mixed beverage permit, private club registration permit, or retail dealer's on-premise license. The bill also sets out provisions relating to the renewal and cancellation of a food and beverage certificate held by such a permit or license holder.

**House Bill 2299**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia  
**Senate Sponsor:** Creighton

House Bill 2299 amends the Alcoholic Beverage Code to expand the entities authorized to test a sample of a beverage or a sample of the same type and quality of a beverage to verify the alcohol content of the beverage for purposes of a person obtaining prior approval to ship or cause to be shipped into Texas, import into Texas, manufacture and offer for sale in Texas, or distribute, sell, or store in Texas any beer, ale, or malt liquor.

## Alcoholic Beverages

**House Bill 3003**  
**Effective:** 9-1-17

**House Author:** Kuempel  
**Senate Sponsor:** Estes

House Bill 3003 amends the Alcoholic Beverage Code to include a brewer among the entities authorized to offer a prize to a consumer of legal drinking age that is part of a promotional sweepstakes activity. The bill, among other provisions, authorizes such a prize to include food, beverages, entertainment, recreation, gifts, or attendance at a private event at a permitted or licensed premises for the winners of the sweepstakes and other guests of the event sponsor and provides for the premises at which a sweepstakes promotion may be conducted.

**House Bill 3101**  
**Effective:** 5-29-17

**House Author:** Kuempel  
**Senate Sponsor:** Birdwell

House Bill 3101 amends the Alcoholic Beverage Code to create a passenger bus beverage permit. Among other provisions, the bill authorizes a passenger bus beverage permit holder to store alcoholic beverages at the permitted location and grants the permit holder the same rights with respect to the sale of alcoholic beverages on a passenger bus as an airline beverage permit holder has with respect to the sale of alcoholic beverages on a commercial passenger airplane.

**House Bill 3287**  
**Effective:** 6-15-17

**House Author:** Goldman et al.  
**Senate Sponsor:** Seliger

House Bill 3287 amends the Alcoholic Beverage Code to change the methods for determining whether a brewer's permit holder or manufacturer's license holder may respectively sell ale or beer produced on the applicable premises under the permit or license to ultimate consumers for responsible on-premises consumption, a brewer's self-distribution permit holder may sell ale produced under the applicable permit to certain persons to whom the holder of a general class B wholesaler's permit may sell ale, and a manufacturer's self-distribution license holder may sell beer produced under the applicable license to certain persons to whom the holder of a general distributor's license may sell beer. Among other provisions, the bill provides certain exceptions to its provisions and sets out requirements applicable to certain holders of a brewer's permit or a manufacturer's license.

**House Bill 4042**  
**Effective:** 9-1-17

**House Author:** Paddie  
**Senate Sponsor:** Whitmire

House Bill 4042 amends the Alcoholic Beverage Code and Tax Code to rename a temporary charitable auction permit as a temporary auction permit and to change the purpose for which such a permit holder may auction alcoholic beverages. The bill also prohibits the Texas Alcoholic Beverage Commission (TABC) from imposing a surcharge for a temporary auction permit, authorizes TABC to issue such a permit to a person or group of persons who are subject to recordkeeping requirements under Election Code provisions regarding political reporting, and removes the prohibition against a temporary auction permit holder conducting more than one auction during each calendar year.

**Senate Bill 371**  
**Effective:** 9-1-17

**Senate Author:** Watson  
**House Sponsor:** Cyrier

Senate Bill 371 amends the Alcoholic Beverage Code to remove from the grounds on which a county judge may refuse to approve an application for a retailer or distributor license and from the grounds for cancellation or suspension by the Texas Alcoholic Beverage Commission (TABC) or the TABC administrator of an original or renewal retail dealer's on-premise or off-premise license a finding of noncompliance with certain running water and restroom requirements.

**Senate Bill 1176**  
**Effective:** 5-18-17

**Senate Author:** Campbell  
**House Sponsor:** Guillen

Senate Bill 1176 amends the Alcoholic Beverage Code to provide for the creation of a water park permit and to authorize the holder of two or more water park permits to deliver alcoholic beverages from any premises for which one of those permits has been issued to any other premises for which one of those permits has been issued.

**Senate Bill 1519**  
**Effective:** 6-1-17

**Senate Author:** Hancock  
**House Sponsor:** Geren

Senate Bill 1519 amends the Industry Public Entertainment Facilities Act, Alcoholic Beverage Code, to establish that state law relating to advertising and promotion in a public entertainment facility does not restrict or govern the promotion, sponsorship, or advertising of an entertainment event or the promotion or advertising of an alcoholic beverage brand or product at a facility that is part of a sports and community venue project that has been approved by the voters of an applicable municipality or county, including the venue and related infrastructure.

*This page intentionally left blank.*

## Appropriations and State Finance

This chapter covers the General Appropriations Act for the state fiscal biennium beginning September 1, 2017, and legislation on supplemental appropriations, revenue dedication, investment of public funds, and payment of claims against the state.

**House Bill 2**  
**Effective:** 6-12-17

**House Author:** Zerwas  
**Senate Sponsor:** Nelson

House Bill 2 makes supplemental appropriations and reductions in appropriations to various state agencies, programs, and funds; provides transfer authority and other appropriation adjustment authority; and imposes contingencies on the appropriation of funds and transferred appropriations and restrictions on the use of certain supplemental and transferred appropriations. Unencumbered appropriations for the 2016-2017 state fiscal biennium from the general revenue fund and from dedicated accounts in the general revenue fund are reduced by approximately \$112.7 million. The bill makes supplemental appropriations for the 2016-2017 state fiscal biennium totaling almost \$1.1 billion from the general revenue fund and almost \$1.6 billion from other federal funds.

House Bill 2 amends the law to require the Department of Family and Protective Services (DFPS) to report to the Legislative Budget Board any cost overruns and project delays for the Information Management Protecting Adults and Children in Texas (IMPACT) project not identified and reported before June 1, 2017, and to require all cost overruns to be paid from amounts appropriated out of Appropriated Receipts for DFPS for the 2016-2017 state fiscal biennium, subject to certain conditions. The bill also sets out provisions relating to a hiring freeze for state entities directed to adhere to a memorandum issued by the governor on January 31, 2017, through the end of the 2017 state fiscal year.

**House Bill 30 (1st C.S.)**  
**Effective:** 8-16-17

**House Author:** Zerwas et al.  
**Senate Sponsor:** Nelson

House Bill 30 transfers certain unencumbered appropriations from the general revenue fund for the 2018-2019 state fiscal biennium made to the Health and Human Services Commission (HHSC) by S.B. 1, Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), from HHSC to the Texas Education Agency to fund financial hardship grants under the foundation school program and payments to open-enrollment charter schools, for the existing debt allotment and the small-sized district adjustment, and to award grants authorized under grant programs that provide services to students with autism and students with dyslexia, as added or amended by H.B. 21, Acts of the 85th Legislature, 1st Called Session, 2017, or similar legislation that addresses such issues, and from HHSC to the Teacher Retirement System of Texas to increase school districts' recruitment and retention of school teachers and provide support to participants in the Texas Public School Employees Group Insurance Program.

**House Bill 1003**  
**Effective:** See below

**House Author:** Capriglione et al.  
**Senate Sponsor:** West

House Bill 1003 amends the Tax Code and Public Funds Investment Act, Government Code, to expand the investments authorized to be made under the act, to require certain authorized investments to comply with specified federal regulations, to exempt from the act an institution of higher education having total endowments of at least \$150 million in book value on September 1, 2017, and to revise provisions of the act relating to investment pools. The bill takes effect June 14, 2017, except for provisions relating to the redefinition of "eligible costs and expenses," which take effect January 1, 2022.



**House Bill 1492**  
**Effective:** 6-1-17

**House Author:** Miller et al.  
**Senate Sponsor:** Buckingham et al.

House Bill 1492 amends the Government Code to create the National Museum of the Pacific War museum fund as a fund outside the state treasury that is to be administered by the Texas Historical Commission or by the Admiral Nimitz Foundation under contract with the commission. The bill repeals provisions relating to the National Museum of the Pacific War account in the general revenue fund and revises a requirement for depositing the proceeds of certain revenue bonds or other revenue obligations for the National Museum of the Pacific War.

**House Bill 1701**  
**Effective:** 9-1-17

**House Author:** Parker  
**Senate Sponsor:** Hancock

Previous law required a written copy of the investment policy adopted by the governing body of certain investing entities subject to the Public Funds Investment Act to be presented to any person offering to engage in an investment transaction with such an investing entity or to an investment management firm under contract with such an investing entity to invest or manage the entity's investment portfolio. House Bill 1701 amends the Government Code to require the written copy of the investment policy to be presented to any business organization making such an offer and to revise provisions regarding the required written acknowledgement given to an investing entity by such an organization.

**House Bill 1930**  
**Effective:** 6-15-17

**House Author:** Frullo  
**Senate Sponsor:** Perry

House Bill 1930 repeals Government Code provisions governing financial accounting and reporting requirements for the state and its political subdivisions relating to, among other things, the statutory modified accrual basis of accounting and acceptable alternative accounting principles with regard to postemployment benefits other than pension benefits. The bill amends Local Government Code provisions relating to a county financial accounting system in a county with a county auditor and a population of 190,000 or more to prohibit an applicable regulation from being inconsistent with generally accepted accounting principles as established by the Governmental Accounting Standards Board.

**House Bill 2647**  
**Effective:** 6-15-17

**House Author:** Stephenson  
**Senate Sponsor:** Taylor, Larry

House Bill 2647 amends the Government Code to make interest-bearing banking deposits that are guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund authorized investments under the Public Funds Investment Act, with certain exceptions. If certain conditions apply, the bill also makes interest-bearing banking deposits other than such guaranteed or insured deposits authorized investments under the act.

**House Bill 2928**  
**Effective:** 9-1-17

**House Author:** Stephenson  
**Senate Sponsor:** Taylor, Larry

House Bill 2928 amends the Public Funds Investment Act, Government Code, to include obligations of the Federal Home Loan Banks as authorized investments under the act and to clarify that certificates of deposit or share certificates secured in accordance with the Public Funds Collateral Act are also authorized investments under the act.

**House Bill 3765**  
**Effective:** 9-1-17

**House Author:** Longoria  
**Senate Sponsor:** Hinojosa

House Bill 3765 appropriates money out of the general revenue fund, state highway fund, game, fish, and water safety general revenue account, state parks general revenue account, hazardous and solid waste remediation fees general revenue account, and unemployment compensation clearance account fund for the payment of itemized claims and judgments against the state. The bill requires any claim or judgment paid from money appropriated under the bill's provisions to be verified and substantiated by the administrator of the special fund or account against which the claim or judgment is to be charged and approved by the attorney general and the comptroller of public accounts and prohibits any claim or judgment itemized in its provisions not verified or substantiated as such by August 31, 2019, from being paid.

**House Bill 3849**  
**Effective:** See below

**House Author:** Zerwas  
**Senate Sponsor:** Nelson

House Bill 3849 abolishes all funds and accounts created or re-created and all dedications or rededications of revenue collected by a state agency for a particular purpose by an act of the 85th Legislature, Regular Session, except those specifically exempted from abolition under the bill's provisions, and creates and re-creates certain accounts and funds. The bill requires revenue that otherwise would be deposited to the credit of a special account or fund to instead be deposited to the credit of the undedicated portion of the general revenue fund unless the fund, account, or dedication is exempted under the bill's provisions.

House Bill 3849 amends the Government Code, effective September 1, 2017, to require the comptroller of public accounts to make reductions in dedicated accounts in the amounts by which estimated revenues and unobligated balances exceeded appropriations, following certification of all appropriations enacted by the 85th Legislature and to make certain dedicated revenues unavailable for general governmental and certification purposes. The bill repeals a provision that makes dedicated revenues in certain accounts or funds unavailable for general governmental purposes and for consideration for certification under statutory provisions relating to revenue estimates. Except as otherwise provided, the bill takes effect on June 12, 2017.

**Senate Bill 1**  
**Effective:** 9-1-17

**Senate Author:** Nelson  
**House Sponsor:** Zerwas

Senate Bill 1, the General Appropriations Act, appropriates approximately \$216.8 billion for the FY2018-FY2019 state fiscal biennium beginning September 1, 2017. That amount includes all funding sources except interagency contracts. Of the legislatively approved amount, more than \$113.1 billion, or 52.2 percent, is derived from general revenue, both dedicated and nondedicated. Another \$71.9 billion, or 33.2 percent, represents federal funding, and \$31.8 billion, or 14.7 percent, comes from other funds. (Figures and percentages do not add up due to rounding.) The \$216.8 billion budgetary total for FY2018-FY2019 represents an increase of approximately 3.5 percent over the FY2016-FY2017 budget.

Legislative appropriations for major governmental functions and services for FY2018-FY2019 compared with appropriations for the preceding fiscal biennium are as follows: general government receives \$6.2 billion, a decrease of 2.3 percent. Total funding for health and human services is \$79.5 billion, an increase of 3 percent. The legislature appropriates \$80.4 billion for both public and higher education, a 2.7 percent increase. The judiciary receives \$823.6 million, a 3.4 percent increase. Public safety and criminal justice receives \$12.3 billion, a decrease of approximately 1 percent. Natural resources is funded at \$4.5 billion, a 4.4 percent increase. Business and economic development is funded at \$31.8 billion, an increase of 14.8 percent.

## Appropriations and State Finance

Regulatory functions are funded at \$630.6 million, a decrease of 31.5 percent. The legislature is appropriated \$387.5 million, an increase of 0.5 percent.

Pursuant to the governor's "line-item" veto authority, the governor objected to a number of items in the General Appropriations Act, Senate Bill 1, related to a total of approximately \$120 million in all funding sources. The items to which the governor objected are provisions related to appropriations for colonias initiatives, collaborative dual credit program evaluations for the Texas Education Agency and Texas Higher Education Coordinating Board, the continuation of the Legislative Lawyering Clinic in the University of Texas at Austin School of Law, the guardianship compliance project for the Office of Court Administration, safety education by the Department of Public Safety, a certain public safety grant for the Greater Houston Area, certain air quality planning by the Texas Commission on Environmental Quality, the low income vehicle repair assistance, retrofit, and accelerated vehicle retirement program, the water supply enhancement program, a study of aquifers and brackish groundwater, a bonus for retailers who sell lottery tickets, and certain unexpended balances made to the Legislative Budget Board.

**Senate Bill 132**  
**Effective:** 9-1-17

**Senate Author:** Creighton et al.  
**House Sponsor:** Parker et al.

Senate Bill 132 amends the Government Code to increase the amount that an agency retains under the savings incentive program for state agencies from one-fourth of the amount of savings verified by the comptroller of public accounts to one-half of that amount and to remove the cap on the amount that may be retained. The bill requires one-half of the retained savings to be used to make additional principal payments for general obligation bonds issued by the agency or on behalf of the agency by the Texas Public Finance Authority and authorizes the savings to be used to provide bonuses to certain employees if there are no such outstanding general obligation bonds. The bill provides for caps on the bonuses and prohibits a state agency from providing a bonus to an employee who serves in an upper management position, including the chief executive or chief administrator of the agency.

**Senate Bill 253**  
**Effective:** 5-23-17

**Senate Author:** Taylor, Van et al.  
**House Sponsor:** Davis, Sarah

Senate Bill 253 repeals certain provisions relating to the prohibition against investments in Iran by a state governmental entity and amends the Government Code to revise and reorganize provisions regarding the prohibitions on the investment of public money in certain investments by a state investing entity. The bill consolidates statutory provisions relating to prohibited investments in Sudan and prohibited investments in Iran and expands the applicability of those provisions to include investments with an organization designated as a foreign terrorist organization by the U.S. secretary of state. The bill sets out requirements relating to the preparation, update, and posting by the comptroller of public accounts of a list of designated foreign terrorist organizations, including the requirement to file the list with the presiding officer of each house of the legislature and the attorney general.

**Senate Bill 298**  
**Effective:** 9-1-17

**Senate Author:** Hinojosa  
**House Sponsor:** Geren

Senate Bill 298 amends the Code of Criminal Procedure to create the Texas Forensic Science Commission operating account as an account in the general revenue fund consisting of forensic analyst licensing fees and appropriations for the administration and enforcement of statutory provisions relating to the commission.

**Senate Bill 977**

**Effective:** 9-1-17

**Senate Author:** Schwertner et al.

**House Sponsor:** Ashby et al.

Senate Bill 977 amends the Transportation Code to prohibit the legislature from appropriating money to pay for certain costs associated with high-speed rail operated by a private entity and to prohibit a state agency from accepting or using state money to pay for such a cost.

**Senate Bill 1105**

**Effective:** 9-1-17

**Senate Author:** Hinojosa et al.

**House Sponsor:** Phelan

Senate Bill 1105 transfers money remaining in the used oil recycling account to the water resource management account and abolishes the used oil recycling account. The bill amends the Health and Safety Code and Water Code to provide for the deposit and use of the money in the water resource management account.

**Senate Bill 1831**

**Effective:** 6-15-17

**Senate Author:** Buckingham et al.

**House Sponsor:** Capriglione

Senate Bill 1831 amends the Government Code to require the comptroller of public accounts to submit to the legislature an annual report based on information required to be provided by each state agency relating to state programs not funded by appropriations in the preceding year.

*This page intentionally left blank.*

## Business and Commerce

This chapter covers legislation on issues relating to business and commerce generally, including business organization and regulation, business transactions, trade, financial services, and consumer protection. Legislation relating specifically to insurance companies is in the **Insurance** chapter, and legislation relating to workers and employers is in the **Labor and Employment** chapter.

### House Bill 471

**Effective:** See below

**House Author:** Johnson, Eric

**Senate Sponsor:** Hancock et al.

House Bill 471 establishes the Texas Savings Promotion Act by amending the Business & Commerce Code, Finance Code, Occupations Code, and Penal Code to provide for savings promotion raffles conducted by a credit union or a financial institution and to establish requirements for the conduct of such raffles. The bill exempts a savings promotion raffle authorized under the Texas Savings Promotion Act from the Charitable Raffle Enabling Act and state laws relating to gambling and sweepstakes.

House Bill 471 takes effect the date on which the constitutional amendment relating to legislative authority to permit credit unions and other financial institutions to award prizes by lot to promote savings takes effect, if approved by the voters.

### House Bill 1859

**Effective:** Vetoed

**House Author:** Simmons

**Senate Sponsor:** Taylor, Van

House Bill 1859 amends the Business & Commerce Code to establish certain disclosure requirements for a merchant with regard to merchandise that is not displayed or offered to consumers primarily for lease under a rental-purchase agreement.

Governor's Reason for Veto: "House Bill 1859 overregulates both retailers and their customers. It would require retail stores to impose elaborate and duplicative paperwork on customers who are interested in rent-to-own agreements. The bill also favors some retailers over others. Its burdensome new requirements would apply only to stores that do not specialize in rent-to-own agreements."

### House Bill 1948

**Effective:** 9-1-17

**House Author:** Elkins

**Senate Sponsor:** Creighton et al.

House Bill 1948 amends the Health and Safety Code to revise the administration and operation of certain trusts created to provide for the general care and maintenance of perpetual care cemeteries. The bill, among other provisions, provides for the modification of the method used to distribute funds to a corporation, the determination of the fair market value of certain funds and the total return percentage to be used for distributions from a total return trust, the regulatory limits on distributions, and the nature of total return distributions.

### House Bill 2008

**Effective:** 9-1-17

**House Author:** Cospers et al.

**Senate Sponsor:** Buckingham et al.

House Bill 2008 amends the Finance Code to require a lender who engages in a deferred presentment transaction with a member of the U.S. military or the member's dependent to comply with federal law governing the terms of consumer credit extended to certain members of the U.S. armed forces and their dependents and any regulations adopted under that law, to the extent applicable.

**House Bill 2027**  
**Effective:** 5-26-17

**House Author:** Goldman  
**Senate Sponsor:** Taylor, Van

House Bill 2027 repeals Business & Commerce Code provisions relating to the regulation of the sale or transfer of secondhand watches and provides for the dismissal of a criminal action for an offense under those provisions that is pending on the bill's effective date.

**House Bill 2339**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia  
**Senate Sponsor:** Zaffirini

House Bill 2339 amends the Finance Code to revise provisions relating to motor vehicle installment sales by providing for trade-in credit agreements to be offered in connection with certain motor vehicle retail installment contracts and under which a retail seller agrees to provide a specified amount as a motor vehicle trade-in credit. The bill exempts trade-in credit agreements from state law relating to unauthorized insurance and unauthorized and independently procured insurance premium tax.

**House Bill 2579**  
**Effective:** 9-1-17

**House Author:** Holland et al.  
**Senate Sponsor:** Buckingham

House Bill 2579 amends the Finance Code to require a savings bank to maintain a financial institution bond, instead of an indemnity bond, to protect the bank from certain losses. The bill changes the types of losses for which the bond must provide adequate coverage and revises provisions relating to a collection agent employed by a savings bank who is not covered by such a bond.

**House Bill 2580**  
**Effective:** 9-1-17

**House Author:** Holland et al.  
**Senate Sponsor:** Estes

House Bill 2580 amends the Government Code to expand the savings and mortgage lending commissioner's access to criminal history record information maintained by the Department of Public Safety but prohibits the commissioner from releasing or disclosing that information unless the information is obtained from a fingerprint-based search and is released or disclosed under certain circumstances.

**House Bill 2823**  
**Effective:** 5-26-17

**House Author:** Dean  
**Senate Sponsor:** Buckingham

House Bill 2823 amends the Finance Code to provide for the issuance and enforcement of a subpoena by the savings and mortgage lending commissioner and a Travis County district court, as applicable, during the course of an investigation of a residential mortgage loan servicer under the Residential Mortgage Loan Servicer Registration Act.

**House Bill 2856**  
**Effective:** 6-1-18

**House Author:** Villalba  
**Senate Sponsor:** Estes

House Bill 2856 amends the Business Organizations Code to revise certain requirements for and limitations on names of domestic and foreign filing entities for transacting business in Texas. The bill, among other provisions, provides for an entity's right to an indistinguishable name after delivering certain evidence to the secretary of state and includes a fictitious name under which a foreign filing entity is registered to transact business in Texas among the types of names from which a registering entity's name must be distinguishable, with certain exceptions.

**House Bill 2949**  
**Effective:** 9-1-17**House Author:** Holland et al.  
**Senate Sponsor:** Creighton

House Bill 2949 amends the Finance Code to change the conditions under which a documentary fee charged for services rendered for or on behalf of a retail buyer in handling and processing documents relating to a motor vehicle installment sale is considered reasonable. The bill also exempts a retail seller of motor vehicles from the requirement to provide written notice to the consumer credit commissioner of the maximum amount of the documentary fee the retail seller intends to charge before increasing the amount the retail seller charges if the increased amount is considered reasonable.

**House Bill 2964**  
**Effective:** 9-1-17**House Author:** Meyer et al.  
**Senate Sponsor:** Hancock

House Bill 2964 amends the Property Code to require a holder of shares of a mutual fund to notify the owner of the shares when the owner makes the initial purchase of shares in the fund that the owner may designate a representative for notice regarding the abandonment of shares of the mutual fund.

**House Bill 3215**  
**Effective:** 9-1-17**House Author:** Goldman  
**Senate Sponsor:** Schwertner

House Bill 3215 amends the Transportation Code to include selling or offering to sell a vehicle to a retail buyer through a licensed auctioneer among the conduct that expressly does not constitute engaging in business as a motor vehicle dealer for purposes of the requirement to obtain an appropriate dealer general distinguishing number and to specify that a licensed auctioneer acting as a bid caller and selling or offering to sell to the highest bidder at a bona fide auction a business that holds the title to any number of vehicles is not engaging in business as a dealer for purposes of that requirement, subject to certain conditions.

**House Bill 3342**  
**Effective:** 1-1-18**House Author:** Parker  
**Senate Sponsor:** Buckingham

Previous law required an individual who failed to maintain a residential mortgage loan originator license for a period of at least five consecutive years to retake the prelicensing education requirements prescribed by the federal S.A.F.E. Mortgage Licensing Act. House Bill 3342 amends the Finance Code to change that period to a period established by rule of the rulemaking authority.

**House Bill 3488**  
**Effective:** 9-1-17**House Author:** Hinojosa, Gina et al.  
**Senate Sponsor:** Estes

House Bill 3488 amends the Business Organizations Code to authorize a for-profit corporation to elect to be a public benefit corporation by including in its initially filed certificate of formation or by amending such certificate to include one or more specific public benefits to be promoted by the corporation and a specified statement. The bill sets out provisions relating to the purpose and name of a public benefit corporation and restrictions on amendments, mergers, exchanges, and conversions with respect to certain corporations and entities. The bill provides for the duties of a public benefit corporation's board of directors, for certain periodic statements and notices regarding stock certificates and uncertified stock required to be provided by a public benefit corporation, and for certain derivative suits. The bill sets out provisions relating to the entitlement of an owner of an ownership interest in a domestic entity subject to dissenters'



rights to dissent from an amendment to a domestic for-profit corporation's certificate of formation regarding election to be a public benefit corporation.

**House Bill 3921**  
**Effective:** 9-1-17

**House Author:** Parker et al.  
**Senate Sponsor:** Hancock et al.

House Bill 3921 amends the Finance Code and The Securities Act, Vernon's Texas Civil Statutes, to impose certain reporting requirements on financial institution employees and on securities professionals or persons serving in a legal capacity for a dealer or investment adviser who have cause to believe that financial exploitation of a vulnerable adult who is an account holder has occurred, is occurring, or has been attempted. The bill provides for temporary holds on transactions in certain cases of suspected financial exploitation of such vulnerable adults.

**House Joint Resolution 37**  
**For Election:** 11-7-17

**House Author:** Johnson, Eric  
**Senate Sponsor:** Hancock

House Joint Resolution 37 proposes an amendment to the state constitution to give the legislature the authority to permit credit unions and other financial institutions to award prizes by lot to promote savings.

**Senate Bill 560**  
**Effective:** 9-1-17

**Senate Author:** Hancock  
**House Sponsor:** Parker

Senate Bill 560 amends the Business & Commerce Code and Finance Code to remove the consumer credit commissioner's jurisdiction to enforce a prohibition against certain sellers of goods or services imposing a surcharge for the use of a credit card. The bill instead transfers that prohibition to the Business & Commerce Code and provides for a civil penalty for a person who knowingly violates that transferred prohibition.

**Senate Bill 714**  
**Effective:** 9-1-17

**Senate Author:** Seliger  
**House Sponsor:** Geren

Senate Bill 714 amends the Estates Code to add an acknowledgement provision and a signature line to the uniform account form a financial institution may use to establish the type of account selected by the signer, to revise certain related disclosure provisions, and to exempt from such disclosure provisions an account opened or modified by a customer who is a legal entity or who is acting as a legal representative for another person.

**Senate Bill 807**  
**Effective:** 9-1-17

**Senate Author:** Creighton  
**House Sponsor:** Workman

Senate Bill 807 amends the Business & Commerce Code to broaden the definition of "construction contract" to include contracts entered into by all project participants, including architects, engineers, suppliers, and equipment rental companies, and to make applicable to such contracts certain provisions that render voidable construction contract provisions that subject conflicts arising under the contract to another state's law, litigation in the courts of another state, or arbitration in another state.

**Senate Bill 830**  
**Effective:** Vetoed

**Senate Author:** Rodríguez  
**House Sponsor:** Walle

Senate Bill 830 amends the Finance Code to require a mortgage servicer to provide an annual accounting statement to the borrower of certain loans secured by a lien on residential real property and to provide for the recourse of the borrower for a mortgage servicer's failure to timely provide the statement.

Governor's Reason for Veto: "Senate Bill 830 imposes burdensome new regulatory and paperwork requirements on those who offer seller-financed mortgages. This sort of regulation could increase the price and reduce the availability of these mortgages."

**Senate Bill 1052**

**Effective:** 9-1-17

**Senate Author:** Hughes

**House Sponsor:** Flynn

Senate Bill 1052 amends the Finance Code to provide for an alternative authorization for the collection of charges from a retail buyer for deferring a retail installment contract, to revise provisions relating to debt cancellation agreements that include insurance coverage as part of the retail buyer's responsibility to the holder, and to set out provisions governing debt cancellation agreements made in connection with certain vehicle leases that apply only to such agreements that include insurance coverage as part of the lessee's responsibility to the holder.

Senate Bill 1052 amends the Occupations Code to authorize a licensed vehicle lease facilitator to sign a vehicle lease agreement as a vehicle lessor before the vehicle lease is assigned, transferred, or conveyed to an ultimate lessor.

**Senate Bill 1215**

**Effective:** Vetoed

**Senate Author:** Hughes

**House Sponsor:** Shine et al.

Senate Bill 1215 creates a joint interim committee to conduct a study on issues relating to construction contracts in Texas and issue a report on the study to specified legislative officers and appropriate legislative committees. The joint interim committee is abolished and the bill's provisions expire September 1, 2019.

Governor's Reason for Veto: "Senate Bill 1215 creates a joint interim committee of the Legislature to study construction contracts. The House and Senate can, and do, study topics in the interim without passage of a law. Legislation mandating legislative studies and legislative interim committees is unnecessary. The Legislature is free to study construction contracts with or without this bill."

**Senate Bill 1343**

**Effective:** 9-1-17

**Senate Author:** Hughes

**House Sponsor:** Parker

Senate Bill 1343 amends the Business & Commerce Code and Code of Criminal Procedure to update statutory provisions relating to the offense of improper labeling of a recording and to require a court to order a person convicted of such an offense to make restitution to the applicable victim in an amount based on a calculation specified by the bill.

**Senate Bill 1381**

**Effective:** 1-1-18

**Senate Author:** Hughes et al.

**House Sponsor:** Longoria

Senate Bill 1381 amends the Business & Commerce Code to authorize a merchant to require an individual using a credit card or debit card in a point of sale transaction to provide photo identification verifying the individual's identity as the cardholder and to choose not to accept the card for payment if the individual fails to provide such identification. The bill expressly does not apply to transactions conducted with a mobile wallet. The bill expires September 1, 2023.

**Senate Bill 1400**

**Effective:** 9-1-17

**Senate Author:** Campbell

**House Sponsor:** Holland

Senate Bill 1400 amends the Finance Code to revise and update certain provisions relating to financial institutions and businesses, including provisions regarding the transfer of ownership interest of a state bank, the termination of rental agreements for safe deposit boxes, the acquisition of certain Texas banks or bank holding companies, the powers of branch and agency offices of foreign banks, and the permissible activities of representative offices of foreign banks.

**Senate Bill 1401**

**Effective:** 9-1-17

**Senate Author:** Campbell

**House Sponsor:** Dean

Senate Bill 1401 amends the Texas Banking Act and Texas Trust Company Act, Finance Code, to revise and update certain provisions regarding the authorized regulation and examination of bank-related entities by the banking commissioner of Texas, to expand the confidentiality of certain information held by the commissioner or the Texas Department of Banking, to revise the qualifications for service as an officer of a state bank or state trust company and for service as a director, officer, or employee of a holding company of a state bank or state trust company, and to authorize the commissioner to terminate an order of supervision at any time. The bill also clarifies the activities that do not require a state charter for a company under the Texas Trust Company Act.

**Senate Bill 1402**

**Effective:** 9-1-17

**Senate Author:** Campbell

**House Sponsor:** Dean et al.

Senate Bill 1402 amends the Health and Safety Code to revise provisions relating to the finding by a trier of fact of a pattern of wilful disregard for the statutory requirements regarding cemeteries, to revise provisions relating to the qualifications for and renewal of a certificate of authority to operate a perpetual care cemetery, and to authorize a corporation, subject to specified conditions, to apply to the banking commissioner of Texas for temporary relief and placement of a perpetual care trust fund in a segregated interest-bearing account at a Texas financial institution.

**Senate Bill 1403**

**Effective:** 9-1-17

**Senate Author:** Campbell

**House Sponsor:** Burrows

Senate Bill 1403 amends the Finance Code to exclude from the licensing requirements of the Money Services Act a trust company organized under state law and a person engaged in the business of currency transportation who is both a registered motor carrier and a licensed armored car company or courier company under the Private Security Act and who only transports currency to a person from a financial institution after the currency has been withdrawn from an account belonging to the same person. The bill also removes the authority of the banking commissioner of Texas to exempt from those requirements a person who transmits money exclusively in connection with commercial contracts in interstate commerce or does not charge a fee to transmit money. The bill, among other provisions, revises provisions relating to the minimum net worth required of a money transmission license applicant, authorizes the commissioner to increase the amount of an applicant's security under certain conditions, and sets out provisions regarding commissioner-ordered cease and desist orders for unlicensed persons.

**Senate Bill 1517**

**Effective:** 9-1-17

**Senate Author:** Hancock

**House Sponsor:** Oliveira

Senate Bill 1517 amends the Business Organizations Code to revise and update provisions relating to partnerships, limited liability companies, and other domestic and foreign entities. The bill establishes the status of certain registered agents, the secretary of state, and certain governing persons as agents of each series of a domestic limited liability company or foreign entity for the purpose of service of process, notice, or demand. The bill sets out the required contents of such a process, notice, or demand and the related duties of the registered agent and secretary of state and expands the general powers of a series limited liability company. The bill imposes a penalty on a limited liability company or limited partnership that refuses to allow examination of certain records and information and provides a defense to a related action.

The bill, among other provisions, makes a partnership agreement enforceable by or against the partnership, regardless of whether the partnership has signed or otherwise expressly adopted the agreement and repeals provisions requiring notice of the taking of certain actions under a partnership agreement without a meeting.

**Senate Bill 1518**

**Effective:** 9-1-17

**Senate Author:** Hancock

**House Sponsor:** Oliveira

Senate Bill 1518 amends the Business Organizations Code to revise and update provisions relating to for-profit corporations, nonprofit associations, real estate investment trusts, and corporation and association mergers and conversions. The bill, among other provisions, provides for uniformity in certain notice requirements, establishes certain filing fees for nonprofit associations and for-profit corporations, provides for the voting of jointly held ownership interests in a domestic entity, and sets out provisions regarding the authority for distributions by a for-profit corporation's board of directors. The bill revises provisions governing the proceedings involved in the ratification of defective corporate acts or shares and provisions relating to the members and management of nonprofit corporations. The bill provides for the perpetual duration of certain old domestic corporations.

**Senate Joint Resolution 60**

**For Election:** 11-7-17

**Senate Author:** Hancock

**House Sponsor:** Parker et al.

Senate Joint Resolution 60 proposes an amendment to the state constitution to establish a lower amount for expenses that can be charged to a borrower and remove certain financing expense limitations for a home equity loan, to establish certain authorized lenders to make a home equity loan, to change certain options for the refinancing of home equity loans, to change the threshold for an advance of a home equity line of credit, and to allow home equity loans on agricultural homesteads.

*This page intentionally left blank.*

## Civil Remedies and Procedures

This chapter covers legislation relating to civil indemnifications, immunities, judgments, liabilities, and lawsuits and the rules and standards governing the adjudication of civil litigation.

### House Bill 53

**Effective:** 9-1-17

**House Author:** Romero, Jr. et al.

**Senate Sponsor:** Huffman

House Bill 53 amends the Civil Practice and Remedies Code to prohibit a governmental unit from entering into and to establish as void and unenforceable a settlement of a claim or action against the governmental unit in which the amount of the settlement is equal to or greater than \$30,000; the money that would be used to pay the settlement is received from the state or derived from taxes collected by or insurance for which the premiums were paid by a governmental unit; and a condition of the settlement requires a party seeking affirmative relief against the governmental unit to agree not to disclose any fact, allegation, evidence, or other matter to any other person.

### House Bill 240

**Effective:** 9-1-17

**House Author:** Hernandez

**Senate Sponsor:** Huffman

House Bill 240 amends the Civil Practice and Remedies Code to authorize a law enforcement agency to provide notice to each person maintaining a property leased to a person operating a massage establishment at which the agency made an arrest related to prostitution or the provision of violative massage services. The bill establishes that proof that such a prostitution-related activity is committed at a licensed massage establishment or an establishment advertised as offering massage services after the notice was provided is prima facie evidence that the defendant knowingly tolerated the activity and that proof that violative massage services were provided at such a place after the notice was provided is prima facie evidence that the defendant knowingly tolerated the activity and did not make a reasonable attempt to abate the activity. The bill establishes that evidence of a previously filed suit to abate a common nuisance that resulted in a judgment against a landowner is admissible in a subsequent suit to demonstrate that the landowner knowingly tolerated the activity and did not make a reasonable attempt to abate the activity.

### House Bill 256

**Effective:** 9-1-17

**House Author:** Hernandez et al.

**Senate Sponsor:** Whitmire

House Bill 256 amends the Alcoholic Beverage Code to authorize the city attorney in a city where a common nuisance under the Alcoholic Beverage Code exists to sue in the name of the city for an injunction to abate and temporarily and permanently enjoin it.

### House Bill 478

**Effective:** 9-1-17

**House Author:** Israel et al.

**Senate Sponsor:** Uresti

House Bill 478 amends the Civil Practice and Remedies Code to grant to a person who enters a motor vehicle for the purpose of removing a vulnerable individual from the vehicle immunity from civil liability for damages resulting from that entry or removal if the person: determines that the motor vehicle is locked or there is no reasonable method for the individual to exit the motor vehicle without assistance; has a good faith and reasonable belief that entry into the motor vehicle is necessary to avoid imminent harm to the individual; before entering the motor vehicle, ensures that law enforcement is notified or 911 is called if the person is not a first responder; uses no more force to enter the motor vehicle and remove the individual than

is necessary; and remains with the individual at a safe location in reasonable proximity to the motor vehicle until a first responder arrives.

**House Bill 590**  
**Effective:** 9-1-17

**House Author:** Bohac et al.  
**Senate Sponsor:** Huffines

House Bill 590 amends the Civil Practice and Remedies Code to establish that a first responder who in good faith provides roadside assistance is not liable in civil damages for damage to the motor vehicle affected by the incident for which the assistance is provided that is caused by an act or omission that occurs during the performance of the act of roadside assistance unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct.

**House Bill 931**  
**Effective:** 9-1-17

**House Author:** Miller et al.  
**Senate Sponsor:** Kolkhorst

House Bill 931 repeals Civil Practice and Remedies Code provisions limiting the applicability, based on a county's population, of statutory provisions authorizing an electric utility to enter into a written agreement with a political subdivision to allow certain public access to and use of the utility's premises and limiting the utility's liability for such public access and use.

**House Bill 1066**  
**Effective:** 6-15-17

**House Author:** Thompson, Senfronia  
**Senate Sponsor:** Bettencourt

House Bill 1066 amends the Civil Practice and Remedies Code to revise the condition under which a judgment creditor is entitled to aid from a court of appropriate jurisdiction to reach property to obtain satisfaction on a judgment by removing the specification from the condition that such property owned by the judgment debtor and not exempt from attachment, execution, or seizure for such satisfaction cannot readily be attached or levied on by ordinary legal process.

**House Bill 1166**  
**Effective:** Vetoed

**House Author:** Stephenson et al.  
**Senate Sponsor:** Kolkhorst

House Bill 1166 amends the Civil Practice and Remedies Code to extend the applicability of statutory provisions relating to the limited liability of electric utilities in Harris County that allow public use of the utility's property for recreation and certain other purposes to an electric utility located in a county with a population of 550,000 or more that is adjacent to Harris County.

Governor's Reason for Veto: "I signed House Bill 931, which extends statewide the provisions of section 75.022 [sic] of the Civil Practice and Remedies Code regarding public parks in utility rights of way. Because House Bill 1166 extended those provisions only to one additional county, it was superfluous and could have caused confusion had it become law."

**House Bill 1463**  
**Effective:** 9-1-17

**House Author:** Smithee et al.  
**Senate Sponsor:** Seliger

House Bill 1463 amends the Human Resources Code to require a claimant filing or intending to file an action alleging a failure to comply with applicable design, construction, technical, or similar standards relating to accommodating persons with disabilities to give written notice of the claim to the respondent by a specified deadline before the date the action is filed. The bill provides for a respondent's opportunity to cure the alleged failure to comply after timely receipt of the notice and sets out procedures regarding an action alleging that the respondent has not corrected one or more of the violations stated in the written notice.

**House Bill 1704**  
**Effective:** 5-29-17

**House Author:** Kuempel et al.  
**Senate Sponsor:** Huffman

House Bill 1704 amends the Local Government Code to authorize a court to award court costs and reasonable and necessary attorney's fees to the prevailing party in an action under statutory provisions relating to the issuance of local permits.

**House Bill 1995**  
**Effective:** 9-1-17

**House Author:** Elkins  
**Senate Sponsor:** Hughes et al.

House Bill 1995 amends the Texas Uniform Trade Secrets Act, Civil Practice and Remedies Code, to revise definitions, clarify the conditions under which an actual or threatened misappropriation of a trade secret may be enjoined, and specify certain procedures regarding an action relating to the preservation of trade secrets.

**House Bill 2121**  
**Effective:** 6-15-17

**House Author:** Cyrier et al.  
**Senate Sponsor:** Hughes

House Bill 2121 amends the Government Code to authorize the damages awarded for breach of a contract claim against the state for engineering, architectural, or construction services or related materials to include attorney's fees if the amount in controversy is less than \$250,000, excluding penalties, costs, expenses, prejudgment interest, and attorney's fees.

**House Bill 2359**  
**Effective:** 9-1-17

**House Author:** Ortega et al.  
**Senate Sponsor:** Rodríguez

Current law establishes that a person who maintains a place to which persons habitually go for certain criminal purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance. House Bill 2359 amends the Civil Practice and Remedies Code to include the following among those criminal purposes: criminal trespass, disorderly conduct, arson, criminal mischief that causes a pecuniary loss of \$500 or more, and an unlawful graffiti offense. The bill authorizes a court that determines that a person is maintaining a vacant lot or a vacant or abandoned building that is a common nuisance to order the appointment of a receiver to manage the property or render any other order allowed by law as necessary to abate the nuisance.

**House Bill 2612**  
**Effective:** 9-1-17

**House Author:** Meyer et al.  
**Senate Sponsor:** Huffman

House Bill 2612 amends the Health and Safety Code to provide for the imposition of joint and several civil liability for damages proximately caused by the consumption or ingestion of a synthetic substance by another person both on an actor who produced, distributed, sold, or provided the synthetic substance to the person and on any other person who aided such acts and to provide for the imposition of strict liability for all damages caused by the consumption or ingestion of a synthetic substance by a minor on an actor who produced, distributed, sold, or provided the synthetic substance to the minor and on a person who aided such acts. The bill establishes that such conduct is actionable as a false, misleading, or deceptive act or practice or an unconscionable action or course of action under the Deceptive Trade Practices-Consumer Protection Act.

House Bill 2612 amends the Deceptive Trade Practices-Consumer Protection Act, Business & Commerce Code, to subject an act involving the production, sale, distribution, or promotion of certain synthetic substances to action by a district or county attorney to the same extent as the act is subject to action by the consumer protection division under applicable provisions of the



Deceptive Trade Practices-Consumer Protection Act and to provide procedures for the bringing of suit and the division of all settlements or penalties collected for such suits.

**House Bill 2776**  
**Effective:** 9-1-17

**House Author:** Smithee  
**Senate Sponsor:** Creighton

House Bill 2776 amends the Government Code to require the Texas Supreme Court to adopt rules providing that the right of the state, a department of the state, and the head of such a department to supersede a judgment or order on appeal is not subject to being counter-superseded under any other rule and to provide that counter-supersedeas remains available to parties in a lawsuit concerning a matter that was the basis of a contested case in an administrative enforcement action.

**House Bill 2783**  
**Effective:** Vetoed

**House Author:** Smithee  
**Senate Sponsor:** Watson et al.

House Bill 2783 amends the Government Code to authorize a court in certain actions brought under state public information law to assess costs of litigation and reasonable attorney's fees incurred by a plaintiff to whom a governmental body voluntarily releases the requested information after filing an answer to the suit.

Governor's Reason for Veto: "By threatening the taxpayers with attorneys' fees, House Bill 2783 creates an incentive for requestors of public information to sue the government as quickly as possible instead of waiting for the statutorily defined public information process to play out. The stated purposes of this bill could have been achieved without giving lawyers the ability to threaten taxpayer-funded attorneys' fees awards against governmental bodies that are just trying to follow the law."

**House Bill 2886**  
**Effective:** 9-1-17

**House Author:** Klick  
**Senate Sponsor:** Burton

House Bill 2886 amends the Health and Safety Code to exempt a physician, nurse, midwife, or other person in attendance at childbirth who is unable to apply the required prophylaxis to prevent ophthalmia neonatorum due to the objection of a newborn infant's parent, managing conservator, or guardian from the offense, other liability, or professional disciplinary action for failure to perform that duty.

**House Bill 2891**  
**Effective:** 6-9-17

**House Author:** Smithee  
**Senate Sponsor:** Creighton

House Bill 2891 amends the Civil Practice and Remedies Code to make certain revisions to the prescribed statutory form for medical authorization required to release protected health information in a health care liability claim, including revisions providing for the inclusion and exclusion of certain information from such an authorized release.

**House Bill 3356**  
**Effective:** 6-15-17

**House Author:** King, Tracy O.  
**Senate Sponsor:** Creighton

House Bill 3356 amends the Structured Settlement Protection Act, Civil Practice and Remedies Code, to set out the conditions under which a payee's personally identifiable information may be concealed from public inspection with respect to certain procedures related to a court's approval of a transfer of structured settlement payment rights and to any order issued approving or denying the transfer. The bill provides for the filing requirements of such an order, the availability of unredacted copies of the order to the transferee and an interested party, and the authorization or requirement, as applicable, for a court to unseal the unredacted order.

**Senate Bill 24**  
**Effective:** 5-19-17

**Senate Author:** Huffman et al.  
**House Sponsor:** Geren et al.

Senate Bill 24 amends the Civil Practice and Remedies Code to prohibit a governmental unit, in any civil action or other civil or administrative proceeding to which the governmental unit is a party, from compelling the production or disclosure of a written copy or audio or video recording of a sermon delivered by a religious leader during religious worship of a religious organization that qualifies for an exemption from certain taxation under state law or from compelling the religious leader to testify regarding the sermon.

**Senate Bill 341**  
**Effective:** 9-1-17

**Senate Author:** Perry et al.  
**House Sponsor:** Goldman

Senate Bill 341 amends the Alcoholic Beverage Code to provide for the denial of an original application for a retail dealer's on-premise license on a finding by the applicable county judge that the license applicant or the applicant's spouse, during the five years immediately preceding the application, was finally convicted of an offense involving a synthetic cannabinoid. The bill also prohibits a person authorized to sell beer at retail and the person's agent, servant, or employee from engaging in or permitting on the retailer's premises the possession of a synthetic cannabinoid or any equipment used or designed for the administering of a synthetic cannabinoid.

Senate Bill 341 amends the Texas Controlled Substances Act, Health and Safety Code, to provide for a statutory cause of action for the provision, selling, or serving of a synthetic cannabinoid on proof that the intoxication of the recipient of the synthetic cannabinoid was a proximate cause of the damages suffered.

**Senate Bill 813**  
**Effective:** Vetoed

**Senate Author:** Hughes et al.  
**House Sponsor:** Meyer

Senate Bill 813 amends the Civil Practice and Remedies Code to create a cause of action for a claimant against whom a state agency takes a regulatory action that is frivolous, unreasonable, or without foundation and who has exhausted administrative remedies.

Governor's Reason for Veto: "State agencies should be held accountable when they abuse their authority. There are many ways to accomplish that goal other than by enticing trial lawyers to sue the taxpayers for damages. Senate Bill 813 is well-intentioned, but it subjects the State to the possibility of extensive financial liability. Under the bill, taxpayer liability would be triggered any time a judge decides the State's action is 'unreasonable,' a vague and broad standard that varies with the eye of the beholder. This financial liability would be borne by the taxpayers, not by the bureaucrats who caused the problem. The bill was inspired by legitimate concerns about regulatory overreach, but exposing the State fisc to limitless jury verdicts is not the right solution."

**Senate Bill 944**  
**Effective:** 6-1-17

**Senate Author:** Hughes  
**House Sponsor:** Clardy

Senate Bill 944, the Uniform Foreign-Country Money Judgments Recognition Act, amends the Civil Practice and Remedies Code to revise and update provisions regarding the recognition of certain foreign-country judgments, the standards for such recognition, and the procedures for the recognition of such judgments. The bill, among other provisions, establishes the effect of the recognition of such judgments and sets out conditions under which proceedings regarding such a judgment may be stayed.

**Senate Bill 1196**

**Effective:** 9-1-17

**Senate Author:** Kolkhorst et al.

**House Sponsor:** Smithee

Senate Bill 1196 amends the Civil Practice and Remedies Code to, among other provisions, establish that a person operating a web address or computer network in connection with the following activities maintains a common nuisance: engaging in certain organized criminal activity; certain prostitution offenses; certain sexual assault offenses; sexual offenses and harmful employment involving minors; providing massage services in violation of Occupations Code provisions; and trafficking of persons. The bill authorizes an individual, the attorney general, or a district, county, or city attorney to bring a suit to declare that such a person is maintaining a common nuisance.

**Senate Bill 1249**

**Effective:** 9-1-17

**Senate Author:** West

**House Sponsor:** Schofield

Senate Bill 1249 amends the Civil Practice and Remedies Code to provide a framework for the acquisition of property interests when multiple individuals have an ownership interest in an adversely possessed property.

## Corrections

This chapter covers legislation relating to correctional facilities, incarcerated individuals, community supervision, parole, and sex offender registration, as well as the functions and duties of the Texas Department of Criminal Justice. Legislation relating to juvenile correctional facilities, services, and probation is in the **Juvenile Justice** chapter.

**House Bill 162**  
**Effective:** 9-1-17

**House Author:** Lucio III  
**Senate Sponsor:** Menéndez

House Bill 162 amends the Code of Criminal Procedure to authorize a judge who grants community supervision to a defendant convicted of cruelty to livestock or nonlivestock animals, an attack on an assistance animal, or dog fighting to require the defendant to complete an online responsible pet owner course approved and certified by the Texas Department of Licensing and Regulation. The bill sets out provisions relating to the course and course providers.

**House Bill 239**  
**Effective:** 9-1-17

**House Author:** Hernandez et al.  
**Senate Sponsor:** Whitmire et al.

House Bill 239 requires the Texas Department of Criminal Justice (TDCJ) to prepare a report on the confinement of pregnant inmates in facilities operated by or under contract with TDCJ.

**House Bill 355**  
**Effective:** 9-1-17

**House Author:** Raney et al.  
**Senate Sponsor:** Buckingham

House Bill 355 amends the Code of Criminal Procedure to prohibit a person subject to sex offender registration from residing on the campus of a public or private institution of higher education unless the person is assigned a numeric risk level of one based on an assessment conducted using the sex offender screening tool and the institution approves the person to reside on the institution's campus. The bill requires an official of the penal institution from which a person subject to sex offender registration is due to be released to inform the person of the prohibition and requires a local law enforcement authority that provides a sex offender registration form to such a person to include with the form a statement describing the prohibition.

**House Bill 553**  
**Effective:** 9-1-17

**House Author:** White et al.  
**Senate Sponsor:** Miles et al.

House Bill 553 amends the Education Code to create the task force on academic credit and industry recognition to identify opportunities for the award of academic credit or industry recognition to persons confined or imprisoned in the Texas Department of Criminal Justice.

**House Bill 1111**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia  
**Senate Sponsor:** Rodríguez

House Bill 1111 amends the Government Code and Local Government Code to make a child safety zone requirement specified by a parole panel for a person convicted of certain offenses and released on parole or to mandatory supervision inapplicable while the releasee is in or going immediately to or from specified locations and premises. The bill authorizes the governing body of a general-law municipality by ordinance to restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the municipality and sets out requirements relating to such an ordinance.

**House Bill 1426**  
**Effective:** Vetoed

**House Author:** Allen et al.  
**Senate Sponsor:** Burton et al.

House Bill 1426 amends the Code of Criminal Procedure to make a person eligible for a certificate of relief from collateral consequences if the person successfully completes a term of deferred adjudication community supervision and the judge dismisses the proceedings and discharges the person or a term of community supervision and the person's conviction is set aside. The bill prohibits the use of the applicable criminal history record information of such a person as grounds for denying, suspending, or revoking a professional or occupational license but nullifies the effect of the certificate if the appropriate licensing authority finds that the person has committed an offense that is a Class A misdemeanor or higher category of offense after receiving the certificate.

Governor's Reason for Veto: "One of the consequences of committing a crime is a criminal record. Both this session and last session, I have signed bills designed to help people with criminal records get jobs so they can lead productive lives. This is a worthy goal, but House Bill 1426 goes too far by prohibiting state licensing agencies from considering the criminal records of some who apply for a license. A license applicant's criminal background is something the licensing agency should be able to consider. If certain licensing agencies are unfairly discriminating against applicants with criminal records, that should be addressed at the agency board level or through more targeted legislation."

**House Bill 2888**  
**Effective:** 9-1-17

**House Author:** Romero, Jr. et al.  
**Senate Sponsor:** Whitmire

House Bill 2888 amends the Government Code to require the Board of Pardons and Paroles to identify any classes or programs that the board intends to require an inmate to complete before being released on parole. The bill requires the Texas Department of Criminal Justice to provide an inmate the opportunity to complete those classes or programs so that the inmate's release is not delayed.

**House Bill 3130**  
**Effective:** 9-1-17

**House Author:** Parker et al.  
**Senate Sponsor:** Huffman

House Bill 3130 amends the Code of Criminal Procedure and Government Code to require the Texas Department of Criminal Justice to establish a pilot program to provide educational and vocational training, employment, and reentry services to certain defendants placed on community supervision and required to serve a term of confinement in a state jail felony facility.

**Senate Bill 1576**  
**Effective:** 9-1-17

**Senate Author:** Perry  
**House Sponsor:** King, Ken

Senate Bill 1576 amends the Civil Practice and Remedies Code, Code of Criminal Procedure, Government Code, Health and Safety Code, Penal Code, Tax Code, and Transportation Code to revise provisions relating to the civil commitment of sexually violent predators and the operation of the Texas Civil Commitment Office. The bill makes certain personal identifying information of an officer or employee of the office privileged from discovery by an individual who is civilly committed as a sexually violent predator and prohibits a magistrate from releasing on personal bond a defendant who at the time of the commission of the charged offense is civilly committed as a sexually violent predator. The bill revises the requirements of such a committed person who is subject to sex offender registration with regard to the frequency of reporting to the person's primary registration authority.

Senate Bill 1576 makes certain provisions relating to the disclosure of and access to criminal history record information that is the subject of an order of nondisclosure applicable to the Texas Civil Commitment Office and provides for the confidentiality of certain personal and

financial information of current or former employees of the office. The bill provides for the transfer and the return of an individual who is civilly committed as a sexually violent predator, the release of such a person from housing operated by or under contract with the office, and the conditions under which an employee of the office may use mechanical or chemical restraints on such a committed person. The bill sets out requirements relating to the appearance of such a civilly committed person at certain hearings and relating to state-issued identification for such a person upon release. The bill provides penalty enhancements for the offenses of assault and harassment by persons in certain facilities and expands the conduct that constitutes the offense of unlawful carrying of a handgun by a handgun license holder to include intentionally, knowingly, or recklessly carrying a handgun on the premises of a civil commitment facility.

**Senate Bill 1584****Effective:** 9-1-17**Senate Author:** Garcia et al.**House Sponsor:** Allen et al.

Under current law, a judge has discretion in determining the basic conditions of a defendant's placement on community supervision. Senate Bill 1584 amends the Code of Criminal Procedure to require a judge to make such a determination after considering the results of a validated risk and needs assessment, to prohibit such a condition from being duplicative of another condition, and to require the judge to consider the extent to which the conditions impact a defendant's ability to meet certain obligations. The bill requires a judge to consider the results of an evaluation regarding a defendant's alcohol or drug dependency before the judge may require the defendant to participate in a state-funded substance abuse treatment program.

*This page intentionally left blank.*

## Courts

This chapter covers legislation on the creation, jurisdiction, and administration of trial and appellate courts. This chapter also includes legislation relating to judges and court personnel, juries, judicial districts, court costs and fees, and specialty court programs. Legislation on county commissioners courts is in the **Local Government** chapter, and legislation relating to juvenile court proceedings is in the **Juvenile Justice** chapter.

### **House Bill 214**

**Effective:** 9-1-17

**House Author:** Canales

**Senate Sponsor:** Burton

House Bill 214 amends the Government Code to require the Texas Supreme Court and the Court of Criminal Appeals to make a video recording or other electronic visual and audio recording of each oral argument and public meeting of the court and post the recording on the court's website, but only if the legislature appropriates money specifically for that purpose. If the legislature does not make such an appropriation, the courts may, but are not required to, implement the bill using other appropriations available for the purpose.

### **House Bill 431**

**Effective:** 5-29-17

**House Author:** Metcalf et al.

**Senate Sponsor:** Creighton

House Bill 431 amends the Government Code to specify that the appointment of a temporary justice of the peace by a county judge is on the judge's own motion or at the request of the justice of the peace.

### **House Bill 799**

**Effective:** 9-1-17

**House Author:** Murr et al.

**Senate Sponsor:** Perry et al.

House Bill 799 amends the Government Code and Code of Criminal Procedure to authorize, for purposes of inquests into a death occurring in a county that does not have a medical examiner's office or is not part of a medical examiner's district, a justice of the peace of a precinct in which a death occurred or the county judge to request a justice of the peace of another county to conduct an inquest if the justice of the peace or a county judge granted authority to conduct such inquests in the county is not available.

### **House Bill 1020**

**Effective:** 9-1-17

**House Author:** Smithee et al.

**Senate Sponsor:** Rodríguez

House Bill 1020 amends the Government Code to provide for an exception for volunteer practice, as provided by rule promulgated by the Supreme Court of Texas, to the prohibition against an inactive member of the State Bar of Texas practicing law in Texas.

### **House Bill 1103**

**Effective:** 5-29-17

**House Author:** Hernandez

**Senate Sponsor:** West

Previous law gave a county voter registrar the option of excluding the names of persons on the suspense list from the county's current voter registration list that is sent to the secretary of state for purposes of reconstituting the county's jury wheel. House Bill 1103 amends the Government Code to instead require the exclusion of those names.

### **House Bill 1234**

**Effective:** 9-1-17

**House Author:** Martinez, "Mando" et al.

**Senate Sponsor:** Hinojosa

House Bill 1234 amends the Government Code to authorize the use of the additional filing fee for civil cases in Hidalgo County and Cameron County for payment of bonds issued for the



## Courts

construction, renovation, or improvement of the facilities that house the Hidalgo County or Cameron County civil courts and to set out provisions regarding the adoption of a resolution extending the imposition of a fee that was authorized by a previously adopted resolution. The bill requires a statutory county clerk or district court clerk in those counties and the clerk of a statutory probate court in Hidalgo County to collect an additional filing fee in civil cases of not more than \$20.

**House Bill 1264**  
**Effective:** 9-1-17

**House Author:** Burkett et al.  
**Senate Sponsor:** Huffines

House Bill 1264 amends the Code of Criminal Procedure and the Government Code to authorize a municipality with a population of 1.19 million or more, such as the City of Dallas, and another municipality contiguous to that municipality to enter into an agreement providing concurrent jurisdiction for the municipal courts of either jurisdiction for all criminal cases arising from fine-only offenses committed within 2.25 miles of the boundary of those municipalities on a segment of highway in the state highway system that traverses a major water supply reservoir.

**House Bill 1480**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia  
**Senate Sponsor:** Rodríguez

House Bill 1480 amends the Government Code to authorize each court of appeals for a court of appeals district to issue all writs of mandamus against an associate judge of a district or county court appointed by a judge under Family Code provisions in the court of appeals district for the judge who appointed the associate judge.

**House Bill 1761**  
**Effective:** 9-1-17

**House Author:** Smithee  
**Senate Sponsor:** Hughes

House Bill 1761 amends the Government Code to remove the specific references to the types of cases in which the Supreme Court of Texas has appellate jurisdiction, to repeal certain limitations on the statutory jurisdiction of the court, and to instead provide that the court has appellate jurisdiction of all appealable orders or judgments of the trial courts if the court determines that the appeal presents a question of law important to the jurisprudence of Texas. The bill, among other provisions, replaces an application for writ of error with a petition for review as the method by which a case is admitted or denied admission into the supreme court.

**House Bill 1904**  
**Effective:** 9-1-17

**House Author:** Capriglione  
**Senate Sponsor:** Burton

House Bill 1904 amends the Government Code to revise provisions relating to the compensation of criminal law magistrates in Tarrant County and to expand the powers of, and the types of proceedings that may be referred to, such magistrates. The bill establishes that such a magistrate does not have the authority to issue a subsequent search warrant for certain property or items.

**House Bill 2875**  
**Effective:** 9-1-17

**House Author:** Guillen  
**Senate Sponsor:** Lucio

House Bill 2875 amends the Government Code to provide for the imposition, collection, and abolishment of an additional filing fee, capped at \$20, for civil cases in district courts, the constitutional county court, and justice courts in Willacy County and the district courts, the county court at law, and justice courts in Starr County to be used to fund the construction, renovation, or improvement of each county's civil court facilities.

**House Bill 3069**  
**Effective:** 9-1-17

**House Author:** White  
**Senate Sponsor:** Campbell et al.

Current law authorizes a county commissioners court to establish a veterans treatment court program for eligible persons who are veterans or current members of the U.S. armed forces, including a member of the reserves, national guard, or state guard, who have been arrested for or charged with any misdemeanor or felony offense. House Bill 3069 amends the Government Code to expand that class of eligible persons to include persons convicted of or placed on deferred adjudication community supervision for any misdemeanor or felony offense and to set out the conditions under which a person who successfully completes a program may file a petition for an order of nondisclosure of criminal history record information.

**House Bill 3167**  
**Effective:** 6-1-17

**House Author:** Paddie et al.  
**Senate Sponsor:** Hughes

House Bill 3167 amends the Code of Criminal Procedure to raise from 50,000 to 100,000 the minimum population threshold of a county for purposes of mandatory participation in a program for improvement of the collection of court costs, fees, and fines imposed in criminal cases.

**House Bill 3321**  
**Effective:** 9-1-17

**House Author:** Frank  
**Senate Sponsor:** Perry

House Bill 3321 amends the Government Code to expand the jurisdiction of the constitutional county courts of Baylor, Cottle, King, and Knox Counties to include jurisdiction over cases and proceedings involving protective orders.

**House Bill 3391**  
**Effective:** 9-1-17

**House Author:** Geren  
**Senate Sponsor:** Birdwell

House Bill 3391 amends the Government Code and Code of Criminal Procedure to authorize a county commissioners court to create a public safety employees treatment court program as a specialty court for peace officers, firefighters, detention officers, county jailers, or emergency medical services employees of the state or a political subdivision of the state arrested for or charged with any misdemeanor or felony offense, to provide for the establishment of a regional program by the commissioners courts of two or more counties, and to impose applicable fees for program participation and testing, counseling, and treatment.

**House Bill 3481**  
**Effective:** 9-1-17

**House Author:** Thierry  
**Senate Sponsor:** Huffman et al.

House Bill 3481 amends the Government Code to establish that each district court in Harris County holds terms that commence on the first Mondays in February, May, August, and November of each year.

**House Bill 4032**  
**Effective:** 9-1-17

**House Author:** Phillips  
**Senate Sponsor:** Hughes

House Bill 4032 amends the Government Code to authorize a district court reporter to receive reimbursement for expenses that exceed the annual maximum reimbursement amount set for the reporter's judicial district from the county for which such expenses were incurred on approval of the commissioners court of the county.

## Courts

### **House Bill 4104** **Effective:** 9-1-17

**House Author:** Coleman  
**Senate Sponsor:** Garcia

House Bill 4104 amends the Government Code and Local Government Code to condition the funding of a county's court administrator system and the appointment of a court administrator and appropriate staff and support personnel on the inclusion of money in the county budget for such purposes. The bill requires the commissioners court in preparing the county budget for a fiscal year to determine the number of any additional positions authorized in regard to the court administrator system to be included in the budget and the maximum compensation for those positions.

### **House Bill 4147** **Effective:** 9-1-17

**House Author:** Kacal  
**Senate Sponsor:** Birdwell

House Bill 4147 amends the Government Code to clarify that a county court has jurisdiction of any appeal from a judgment or conviction in a municipal court of record if the county does not have a county court at law.

### **House Bill 4281** **Effective:** 9-1-17

**House Author:** Lambert et al.  
**Senate Sponsor:** Perry

House Bill 4281 amends the Government Code to expand the concurrent jurisdiction of the 1st Multicounty Court at Law to include felony criminal cases; to require the judge of the county court at law to appoint an official court reporter and authorize the judge to appoint a court administrator; to set the salary of those appointees as the same as the official court reporter and court administrator, respectively, of the district court in the administrative county for the court; and to entitle the judge of the county court at law to travel expenses and necessary office expenses as authorized by the commissioners court of the administrative county. The bill also repeals the law removing Mitchell County from the composition of the 1st Multicounty Court at Law.

### **House Bill 4284** **Effective:** 9-1-17

**House Author:** Price  
**Senate Sponsor:** Seliger

House Bill 4284 amends the Government Code to give all statutory county courts in Potter County concurrent jurisdiction with the district court in family law cases and proceedings.

### **Senate Bill 40** **Effective:** 9-1-17

**Senate Author:** Zaffirini et al.  
**House Sponsor:** Murr

Senate Bill 40 amends the Government Code to revise the bond requirements for a county judge and to authorize a county to elect to obtain insurance in lieu of the bond for a county judge presiding in the county court over guardianship proceedings. The bill similarly revises the bond requirements for a judge of a statutory county court, similarly authorizes a county to elect to obtain insurance in lieu of the bond for a judge presiding in the court over guardianship proceedings, and exempts from those bond requirements a judge of a statutory county court who does not preside over guardianship proceedings, a judge of a statutory probate court who executes a bond, obtains insurance, or self-insures pursuant to state law, and a judge who presides over a county criminal court.

**Senate Bill 42**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini et al.  
**House Sponsor:** Smithee

Senate Bill 42, the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017, amends the Code of Criminal Procedure, Election Code, Government Code, Occupations Code, Property Code, Tax Code, and Transportation Code to set out and revise provisions regarding the security of courts and judges in the state. The bill, among other provisions, provides for the creation, composition, and administration of local court security committees; requires specialized training for court security officers and provides for the required certification of such officers; provides for the imposition of an additional filing fee in certain civil cases for judicial and court personnel training; and requires the legislature to appropriate funds from the judicial and court personnel training fund to the court of criminal appeals to provide for court security training programs. The bill provides for the redaction and omission of information relating to certain judges and their spouses from certain publicly available documents. The bill requires the Office of Court Administration of the Texas Judicial System to establish a judicial security division and sets out provisions requiring development of a notification procedure for judicial privacy by the division's director of security and emergency preparedness.

**Senate Bill 43**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini  
**House Sponsor:** Murr

Senate Bill 43 amends the Government Code to revise certain provisions regarding the Judicial Branch Certification Commission, including, among other provisions, membership eligibility requirements applicable to a member of an advisory board or committee that serves the commission; conditions under which an employee of Office of Court Administration of the Texas Judicial System (OCA) may dismiss certain complaints; the period during which a passing score on an applicable examination for certification, registration, or licensing of certain court professions is valid; the reissuance of a certificate, registration, or license under certain conditions; process server certification renewal; the imposition of applicable fees; and requirements applicable to a person seeking to file a complaint with the commission against a regulated person or another person alleged to have unlawfully engaged in conduct regulated by the general enforcement provisions relating to the commission.

Senate Bill 43 specifies that the cease and desist orders that the administrative director of OCA may issue are temporary and for a duration of an investigation and disciplinary action by the commission and provides for a person to whom such an order is issued to request and receive a hearing. The bill makes certain provisions regarding reporting, notice and hearing, penalties, and sanctions currently applicable to the commission applicable to the appointed committee of advisory board members. The bill provides for the extent of the application of the Texas Rules of Civil Procedure to a hearing regarding administrative penalties or sanctions.

**Senate Bill 46**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini  
**House Sponsor:** Davis, Yvonne

Senate Bill 46 amends the Code of Criminal Procedure to authorize a judge to assign each juror an identification number to use in place of the juror's name for the purposes of polling the jury regarding the verdict in a criminal case.

**Senate Bill 47**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini et al.  
**House Sponsor:** Wu

Senate Bill 47 requires the Office of Court Administration of the Texas Judicial System to conduct a study on how records regarding misdemeanors punishable by fine only, other than traffic offenses, are held in different Texas counties.

## Courts

**Senate Bill 259**  
**Effective:** 9-1-17

**Senate Author:** Huffines  
**House Sponsor:** Neave

Senate Bill 259 amends the Government Code to provide for a county to allow a person to complete and submit a jury summons questionnaire on the court's website.

**Senate Bill 1233**  
**Effective:** 9-1-17

**Senate Author:** Rodríguez  
**House Sponsor:** Thompson, Senfronia

Senate Bill 1233 amends the Government Code to include the judge of a statutory county or a statutory probate county court and an associate judge of a district or county court appointed in certain family law cases in the court of appeals district for the appointing judge among persons against whom each court of appeals for a court of appeals district is authorized to issue writs of mandamus.

**Senate Bill 1246**  
**Effective:** 9-1-17

**Senate Author:** Rodríguez  
**House Sponsor:** Ortega

Senate Bill 1246 amends the Government Code to repeal and replace the current method of determining the salary of a bailiff in El Paso County with a method by which the council of judges sets the salary in writing consistent with pay scales adopted by the commissioners court that are comparable to other positions within El Paso County.

**Senate Bill 1264**  
**Effective:** 9-1-17

**Senate Author:** Huffman  
**House Sponsor:** Alvarado

Senate Bill 1264 amends the Code of Criminal Procedure and Government Code to include a grand juror or alternate grand juror serving in a grand jury investigation involving graphic evidence or testimony among the jurors who, on request, are eligible to receive psychological counseling through a commissioners court-approved program.

**Senate Bill 1298**  
**Effective:** 9-1-17

**Senate Author:** Huffman et al.  
**House Sponsor:** Thompson, Ed

Senate Bill 1298 amends the Code of Criminal Procedure to change the number of prospective grand jurors a district judge may direct for selection and summons and to revise provisions regarding the qualifications for selection and service as a grand juror.

**Senate Bill 1329**  
**Effective:** See below

**Senate Author:** Huffman  
**House Sponsor:** Smithee

Senate Bill 1329 amends the Family Code and Government Code to establish and provide for the composition of the following: 453rd Judicial District (Hays County), effective September 1, 2018; 458th Judicial District (Fort Bend County); 459th Judicial District (Travis County), effective October 1, 2017; 460th Judicial District (Travis County), effective October 1, 2019; 462nd Judicial District (Denton County), effective January 1, 2019; and 646th Judicial District (Hidalgo County), effective January 1, 2019; County Court at Law No. 6 of Fort Bend County, effective January 1, 2018; the County Court at Law No. 3 of Hays County, effective October 1, 2018; and the Grimes County Court at Law, effective October 1, 2017. The bill revises the jurisdiction of a county court at law in Walker County. The bill requires the oath made by certain judicial officers and appointees to be filed with the secretary of state and expands the group of bailiffs required to swear to a statutory oath. The bill revises provisions relating to bailiff appointments, criteria for eligibility, and salary in certain district courts and relating to certain adoption and child support

proceedings. The bill increases from \$10 to \$25 the fee for the issuance of an attorney's license or certificate. The bill takes effect on September 1, 2017, except as otherwise provided.

**Senate Bill 1893**

**Effective:** See below

**Senate Author:** Birdwell et al.

**House Sponsor:** Smithee

Senate Bill 1893 amends the Government Code to, among other provisions, require the Texas Judicial Council to collect pertinent information from the presiding judges of each administrative judicial region in Texas regarding the amount and character of any business transacted by the presiding judges and to require the presiding judges to report monthly any such information required by the council. The bill creates the Tenth and Eleventh Administrative Judicial Regions on September 1, 2017, sets out the composition of those regions, and revises the composition of the First and Second Administrative Judicial Regions to reflect the creation of the additional regions. The bill takes effect on June 15, 2017, except as otherwise provided.

**Senate Bill 1911**

**Effective:** 9-1-17

**Senate Author:** Zaffirini et al.

**House Sponsor:** Farrar

Senate Bill 1911 amends the Government Code and Local Government Code to require the clerk of each court in Texas to provide certain self-help resources designated and in a format prescribed by the Office of Court Administration, to authorize the establishment of a county law library at a location other than the county seat, to authorize the establishment of a joint free county law library by the commissioners court of a county, and to include as a permissible use for a county law library fund the establishment and maintenance of a self-help center to provide resources to county residents representing themselves in legal matters.

**Senate Bill 1912**

**Effective:** Vetoed

**Senate Author:** Zaffirini

**House Sponsor:** Hinojosa, Gina

Senate Bill 1912 amends the Health and Safety Code to authorize a court, with the permission of the commissioners court of the county in which the court is located, to establish a mental health public defender office to provide proposed patients of court-ordered mental health services with legal representation provided by attorneys associated with that office. The bill requires the court to appoint an attorney associated with such a mental health public defender office, a public defender other than a mental health public defender, or a private attorney to represent a proposed patient in any proceeding relating to court-ordered mental health services. The bill modifies requirements relating to the delivery and filing of certain documents under the Texas Mental Health Code.

Governor's Reason for Veto: "Parts of Senate Bill 1912 are beneficial, but other parts go too far in expanding government. The law already mandates that courts appoint attorneys to represent defendants in cases where the government seeks court-ordered mental health services. Permanent new government offices dedicated to this function are unnecessary. Private attorneys are capable of handling these cases without the expense of a new county bureaucracy."

**Senate Bill 2053**

**Effective:** 6-15-17

**Senate Author:** West

**House Sponsor:** Murr

Senate Bill 2053 amends the Local Government Code to remove the abused children's counseling and comprehensive rehabilitation accounts and funds from the accounts and funds eligible for funding allocations from consolidated court costs and to increase the minimum percentage required to be allocated from such costs to the fair defense account.

## Courts

### **Senate Bill 2174**

**Effective:** 9-1-17

**Senate Author:** Hughes

**House Sponsor:** VanDeaver

Senate Bill 2174 amends the Government Code to require the judges of the 5th, 102nd, and 202nd District Courts and the judges of the county courts at law of Bowie County to appoint one or more bailiffs to serve the courts in Bowie County.

### **Senate Joint Resolution 6**

**For Election:** 11-7-17

**Senate Author:** Zaffirini et al.

**House Sponsor:** Schofield et al.

Senate Joint Resolution 6 proposes an amendment to the Texas Constitution authorizing the legislature to require a court to provide notice to the attorney general of a challenge to the constitutionality of a state statute and authorizing the legislature to prescribe a waiting period not to exceed 45 days before the court may enter a judgment holding the statute unconstitutional.

## Criminal Justice

This chapter covers legislation relating to criminal offenses and penalties, crime victims' rights and services, and criminal procedures, including those relating to bail, the issuance and execution of search warrants, and criminal history record information. Legislation on correctional facilities, incarcerated individuals, community supervision, parole, and sex offender registration, as well as the functions and duties of the Texas Department of Criminal Justice, is in the **Corrections** chapter. Legislation relating to law enforcement agencies, the Texas Department of Public Safety, and handgun and firearm possession is in the **Public Safety** chapter. Legislation relating to juvenile justice, juvenile records, juvenile court proceedings, and juvenile boards and probation departments is in the **Juvenile Justice** chapter. Legislation relating to Transportation Code offenses is in the **Transportation** chapter.

### House Bill 9

**Effective:** 9-1-17

**House Author:** Capriglione et al.

**Senate Sponsor:** Taylor, Van et al.

House Bill 9, the Texas Cybercrime Act, amends the Penal Code to create the third degree felony offense of electronic access interference and the Class C misdemeanor offense of unlawful decryption and to establish certain defenses to prosecution for such offenses. The bill creates the Class C misdemeanor offense of electronic data tampering. The bill provides penalty enhancements for the offenses of unlawful decryption and electronic data tampering based on a pecuniary threshold or on the client or patient of a victim suffering bodily injury or death attributable to the offense.

### House Bill 29

**Effective:** See below

**House Author:** Thompson, Senfronia et al.

**Senate Sponsor:** Huffman et al.

House Bill 29 amends the Business & Commerce Code, Civil Practice and Remedies Code, Code of Criminal Procedure, Education Code, Family Code, Government Code, Health and Safety Code, Penal Code, and Transportation Code to enact and revise provisions relating to, among other issues, prostitution and the trafficking of persons. The bill requires a sexually oriented business to post a notice in its restrooms regarding human trafficking and establishes a misdemeanor offense for the failure to post such a sign. The bill sets out provisions regarding the procedures for investigating civil racketeering related to the trafficking of persons and regarding a civil investigative demand for evidence in such an investigation and establishes a misdemeanor offense for the deliberate noncompliance with such a demand. The bill requires certain commercial driver's license training programs to include education and training on recognizing and preventing human trafficking. The bill cancels the expiration of the human trafficking prevention task force and revises its composition. The bill establishes that an actor engages in conduct constituting certain sexually related offenses involving a child regardless of whether the person knows the age of the child at the time of the offense and also increases the penalties for certain prostitution offenses.

House Bill 29 takes effect September 1, 2017, except that provisions subjecting persons to a criminal penalty in relation to the signage requirement for sexually oriented businesses take effect March 1, 2019.

### House Bill 34

**Effective:** 9-1-17

**House Author:** Smithee et al.

**Senate Sponsor:** Perry

House Bill 34 amends the Code of Criminal Procedure to establish requirements for an attorney representing the state relating to tracking the use of testimony of a person to whom a defendant made a certain statement while the person was imprisoned or confined in the



same correctional facility as the defendant and any related benefits offered or provided to a person in exchange for that testimony. The bill provides for the admission of evidence of a prior offense committed by a person providing such testimony for the purpose of impeachment and requires the state to disclose information relevant to such a person's credibility if the state intends to use that testimony at a defendant's trial. The bill establishes requirements for a law enforcement agency relating to the electronic recording of certain custodial interrogations that occur in a place of detention and provides for the admissibility in a criminal proceeding of a statement made as a result of such an interrogation. The bill requires the Texas Commission on Law Enforcement to establish an education and training program on eyewitness identification to be completed by each peace officer who performs eyewitness identification procedures, revises requirements relating to photograph and live lineup identification procedures, and provides for the admissibility of an in-court identification of an accused under limited circumstances.

House Bill 34 requires the Texas Forensic Science Commission to conduct a study regarding the use of drug field test kits and a study regarding the manner in which crime scene investigations are conducted.

**House Bill 104**  
**Effective:** 9-1-17

**House Author:** White  
**Senate Sponsor:** Nichols

House Bill 104 amends the Code of Criminal Procedure and Government Code to require an attorney representing the state in certain criminal proceedings to notify an officer of the Texas Department of Criminal Justice (TDCJ) of the offense charged in the indictment if the defendant, in connection with a previous conviction for such an offense, received a sentence that included imprisonment at a TDCJ facility and was subsequently released or discharged. The bill requires TDCJ, on receipt of the notification, to provide notice of the offense charged in the indictment to each victim of such a previous offense and requires TDCJ to adopt a procedure by which the victim may request to receive notice of the defendant's subsequent offenses.

**House Bill 238**  
**Effective:** 9-1-17

**House Author:** Hernandez et al.  
**Senate Sponsor:** Perry

House Bill 238 amends the Government Code to require a person convicted of prostitution based on the payment of a fee to provide to a law enforcement agency one or more specimens for the purpose of creating a DNA record.

**House Bill 268**  
**Effective:** 9-1-17

**House Author:** Lozano  
**Senate Sponsor:** Zaffirini

House Bill 268 amends the Code of Criminal Procedure to authorize the prosecution of certain retaliation offenses involving harming or threatening to harm another in any county in which the harm occurs or the threat to do harm originated or was received.

**House Bill 298**  
**Effective:** Vetoed

**House Author:** Larson et al.  
**Senate Sponsor:** Campbell

House Bill 298 amends the Code of Criminal Procedure to entitle a parent of a deceased child to view the child's body before a justice of the peace or the medical examiner, as applicable, for the county in which the death occurred assumes control over the body; to prohibit a parent of a deceased child from viewing the body after such a justice of the peace or medical examiner assumes control over the body unless the parent first obtains the consent of the justice or examiner or a person acting on behalf of the justice or examiner; and to set out requirements applicable to the viewing of the body of a deceased child whose death is determined to be subject to an inquest.

Governor's Reason for Veto: "I have signed Senate Bill 239, authored by Senator Donna Campbell, which contains language identical to House Bill 298."

**House Bill 322**

**Effective:** 9-1-17

**House Author:** Canales et al.

**Senate Sponsor:** Hinojosa

House Bill 322 amends the Code of Criminal Procedure and Government Code to provide for the automatic expunction of arrest records and files for certain veterans who complete a veterans treatment court program and to waive fees and costs charged for the expunction. The bill extends the authorization for a person to petition a court for an order of nondisclosure of criminal history record information on the grounds that the person committed an offense solely as a victim of trafficking of persons to a person who is placed on community supervision after conviction for certain offenses.

**House Bill 351**

**Effective:** 9-1-17

**House Author:** Canales et al.

**Senate Sponsor:** Hinojosa et al.

House Bill 351 amends the Code of Criminal Procedure, Government Code, Penal Code, and Transportation Code to revise provisions relating to the administrative, civil, and criminal consequences imposed on defendants who are indigent or do not have sufficient resources or income to pay all or part of fines or costs for certain criminal offenses. The bill, among other provisions, requires information regarding alternatives to the full payment of fine or costs assessed against a defendant who is unable to pay that amount to be provided to the defendant at certain stages in the criminal justice process and revises provisions relating to community service performed by a defendant in satisfaction of a fine or costs. The bill sets out certain notice requirements for a court, justice, or judge, as applicable, before the issuance of a certain *capias pro fine* or arrest warrant and establishes the maximum term of confinement for a defendant participating in a pretrial intervention program.

House Bill 351 revises provisions relating to certain fees imposed with respect to a county scofflaw and provisions relating to the denial of renewal of a driver's license for failure to appear or satisfy certain fines or court costs. The bill establishes penalties for forgery committed to obtain or attempt to obtain a property or service. The bill provides for the creation of a commission to study and review certain state penal laws.

**House Bill 557**

**Effective:** 9-1-17

**House Author:** Collier et al.

**Senate Sponsor:** Burton et al.

House Bill 557 amends the Code of Criminal Procedure, Government Code, and Local Government Code to provide for the expunction of criminal records and files relating to an arrest for a fine-only offense by a justice court or a municipal court of record. The bill, among other provisions, provides for a court's discretion in returning an expunction fee or portion of a fee to a petitioner who sought expunction in a district court and includes an attorney for the state as a person whose request for an expunction order for an acquitted person triggers a court's duty to enter the order.

**House Bill 681**

**Effective:** 9-1-17

**House Author:** Wu et al.

**Senate Sponsor:** Zaffirini et al.

House Bill 681 amends the Code of Criminal Procedure to provide for the confidentiality and prohibited disclosure of certain records, files, and information held or stored by or for an appellate, municipal, or justice court and relating to a person convicted of or granted a dismissal after deferral of disposition for a fine-only misdemeanor offense. The bill sets out the

## Criminal Justice

circumstances under which records, files, and information held or stored by or for a municipal or justice court may be open to inspection.

### **House Bill 683**

**Effective:** 9-1-17

**House Author:** Wu et al.

**Senate Sponsor:** Menéndez

House Bill 683 amends the Local Government Code to expand the application of the Class B misdemeanor offense of possession or use of law enforcement identification, insignia, or vehicle to any municipality.

House Bill 683 amends the Penal Code to clarify the application of the offenses of false identification as a peace officer and misrepresentation of property as belonging to a law enforcement agency.

### **House Bill 913**

**Effective:** 9-1-17

**House Author:** Alvarado et al.

**Senate Sponsor:** Taylor, Larry

House Bill 913 amends the Penal Code to include an improvised explosive device among the weapons whose intentional or knowing possession, manufacture, transport, repair, or sale constitutes a third degree felony offense.

### **House Bill 1178**

**Effective:** 9-1-17

**House Author:** Kuempel et al.

**Senate Sponsor:** Hinojosa

House Bill 1178 amends the Penal Code to make the following criminal conduct a third degree felony: burglary of a commercial building in which a controlled substance is generally stored, committed with the intent to commit theft of a controlled substance; burglary of a vehicle owned or operated by a wholesale distributor of prescription drugs, committed with the intent to commit theft of a controlled substance; and theft of a controlled substance of a specified value from such a building or vehicle.

### **House Bill 1257**

**Effective:** 9-1-17

**House Author:** Kacal

**Senate Sponsor:** Birdwell

House Bill 1257 amends the Penal Code to expand the conduct that constitutes a state jail felony criminal mischief offense to include causing wholly or partly the impairment or interruption of property used for flood control purposes or a dam when the amount of pecuniary loss is less than \$30,000.

### **House Bill 1266**

**Effective:** 9-1-17

**House Author:** Geren

**Senate Sponsor:** Nelson

House Bill 1266 amends the Code of Criminal Procedure to require a trial court to grant a continuance of a criminal action on oral or written motion of the state or the defendant if the trial court sets a hearing or trial without providing to the attorney for the state and the defendant, or the defendant's attorney, notice of the hearing or trial at least three business days before the date of the hearing or trial, except during the period between the date the trial begins and the date the judgment is entered.

### **House Bill 1424**

**Effective:** 9-1-17

**House Author:** Murphy et al.

**Senate Sponsor:** Birdwell

House Bill 1424 amends the Government Code to expand the scope of the misdemeanor offense of operating an unmanned aircraft over a critical infrastructure facility by including such operation over a correctional or detention facility and to create the misdemeanor offense of operating an unmanned aircraft over a sports venue.

**House Bill 1442**  
**Effective:** 9-1-17

**House Author:** Wu et al.  
**Senate Sponsor:** Burton

House Bill 1442 amends the Code of Criminal Procedure to entitle a defendant, pending the determination of the defendant's motion for a new trial or appeal from a misdemeanor conviction, to be released after completion of a sentence of confinement imposed for the conviction. The bill authorizes the trial court to require the defendant to give a personal bond but prohibits the trial court from requiring any condition of the personal bond, another type of bail bond, or a surety or other security.

**House Bill 1507**  
**Effective:** 9-1-17

**House Author:** Giddings et al.  
**Senate Sponsor:** West

House Bill 1507 amends the Code of Criminal Procedure to require a court before accepting a defendant's plea of guilty or nolo contendere and to require a judge placing a defendant on community supervision to inform the defendant of the court's or judge's authority to release the defendant from the penalties and disabilities resulting from the applicable offense after the defendant satisfactorily fulfills the conditions of community supervision and on expiration of the supervision period. The bill provides for the standardized form required to be used in the discharge of a defendant from a period of community supervision.

**House Bill 1727**  
**Effective:** 9-1-17

**House Author:** Faircloth  
**Senate Sponsor:** Creighton

House Bill 1727 amends the Code of Criminal Procedure to change the circumstances under which any magistrate in a county may issue a search warrant for contraband subject to forfeiture or for certain property or items constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense.

**House Bill 1729**  
**Effective:** 9-1-17

**House Author:** Neave et al.  
**Senate Sponsor:** Garcia et al.

House Bill 1729 amends the Government Code and Transportation Code to provide for the establishment and administration by the criminal justice division of the governor's office of a grant program for testing evidence collected in relation to sexual assaults or other sex offenses and to provide for the voluntary contribution of funds to the program from persons applying for an original or renewal driver's license, personal identification certificate, or commercial driver's license.

**House Bill 1808**  
**Effective:** 9-1-17

**House Author:** Meyer et al.  
**Senate Sponsor:** Garcia et al.

House Bill 1808 amends the Penal Code to clarify that an actor who engages in conduct constituting an offense of continuous sexual abuse of a young child or children, indecency with a child, sexual assault, aggravated sexual assault, sexual performance by a child, or employment harmful to children commits the applicable offense regardless of whether the actor knows the age of the child at the time of the offense. The bill creates the state jail felony offense of sexual coercion for a person who intentionally threatens to commit certain offenses to obtain, in return for not committing the threatened offense or in connection with the threatened offense, a specified benefit. The bill provides for an enhancement of the penalty for sexual coercion to a third degree felony under certain circumstances.

**House Bill 1810**  
**Effective:** 9-1-17

**House Author:** Dale et al.  
**Senate Sponsor:** Buckingham

House Bill 1810 amends the Penal Code to create the state jail felony offense of possession or promotion of lewd visual material depicting a child.

**House Bill 1819**  
**Effective:** 9-1-17

**House Author:** Springer et al.  
**Senate Sponsor:** Perry et al.

House Bill 1819 amends the Penal Code to exclude a firearm silencer possessed, manufactured, transported, repaired, or sold in compliance with federal law from the applicability of the offense for engaging in certain conduct with respect to prohibited weapons.

**House Bill 1866**  
**Effective:** 9-1-17

**House Author:** Geren  
**Senate Sponsor:** Campbell

House Bill 1866 amends provisions of the Code of Criminal Procedure, Government Code, and Property Code relating to compensation and restitution to crime victims and the disposition of unclaimed restitution payments. The bill revises and sets out provisions relating to the report, delivery, and claims process for unclaimed restitution payments, including requirements for filing a property report with the comptroller of public accounts and for notifying victims entitled to the payments and requirements and procedures for the comptroller's review and approval of claims. The bill establishes an administrative penalty for a failure to pay or deliver unclaimed restitution payments within the prescribed time, provides for the deposit of unclaimed restitution payments to the credit of the compensation to victims of crime auxiliary fund, and establishes restrictions on the use of that fund.

**House Bill 1884**  
**Effective:** 9-1-17

**House Author:** Anderson, Charles "Doc"  
**Senate Sponsor:** Kolkhorst

House Bill 1884 amends the Code of Criminal Procedure and Health and Safety Code to require a court to require a defendant convicted of certain littering offenses to perform community service that consists of picking up litter or working at a recycling facility, as applicable. The bill provides for a court's discretion in the amount of community service hours ordered for such offenses and authorizes a court to credit the amount of community service performed for such an offense toward any amount of community service the defendant is otherwise ordered to perform as a result of the defendant's inability to pay a fine or cost imposed in the judgment for the applicable offense.

**House Bill 1935**  
**Effective:** 9-1-17

**House Author:** Frullo et al.  
**Senate Sponsor:** Whitmire

House Bill 1935 amends the Family Code and Penal Code to replace references to an illegal knife with references to a location-restricted knife in certain provisions governing weapons-related offenses and juvenile justice proceedings. The bill establishes penalties for carrying or possessing a location-restricted knife based on the actor's age and the premises on which and circumstances under which the knife is carried or possessed, as applicable.

**House Bill 2059**  
**Effective:** 9-1-17

**House Author:** Phillips et al.  
**Senate Sponsor:** Hughes

Under current law, a person convicted of not more than one Alcoholic Beverage Code violation while a minor, on attaining the age of 21 years, may apply to the court in which the person was convicted to have the conviction expunged. House Bill 2059, among other provisions,

amends the Alcoholic Beverage Code to authorize a person placed under arrest for not more than one such violation while a minor and who was not convicted of the violation to apply to the court in which the person was charged to have the records of the arrest expunged.

**House Bill 2529**  
**Effective:** 9-1-17

**House Author:** Meyer et al.  
**Senate Sponsor:** Huffman

House Bill 2529 amends the Penal Code to include certain actions with respect to a trafficked person's government records or identifying information or documents as forms of coercion for purposes of a trafficking of persons offense involving prostitution-related conduct caused through coercion.

**House Bill 2552**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia et al.  
**Senate Sponsor:** Huffman et al.

House Bill 2552 amends the Business & Commerce Code, Civil Practice and Remedies Code, Education Code, Government Code, Health and Safety Code, Occupations Code, Penal Code, and Property Code to set out and revise provisions relating to measures that address and deter certain criminal or other unlawful activity. The bill, among other provisions, makes owning, operating, maintaining, or advertising a massage establishment that is not appropriately licensed or in compliance with the applicable requirements or a local ordinance a false, misleading, or deceptive act or practice for purposes of the Deceptive Trade Practices-Consumer Protection Act. The bill establishes that, subject to specified exceptions, a person operating a web address or computer network in connection with certain specified activity maintains a common nuisance and also provides for the bringing of suit to declare that a person so operating a web address or computer network is maintaining a common nuisance.

House Bill 2552 requires a law enforcement agency that makes an arrest related to certain prostitution-related or violative massage services activity at a property leased to a massage establishment to provide written notice to each person maintaining the property of the arrest by a specified deadline and provides that, on proof of a subsequent commission of such activity, such notice may be prima facie evidence that the defendant knowingly tolerated the activity or that the defendant did so and also did not make a reasonable attempt to abate the activity. The bill makes evidence of a previous common nuisance suit that resulted in a judgment against a landowner with respect to such a described activity admissible in a subsequent suit to demonstrate that the landowner knowingly tolerated the activity and did not make a reasonable attempt to abate the activity.

House Bill 2552 makes a person who has been convicted of prostitution by payment of a fee ineligible to serve as a member of the board of trustees of a school district. The bill also requires the display of specified human trafficking signs at an abortion facility, an emergency department of a hospital, and a licensed cosmetology facility.

House Bill 2552 includes the commission of a trafficking of persons offense that results in the death of an unborn child of the person who is trafficked among circumstances enhancing the penalty for such an offense; increases the penalty for a voyeurism offense; creates the state jail felony offense of sexual coercion; and includes assault against a pregnant individual in a dating relationship or family or household relationship with the actor to force the individual to have an abortion among conduct that enhances the penalties for assault causing bodily injury and that enhances the penalties for assaultive threatening.

House Bill 2552 sets out provisions regarding the termination of a tenant's right of possession and a landlord's right to recover possession of the leased premises if the tenant is using or allowing the premises to be used for certain prostitution-related offenses or the trafficking of persons.

**House Bill 2671**  
**Effective:** 9-1-17

**House Author:** Dean et al.  
**Senate Sponsor:** Hughes

House Bill 2671 amends the Health and Safety Code to expand the substances listed in Penalty Groups 1 and 3 of the Texas Controlled Substances Act and repeals a provision relating to the exclusion of a controlled substance that is approved by the Federal Drug Administration from classification as a Penalty Group 2 substance for prosecution purposes.

**House Bill 2880**  
**Effective:** 9-1-17

**House Author:** Dutton  
**Senate Sponsor:** Menéndez

House Bill 2880 amends the Education Code to decrease from a third degree felony to a Class A misdemeanor the penalty for an exhibition of a firearm offense committed by an actor who intentionally threatens to exhibit or use a firearm in or on school-owned property or on a school bus but who was not in possession of and did not have immediate access to a firearm.

**House Bill 2908**  
**Effective:** 9-1-17

**House Author:** Hunter et al.  
**Senate Sponsor:** Huffman et al.

House Bill 2908 amends the Code of Criminal Procedure and Penal Code to include bias or prejudice against a group identified by status as a peace officer or judge among the types of defendant bias or prejudice for which the judge in the trial of an offense against the person or certain property offenses must make an affirmative finding of fact and enter the affirmative finding in the judgment of the case. The bill establishes penalty enhancements for the following offenses committed against a peace officer or judge under certain circumstances: unlawful restraint, assault, terroristic threat, and intoxication assault.

**House Bill 2931**  
**Effective:** 1-1-19

**House Author:** Moody  
**Senate Sponsor:** Whitmire

House Bill 2931 enacts a nonsubstantive revision of provisions relating to the detection, interception, and use of communications, to the installation and use of tracking equipment and access to communications, to the criminal history record system, and to the compilation of information pertaining to combinations and criminal street gangs by amending the Agriculture Code, Civil Practice and Remedies Code, Code of Criminal Procedure, Family Code, Government Code, Health and Safety Code, Human Resources Code, Occupations Code, Penal Code, and Transportation Code.

**House Bill 3016**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia et al.  
**Senate Sponsor:** Hughes et al.

House Bill 3016 amends the Government Code and Code of Criminal Procedure to revise and update provisions relating to the eligibility of a criminal defendant for an order of nondisclosure of criminal history record information. The bill, among other provisions, establishes procedures for a nondisclosure order following a conviction of driving while intoxicated, prohibits a court from issuing such an order with regard to certain violent or sexual misdemeanors, and expands the purposes for which a criminal justice agency may disclose criminal history record information subject to such an order.

**House Bill 3019**  
**Effective:** 9-1-17

**House Author:** Burkett et al.  
**Senate Sponsor:** Menéndez

House Bill 3019 amends the Penal Code to include an owner, operator, or employee of a boarding home facility among the persons whose applicable conduct constitutes an offense of

injury to a child, elderly individual, or disabled individual and to include a person with mental illness among those considered disabled individuals for purposes of that offense.

**House Bill 3051**  
**Effective:** 9-1-17

**House Author:** King, Phil  
**Senate Sponsor:** Hinojosa

House Bill 3051 amends the Code of Criminal Procedure and Transportation Code to modify the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

**House Bill 3147**  
**Effective:** 9-1-17

**House Author:** White  
**Senate Sponsor:** Menéndez

House Bill 3147 amends the Code of Criminal Procedure to revise the conditions under which a person is entitled to the expunction of certain information contained in arrest records and files as a result of inaccurate identifying information and to revise certain application requirements for such expunction.

**House Bill 3165**  
**Effective:** 9-1-17

**House Author:** Moody  
**Senate Sponsor:** Rodríguez

House Bill 3165 amends the Code of Criminal Procedure to update and revise provisions relating to certain pretrial procedures in criminal cases, including procedures for the release on personal bond of an arrested person not timely demanded. The bill revises the information regarding persons released on bond before sentencing that is required to be included in a personal bond pretrial release office's annual report.

**House Bill 3237**  
**Effective:** 5-26-17

**House Author:** Moody  
**Senate Sponsor:** Whitmire

House Bill 3237 amends the Code of Criminal Procedure to change the time at which a sworn affidavit setting forth substantial facts establishing probable cause for a search warrant becomes public information, to set a deadline by which an officer is required to return an executed search warrant, and to establish that an officer's failure to timely return such a warrant or to submit an inventory of the property taken into the officer's possession under the warrant does not bar the admission of evidence.

**House Bill 3690**  
**Effective:** 9-1-17

**House Author:** Metcalf  
**Senate Sponsor:** Birdwell et al.

House Bill 3690 amends the Code of Criminal Procedure and Government Code to revise the method for designating the director of the Texas Crime Stoppers Council. The bill requires the council to revise the current free statewide telephone service and establish other appropriate systems to allow information about criminal acts to be reported to the council and specifies that such service and systems must be accessible at all times to persons residing in areas of Texas not served by a crime stoppers organization.

**House Bill 3872**  
**Effective:** 6-15-17

**House Author:** Lucio III  
**Senate Sponsor:** Menéndez

House Bill 3872 amends the Code of Criminal Procedure to establish procedures and requirements related to a motion for forensic DNA testing of certain evidence previously subjected to faulty testing.



**House Bill 4102**  
**Effective:** 9-1-17

**House Author:** Neave et al.  
**Senate Sponsor:** Garcia

House Bill 4102 amends the Government Code and Transportation Code to provide for the establishment and administration by the criminal justice division of the governor's office of a grant program for testing evidence collected in relation to sexual assaults or other sex offenses and to provide for the voluntary contribution of funds to the program from persons registering or renewing the registration of a motor vehicle. The bill also provides for the establishment of the ending homelessness fund administered by the Texas Department of Housing and Community Affairs to be used for grants to counties and municipalities to combat homelessness and provides for the voluntary contribution of funds to the fund from persons registering or renewing the registration of a motor vehicle.

**Senate Bill 227**  
**Effective:** 9-1-17

**Senate Author:** Huffman et al.  
**House Sponsor:** Clardy

Senate Bill 227 repeals a Health and Safety Code provision making the inclusion of a substance in Penalty Group 2 of the Texas Controlled Substances Act inapplicable, and prohibiting a conviction for manufacturing, delivering, or possessing such a substance, if the substance is approved by the Federal Drug Administration.

**Senate Bill 239**  
**Effective:** 9-1-17

**Senate Author:** Campbell  
**House Sponsor:** Larson

Senate Bill 239 amends the Code of Criminal Procedure to entitle a deceased child's parent to view the child's body before an autopsy is performed and to set out provisions relating to the conduct and supervision of the viewing.

**Senate Bill 256**  
**Effective:** 5-19-17

**Senate Author:** Taylor, Van et al.  
**House Sponsor:** Hunter et al.

Senate Bill 256 amends the Code of Criminal Procedure to revise provisions of the address confidentiality program administered by the attorney general for certain victims of family violence, sexual assault or abuse, stalking, or trafficking of persons by expanding eligibility for program participation, revising certain program eligibility requirements and program application contents, revising and expanding the acceptable forms of documentary evidence required to be submitted with the application, and restricting the purposes for which the attorney general may disclose a program participant's personal information to a requesting law enforcement agency.

Senate Bill 256 amends the Election Code and Tax Code to provide for the confidentiality of certain address and personal information of victims of family violence, sexual assault or abuse, stalking, or trafficking of persons contained in voter registration applications and property tax appraisal records.

**Senate Bill 291**  
**Effective:** 9-1-17

**Senate Author:** Whitmire  
**House Sponsor:** Alvarado

Senate Bill 291 amends the Code of Criminal Procedure and Government Code to revise procedures and requirements relating to the issuance of a writ of attachment for certain witnesses. The bill, among other provisions, sets out reporting requirements for court clerks following the issuance of a writ of attachment, provides for a mandatory hearing before the issuance of certain writs of attachment, and provides for an affidavit and hearing regarding the continued confinement of a witness confined pursuant to certain writs of attachment.

**Senate Bill 323**  
**Effective:** 9-1-17

**Senate Author:** Nelson et al.  
**House Sponsor:** Burkett

Senate Bill 323 amends the Health and Safety Code to expand the conduct that constitutes the offense of female genital mutilation and to establish circumstances that do not constitute a defense to prosecution for that offense.

**Senate Bill 343**  
**Effective:** 9-1-17

**Senate Author:** Perry  
**House Sponsor:** Moody et al.

Senate Bill 343 amends the Penal Code to expand the scope of the offense of improper sexual activity with a person in the custody or under the supervision of certain correctional or juvenile facilities or entities, as applicable.

**Senate Bill 413**  
**Effective:** 9-1-17

**Senate Author:** Taylor, Van  
**House Sponsor:** Laubenberg

Senate Bill 413 amends the Code of Criminal Procedure to provide for the designation of a fee or item of cost imposed in a criminal action or proceeding as uncollectible in the fee record in a county with a population of more than 780,000 but less than 790,000, such as Collin County.

**Senate Bill 524**  
**Effective:** 9-1-17

**Senate Author:** Birdwell  
**House Sponsor:** Geren et al.

Senate Bill 524 amends the Penal Code to increase the penalty for abusing a corpse from a Class A misdemeanor to a state jail felony, with certain exceptions.

**Senate Bill 527**  
**Effective:** 9-1-17

**Senate Author:** Birdwell  
**House Sponsor:** Cook

Senate Bill 527 amends the Code of Criminal Procedure to provide for a judge's discretion to order a defendant who at the time of sentencing to confinement or placement on community supervision did not have the financial resources to pay the maximum amount of costs associated with a court-appointed counsel to pay any unpaid portion of the amount if the judge determines that the defendant has the financial resources to pay the additional portion. The bill authorizes the judge to amend such an order on a subsequent determination that the defendant is indigent or demonstrates an inability to pay the amount ordered.

**Senate Bill 631**  
**Effective:** 9-1-17

**Senate Author:** Buckingham et al.  
**House Sponsor:** Wilson

Senate Bill 631 amends Code of Criminal Procedure provisions relating to venue for the disposition of stolen property to include certain magistrates in the county or municipality in which property is alleged to have been stolen among the magistrates authorized to hold a hearing to determine the right to possession of the property.

**Senate Bill 762**  
**Effective:** 9-1-17

**Senate Author:** Menéndez et al.  
**House Sponsor:** Moody

Senate Bill 762 amends the Penal Code to revise the penalties associated with certain conduct constituting cruelty to nonlivestock animals and repeals a Health and Safety Code provision that makes a statement of an allegedly cruelly treated animal's owner made at a hearing regarding the animal's disposition inadmissible in the owner's trial for cruelty to a livestock or nonlivestock animal.

**Senate Bill 843**  
**Effective:** 9-1-17

**Senate Author:** Perry  
**House Sponsor:** Herrero et al.

Senate Bill 843 amends the Crime Victims' Compensation Act, Code of Criminal Procedure, to prohibit the attorney general from releasing or disclosing an application for compensation or certain related information and to exempt such an application and information from disclosure under state public information law and from other means of legal compulsion for release, with limited exceptions.

**Senate Bill 966**  
**Effective:** 9-1-17

**Senate Author:** Watson et al.  
**House Sponsor:** Neave

Senate Bill 966 amends the Alcoholic Beverage Code to exempt from the offenses of consumption and possession of alcohol by a minor a minor who reports a sexual assault, or is the victim of a sexual assault reported by another person, under certain conditions.

**Senate Bill 998**  
**Effective:** 9-1-17

**Senate Author:** West et al.  
**House Sponsor:** Canales

Senate Bill 998 amends the Code of Criminal Procedure to extend the statute of limitations for the offense of exploitation of a child, elderly individual, or disabled individual.

**Senate Bill 1203**  
**Effective:** 9-1-17

**Senate Author:** Perry et al.  
**House Sponsor:** Thompson, Senfronia

Senate Bill 1203 amends the Code of Criminal Procedure to expand the types of online service providers subject to statutory provisions governing service provider response to court orders relating to the investigation or prosecution of an online solicitation of a minor offense and to expand the types of offenses to which those provisions apply.

**Senate Bill 1214**  
**Effective:** 6-12-17

**Senate Author:** Perry et al.  
**House Sponsor:** Frullo

Senate Bill 1214 amends the Government Code to authorize the Texas Indigent Defense Commission to establish a succession plan for a regional public defender's office that primarily handles capital cases if the applicable county commissioners court ceases to be a party to the agreement creating or designating the public defender's office.

**Senate Bill 1232**  
**Effective:** 9-1-17

**Senate Author:** Huffman et al.  
**House Sponsor:** Alvarado

Senate Bill 1232 amends the Code of Criminal Procedure, Health and Safety Code, and Penal Code to create the state jail felony offense of bestiality and to set out discretionary conditions of community supervision for the offense. The bill includes an animal subjected to bestiality in the scope of provisions relating to the disposition of a cruelly treated animal and repeals a provision regarding the inadmissibility of an animal owner's statement made at a disposition hearing in a trial for certain animal cruelty offenses. The bill revises penalty enhancements for certain conduct constituting cruelty to nonlivestock animals.

**Senate Bill 1250**  
**Effective:** 9-1-17

**Senate Author:** West et al.  
**House Sponsor:** Moody

Senate Bill 1250 amends the Code of Criminal Procedure to include the offense of injury to a child, elderly individual, or disabled individual committed against a person who is in or has been in a dating relationship with, or is in the family or household of, the defendant in the scope of

provisions relating to the admissibility of certain evidence in the prosecution of certain offenses involving family violence.

**Senate Bill 1326**

**Effective:** 9-1-17

**Senate Author:** Zaffirini et al.

**House Sponsor:** Price et al.

Senate Bill 1326 amends the Code of Criminal Procedure, Government Code, and Health and Safety Code to authorize a county or counties jointly to develop and implement a jail-based competency restoration program through which an applicable county contracts with a provider of jail-based competency restoration services that is a local mental health authority or local behavioral health authority that is in good standing with the Health and Human Services Commission (HHSC). The bill sets out requirements for a county jail-based competency restoration program and HHSC program monitoring requirements.

Senate Bill 1326 requires a court, with certain exceptions, to commit a defendant who is incompetent to stand trial and charged with an offense punishable as a Class B misdemeanor to a jail-based competency restoration program or release the defendant on bail. The bill establishes a court's authority to order a defendant to an outpatient competency restoration program or competency restoration services in another facility. The bill changes the maximum period for which temporary inpatient or outpatient mental health services may be authorized in the applicable court order. The bill revises the conditions under which a defendant with a mental illness or intellectual disability may be released on personal bond. The bill revises the duty of a sheriff or municipal jailor to provide notice to a magistrate regarding a defendant suspected of having mental illness or intellectual disability and removes the authorization for a magistrate to order such a defendant to certain state-run facilities for a competency examination. The bill sets out requirements for an expert's written assessment of such a defendant and includes among the actions a trial court may take regarding the defendant referring the defendant to an appropriate specialty court. The bill requires the Office of Court Administration to collect certain information from specialty courts in Texas regarding outcomes of participants in those specialty courts who are persons with mental illness.

**Senate Bill 1649**

**Effective:** 9-1-17

**Senate Author:** Watson

**House Sponsor:** Moody

Senate Bill 1649 amends the Penal Code to enhance the penalty for criminal trespass from a Class B misdemeanor to a Class A misdemeanor if the offense is committed on or in property of an institution of higher education and the actor has previously been convicted of certain offenses.

**Senate Bill 1913**

**Effective:** 9-1-17

**Senate Author:** Zaffirini et al.

**House Sponsor:** Thompson, Senfronia et al.

Senate Bill 1913 amends the Code of Criminal Procedure and Transportation Code to revise provisions relating to the administrative, civil, and criminal consequences, including fines, fees, and costs, imposed on persons arrested for, charged with, or convicted of certain criminal offenses. The bill provides for alternatives to the payment of those fines, fees, and costs, such as waiving the payment, discharging the payment through community service, or imposing a combination of the alternatives, due to the defendant's inability to provide the payment, as applicable.

*This page intentionally left blank.*

## Economic Development

This chapter covers legislation affecting state and local economic development. Legislation relating to economic development improvement and management districts is in the **Special Districts** chapter, and legislation relating to workforce development is in the **Labor and Employment** chapter.

**House Bill 2004**  
**Effective:** 6-9-17

**House Author:** Anderson, Charles “Doc”  
**Senate Sponsor:** Perry

House Bill 2004 amends the Agriculture Code to expand the authorized uses of money appropriated to the Texas economic development fund to include the administration, continuance, implementation, or maintenance of certain Department of Agriculture economic development programs. The bill establishes certain limitations on loans and grants from the fund.

**House Bill 3294**  
**Effective:** 9-1-17

**House Author:** Parker et al.  
**Senate Sponsor:** Estes

House Bill 3294 amends Vernon’s Texas Civil Statutes to include the National Association for Stock Car Auto Racing (NASCAR) All-Star Race and the season-ending Championship Race for NASCAR as events that are eligible for funding under the major events reimbursement program. The bill adds the submission of a human trafficking prevention plan in connection with the applicable event as a condition of eligibility for funding under the program and provides for the distribution and publication of such a plan by the office of the attorney general.

**House Bill 3433**  
**Effective:** 9-1-17

**House Author:** Lambert et al.  
**Senate Sponsor:** Perry et al.

House Bill 3433 amends the Government Code to extend the applicability of provisions relating to the adoption of state agency rules with an adverse economic effect on small businesses or micro-businesses to the adoption of such rules with an adverse economic effect on a municipality with a population of less than 25,000.

**Senate Bill 1748**  
**Effective:** 6-12-17

**Senate Author:** Hinojosa  
**House Sponsor:** Canales

Senate Bill 1748 amends the Development Corporation Act, Local Government Code, to include as a corporation that may spend tax revenue received under the act for certain job-related skills training a corporation whose creation was authorized by a municipality that has a population of 10,000 or more, that is located in a certain county along the Texas-Mexico border, such as Hidalgo County, and that meets certain unemployment rate criteria.

*This page intentionally left blank.*

## Elections

This chapter covers legislation on issues relating to statewide and local election regulation, including legislation regarding election procedures, election officials, and voter registration.

### **House Bill 25**

**Effective:** 9-1-20

**House Author:** Simmons et al.

**Senate Sponsor:** Hancock

House Bill 25 amends the Election Code to eliminate straight-party voting.

### **House Bill 658**

**Effective:** 9-1-17

**House Author:** Bernal et al.

**Senate Sponsor:** Hughes et al.

House Bill 658 amends the Election Code and Health and Safety Code to authorize an election officer to accept a voter with a mobility problem that substantially impairs the voter's ability to ambulate before accepting other voters at the polling place who arrived before the voter with a mobility problem. The bill sets out posting requirements for the notice of the priority given to such voters and authorizes a person assisting a voter with such a mobility problem to be accepted to vote concurrently with the voter at the voter's request. The bill establishes early voting procedures for residents of a nursing home, other long-term care facility, or retirement center in which a significant number of occupants, patients, or residents lack adequate transportation to an appropriate polling place, need assistance in voting, are 65 years of age or older or are disabled or are indefinitely confined.

### **House Bill 929**

**Effective:** 9-1-17

**House Author:** Miller

**Senate Sponsor:** Taylor, Van

House Bill 929 amends the Election Code to revise the time at which a local canvassing authority is required to convene to conduct the local canvass for certain elections. The bill requires a ballot voted early by mail as a federal postcard by a member of the U.S. armed forces or of the U.S. merchant marine, or the spouse or a dependent of such a member, to be counted if the ballot arrives at the applicable address not later than the sixth day after the election.

### **House Bill 999**

**Effective:** 9-1-17

**House Author:** Israel et al.

**Senate Sponsor:** Zaffirini

House Bill 999 amends the Water Code to clarify that a directors election for certain water districts is required to be held on the uniform election date in May of each even-numbered year unless the district holds its general election for offices on a date as otherwise provided by statute.

### **House Bill 1001**

**Effective:** 9-1-17

**House Author:** Israel et al.

**Senate Sponsor:** Zaffirini et al.

House Bill 1001 amends the Election Code to require the presiding officer of a local canvassing authority to note the completion of an election canvass in the minutes or in the recording required under state open meetings law.

### **House Bill 1151**

**Effective:** 9-1-17

**House Author:** Schofield

**Senate Sponsor:** Bettencourt

House Bill 1151 amends the Election Code to extend the deadline by which a marked ballot voted by mail must arrive at the address on the carrier envelope to 5 p.m. on the day after election day if the carrier envelope was placed for delivery before election day and bears a valid cancellation mark.



## Elections

### **House Bill 1661** **Effective:** 9-1-17

**House Author:** Phelan et al.  
**Senate Sponsor:** Nichols

House Bill 1661 amends the Election Code to authorize the authority responsible for preparing the ballots in an election other than the general election for state and county officers to omit a candidate from the ballot who has filed an otherwise valid withdrawal request after the withdrawal deadline. The bill authorizes a certification of unopposed status to be made following the filing of such a withdrawal request.

### **House Bill 1735** **Effective:** 9-1-17

**House Author:** Faircloth et al.  
**Senate Sponsor:** Huffman

House Bill 1735 amends the Election Code to revise and update procedures for conducting and financing primary elections in Texas. The bill revises provisions relating to contracting for election services and the appointment and training of certain election judges and election clerks. The bill requires the secretary of state to implement a program to allow each commissioners court participating in the countywide polling place program to eliminate county election precinct polling places and establish countywide polling places for any runoff election resulting from an election held on the uniform election date in May and sets out requirements for establishing the location of such polling places.

House Bill 1735 provides for the administration of oaths to election officers entering service; the procedure for removing, replacing, or reassigning an election judge or election clerk who is being disruptive in a polling location or disobeying election law; the resolution of an incorrect ballot determination by the early voting ballot board; and the administration of oaths for early voting ballot board members and central counting station officers. The bill creates a Class B misdemeanor offense for a county election officer who prevents the county chair or the chair's designee from supervising the conduct of a primary election, provides penalty enhancements for an offense of unlawful participation in party affairs, and creates the offense of engaging in election fraud activity.

### **House Bill 2015** **Effective:** 9-1-17

**House Author:** Paul et al.  
**Senate Sponsor:** Taylor, Larry

House Bill 2015 amends the Election Code to require a voter registrar to forward to the county chair of each county executive committee voter registration application information necessary to contact applicants who indicate interest in working as an election judge.

### **House Bill 2157** **Effective:** 9-1-17

**House Author:** Miller  
**Senate Sponsor:** Bettencourt

House Bill 2157 amends the Election Code to require both a candidate's application for a place on the ballot and the affidavit of the circulator of a petition in connection with such an application to be signed, sworn, and executed, as applicable, before a notary public.

### **House Bill 2323** **Effective:** 9-1-17

**House Author:** Israel  
**Senate Sponsor:** Zaffirini

House Bill 2323 amends the Election Code to specify that the filing deadline for an application for a place on the ballot for a special election to fill a vacancy in office held on the date of the general election for state and county officers is 6 p.m. of the 75th day before election day.

**House Bill 2324**  
**Effective:** 9-1-17

**House Author:** Israel  
**Senate Sponsor:** Zaffirini

House Bill 2324 amends the Election Code to revise the deadline for a volunteer deputy voter registrar to submit completed voter registration applications to the voter registrar to reflect delivery not later than 5 p.m. of the next regular business day after the date to timely submit a voter registration application.

**House Bill 2410**  
**Effective:** Vetoed

**House Author:** Israel et al.  
**Senate Sponsor:** Zaffirini

House Bill 2410 amends the Election Code to authorize the state chair of a political party to require a runoff primary election to be conducted in a county by mail if fewer than 100 votes were cast in the county in the party's general primary election and if a runoff election is required in the county only for statewide offices or district offices filled by voters of more than one county.

Governor's Reason for Veto: "Mail-in ballot fraud is a serious problem that should be addressed by the Legislature in the upcoming special session. House Bill 2410 would have provided for mail-ballot-only elections in certain circumstances in small counties. While there is cost to taxpayers associated with holding live elections, ensuring the integrity of our electoral process is well worth it."

**House Bill 2559**  
**Effective:** 9-1-17

**House Author:** Reynolds  
**Senate Sponsor:** Burton

House Bill 2559 amends the Election Code to change the date on which a copy of an application for a ballot to be voted by mail is available for public inspection.

**House Bill 2837**  
**Effective:** 9-1-17

**House Author:** Dean  
**Senate Sponsor:** Hughes

House Bill 2837 amends the Election Code to prohibit the secretary of state from making certain payments to a voter registrar if the registrar is not in substantial compliance with statutory provisions relating to the cancellation of a voter's registration based on official notice of ineligibility.

**House Bill 3055**  
**Effective:** Vetoed

**House Author:** Guillen  
**Senate Sponsor:** Lucio

House Bill 3055 amends the Election Code to authorize the county elections administrator for a county with a population of less than 1,000 to hold or be a candidate for public office if no part of the office's jurisdiction is located in the county where the person serves as the elections administrator and if any election for that office is a nonpartisan election.

Governor's Reason for Veto: "To preserve public confidence in our elections, the government employees who administer those elections must be beyond reproach. For this reason, current law prohibits county elections administrators from holding elected office. This is a good rule that separates politics from the administration of elections. It should not be changed."

**House Bill 3903**  
**Effective:** 6-15-17

**House Author:** Burkett  
**Senate Sponsor:** Huffman et al.

House Bill 3903 amends the Election Code to remove the restrictions on political contributions made by judicial candidates, officeholders, and committees supporting or opposing such candidates or officeholders, as applicable, to the principal political committee of the state executive committee or a county committee of a political party required to nominate candidates by primary election.

**House Bill 4034**  
**Effective:** 6-12-17

**House Author:** Bohac  
**Senate Sponsor:** Bettencourt

House Bill 4034 amends the Election Code and Government Code to require the secretary of state to periodically compare voter information maintained as part of the statewide computerized voter registration list to determine whether any voters have more than one voter registration record on file for the purpose of eliminating duplicate records. The bill requires an early voting clerk to notify the voter registrar of certain discrepancies between information on an application for a federal postcard or early voting ballot to be voted by mail and the information maintained by the voter registrar and requires the voter registrar to update any record accordingly. The bill requires a voter registrar to forward to the county chair of each county executive committee the information necessary to contact voter registration applicants who indicate interest in working as an election judge.

**Senate Bill 5**  
**Effective:** 1-1-18

**Senate Author:** Huffman et al.  
**House Sponsor:** King, Phil et al.

Senate Bill 5 amends the Election Code and Transportation Code to require the secretary of state to establish a program using mobile units to provide election identification certificates to voters who are otherwise unable to present acceptable documentation of proof of identification when offering to vote and who declare a reasonable impediment to providing such documentation. The bill expands the types of documentation acceptable as proof of identification for voting purposes, increases the penalty for an offense of unlawfully accepting or refusing to accept a voter, and creates the state jail felony offense of false statement on declaration of reasonable impediment.

**Senate Bill 5 (1st C.S.)**  
**Effective:** 12-1-17

**Senate Author:** Hancock et al.  
**House Sponsor:** Goldman et al.

Senate Bill 5 amends the Election Code to revise the conduct constituting illegal voting and to create the Class A misdemeanor offense of election fraud. The bill revises the conduct, penalties, and application of various offenses under provisions relating to the application for an early voting ballot by mail and to the conduct of early voting by mail. The bill authorizes a voter with a disability who is physically unable to cast an early voting ballot by mail to select a person to assist the voter. The bill provides for the comparison of certain signatures of a voter by a signature verification committee and an early voting ballot board, creates a Class A misdemeanor offense for a person who intentionally accepts a ballot for voting or causes a ballot to be accepted for voting that the person knows does not meet certain ballot requirements, and provides for the delivery of notice of rejected ballots by an early voting clerk to the attorney general. The bill revises provisions relating to the submission of an application for an early voting ballot, the cancellation of such an application, and the provision of early voting balloting materials. The bill establishes a uniform period for the preservation of precinct election records by the authority to whom they are distributed of 22 months.

**Senate Bill 44**  
**Effective:** 5-23-17

**Senate Author:** Zaffirini  
**House Sponsor:** Schofield

Senate Bill 44 amends the Election Code to establish that the authority with whom an application for a place on the ballot is filed is only required to review a petition accompanying such an application for facial compliance with the applicable requirements as to form, content, and procedure, unless the petition is challenged. The bill changes the deadline for challenging such an application for compliance and sets out provisions relating to such a challenge. The bill requires candidates for certain judicial offices who choose to pay the appropriate filing fee for an

application for a place on the general primary election ballot to also accompany the application with an applicable petition.

**Senate Bill 752****Effective:** 5-27-17**Senate Author:** Campbell et al.**House Sponsor:** Cortez

Senate Bill 752 amends the Election Code to make permanent the email ballot pilot program under which a member of the U.S. armed forces who is on active duty overseas and eligible for hostile fire pay is allowed to return an early voting ballot by email.

**Senate Bill 957****Effective:** 6-1-17**Senate Author:** Campbell et al.**House Sponsor:** Laubenberg et al.

Senate Bill 957 amends the Election Code to require each political subdivision's proposition on a ballot on which more than one measure is to be voted on to be assigned a unique number or letter on the ballot and to require each proposition to identify the name of the authority ordering the election on the measure. The bill requires a proposed constitutional amendment to be placed on the ballot before all other propositions.

**Senate Bill 1109****Effective:** 6-9-17**Senate Author:** Birdwell**House Sponsor:** Burns

Senate Bill 1109 amends the Election Code to authorize the governing body of the City of Cresson and the governing body of a political subdivision located in Jones County to change the date on which the governing bodies hold general elections for their officers from the November uniform election date to the May uniform election date.

*This page intentionally left blank.*

## Emergency Response

This chapter covers legislation on issues relating to disasters and emergencies. Legislation relating to emergency services districts is in the **Special Districts** chapter.

### **House Bill 1407**

**Effective:** 9-1-17

**House Author:** Sheffield et al.

**Senate Sponsor:** Seliger

House Bill 1407 amends the Health and Safety Code to require the Department of State Health Services to establish the emergency medical services assistance program to provide financial and educational assistance to eligible emergency medical services providers. The bill provides for the distribution of grants under the program and sets out other program requirements.

### **House Bill 1510**

**Effective:** 9-1-17

**House Author:** Isaac

**Senate Sponsor:** Zaffirini

House Bill 1510 amends the Government Code and the Health and Safety Code to transfer the emergency services district program from the Department of Agriculture (TDA) to the Texas Division of Emergency Management and to change the entity with which an emergency services district is required to file the district's annual report from the Office of Rural Affairs in the TDA to the Texas Division of Emergency Management.

### **House Bill 1816**

**Effective:** 9-1-17

**House Author:** Metcalf

**Senate Sponsor:** Creighton et al.

House Bill 1816 amends the Transportation Code to authorize a vehicle used by a medical supply distributor to transport prescription drugs and other medical supplies to an emergency care facility, pharmacy, or nursing home located in an area declared a disaster area by the governor to have access to highways, streets, and bridges as if the transport vehicle were an emergency vehicle if the transport vehicle will not negatively impact evacuation activities or any response or recovery activities in the disaster area. The bill requires the Texas Division of Emergency Management to establish procedures to assist medical supply distributors with such access.

### **House Bill 2639**

**Effective:** 6-9-17

**House Author:** Pickett et al.

**Senate Sponsor:** Buckingham et al.

House Bill 2639 amends the Government Code to include a missing person with Alzheimer's disease among the individuals to whom the Texas Silver Alert program applies.

### **Senate Bill 854**

**Effective:** 5-29-17

**Senate Author:** Nelson

**House Sponsor:** Flynn

Senate Bill 854 amends the Texas Disaster Act of 1975, Government Code, to extend the authority of the Texas Division of Emergency Management to use appropriated funds to purchase food and beverages for division personnel under certain circumstances to include any person who is activated to provide services in response to an emergency situation, an incident, or a disaster and unable to leave or required to remain at the person's assignment area due to the emergency situation, incident, or disaster.

*This page intentionally left blank.*

## Energy Resources

This chapter covers legislation relating to the oil and gas industry and energy efficiency and conservation. Legislation relating to electric utilities is in the **Utilities** chapter.

### **House Bill 129**

**Effective:** 9-1-17

**House Author:** Craddick

**Senate Sponsor:** Estes

House Bill 129 amends the Natural Resources Code to require the consent of a royalty interest owner to whom payment of proceeds derived from the sale of oil or gas production is made by a paper check delivered by mail or by means of a private delivery service before the payor may provide standard royalty reporting information in a manner other than by including the information on the check stub, an attachment to the payment form, or another remittance advice that accompanies the payment.

### **House Bill 1571**

**Effective:** 5-29-17

**House Author:** Paddie

**Senate Sponsor:** Hughes

House Bill 1571 amends the Education Code, Government Code, and Local Government Code to provide for a baseline for a local government energy savings performance contract based on avoided anticipated costs; to align public education, higher education, and general government definitions of “energy savings performance contract” with the definition applicable to a local government; and to remove certain restrictions against money borrowed from the state being used to pay the provider of an energy or water conservation measure under an energy savings performance contract.

### **House Bill 2588**

**Effective:** 6-9-17

**House Author:** Clardy

**Senate Sponsor:** Estes

House Bill 2588 amends the Government Code to entitle the Railroad Commission of Texas to obtain criminal history record information from a law enforcement agency that relates to a person who is an applicant for employment with, or who is or has been employed by, the railroad commission, or who is a consultant, contract employee, independent contractor, intern, or volunteer for the railroad commission or an applicant to serve in one of those positions. The bill provides for the use, release, and destruction of such information by the railroad commission.

### **House Bill 3198**

**Effective:** 9-1-17

**House Author:** Darby

**Senate Sponsor:** Estes

House Bill 3198 amends the Tax Code to establish that the eligibility of land for appraisal as qualified open-space land does not end because a lessee under an oil and gas lease begins conducting oil and gas operations over which the Railroad Commission of Texas has jurisdiction on the land if the portion of the land on which oil and gas operations are not being conducted otherwise continues to qualify for appraisal as open-space land.

### **House Bill 3726**

**Effective:** 9-1-17

**House Author:** Dale

**Senate Sponsor:** Taylor, Van

House Bill 3726 amends the Liquefied Petroleum Gas Code, Natural Resources Code, to replace the requirement that the Railroad Commission of Texas by rule require for a liquefied petroleum gas license, in addition to other examination requirements, an examination for technical competence or other continuing education with an authorization for the railroad commission by rule to require such an examination or other continuing education.



## Energy Resources

### **Senate Bill 59** **Effective:** 9-1-17

**Senate Author:** Zaffirini  
**House Sponsor:** Kuempel

Senate Bill 59 amends the Government Code to remove the requirement for a state agency or an institution of higher education to develop and submit to the state energy conservation office the entity's long-range plan for the delivery of utility services and for a state agency or institution of higher education that occupies a state-owned building to prepare and implement a five-year energy and water management plan and submit the plan to the office on request.

### **Senate Bill 1422** **Effective:** 5-22-17

**Senate Author:** Estes  
**House Sponsor:** Gonzales, Larry

Senate Bill 1422 amends the Natural Resources Code to set out provisions relating to the protection and use of intellectual property by the Railroad Commission of Texas.

### **Senate Bill 1541** **Effective:** 5-26-17

**Senate Author:** Estes  
**House Sponsor:** Lambert et al.

Senate Bill 1541 amends the Natural Resources Code to establish that, for purposes of the treatment and recycling for beneficial use of drill cuttings, a use of drill cuttings is considered to be beneficial if the cuttings are used in the construction of oil and gas lease pads or oil and gas lease roads or if the cuttings are used as part of a legitimate commercial product. The bill sets out related provisions regarding Railroad Commission of Texas rules, permits, and orders for drill cuttings.

### **Senate Bill 1871** **Effective:** 9-1-17

**Senate Author:** Zaffirini  
**House Sponsor:** Raymond

Senate Bill 1871 amends the Penal Code to create the felony offense of theft of a petroleum product.

## Environment

This chapter covers legislation on issues relating to environmental protection and regulation. Legislation relating to the oil and gas industry and energy efficiency and conservation is in the **Energy Resources** chapter.

**House Bill 1481**  
**Effective:** 9-1-17

**House Author:** Lozano  
**Senate Sponsor:** Kolkhorst

House Bill 1481 repeals a provision of the Oil Spill Prevention and Response Act of 1991, Natural Resources Code, that provides for a terminal facility discharge prevention and response certificate application processing fee.

**House Bill 1584**  
**Effective:** 9-1-17

**House Author:** King, Tracy O.  
**Senate Sponsor:** Zaffirini

House Bill 1584 amends the County Solid Waste Control Act, Health and Safety Code, to authorize the Webb County Commissioners Court by rule to regulate solid waste collection, handling, storage, and disposal by establishing a mandatory solid waste disposal service program in an area of the county located within the extraterritorial jurisdiction of a municipality that does not provide solid waste disposal services in that area. The bill provides certain exemptions from such a program.

**House Bill 1619**  
**Effective:** 9-1-17

**House Author:** Shine  
**Senate Sponsor:** Buckingham

House Bill 1619 amends the Texas Clean Air Act, Health and Safety Code, to restrict prosecution of certain conduct that violates a Texas Commission on Environmental Quality (TCEQ) rule relating to outdoor burning of waste and combustible material and also violates a municipal ordinance to prosecution under the municipal ordinance. The bill authorizes enforcement by a peace officer of provisions relating to outdoor burning of waste and combustible material and applicable TCEQ rules.

House Bill 1619 amends the Water Code to revise the criteria that determines the misdemeanor penalty for an offense under those provisions relating to outdoor burning of waste and combustible material.

**House Bill 1625**  
**Effective:** 9-1-17

**House Author:** Bonnen, Greg et al.  
**Senate Sponsor:** Hinojosa

House Bill 1625 amends the Oil Spill Prevention and Response Act of 1991, Natural Resources Code, to replace the authorization for the commissioner of the General Land Office to remove a vessel or structure involved in an actual or threatened unauthorized discharge of oil without a hearing with the authorization for the commissioner to remove a vessel or structure without first providing notice and an opportunity for a hearing if the vessel or structure is involved in an actual or threatened unauthorized discharge of oil, creates an imminent and significant threat to life or property, or creates a significant navigation hazard and the owner or operator of the vessel or structure, or a person acting on behalf of the owner or operator, is not taking reasonable steps to abate the discharge, threat, or hazard. The bill revises certain other procedures for the enforcement of the act, including procedures for providing notice to a person charged with a violation.

## Environment

**House Bill 2252**  
**Effective:** 9-1-17

**House Author:** Faircloth et al.  
**Senate Sponsor:** Taylor, Larry et al.

House Bill 2252 provides for the establishment of a joint interim committee to continue to study the feasibility and desirability of creating and maintaining a coastal barrier system in Texas and requires the committee to report its findings and recommendations to the governor and the legislature.

**House Bill 2386**  
**Effective:** 9-1-17

**House Author:** Bailes et al.  
**Senate Sponsor:** Nichols

House Bill 2386 amends the Texas Clean Air Act, Health and Safety Code, for purposes of the prohibition against the Texas Commission on Environmental Quality controlling or prohibiting outdoor burning of waste consisting of plant growth at certain supervised sites, to include as such a site a site supervised at the time of a burning by a volunteer firefighter acting in the scope of the firefighter's volunteer duties.

**House Bill 2533**  
**Effective:** 9-1-17

**House Author:** Geren et al.  
**Senate Sponsor:** Estes

House Bill 2533 amends the Water Code to require a local government, a person affected, or an authorized agent, before instituting any claim for a civil penalty in a civil suit for a violation of certain laws under the jurisdiction of, or rules adopted or orders or permits issued by, the Texas Commission on Environmental Quality (TCEQ), to provide to the attorney general and the executive director of TCEQ written notice of each alleged violation, the facts in support of the claim, and the specific relief sought. The bill authorizes a local government, a person affected, or an authorized agent to institute a claim after a certain period after the receipt of the notice unless TCEQ has commenced an administrative penalty proceeding or the attorney general has commenced a civil suit concerning at least one of the alleged violations set forth in the notice.

**House Bill 2582**  
**Effective:** 5-26-17

**House Author:** Sheffield  
**Senate Sponsor:** Buckingham

House Bill 2582 amends the Water Code to expand the exemption for certain sites from regulation as aggregate production operations.

**House Bill 2662**  
**Effective:** See below

**House Author:** Landgraf  
**Senate Sponsor:** Seliger

House Bill 2662 amends the Health and Safety Code to create a legislative oversight committee for the purpose of assessing the compact facility under the Texas Low-Level Radioactive Waste Disposal Compact. The bill provides for the committee's composition, requires the committee to consider and make recommendations on specified topics, requires the committee to submit a final report of the results of the assessment to the committees of the senate and the house of representatives with jurisdiction over the disposal of low-level radioactive waste not later than December 1, 2018, and abolishes the committee on December 31, 2018.

House Bill 2662 amends the Texas Radiation Control Act, Health and Safety Code, to make the study by the Texas Commission on Environmental Quality (TCEQ) of the available volume and curie capacity of the compact waste disposal facility for the disposal of party state compact waste and nonparty compact waste a recurring study to be conducted at least once every four years. The bill halves the surcharge TCEQ is required to assess for the disposal of nonparty compact waste at the compact waste disposal facility and repeals a provision that requires

the compact waste disposal facility license holder each quarter to transfer to the state general revenue fund five percent of the gross receipts from compact waste received at the compact waste disposal facility and any federal facility waste received at a licensed federal facility waste disposal facility. The bill takes effect June 15, 2017, except that effective September 1, 2019, the bill restores the surcharge to its former rate and restores the repealed provision.

**House Bill 2798**  
**Effective:** Vetoed

**House Author:** Farrar  
**Senate Sponsor:** Creighton

House Bill 2798 amends the Health and Safety Code to authorize Harris County to implement a pilot program to reuse any form of wastewater at a county facility for subsurface irrigation and toilet and urinal flushing.

Governor's Reason for Veto: "This legislation is not needed. Domestic wastewater reuse is already authorized under Texas law pursuant to regulations issued by the Texas Commission on Environmental Quality."

**House Bill 3177**  
**Effective:** 9-1-17

**House Author:** Lucio III  
**Senate Sponsor:** Estes

House Bill 3177 amends the Water Code to expand the types of uncontested applications and requests for which the Texas Commission on Environmental Quality may delegate to its executive director its authority to act. The bill authorizes a person affected by a ruling, order, or decision on a matter delegated to the executive director, after exhausting any administrative remedies, to file by a specified deadline a petition to review, set aside, modify, or suspend the ruling, order, or decision.

**House Bill 4181**  
**Effective:** 9-1-17

**House Author:** Perez  
**Senate Sponsor:** Taylor, Larry et al.

House Bill 4181 amends the Texas Clean Air Act, Health and Safety Code, to authorize the written notice provided by the Texas Commission on Environmental Quality (TCEQ) to the holder of a preconstruction permit that the permit is scheduled for review to be sent by electronic communication if TCEQ develops a system that reliably replaces registered or certified mail as a means of verifying receipt of the notice. The bill provides for the sending of notice of a proposed final action on a federal operating permit to applicable persons by electronic communication.

**Senate Bill 570**  
**Effective:** Vetoed

**Senate Author:** Rodríguez et al.  
**House Sponsor:** Walle et al.

Senate Bill 570 amends the Solid Waste Disposal Act, Health and Safety Code, to set out provisions relating to the regulation of the retention, storage, transportation, disposal, processing, and reuse of used or scrap tires. The bill, among other provisions, requires a person to register annually with the Texas Commission on Environmental Quality (TCEQ) if the person is a used or scrap tire transporter or is a tire processor that is not required to register as a used or scrap tire storage site. The bill requires a transporter or tire processor who is required to register with TCEQ to provide certain financial assurance and requires TCEQ to require a transporter to submit to TCEQ an annual report on the records maintained by the transporter. The bill authorizes a used or scrap tire generator to contract for the transportation of used or scrap tires only with a registered transporter who has filed evidence of financial assurance with TCEQ. The bill makes a generator who contracts for the transportation of used or scrap tires with a transporter the generator knows to be unregistered jointly and severally liable for any civil

## Environment

penalty imposed on the transporter for the illegal disposal of the tires and criminally responsible for certain litter offenses involving the tires committed by the transporter.

Senate Bill 570 amends the Water Code to create offenses relating to reckless violations, and intentional or knowing violations, relating to used or scrap tires.

Governor's Reason for Veto: "Senate Bill 570 criminalizes the violation of administrative rules governing the proper disposal of tires. In order to know whether their handling of used tires is a crime or not, Texans would have to consult the Texas Register and the actions of local governments on a regular basis to ensure the rules governing tire disposal have not changed. Surely there are better ways to address the problem of old tires than by creating a new and vaguely defined crime."

### **Senate Bill 1045**

**Effective:** 9-1-17

**Senate Author:** Estes

**House Sponsor:** Kacal

Senate Bill 1045 amends the Texas Clean Air Act, Health and Safety Code, to provide for the consolidation into one notice of the notice of intent and the notice of a preliminary decision for a preconstruction permit, permit amendment, or permit renewal review application.

### **Senate Bill 1229**

**Effective:** 5-22-17

**Senate Author:** Menéndez

**House Sponsor:** Gervin-Hawkins et al.

Senate Bill 1229 amends the County Solid Waste Control Act, Health and Safety Code, and the Interlocal Cooperation Act, Government Code, to provide for the provision of solid waste collection, handling, storage, and disposal in an area of certain counties, such as Bexar County, that is located within the extraterritorial jurisdiction of a municipality that does not provide solid waste disposal services in that area and to set out related provisions, including provisions relating to penalties for failure to use a required county solid waste disposal service.

### **Senate Bill 1330**

**Effective:** 9-1-17

**Senate Author:** Seliger

**House Sponsor:** Landgraf

Senate Bill 1330 amends the Texas Radiation Control Act, Health and Safety Code, to revise the deposit destination and calculation of the portion of party state compact waste disposal fees for the support of the activities of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

### **Senate Bill 1667**

**Effective:** 6-1-17

**Senate Author:** Seliger

**House Sponsor:** Landgraf

Senate Bill 1667 amends the Health and Safety Code to authorize the Texas Low-Level Radioactive Waste Disposal Compact Commission to conduct certain activities not described by the federal law governing the commission or the Texas Low-Level Radioactive Waste Disposal Compact. The bill clarifies the commission's status as an independent entity and authorizes the legislature to appropriate money to the commission.

## Family Law

This chapter covers legislation on issues relating to family law, the marriage relationship, child custody and support, parental rights, foster care, the relationship between foster care youth and the public school system, family violence, child abuse and neglect, and child protective services.

### House Bill 4

**Effective:** See below

**House Author:** Burkett et al.

**Senate Sponsor:** Schwertner et al.

House Bill 4 amends the Family Code to replace the monetary assistance provided by the Department of Family and Protective Services (DFPS) in the form of a one-time cash payment to a relative or other designated caregiver of a child under a caregiver assistance agreement with monetary assistance that does not exceed 50 percent of the DFPS daily basic foster care rate for the child and to condition eligibility for that assistance based on the caregiver's family income. The bill, among other provisions, creates a felony offense for a person who makes or causes to be made a false statement or misrepresentation of a material fact that allows a person to enter into a caregiver assistance agreement and provides for an annual DFPS report on the relative and other designated caregiver placement program. The bill takes effect September 1, 2017, but only if a specific appropriation for the bill's implementation is provided in a general appropriations act of the 85th Legislature.

### House Bill 5

**Effective:** See below

**House Author:** Frank et al.

**Senate Sponsor:** Schwertner et al.

House Bill 5 amends the Family Code, Government Code, and Human Resources Code and repeals Human Resources Code provisions to provide for the separation of the Department of Family and Protective Services (DFPS) from the state's consolidated health and human services system under the oversight of the executive commissioner of the Health and Human Services Commission (HHSC) with responsibility for management and direction of DFPS operations, except as otherwise provided by the bill. Among other provisions, the bill transfers certain functions and duties of HHSC and the executive commissioner of HHSC to DFPS and the commissioner of DFPS as appropriate, sets out provisions relating to community-based care, and provides for collaboration between HHSC and DFPS regarding a foster child's medical care and health passport.

House Bill 5 recreates the Family and Protective Services Council to assist the commissioner of DFPS in developing rules and policies for DFPS and transfers the duty to appoint a commissioner for DFPS from the executive commissioner of HHSC to the governor. The bill requires the commissioner of DFPS to adopt rules and policies for the operation of and the provision of services by DFPS and to establish certain divisions and offices within DFPS. Effective May 31, 2017, the bill includes DFPS functions relating to investigations of alleged abuse, neglect, or exploitation occurring at a child-care facility among those not subject to transfer to HHSC as part of the consolidation of the health and human services system. Except as otherwise provided, the bill takes effect September 1, 2017.

### House Bill 7

**Effective:** See below

**House Author:** Wu et al.

**Senate Sponsor:** Uresti et al.

House Bill 7 amends the Family Code and Penal Code to revise provisions relating to court proceedings involving state intervention in child protection cases. Among other provisions, the bill provides for interagency sharing of certain juvenile justice information, prohibits a court from terminating a parent-child relationship and DFPS from taking possession of a child based

on certain evidence, authorizes DFPS to file an application for a protective order for a child's protection in certain cases of abuse or neglect, requires a court at certain hearings in a child protection suit to review the placement of each child in the temporary or permanent managing conservatorship of DFPS who is not placed with a relative or designated caregiver, and requires DFPS to notify the managed care organization contracting with the state to provide health care services to children under the STAR Health program of a change in the placement of a child in DFPS conservatorship.

House Bill 7 amends the Alcoholic Beverage Code, Education Code, Family Code, Government Code, and Human Resources Code to revise and update provisions regulating certain facilities, homes, and agencies that provide child-care services, including by redefining and removing references to certain terms and by providing for the regulation of certain continuum-of-care residential operations, cottage home operations, cottage family homes, and specialized child-care homes. The bill also requires the Permanent Judicial Commission for Children, Youth and Families to study and report on the appointment and use of attorneys ad litem in cases involving DFPS.

Effective September 1, 2018, the bill amends the Health and Safety Code to provide for the admission to an inpatient mental health facility of a minor in the managing conservatorship of and on request by DFPS under certain conditions. Except as provided by that provision and certain other provisions contingent on a specific appropriation of funds for implementation, the bill takes effect September 1, 2017.

**House Bill 45**

**Effective:** 9-1-17

**House Author:** Flynn et al.

**Senate Sponsor:** Huffman et al.

House Bill 45 amends the Government Code to require the Supreme Court of Texas to adopt rules of evidence and procedure to implement the limitations on the granting of comity to a foreign judgment or an arbitration award involving a marriage relationship or a parent-child relationship under the Family Code to protect against violations of constitutional rights and public policy. The bill requires the supreme court to provide for a course of instruction that relates to issues regarding foreign law, foreign judgments, and arbitration awards in relation to foreign law for judges involved in such actions.

**House Bill 249**

**Effective:** 9-1-17

**House Author:** Hernandez et al.

**Senate Sponsor:** Taylor, Van

House Bill 249 amends the Family Code to provide for a definition of "exploitation" generally applicable to investigations of a report of child abuse or neglect and to redefine certain other terms relevant to such an investigation. The bill also limits the investigations to which the definitions of "abuse," "neglect," and "exploitation" with regard to agency investigations of abuse, neglect, or exploitation in certain facilities apply to such investigations in juvenile justice programs and facilities and establishes that forcing or coercing a child to enter into a marriage constitutes abuse and family violence.

House Bill 249 amends the Government Code to include investigations of alleged abuse, neglect, or exploitation occurring at certain child-care facilities among the functions of the Department of Family and Protective Services (DFPS) that are not subject to transfer under the health and human services system consolidation.

House Bill 249 amends the Human Resources Code to require DFPS to review its records retention policy and to create the case management services vendor quality oversight and assurance division within DFPS and an office of data analytics. The bill also sets out provisions regarding investigations of child abuse, neglect, or exploitation conducted by the child protective services division of DFPS and regarding performance measures for certain provider contracts.

**House Bill 834**  
**Effective:** 9-1-17

**House Author:** Parker  
**Senate Sponsor:** Birdwell

House Bill 834 amends the Family Code and Penal Code to prohibit a parent, managing conservator, or guardian of an adopted child from transferring permanent physical custody of the child to any person who is not a relative or stepparent of the child or an adult who has a significant and long-standing relationship with the child, unless a petition requesting the custody transfer is approved by a court. The bill creates the third degree felony offense of unregulated transfer of an adopted child for a person who knowingly conducts, facilitates, or participates in an unregulated custody transfer of an adopted child. The bill enhances the penalty to a second degree felony if the actor commits the offense with intent to commit a trafficking of persons offense or certain public indecency offenses, excludes specified placements and voluntary deliveries from the application of such an offense, and expands the conduct that constitutes unlawful advertisement for the placement of a child. The bill requires a licensed child-placing agency to provide prospective adoptive parents with available support resources and available options if the adoptive parent is unable to care for the child.

**House Bill 871**  
**Effective:** 9-1-17

**House Author:** Roberts et al.  
**Senate Sponsor:** Perry

House Bill 871 amends Family Code and Human Resources Code provisions relating to child and family support services for families in crisis. The bill, among other provisions, expands the class of persons with whom a parent of a child may enter into an authorization agreement to perform certain acts in regard to the child, provides for the inapplicability of certain laws to the parties of such an agreement, and specifies the duration of an authorization agreement. The bill also requires the Department of Family and Protective Services to cooperate with nonprofit organizations, including faith-based organizations, in providing information to families in crisis regarding child and family services available in the child's community.

**House Bill 928**  
**Effective:** 6-1-17

**House Author:** White et al.  
**Senate Sponsor:** Uresti

House Bill 928 amends the Family Code to require a Department of Family and Protective Services (DFPS) employee who is a member of a community resource coordination group established under a memorandum of understanding for coordinated services to persons needing multiagency services to inform the group about certain tuition and fee waivers for institutions of higher education that are available to eligible children in foster care. The bill sets out the methods by which each school district, in coordination with DFPS, must facilitate the transition of each child enrolled in the district who is eligible for such a tuition and fee waiver and who is likely to be in DFPS conservatorship on the day preceding the child's 18th birthday to an institution of higher education.

**House Bill 995**  
**Effective:** See below

**House Author:** Wray et al.  
**Senate Sponsor:** Rodríguez

Previous law provided that a divorce, among other events, triggered the revocation of a medical power of attorney between a principal and agent who are spouses. House Bill 995 amends the Health and Safety Code to specify instead that the dissolution, annulment, or declaration of the marriage as void triggers such revocation and to revise the statutory medical power of attorney form. The bill takes effect January 1, 2018, except that a provision requiring the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement the bill takes effect September 1, 2017.



**House Bill 1043**  
**Effective:** 6-1-17

**House Author:** Blanco  
**Senate Sponsor:** Zaffirini

House Bill 1043 amends the Family Code to authorize certain relatives of a child to seek a court order for temporary authorization to care for the child by filing a petition in the district court in the county in which the relative resides and requires the court to award temporary care if the court finds it is necessary to the child's welfare and no objection is made by the child's parent, conservator, or guardian. The order granting temporary care expires one year after issuance or at an earlier date determined by the court and may be renewed by court order for an additional year. A child's parent, conservator, or guardian may request the court to terminate the order at any time. The temporary care order does not affect the rights of the child's parent, conservator, or guardian regarding the care, custody, and control of the child, and does not establish legal custody of the child.

**House Bill 1410**  
**Effective:** 9-1-17

**House Author:** Ortega et al.  
**Senate Sponsor:** Rodríguez

House Bill 1410 amends the Family Code to authorize a court to grant leave for a foster parent to intervene in a pending suit requesting possessory conservatorship of a child filed by another person only if the foster parent would have standing to file an original suit affecting the parent-child relationship on the basis of the child's placement by the Department of Family and Protective Services in the foster parent's home for a certain period.

**House Bill 1495**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia  
**Senate Sponsor:** Rodríguez

House Bill 1495 amends the Family Code to prohibit a court from rendering, while a suit for modification of a temporary order that provides for the conservatorship, support, or possession of or access to a child is pending, an order that creates a designation of the person who has the exclusive right to decide the child's primary residence and an order that creates, changes, or eliminates a geographic area within which a conservator must maintain the child's primary residence under the final order.

**House Bill 1501**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia  
**Senate Sponsor:** Rodríguez

House Bill 1501 amends the Family Code and Government Code to revise provisions relating to child custody evaluations and to make a child custody evaluator appointed in a suit affecting the parent-child relationship immune from liability for civil damages arising from an action taken, a recommendation made, or an opinion given in the suit. The bill establishes four years of age as the minimum age at which a child who is the subject of a suit may be interviewed and revises the elements required to be included in an evaluation.

House Bill 1501 entitles a child custody evaluator to obtain records from specified governmental entities that relate to any person residing in a residence subject to a child custody evaluation and creates a Class A misdemeanor offense for a person who recklessly discloses confidential record information so obtained. The bill also entitles a child custody evaluator to obtain from the Department of Public Safety criminal history record information that relates to a person involved in the evaluation and prohibits a child custody evaluator from releasing or disclosing the information to a person other than the court ordering the applicable evaluation, with certain exceptions.

**House Bill 1521**  
**Effective:** 6-15-17

**House Author:** White  
**Senate Sponsor:** Whitmire

House Bill 1521 amends the Family Code to require a state or local juvenile justice agency and the Department of Family and Protective Services or certain foster care services contractors to, on request, exchange information that is necessary to improve and maintain community safety or that assists the applicable entity in the continuation of services for or providing services to youth who have received services from multiple juvenile service providers.

**House Bill 1542**  
**Effective:** 9-1-17

**House Author:** Price et al.  
**Senate Sponsor:** Birdwell et al.

House Bill 1542 amends the Family Code to require the Department of Family and Protective Services, in selecting a foster care placement for a child, to consider whether the placement is in the child's best interest based on specified factors. The bill provides for the placements considered the least restrictive setting for a child who is removed from the child's home.

**House Bill 1549**  
**Effective:** 9-1-17

**House Author:** Burkett et al.  
**Senate Sponsor:** Kolkhorst et al.

House Bill 1549 amends Family Code and Human Resources Code provisions relating to the provision of child protective services and early intervention services by the Department of Family and Protective Services (DFPS). Among other provisions, the bill requires DFPS to designate employees to serve specifically as investigators and responders for after-hours reports of child abuse or neglect in certain areas, revises requirements applicable to DFPS in assessing the needs of a child in foster care, and provides for a foster care capacity needs plan. Additionally, the bill sets out provisions regarding the collection and reporting of child fatality and near fatality data and revises provisions relating to the child fatality review team committee and certain child fatality review teams.

House Bill 1549 sets out provisions relating to improving the provision and the evaluation of prevention and early intervention services, establishes a program to provide ongoing support to caseworkers who experience secondary trauma resulting from exposure to trauma in the course of employment, requires DFPS to collect and report on specified DFPS data on the state and county level, and provides for a caseload management system for child protective services caseworkers and managers. The bill also creates the Prevention Task Force to make recommendations to DFPS for changes to law, policy, and practices regarding the prevention of child abuse and neglect and the implementation of the bill and of DFPS's five-year strategic plan for prevention and early intervention services.

**House Bill 1556**  
**Effective:** 9-1-17

**House Author:** González, Mary et al.  
**Senate Sponsor:** Menéndez

House Bill 1556 amends the Education Code and Family Code to revise the qualifications for a foster parent to act as a parent when making special education decisions for a child with a disability who is in the conservatorship of the Department of Family and Protective Services. The bill sets out requirements for a school district or court to appoint a person who is not the foster parent as a surrogate parent for such a child.

**House Bill 1608**  
**Effective:** 6-15-17

**House Author:** Minjarez  
**Senate Sponsor:** Uresti

House Bill 1608 amends the Family Code to require the Department of Family and Protective Services to establish a summer internship pilot program that provides foster youth with the

opportunity to develop marketable job skills and obtain professional work experience through a summer internship with a participating business, nonprofit organization, or governmental entity.

**House Bill 2048**

**Effective:** 9-1-17

**House Author:** Dutton

**Senate Sponsor:** Creighton

House Bill 2048 amends the Family Code to authorize an associate judge to hear and render an order on any matter necessary to be decided in connection with a child support service, including a suit affecting the parent-child relationship and a suit for modification of an order that provides for the conservatorship, support, or possession of and access to a child. The bill prohibits a return of the process served on behalf of the attorney general in a suit regarding a child support service from including the address served under certain conditions and establishes the date on which an agreed child support review order is considered automatically confirmed.

**House Bill 2124**

**Effective:** 9-1-17

**House Author:** Minjarez et al.

**Senate Sponsor:** Kolkhorst

House Bill 2124 amends the Family Code to require the Department of Family and Protective Services (DFPS), in an investigation of a report of abuse or neglect allegedly committed by a person responsible for a child's care, custody, or welfare who DFPS determines is an active duty member of the U.S. armed forces or the spouse of such a person, to notify the U.S. Department of Defense Family Advocacy Program of the investigation.

**House Bill 2703**

**Effective:** 9-1-17

**House Author:** Muñoz, Jr.

**Senate Sponsor:** Uresti

House Bill 2703 amends the Family Code to require a court to issue written findings of fact and conclusions of law within a certain time frame in support of a receiver's appointment for the preservation and protection of the property of the parties in a pending suit for dissolution of a marriage.

**House Bill 2848**

**Effective:** 9-1-17

**House Author:** Burkett et al.

**Senate Sponsor:** Perry

House Bill 2848 amends the Family Code to require that any agreement made between the Department of Family and Protective Services and the Forensic Assessment Center Network or the Department of State Health Services and an entity that receives grants under the Texas Medical Child Abuse Resources and Education System for providing assistance with child abuse and neglect investigations require the network and the system to have the ability to obtain consultations with physicians who specialize in identifying unique health conditions. The bill provides for the referral process of cases requiring a specialty consultation and the procedure for resolving cases involving assessment disagreements between physicians.

**House Bill 2849**

**Effective:** 9-1-17

**House Author:** Burkett et al.

**Senate Sponsor:** Perry et al.

House Bill 2849 amends the Family Code to require the rules adopted by the executive commissioner of the Health and Human Services Commission, for purposes of the central registry of the names of individuals found by the Department of Family and Protective Services (DFPS) to have abused or neglected a child, to require DFPS within a certain time frame to remove a person's name from the registry after DFPS receives notice that a finding of abuse or neglect against the person is overturned in a review, hearing, or appeal and to make updates to any relevant DFPS files to reflect such an overturned finding.

**House Bill 2927**  
**Effective:** 5-29-17

**House Author:** Schofield  
**Senate Sponsor:** Huffman

House Bill 2927 amends the Family Code to authorize an associate judge to sign a default, temporary, or final order in a suit affecting the parent-child relationship without prejudicing the litigant's right to a de novo hearing and to render a final order in such a suit if the parties waive the right to a de novo hearing before the court that referred the suit to the associate judge. The bill establishes the types of final orders rendered and signed by an associate judge, if a party does not request a de novo hearing before the referring court, that become final after the expiration of the prescribed period for filing a request for such a hearing.

**House Bill 3052**  
**Effective:** 9-1-17

**House Author:** Herrero  
**Senate Sponsor:** Watson

House Bill 3052 amends the Family Code to include obtaining state-issued or federally issued personal identification documents for a child among the acts certain close non-parent relatives of the child are authorized to take with regard to the child under an agreement with the child's parent. The bill clarifies how a parent who is not party to an authorization agreement is to be notified of the agreement and sets out consequences for noncompliance with notification requirements. The bill requires a petition filed in a suit for dissolution of a marriage, in a suit affecting the parent-child relationship, or in a proceeding to adjudicate parentage to include a statement regarding certain protective orders in effect. The bill requires a petitioner to attach copies of each applicable order and clarifies that if the office of the attorney general files the petition for a suit affecting the parent-child relationship or a proceeding to adjudicate parentage the office is not required to include such a statement or any applicable attachments.

**House Bill 3338**  
**Effective:** 6-15-17

**House Author:** White et al.  
**Senate Sponsor:** Miles

House Bill 3338 amends the Family Code to require the Department of Family and Protective Services (DFPS) in cooperation with volunteer advocates from a certain charitable organization and the Department of Public Safety to develop procedures to ensure that a foster child obtains a driver's license or personal identification card before the child leaves DFPS conservatorship.

**House Bill 3649**  
**Effective:** 9-1-17

**House Author:** Herrero et al.  
**Senate Sponsor:** Hinojosa

House Bill 3649 amends the Family Code to provide for the confidentiality of certain written or oral communications between a family violence advocate and a family violence victim and for the victim's privilege to refuse to disclose and to prevent another from disclosing such confidential communications.

**House Bill 3845**  
**Effective:** 6-15-17

**House Author:** Raymond  
**Senate Sponsor:** Creighton

House Bill 3845 amends the Family Code to prohibit an insurer from being required to report or identify under the insurance reporting program operated by the attorney general's office to enforce certain child support obligations a claim for benefits, or a portion of a claim for benefits, assigned to be paid to a funeral service provider or facility for actual funeral expenses owed by the insured that are not otherwise paid or reimbursed; a claim for benefits assigned to be paid to a health care provider or facility for actual medical expenses owed by the insured that are not otherwise paid or reimbursed; or a claim for benefits to be paid under a limited benefit insurance policy that provides coverage for one or more specified diseases or illnesses, dental or vision benefits, or hospital indemnity or other fixed indemnity coverage.

**House Bill 3859**  
**Effective:** 9-1-17

**House Author:** Frank et al.  
**Senate Sponsor:** Perry et al.

House Bill 3859 amends the Human Resources Code to prohibit a child welfare services provider from being required to provide any service that conflicts with the provider's sincerely held religious beliefs. The bill prohibits a governmental entity or any person that contracts with the state or operates under governmental authority to refer or place children for child welfare services from discriminating or taking any adverse action against a child welfare services provider on the basis, wholly or partly, that, among other protected actions, the provider has declined or will decline to provide, facilitate, or refer a person for child welfare services that conflict with, or under circumstances that conflict with, the provider's sincerely held religious beliefs. The bill sets out certain requirements for a provider who declines to provide a child welfare service and requires a governmental entity or any such person to ensure that a secondary child welfare services provider is available in the applicable catchment area to provide services to a child or provide for one or more secondary services providers in a nearby catchment area if an insufficient number of secondary services providers exists. The bill provides a private right of action for a services provider and entitles the provider to recover certain declaratory or injunctive relief. The bill waives sovereign and governmental immunity to suit except as provided by the United States Constitution.

**House Bill 4094**  
**Effective:** See below

**House Author:** Klick  
**Senate Sponsor:** Uresti

House Bill 4094 amends the Government Code to revise the authority of the Department of Family and Protective Services (DFPS) to obtain criminal history record information. Among other provisions, the bill specifies certain persons about whom DFPS is entitled to obtain criminal history record information from the Department of Public Safety (DPS) and specifies that a child-placing agency to which DFPS may release criminal history record information is a child-placing agency that is seeking to verify or approve a foster or adoptive home under certain procedures. The bill also authorizes the Health and Human Services Commission (HHSC) to obtain from DPS criminal history record information relating to an applicant who is selected for employment for a function or in a division of DFPS that is transferred to HHSC under the health and human services system consolidation.

House Bill 4094 amends and repeals provisions of the Human Resources Code, effective January 1, 2018, relating to required background and criminal history checks for purposes of regulating certain facilities, homes, and agencies that provide child-care services. Among other provisions, the bill expands the list of individuals whose names the director, owner, or operator of a facility or family home is required to submit to DFPS and requires such named persons to have background checks. The bill also specifies the persons who are required to submit a complete set of fingerprints and the persons who are required to have a name-based check instead of a fingerprint check. Except as otherwise provided, the bill takes effect September 1, 2017.

**Senate Bill 11**  
**Effective:** See below

**Senate Author:** Schwertner et al.  
**House Sponsor:** Frank et al.

Senate Bill 11 amends Family Code provisions relating to the provision of child protective services and other health and human services by certain state agencies or under contract with a state agency. The bill, among other provisions, provides for the delivery of community-based care for foster children in a catchment area by a single source continuum contractor and sets out related provisions, including provisions regarding the qualifications of and requirements for contracting with such a contractor, the expansion of community-based care, duties remaining

with the Department of Family and Protective Services (DFPS), transferring case management services to a single source continuum contractor, a pilot program for family-based safety services in two child protective services regions of Texas, and a foster care capacity needs plan for child protective services regions in which community-based care has not been implemented. The bill also revises certain provisions relating to child abuse and neglect investigations, provides for the automatic dismissal of certain child protection suits and for the initial medical examination of certain children who remain in DFPS conservatorship for more than three business days, and creates an innovation grant program for faith-based community programs to improve foster care.

Senate Bill 11 amends the Government Code, effective May 31, 2017, to include investigations of alleged abuse, neglect, or exploitation occurring at certain child-care facilities among the DFPS functions that are not subject to transfer under the health and human services system consolidation. The bill also establishes health screening and continuity of care requirements applicable to a managed care organization providing services to recipients under the STAR Health program.

Senate Bill 11 amends the Human Resources Code to require DFPS to review its records retention policy and to create the case management vendor quality oversight and assurance division within DFPS and an office of data analytics. The bill also sets out provisions regarding investigations of child abuse, neglect, and exploitation conducted by the child protective services division of DFPS, performance measures for certain service provider contracts, and health screening requirements for a child placed with a child-placing agency or general residential operation.

Except as otherwise provided, Senate Bill 11 takes effect September 1, 2017.

**Senate Bill 77**

**Effective:** 9-1-17

**Senate Author:** Nelson et al.

**House Sponsor:** Alvarado

Senate Bill 77 amends the Family Code to authorize a court to order termination of the parent-child relationship if the court finds that the parent has been convicted of, or has been placed on community supervision for being criminally responsible for, the sexual assault or aggravated sexual assault of the child's other parent. The bill authorizes a court to order each person who is financially able and whose parental rights have been terminated with respect to a child for such a reason to support the child in the manner specified by the order.

**Senate Bill 190**

**Effective:** 6-9-17

**Senate Author:** Uresti

**House Sponsor:** Wu

Senate Bill 190 amends the Family Code to authorize a Department of Family and Protective Services (DFPS) caseworker to refer a reported case of child abuse or neglect to a DFPS supervisor for abbreviated investigation or administrative closure at any time before the 60th day after the date the report is received under specified circumstances and to provide for the review and administrative closure of each reported case of child abuse or neglect that has remained open for more than 60 days.

**Senate Bill 203**

**Effective:** 5-29-17

**Senate Author:** West et al.

**House Sponsor:** Davis, Sarah

Senate Bill 203 repeals a Family Code provision prohibiting the Department of Family and Protective Services from entering into a permanency care assistance agreement after August 31, 2017.

**Senate Bill 213**

**Effective:** See below

**Senate Author:** Menéndez et al.

**House Sponsor:** Rodriguez, Justin

Senate Bill 213 amends the Government Code to rename the ombudsman for children and youth in foster care as the ombudsman for the Department of Family and Protective Services. The bill, among other provisions, transfers the responsibility for appointing the ombudsman from the executive commissioner of the Health and Human Services Commission to the governor, expands the ombudsman's duties, creates the division of the ombudsman for children and youth in foster care within the office of the ombudsman, and sets out procedures for a child-placing agency responsible for a foster child to refer a dispute regarding the child's placement or permanency plan to the ombudsman. The bill takes effect September 1, 2017, but only if a specific appropriation for the bill's implementation is provided in a general appropriations act of the 85th Legislature.

**Senate Bill 257**

**Effective:** 9-1-17

**Senate Author:** Taylor, Van

**House Sponsor:** Dale

Senate Bill 257 amends the Code of Criminal Procedure and Family Code to exempt a protective order issued to a victim of sexual assault or abuse, stalking, or trafficking from provisions authorizing a person who is the subject of such a protective order to seek judicial review of the order. The bill limits the ability of a person subject to a family violence protective order to challenge an order that is effective for longer than two years to two instances. The first of two motions may not be filed earlier than one year after the original order was rendered. If the duration of the protective order exceeds two years, a second motion may not be filed earlier than one year after the conclusion of the first motion.

**Senate Bill 495**

**Effective:** 9-1-17

**Senate Author:** Uresti

**House Sponsor:** Thompson, Senfronia

Senate Bill 495 amends the Family Code to extend the rebuttable presumption in a child custody hearing that it is not in the best interest of a child for a parent to have unsupervised visitation to a situation in which credible evidence is presented of a history or pattern of past or present child neglect or abuse or family violence by any other person who resides in that parent's household or who is permitted by that parent to have unsupervised access to the child during the custody period. The bill authorizes a court to decline to enter a judgment on a mediated settlement agreement in a suit affecting the parent-child relationship if the court finds that the agreement would permit certain persons subject to sex offender registration to reside in the same household as the child or otherwise have unsupervised access to the child and finds that the agreement is not in the child's best interest.

**Senate Bill 497**

**Effective:** 9-1-17

**Senate Author:** Uresti

**House Sponsor:** Wu

Senate Bill 497 amends the Human Resources Code to require the Department of Family and Protective Services (DFPS) to create an office of data analytics that reports to the deputy commissioner of DFPS.

**Senate Bill 539**

**Effective:** 9-1-17

**Senate Author:** Hinojosa et al.

**House Sponsor:** Hunter et al.

Senate Bill 539 amends the Civil Practice and Remedies Code to require a person to complete a minimum of four hours of family violence dynamics training to qualify for an appointment as

an impartial third party in an alternative dispute resolution proceeding relating to the parent-child relationship.

**Senate Bill 712**

**Effective:** 9-1-17

**Senate Author:** Hinojosa et al.

**House Sponsor:** Hunter et al.

Senate Bill 712 amends the Family Code to trigger a court's authority to render a protective order that is effective for more than two years if the court finds that the subject of the protective order engaged in felony conduct involving family violence against the applicant or a member of the applicant's family or household, regardless of whether the person has been charged with or convicted of the offense.

**Senate Bill 738**

**Effective:** See below

**Senate Author:** Kolkhorst

**House Sponsor:** Schofield

Senate Bill 738 amends the Family Code to revise the procedures for transferring certain suits by a governmental entity to protect the health and safety of a child. The bill takes effect September 1, 2017, but only if a specific appropriation for the bill's implementation is provided in a general appropriations act of the 85th Legislature.

**Senate Bill 879**

**Effective:** 9-1-17

**Senate Author:** Uresti

**House Sponsor:** Rose et al.

Senate Bill 879 amends the Family Code to provide for the appeal and review of a person's disqualification from serving as a relative or other designated caregiver for a child on the basis that the person has been convicted of a low-risk criminal offense.

**Senate Bill 948**

**Effective:** 9-1-17

**Senate Author:** Kolkhorst

**House Sponsor:** Morrison

Senate Bill 948 amends the Family Code to require the Department of Family and Protective Services (DFPS) to provide information to each person seeking to adopt a child placed for adoption by DFPS regarding the right of a child's sibling to file a suit for access to the child.

**Senate Bill 999**

**Effective:** 9-1-17

**Senate Author:** West et al.

**House Sponsor:** Giddings

Senate Bill 999 amends the Family Code to revise and clarify provisions relating to procedures for transferring certain court proceedings and for taking possession of a child in a suit affecting the parent-child relationship involving the Department of Family and Protective Services. The bill, among other provisions, requires an original suit affecting the parent-child relationship filed by a governmental entity after taking possession of a child in an emergency without a court order to be supported by an affidavit stating certain facts. The bill also applies to a suit filed by a governmental entity requesting possession of a child who has not yet been taken into possession the procedures for a full adversary hearing regarding a child who has already been taken into possession, with certain exceptions.

**Senate Bill 1063**

**Effective:** 9-1-17

**Senate Author:** Perry et al.

**House Sponsor:** Klick

Senate Bill 1063 amends the Family Code to create an exception to the authorization for an investigation of an anonymous report received by the Department of Family and Protective Services of child abuse or neglect by a person responsible for the child's care, custody, or welfare to include a visit to the child's home if the alleged abuse or neglect can be confirmed or clearly ruled out without a home visit.



**Senate Bill 1220**

**Effective:** 6-1-17

**Senate Author:** Miles et al.

**House Sponsor:** Vo

Senate Bill 1220 amends the Education Code to expand the Texas Education Agency's duties with respect to assisting the transition of students who are homeless or in substitute care from one school to another. The bill authorizes the commissioner of education to establish rules to implement provisions relating to transition assistance for such students and to facilitate the transition between schools of children who are homeless or in substitute care.

Senate Bill 1220 amends the Family Code to require the Department of Family and Protective Services to collaborate with appropriate workforce industry resources to create a career development and education program for foster care youth and former foster care youth.

**Senate Bill 1237**

**Effective:** 9-1-17

**Senate Author:** Rodríguez

**House Sponsor:** Lucio III

Senate Bill 1237 amends the Family Code to update the procedures that are applied in a suit for dissolution of a marriage or a suit affecting the parent-child relationship. The bill establishes the following: the types of temporary orders that can be rendered and enforced by a trial court during an appeal; the conditions under which a trial court is prohibited from rendering or modifying an order to assist in the implementation of or to clarify the property division made or approved in a decree; the authority of a trial court in rendering or modifying certain temporary orders; and the written findings of fact and conclusions of law that must be included in the order in a suit for dissolution of a marriage in which the estate of the parties is divided.

**Senate Bill 1242**

**Effective:** 9-1-17

**Senate Author:** Rodríguez et al.

**House Sponsor:** Burkett

Senate Bill 1242 amends the Family Code and Government Code to provide for the confidentiality of certain personal information of an applicant for or a person protected by a protective order.

**Senate Bill 1444**

**Effective:** Vetoed

**Senate Author:** West

**House Sponsor:** Davis, Sarah et al.

Senate Bill 1444 amends the Family Code to require a party requesting a de novo hearing before the referring court in a child protection case to notify the relevant appointed associate judge and to require proceedings relating to such a request to be given precedence over other pending matters to the extent necessary to ensure the court reaches a decision promptly. The bill also prohibits a party from requesting a de novo hearing on a default judgment or on an agreed order and sets out provisions relating to a de novo hearing on an associate judge's proposed final order or judgment following a trial on the merits.

Governor's Reason for Veto: "Associate judges are employees of the court who do not exercise the judicial power of the State on their own. They act only pursuant to the delegated authority of an elected judge. Senate Bill 1444 makes certain judgments entered by associate judges unappealable to the elected judge overseeing the case. The bill would expand the power of unelected judges while contracting the legal options of parties who appear before them. Other aspects of Senate Bill 1444 had merit. The Legislature should reconsider them next session."

**Senate Bill 1571**

**Effective:** 9-1-17

**Senate Author:** Huffman

**House Sponsor:** Frullo

Senate Bill 1571 amends the Code of Criminal Procedure to authorize a law enforcement officer who takes possession of a child without a court order in an emergency to release the child to certain specified entities or any person authorized by law to take possession of the child

and to set out actions the officer must take before releasing a child to a person other than a governmental entity.

**Senate Bill 1705**

**Effective:** 9-1-17

**Senate Author:** Taylor, Van

**House Sponsor:** Thompson, Senfronia

Senate Bill 1705 amends the Family Code to remove provisions authorizing a person under 18 years of age to marry with parental consent and to prohibit a person under 18 years of age from marrying, and to make a marriage to such a person void, unless the person has been granted a court order by Texas or another state removing the disabilities of minority of the person for general purposes.

**Senate Bill 1758**

**Effective:** 9-1-17

**Senate Author:** Zaffirini et al.

**House Sponsor:** Turner

Senate Bill 1758 amends the Family Code to provide for an independent living skills assessment for certain youth in the conservatorship of the Department of Family and Protective Services (DFPS) and to require DFPS, in coordination with stakeholders, to develop and report on a plan to standardize the curriculum for the preparation for adult living program. The bill, among other provisions, revises requirements for a court in permanency hearings as part of a child protection suit with regard to a child whose permanency goal is another planned permanent living arrangement and expands the duties of a guardian ad litem appointed for a child at least 16 years of age in certain proceedings.

**Senate Bill 1806**

**Effective:** 9-1-17

**Senate Author:** Huffman et al.

**House Sponsor:** Miller

Senate Bill 1806 amends the Family Code to require the Department of Family and Protective Services to refer a case to a children's advocacy center and to require the center to initiate a response by its multidisciplinary team when conducting an investigation of certain reports of child abuse made by a professional or of a child fatality in which there are surviving children in the deceased child's household or under the supervision of the caregiver involved in the child fatality.

**Senate Bill 1965**

**Effective:** 9-1-17

**Senate Author:** Creighton

**House Sponsor:** Dutton

Senate Bill 1965 amends the Family Code and Natural Resources Code to authorize a court to use teleconferencing, videoconferencing, or other remote electronic means to conduct the release hearing of a respondent who is taken into custody for failure to appear at a child support enforcement hearing or a hearing on the issue of a respondent's indigency in a motion for child support enforcement or a motion to revoke community service in such a suit if the court determines that conducting the hearing in that manner will facilitate the hearing. The bill subjects the proceeds derived from the sale of oil and gas production from an oil or gas well located in Texas to a child support lien and authorizes payments that are subject to a child support lien or an order or writ of withholding from earnings for child support without interest for those oil and gas proceeds to be withheld without interest beyond the requisite time limits for such payments.

*This page intentionally left blank.*

## Government Purchasing

This chapter covers legislation on issues relating to the procurement of goods and services by state and local governmental entities.

### House Bill 89

**Effective:** 9-1-17

**House Author:** King, Phil et al.

**Senate Sponsor:** Creighton et al.

House Bill 89 amends the Government Code to prohibit a state agency or political subdivision from entering into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not boycott Israel and will not boycott Israel during the term of the contract. The bill requires the comptroller of public accounts to prepare, maintain, and provide to the permanent school fund and certain retirement systems a list of all companies that boycott Israel. The bill provides for the divestment of certain assets the permanent school fund or any such retirement system holds in a listed company that does not cease boycotting Israel within a specified time frame, exempts certain investments from divestment under specified conditions, prohibits the fund or an applicable retirement system from acquiring securities of a listed company, and establishes certain reporting requirements for the fund and systems. The bill authorizes the attorney general to bring any action necessary to enforce the prohibition on investment in companies that boycott Israel.

### House Bill 1116

**Effective:** 9-1-17

**House Author:** Kacal

**Senate Sponsor:** Buckingham

House Bill 1116 abolishes the Statewide Procurement Advisory Council and repeals Government Code provisions relating to the council and to procedures for awarding certain contracts by the comptroller of public accounts under the State Purchasing and General Services Act.

### House Bill 3021

**Effective:** 9-1-17

**House Author:** Phelan et al.

**Senate Sponsor:** Hughes

House Bill 3021 amends the Professional Services Procurement Act, Government Code, to prohibit a state governmental entity from requiring a contractor to defend the state for claims or liabilities resulting from the negligent acts or omissions of the entity or its employees and to apply certain Local Government Code provisions relating to indemnification limitations and duties of an architect or engineer in regard to architectural or engineering services contracts to a contract for architectural or engineering services between a state agency and an architect or engineer selected under the Professional Services Procurement Act. The bill also amends those Local Government Code provisions to establish that the provisions do not prohibit a governmental agency in a contract for architectural or engineering services to which the governmental agency is a party from including and enforcing conditions that relate to the scope, fees, and schedule of a project in the contract.

### Senate Bill 252

**Effective:** 9-1-17

**Senate Author:** Taylor, Van

**House Sponsor:** Davis, Sarah et al.

Senate Bill 252 amends the Government Code to prohibit a governmental entity from entering into a governmental contract with a company that is listed by the comptroller of public accounts as doing business with Iran, Sudan, or a foreign terrorist organization, with certain exceptions.

**Senate Bill 255**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini  
**House Sponsor:** Simmons

Senate Bill 255 amends the State Employees Training Act, Government Code, to require the comptroller of public accounts to develop and administer purchasing and contract management training programs for state agency employees. The bill sets out guidelines for the administration of the programs and revises related instruction and certification requirements. The bill requires a state agency that spends more than \$5,000 in a state fiscal year for such training to submit to the Legislative Budget Board an annual report relating to the administrators and employees participating in the training. The bill also authorizes a state agency in consultation with the comptroller to develop and administer agency-specific purchasing and contract management programs instead of or as a supplement to the programs developed by the comptroller.

Senate Bill 255 excepts the following contracts from statutory provisions relating to a required disclosure of interested parties involving a contract with a governmental entity or state agency: a contract with a publicly traded business entity, a contract with an electric utility, and a contract with a gas utility. The bill clarifies that statutory provisions relating to public and private facilities and infrastructure apply to a metropolitan rapid transit authority of a principal municipality with a population of 1.9 million or more operating under applicable law.

**Senate Bill 261**  
**Effective:** 5-29-17

**Senate Author:** Zaffirini  
**House Sponsor:** Guillen

Senate Bill 261 amends the Government Code to exempt a Department of Information Resources (DIR) contract for the bulk purchase of information technology commodity items intended for use by more than one state agency from certain procedural requirements for purchasing such a commodity item through DIR and from the prohibition against a state agency entering into a contract to purchase a commodity item with a contract value that exceeds \$1 million.

**Senate Bill 262**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini  
**House Sponsor:** Guillen

Senate Bill 262 amends the Government Code to require the Department of Information Resources (DIR), in cooperation with state agencies and with respect to the purchase of commodity items through the list of commodity items available for purchase through DIR, to periodically assess the risk to the state in the purchase of those items and, based on that risk assessment and as DIR considers necessary to ensure accuracy, monitor and verify the purchase transaction reports of the monthly sales of those items submitted by vendors. The bill requires a state agency or local government contracting for the purchase of an automated information system to comply with the requirements applicable to a state agency contracting to purchase a commodity item in relation to that DIR list.

**Senate Bill 533**  
**Effective:** 9-1-17

**Senate Author:** Nelson  
**House Sponsor:** Geren

Senate Bill 533 amends the Education Code and Government Code to revise certain state agency contracting and procurement guidelines. The bill, among other provisions, includes the lieutenant governor and speaker of the house of representatives, in addition to the governor, among those authorized to recommend major information resources projects to the Department of Information Resources for oversight, requires the comptroller of public accounts to employ a chief procurement officer for the state, and sets out related powers and duties. The bill provides for the required disclosure of potential conflicts of interest for state agency employees and officials relating to the procurement process and contracts with private vendors and the

redaction of certain information from a contract posted by a state agency on its website. The bill authorizes the comptroller to enter into agreements to authorize interstate purchasing and also raises certain caps and thresholds on the value of state contracts for commodity items for which a state agency must submit a pricing request to applicable vendors. The bill lowers certain thresholds that qualify a member of a governing board of an institution of higher education as having a substantial interest in a business entity for purposes of requirements that must be satisfied for the institution to enter into a contract with the entity.

**Senate Bill 1179**

**Effective:** 5-29-17

**Senate Author:** Nelson

**House Sponsor:** Simmons

Current law authorizes a coordinated county transportation authority's governing board to authorize the negotiation of a contract for construction, services, or property without competitive sealed bids or proposals under certain conditions. Senate Bill 1179 amends the Transportation Code to expand those conditions to include that the contract is for items available from only one source, certain utilities, captive replacement parts or components for equipment, planning services, or an authority project awarded for alternate project delivery using design-build procedures.

**Senate Bill 1289**

**Effective:** 9-1-17

**Senate Author:** Creighton et al.

**House Sponsor:** Paddie et al.

Senate Bill 1289 amends the Government Code and Transportation Code to require any iron or steel product produced through a manufacturing process and used in certain projects for which an executive branch entity is contracting to be produced in the United States, with certain exceptions. The bill requires a contract awarded by the Texas Department of Transportation for the improvement of the state highway system without federal aid to contain the same preference provisions for iron and iron products that are required under federal law for an improvement made with federal aid.

Senate Bill 1289 amends the Water Code to remove the requirement for the governing body of each political subdivision receiving financial assistance from the Texas Water Development Board to require that all contracts for the construction of a project include a requirement that manufactured goods used in the project be produced and a certain percentage of components of such goods originate in the United States.

*This page intentionally left blank.*

## Health and Human Services

This chapter covers legislation on issues relating to diseases, medical conditions and procedures, medical records, health code enforcement, and financial, medical, and other services for individuals who are poor, elderly, or physically or mentally disabled. The chapter includes legislation relating to health and human services agencies, the provision of mental health services, health care providers, health care facilities, long-term care facilities, maternal health, Medicaid, CHIP, and the financing and administration of related health and human services programs. Legislation relating to hospital districts is in the **Special Districts** chapter, legislation relating to the regulation of health-related occupations is in the **Occupational Regulation** chapter, and legislation relating to health benefit plan coverage is in the **Insurance** chapter. Legislation relating to foster care, family violence, and child protective services is in the **Family Law** chapter.

### House Bill 10

**Effective:** 9-1-17

**House Author:** Price et al.

**Senate Sponsor:** Zaffirini et al.

House Bill 10 amends the Government Code and Insurance Code to require a health benefit plan to provide benefits and coverage for mental health conditions and substance use disorders under the same terms and conditions applicable to the plan's medical and surgical benefits and coverage. The bill prohibits such coverage from imposing certain treatment limitations on benefits for a mental health condition or substance use disorder and requires the commissioner of insurance to enforce compliance with the bill. The bill requires the executive commissioner of the Health and Human Services Commission (HHSC) to designate an ombudsman for behavioral health access to care, sets out the ombudsman's duties, and requires the Texas Department of Insurance (TDI) to appoint a liaison to the ombudsman. The bill requires HHSC to establish and facilitate a mental health condition and substance use disorder parity work group and requires TDI and HHSC to each conduct studies on benefits for medical or surgical expenses and for mental health conditions and substance use disorders.

### House Bill 13

**Effective:** See below

**House Author:** Price et al.

**Senate Sponsor:** Schwertner et al.

House Bill 13 amends the Government Code to require the Health and Human Services Commission to establish a matching grant program to support community mental health programs providing services and treatment to individuals experiencing mental illness. The bill takes effect June 14, 2017, but only if a specific appropriation for the bill's implementation is provided in a general appropriations act of the 85th Legislature.

### House Bill 13 (1st C.S.)

**Effective:** 11-14-17

**House Author:** Capriglione et al.

**Senate Sponsor:** Campbell

House Bill 13 amends the Health and Safety Code to require certain physicians and health care facilities to electronically submit a report to the Health and Human Services Commission regarding each abortion complication diagnosed or treated by the reporting physician or at the reporting facility, as applicable. The bill prescribes the required contents of the report and provides for the confidentiality of information included in the report. The bill subjects a physician or health care facility that violates these reporting requirements to a civil penalty, related attorney's fees and costs, and certain disciplinary action.



**House Bill 208**

**Effective:** 6-12-17

**House Author:** Springer

**Senate Sponsor:** Taylor, Van

House Bill 208 amends the Government Code to designate the third Wednesday in October of each year as Breast Reconstruction Awareness Day to promote education, awareness, and access for women considering postmastectomy breast reconstruction.

**House Bill 210**

**Effective:** 6-15-17

**House Author:** Springer

**Senate Sponsor:** Taylor, Van

House Bill 210 amends the Government Code to designate March 21 as Breast Reconstruction Advocacy and Education Day, or BRAVE Day, to promote breast reconstruction advocacy and education, and the rights and choices women have for prevention of, treatment for, and recovery from breast cancer.

**House Bill 215 (1st C.S.)**

**Effective:** 11-14-17

**House Author:** Murphy et al.

**Senate Sponsor:** Hughes et al.

House Bill 215 amends the Health and Safety Code to set out reporting requirements for a physician who performs an abortion on a woman who is younger than 18 years of age and certification requirements for a physician who certifies that a third-trimester abortion was authorized on the basis of fetal abnormality.

**House Bill 280**

**Effective:** 9-1-17

**House Author:** Howard et al.

**Senate Sponsor:** Buckingham

House Bill 280 amends the Health and Safety Code to establish a workplace violence prevention grant program to fund innovative approaches for reducing workplace violence against nurses and to provide for the administration of that program by the nursing resource section within the health professions resource center.

**House Bill 284**

**Effective:** 9-1-17

**House Author:** Springer

**Senate Sponsor:** Buckingham

House Bill 284 amends the Health and Safety Code to require certain health care facilities to allow a resident to use a wheelchair self-release seat belt while the resident is in the resident's wheelchair under specified conditions.

**House Bill 337**

**Effective:** 9-1-17

**House Author:** Collier et al.

**Senate Sponsor:** Menéndez et al.

House Bill 337 amends the Human Resources Code and Local Government Code to require the Health and Human Services Commission (HHSC) to suspend or terminate, as appropriate, the Medicaid benefits of an individual confined in a county jail if the sheriff of the county has notified HHSC of the confinement and requires HHSC, not later than 48 hours after being notified of the release from a county jail of an individual whose Medicaid eligibility has been so suspended, to reinstate the individual's eligibility provided that the individual's eligibility certification has not elapsed. The bill provides for the notification by a county sheriff to HHSC and certain other agencies on the confinement in and release or discharge from a county jail of an individual who is receiving Medicaid benefits.

**House Bill 492**  
**Effective:** 9-1-17

**House Author:** Craddick  
**Senate Sponsor:** Perry

House Bill 492 amends the Health and Safety Code to authorize the Department of State Health Services to grant a waiver from the requirements of the Texas Youth Camp Safety and Health Act to certain programs sponsored by religious organizations.

**House Bill 785**  
**Effective:** 9-1-17

**House Author:** Raney et al.  
**Senate Sponsor:** Perry

House Bill 785 amends the Family Code and Occupations Code to require a physician who performs on a patient an assisted reproduction that involves the creation of a human embryo to inform the patient of the option of embryo donation for unused human embryos and to require the Department of Family and Protective Services to post on its website information regarding embryo donation.

**House Bill 810**  
**Effective:** 9-1-17

**House Author:** Parker et al.  
**Senate Sponsor:** Bettencourt et al.

House Bill 810 amends the Health and Safety Code to establish the eligibility of a patient with a severe chronic disease or terminal illness to access and use an investigational stem cell treatment. The bill sets out requirements for such treatment and creates a Class A misdemeanor offense for a person who knowingly offers to buy, offers to sell, acquires, receives, sells, or otherwise transfers any adult stem cells for valuable consideration for use in an investigational stem cell treatment, with certain exceptions.

**House Bill 970**  
**Effective:** 9-1-17

**House Author:** Cortez et al.  
**Senate Sponsor:** Uresti

House Bill 970 amends the Health and Safety Code to establish the duty of the Department of State Health Services to develop a state plan for prevention and treatment of diseases caused by *Streptococcus pneumoniae* and a program to heighten awareness and enhance knowledge and understanding of *Streptococcus pneumoniae*.

**House Bill 1468**  
**Effective:** 6-15-17

**House Author:** Thompson, Senfronia  
**Senate Sponsor:** Hancock

House Bill 1468 amends the Health and Safety Code to make certain minimum sanitation standards and health protection measures for a public swimming pool applicable to an artificial swimming lagoon. The bill provides for the Department of State Health Services approval or rejection of a request to use an alternative method of disinfectant for pool or lagoon maintenance purposes.

**House Bill 1486**  
**Effective:** See below

**House Author:** Price et al.  
**Senate Sponsor:** Schwertner

House Bill 1486 amends the Government Code and Human Resources Code to require the Health and Human Services Commission (HHSC) to develop and the executive commissioner of HHSC to adopt certain rules relating to peer specialists and peer services under Medicaid. The bill requires HHSC to establish a stakeholder work group to provide input for the adoption of such rules. The bill takes effect June 15, 2017, but only if the 85th Legislature appropriates money specifically for the purpose of implementing the bill.

**House Bill 1543**  
**Effective:** 9-1-17

**House Author:** Burkett  
**Senate Sponsor:** Watson

House Bill 1543 amends the Occupations Code to entitle a client to obtain from the applicable practice or practitioner a copy of the client's medical records that pertain to the testing for, and fitting and dispensing of, hearing instruments.

**House Bill 1600**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia et al.  
**Senate Sponsor:** Watson

House Bill 1600 amends the Human Resources Code to require the executive commissioner of the Health and Human Services Commission, in the rules governing the Texas Health Steps program, to allow a provider to conduct, and be reimbursed for conducting, a mental health screening during each annual medical exam of a Medicaid recipient who is at least 12 years of age but younger than 19 years of age.

**House Bill 1629**  
**Effective:** 6-15-17

**House Author:** Coleman  
**Senate Sponsor:** Zaffirini et al.

House Bill 1629 amends the Government Code to require the Health and Human Services Commission to develop and implement a quality-based outcome measure for the child health plan program (CHIP) and Medicaid to annually measure the percentage of CHIP enrollees or Medicaid recipients with HIV infection, regardless of age, whose most recent viral load test indicates a viral load of less than 200 copies per milliliter of blood.

**House Bill 1642**  
**Effective:** 9-1-17

**House Author:** Bell et al.  
**Senate Sponsor:** Kolkhorst

Current law requires the Department of Aging and Disability Services (DADS) to make a complete final written report of every investigation of abuse, neglect, or exploitation against residents of certain health facilities and submit the report and its recommendations to the district attorney and the appropriate law enforcement agency, as applicable. House Bill 1642 amends the Health and Safety Code to instead require DADS, if it determines the report of abuse, neglect, or exploitation is substantiated at the conclusion of the investigation, to make such a report and submit the report and recommendations to the appropriate law enforcement agency.

**House Bill 1697**  
**Effective:** 9-1-17

**House Author:** Price et al.  
**Senate Sponsor:** Nelson

House Bill 1697 amends the Government Code to require the Health and Human Services Commission (HHSC), with any necessary assistance of pediatric tele-specialty providers, to establish a pediatric tele-connectivity resource program for rural Texas to award grants to nonurban health care facilities to connect the facilities with pediatric specialists and pediatric subspecialists who provide telemedicine medical services. HHSC may not spend state funds to accomplish the bill's purposes and is not required to award a grant unless money is appropriated for the purpose.

**House Bill 1787**  
**Effective:** 9-1-17

**House Author:** Wray  
**Senate Sponsor:** Rodríguez

House Bill 1787 amends the Civil Practice and Remedies Code to authorize a declaration for mental health treatment to be signed by the principal and acknowledged before a notary public.

**House Bill 1794****Effective:** 9-1-17**House Author:** Bell et al.**Senate Sponsor:** Kolkhorst

House Bill 1794 requires the Health and Human Services Commission to establish the Work Group on Mental Health Access for First Responders to develop and make recommendations to improve access to mental health care services for first responders.

**House Bill 1917****Effective:** 6-15-17**House Author:** Raymond et al.**Senate Sponsor:** Schwertner

House Bill 1917 amends the Government Code to postpone the date on or after which certain Medicaid managed care contract requirements regarding a managed care organization's outpatient pharmacy benefit plan do not apply and may not be enforced.

**House Bill 2025****Effective:** 9-1-17**House Author:** Davis, Yvonne et al.**Senate Sponsor:** Schwertner et al.

House Bill 2025 amends the Government Code, Health and Safety Code, and Human Resources Code to revise and update provisions regulating the following licensed long-term care facilities: convalescent and nursing facilities and related institutions, assisted living facilities, prescribed pediatric extended care centers, intermediate care facilities for individuals with an intellectual disability, and day activity and health services facilities. Among other provisions, the bill requires the Health and Human Services Commission (HHSC) to develop and use a system to record and track the scope and severity of violations of provisions governing such facilities or a rule, standard, or order adopted under those provisions and revises licensing, fee, and inspection provisions applicable to certain of those facilities. The bill revises the nature of violations under provisions governing those facilities, other than prescribed pediatric extended care centers, excepted from the right to correct the violation before HHSC may collect an administrative penalty and raises the penalty cap for certain violations under the Assisted Living Facility Licensing Act. The bill also provides for staffing requirements for certain facilities that provide care to persons with Alzheimer's disease or related disorders.

**House Bill 2062****Effective:** 6-15-17**House Author:** Phillips**Senate Sponsor:** Estes

House Bill 2062 amends the Health and Safety Code to create a county health care provider participation program in Grayson County.

**House Bill 2214****Effective:** 6-9-17**House Author:** Schofield**Senate Sponsor:** Kolkhorst

House Bill 2214 amends the Health and Safety Code to authorize a nonprofit organization to file a written application with the governing body of a municipality that is wholly or partly located in Harris County to establish or use a cemetery located inside the boundaries of the municipality. The bill requires the municipality by ordinance to prescribe the information to be included in the application and authorizes the governing body by ordinance to authorize the establishment or use of such a cemetery if the municipality determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare.

**House Bill 2379**  
**Effective:** 5-29-17

**House Author:** Price et al.  
**Senate Sponsor:** Hinojosa

House Bill 2379 amends the Government Code to require the office of inspector general of the Health and Human Services Commission (HHSC) to conduct audits and inspections of fraud, waste, and abuse in the provision and delivery of Medicaid and other health and human services independent of HHSC and the executive commissioner of HHSC, subject to certain exceptions, and to clarify certain reporting requirements relating to such an inspection. The bill establishes that the chief counsel for HHSC is the final authority for all legal interpretations related to statutes, rules, and HHSC policy on programs administered by HHSC and limits the legal services for which the executive commissioner is responsible for performing for the office. The bill, among other provisions, gives HHSC the option to use other technology in addition to learning or neural network technology to identify and deter Medicaid fraud and revises the procedures for providing notice of and recovering payments made as a result of fraud and abuse in Medicaid or the child health plan program.

**House Bill 2425**  
**Effective:** 5-26-17

**House Author:** Price et al.  
**Senate Sponsor:** Taylor, Van

House Bill 2425 amends the Health and Safety Code to set out requirements for a hospital to provide a patient, the patient's legal guardian, or the patient's surrogate decision-maker the opportunity to designate a caregiver who will receive the patient's discharge plan and be provided instruction and training as necessary for the caregiver to perform aftercare tasks.

**House Bill 2466**  
**Effective:** 9-1-17

**House Author:** Davis, Sarah et al.  
**Senate Sponsor:** Huffman et al.

House Bill 2466 amends the Health and Safety Code and the Human Resources Code to require the covered services under the child health plan to include a maternal depression screening for an enrollee's mother and to require the Health and Human Services Commission to provide Medicaid reimbursement for a maternal depression screening for a recipient's mother. The bill requires the application form for Medicaid to include, for an applicant who is pregnant, a question regarding whether the pregnancy is the woman's first gestational pregnancy and a question regarding the applicant's preferences for being contacted.

**House Bill 2523**  
**Effective:** 6-15-17

**House Author:** Davis, Sarah et al.  
**Senate Sponsor:** Taylor, Van

House Bill 2523 amends the Government Code and Human Resources Code to authorize the office of inspector general of the Health and Human Services Commission (HHSC) to employ and commission peace officers to assist the office in the investigation of fraud, waste, or abuse in the financial assistance program and in the supplemental nutrition assistance program. The bill requires the office to include in its report to the executive commissioner of HHSC, governor, and legislature the amount of money recovered during the preceding quarter as a result of investigations involving peace officers employed and commissioned by the office for each program for which the office has investigative authority.

**House Bill 2590**  
**Effective:** 9-1-17

**House Author:** Raymond  
**Senate Sponsor:** Zaffirini

House Bill 2590 amends the Human Resources Code to revise the circumstances under which the Health and Human Services Commission (HHSC) is required to give a provider who participates in the home and community-based services waiver program or the Texas home

living waiver program time to correct a violation of a law or rule relating to the program before HHSC may assess an administrative penalty. The bill also provides for an amelioration process for a participating provider who is subject to such an administrative penalty and an informal dispute resolution process for disputes relating to a proposed enforcement action or related proceeding of HHSC against a participating provider.

**House Bill 2804**  
**Effective:** 9-1-17

**House Author:** Price et al.  
**Senate Sponsor:** Taylor, Van

House Bill 2804 amends the Health and Safety Code to revise the manner in which the commissioner of state health services may emergency schedule a substance as a controlled substance for the purpose of the prosecution and punishment of certain offenses under the Texas Controlled Substances Act and establishes the commissioner's authority to extend the emergency scheduling of a substance as a controlled substance.

**House Bill 2904**  
**Effective:** 9-1-17

**House Author:** White  
**Senate Sponsor:** Watson

House Bill 2904 amends the Government Code to revise and clarify provisions relating to the joint memorandum of understanding entered into by certain agencies to promote a system of local-level interagency staffing groups to identify and coordinate services for persons needing multiagency services. The bill, among other provisions, specifies that such services be provided in the least restrictive setting appropriate, using residential, institutional, or congregate care settings only as a last resort. The bill also includes the Texas Education Agency among the agencies required to enter into the memorandum of understanding and requires the agencies to ensure that a state-level interagency staffing group provides certain information and guidance to local-level interagency staffing groups.

**House Bill 2995**  
**Effective:** 6-15-17

**House Author:** Ashby  
**Senate Sponsor:** Nichols

House Bill 2995 amends the Health and Safety Code to create a county health care provider participation program in Angelina County and in Smith County.

**House Bill 3152**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia et al.  
**Senate Sponsor:** Huffman

House Bill 3152 amends the Health and Safety Code to require the Department of State Health Services (DSHS) to designate a health care facility as a sexual assault forensic exam-ready facility, or SAFE-ready facility, if the facility notifies DSHS that the facility employs or contracts with a sexual assault forensic examiner or uses a telemedicine system of sexual assault forensic examiners to provide consultation to a licensed nurse or physician when conducting a sexual assault forensic medical examination. The bill establishes the duties that a health care facility that is not a SAFE-ready facility owes to a sexual assault survivor, including the duty to transfer the survivor to a SAFE-ready facility.

**House Bill 3292**  
**Effective:** 9-1-17

**House Author:** Klick et al.  
**Senate Sponsor:** Hinojosa

House Bill 3292 amends the Human Resources Code to provide for the continued Medicaid eligibility of an individual who is automatically eligible for Medicaid because the individual is a recipient of benefits under the temporary assistance for needy families program or a recipient of federal supplemental security income and who experiences a temporary increase in income of

a duration of one month or less that would result in the individual being ineligible for Medicaid, subject to certain conditions.

**House Bill 3295**  
**Effective:** 9-1-17

**House Author:** Klick  
**Senate Sponsor:** Kolkhorst

House Bill 3295 amends the Government Code to postpone the date on which the pilot programs for improving Medicaid service delivery models with regard to individuals with an intellectual or developmental disability must conclude and to change the date on which the Health and Human Services Commission (HHSC) is required to transition the provision of Medicaid benefits to such an individual receiving long-term services and supports under the Texas home living waiver program to another delivery model. The bill also requires HHSC to identify and evaluate barriers preventing certain Medicaid waiver program recipients from choosing the consumer directed services option and directs HHSC to conduct studies concerning a community attendant registry and the provision of dental services to adults with disabilities under the Medicaid program.

**House Bill 3398**  
**Effective:** 6-12-17

**House Author:** Darby  
**Senate Sponsor:** Perry

House Bill 3398 amends the Health and Safety Code to create a county health care provider participation program in Tom Green County.

**House Bill 3564**  
**Effective:** 9-1-17

**House Author:** Klick  
**Senate Sponsor:** Perry

House Bill 3564 amends the Human Resources Code to revise and update provisions relating to the office of the state long-term care ombudsman. The bill, among other provisions, clarifies the powers and duties of the state long-term care ombudsman and the office, specifies that the office is subject to the oversight of the Health and Human Services Commission (HHSC) in accordance with federal and state law but that the office acts independently of HHSC in the performance of the office's powers and duties, requires the office to coordinate ombudsman services with state and local law enforcement agencies and courts of competent jurisdiction, and revises the conduct that constitutes the Class B misdemeanor involving interference with the performance of office duties.

**House Bill 3576**  
**Effective:** 9-1-17

**House Author:** Guerra et al.  
**Senate Sponsor:** Schwertner et al.

House Bill 3576 amends the Health and Safety Code to authorize the release of specified medical or epidemiological information relating to a person who has or is suspected of having a present or potential health condition resulting from exposure to a high consequence communicable disease as defined by the Department of State Health Services (DSHS), including the Zika virus, to an appropriate federal agency. The bill requires DSHS to investigate the effects of communicable disease and methods of prevention.

**House Bill 3675**  
**Effective:** 9-1-17

**House Author:** Paddie et al.  
**Senate Sponsor:** Hinojosa

House Bill 3675 amends the Human Resources Code and Government Code to prohibit the Health and Human Services Commission (HHSC) from preventing certain eye health care providers and certain institutions of higher education from enrolling as Medicaid providers. The bill requires HHSC to require each managed care organization that contracts with HHSC under any Medicaid managed care model or arrangement to provide health care services to Medicaid

recipients in a region to include in the organization's provider network each such eye health care provider and institution of higher education in the region that meets specified criteria.

**House Bill 3934**  
**Effective:** 9-1-17

**House Author:** Bell et al.  
**Senate Sponsor:** Perry

Current law requires a surveyor of certain long-term care facilities to complete a basic training program that includes an observation period of certain facility operations before the surveyor inspects, surveys, or investigates such a facility. House Bill 3934 amends the Human Resources Code to provide for a waiver of that required observation period for a surveyor who has completed one year of full-time employment in a nursing facility in Texas as a nursing facility administrator, licensed vocational nurse, registered nurse, or social worker in the two years preceding the inspection, survey, or investigation of a long-term care facility.

**House Bill 3954**  
**Effective:** 5-26-17

**House Author:** Gonzales, Larry et al.  
**Senate Sponsor:** Schwertner

House Bill 3954 amends the Health and Safety Code to create a county health care provider participation program in Williamson County.

**House Bill 4056**  
**Effective:** 6-12-17

**House Author:** Rose  
**Senate Sponsor:** Lucio

House Bill 4056 amends the Health and Safety Code to include research-based practices in specified subject areas as another component of the list of recommended best practice-based programs regarding mental health, substance abuse, and suicide provided by the Department of State Health Services, in coordination with the Texas Education Agency and regional education service centers, for implementation in public schools and to expand the subject areas included in the list.

**House Bill 4300**  
**Effective:** 5-18-17

**House Author:** Koop et al.  
**Senate Sponsor:** Huffines et al.

House Bill 4300 amends the Health and Safety Code to create the Dallas County Hospital District health care provider participation program.

**Senate Bill 8**  
**Effective:** 9-1-17

**Senate Author:** Schwertner et al.  
**House Sponsor:** Burkett et al.

Senate Bill 8 amends the Health and Safety Code to prohibit a physician or other person from knowingly performing a partial-birth abortion unless the abortion is performed by a physician and is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury. The bill creates a state jail felony for a person who violates that prohibition and establishes certain civil liability arising from the performance of a prohibited partial-birth abortion but prohibits the prosecution of a woman on whom a prohibited partial-birth abortion is performed or attempted. The bill prohibits a person from intentionally performing a dismemberment abortion unless that abortion is necessary in a medical emergency and makes a violation of that prohibition a state jail felony. A woman on whom a dismemberment abortion is performed, an employee or agent acting under the direction of a physician who performs a dismemberment abortion, or a person who fills a prescription or provides equipment used in a dismemberment abortion is not considered to have violated that prohibition.

Senate Bill 8 prohibits a person from donating certain human fetal tissue but authorizes certain licensed medical facilities to donate such fetal tissue, other than tissue obtained from



an elective abortion, only to an accredited public or private institution of higher education for specified research with the informed consent of the woman from whose pregnancy the fetal tissue is obtained. The bill makes it a Class A misdemeanor offense for a person to knowingly or intentionally solicit or accept tissue from a fetus gestated solely for research purposes or to offer a woman monetary or other consideration to have an abortion for the purpose of donating human fetal tissue or consenting to the donation of such tissue. The bill subjects a facility that donates human fetal tissue to an annual reporting requirement.

Senate Bill 8 replaces the annual reporting requirement for each abortion facility with a requirement for a physician who performs an abortion at an abortion facility to complete and submit a monthly report to the Department of State Health Services (DSHS) on each abortion performed by the physician at the facility. The bill requires DSHS to publish on its website a monthly report containing aggregate data of the information in those reports.

Senate Bill 8 requires a health care facility that provides health or medical care to a pregnant woman to dispose of embryonic and fetal tissue remains that are passed or delivered at the facility by internment, cremation, incineration followed by internment, or steam disinfection followed by internment. The bill provides for the creation of a burial or cremation assistance registry and an ethical fetal remains grant program that uses private donations to assist with the cost associated with the disposition of embryonic and fetal tissue remains. The bill authorizes DSHS to suspend or revoke the license of a health care facility that improperly disposes of embryonic and fetal tissue remains and subjects a person who engages in such behavior to a civil penalty.

Senate Bill 8 amends the Texas Abortion Facility Reporting and Licensing Act, Health and Safety Code, to clarify the definition of “abortion” and to specify that the term does not include an act intended to save the life or preserve the health of an unborn child, remove an ectopic pregnancy, or remove a dead, unborn child whose death was caused by spontaneous abortion. The bill also amends the Family Code and Health and Safety Code to bring uniformity to the definition of the term across various applicable statutes.

Senate Bill 8 amends the Occupations Code to include performing, inducing, or attempting to perform or induce a prohibited partial-birth or dismemberment abortion among the prohibited practices by a physician or medical license applicant that subjects that person to applicable disciplinary action by the Texas Medical Board. The bill establishes that a violation of those prohibitions does not subject an individual to the punishments prescribed for a violation of the Medical Practice Act.

Senate Bill 8 amends the Penal Code to make it a state jail felony for a person to knowingly offer to buy, offer to sell, acquire, receive, sell, or otherwise transfer certain human fetal tissue for economic benefit, with certain exceptions. The bill grants the attorney general concurrent jurisdiction to prosecute such an offense with appropriate local consent.

**Senate Bill 11 (1st C.S.)**

**Effective:** 4-1-18

**Senate Author:** Perry et al.

**House Sponsor:** Bonnen, Greg et al.

Senate Bill 11 amends the Health and Safety Code to set out the circumstances under which a do-not-resuscitate (DNR) order issued for a patient in a health care facility or hospital is valid and other general procedures and requirements relating to such an order. The bill sets out provisions relating to notice requirements for DNR orders and the revocation of DNR orders, procedures for a failure to execute DNR orders or patient instructions, and related limitations of liability. The bill creates a Class A misdemeanor for certain persons who intentionally conceal, cancel, effectuate, or falsify another person’s DNR order or conceal or withhold personal knowledge of another person’s revocation of a DNR order in violation of the bill’s provisions and provides for related review and disciplinary action.

**Senate Bill 17 (1st C.S.)****Effective:** 8-16-17**Senate Author:** Kolkhorst et al.**House Sponsor:** Burkett et al.

Senate Bill 17 amends the Health and Safety Code to require the Maternal Mortality and Morbidity Task Force to study and review trends, rates, or disparities in pregnancy-related deaths and severe maternal morbidity; health conditions and factors that disproportionately affect the most at-risk population as determined in the joint biennial report of the task force's findings and recommendations; and best practices and programs operating in other states that have reduced rates of pregnancy-related deaths. The bill requires the task force to compare rates of pregnancy-related deaths based on the socioeconomic status of the mother and provides for the screening for substance abuse and domestic violence of pregnant women and for the promotion of specific educational materials to such women.

Senate Bill 17 gives the Department of State Health Services (DSHS) the option of selecting all cases of pregnancy-related deaths for the task force to review to reflect a cross-section of pregnancy-related deaths in Texas as an alternative to randomly selecting such cases. The bill provides for a report by the Health and Human Services Commission (HHSC) on pregnancy-related deaths, severe maternal morbidity, and postpartum depression; a maternal health and safety initiative by DSHS in collaboration with the task force; a feasibility study related to such initiative; and a report on the processes and procedures for collecting cause of death information. The bill changes the composition of the task force.

**Senate Bill 74****Effective:** 6-9-17**Senate Author:** Nelson et al.**House Sponsor:** Price

Senate Bill 74 amends the Government Code to authorize a provider in the provider network of a managed care organization that contracts with the Health and Human Services Commission (HHSC) to provide behavioral health services under Medicaid to contract with the managed care organization to provide targeted case management and psychiatric rehabilitative services to children, adolescents, and their families. The bill limits the permitted scope of HHSC rules and guidelines applicable to such a provider and establishes HHSC duties regarding behavioral health services provided through a third party or subsidiary.

**Senate Bill 292****Effective:** 9-1-17**Senate Author:** Huffman et al.**House Sponsor:** Price et al.

Senate Bill 292 amends the Government Code to require the Health and Human Services Commission to establish a program to provide grants to eligible county-based community collaboratives for the purposes of reducing recidivism and incarceration of persons with mental illness and reducing the total waiting time for forensic commitment of persons with mental illness to a state hospital.

**Senate Bill 344****Effective:** 6-9-17**Senate Author:** West et al.**House Sponsor:** Sheffield

Senate Bill 344 amends the Health and Safety Code to provide for the transport of a person believed to have mental illness and pose a risk of substantial harm to an appropriate mental health facility by emergency medical services personnel.

**Senate Bill 546****Effective:** 6-9-17**Senate Author:** Kolkhorst et al.**House Sponsor:** Collier

Senate Bill 546 amends the Health and Safety Code to require the Department of Aging and Disability Services or its successor agency, with guidance from the Texas Commission on

## Health and Human Services

Environmental Quality, to take certain actions to ensure the quality of water provided by public drinking water supply systems to state supported living centers.

### **Senate Bill 547**

**Effective:** 5-29-17

**Senate Author:** Kolkhorst

**House Sponsor:** Lambert et al.

Senate Bill 547 amends the Human Resources Code to remove certain conditions on a state supported living center's authority to provide nonresidential services to support an individual. The bill requires the executive commissioner of the Health and Human Services Commission (HHSC) by rule to establish a list of services a state supported living center may provide under a contract with a person that provides services to individuals with developmental disabilities for the center to provide services and resources to support those individuals and to establish procedures for HHSC to create, maintain, and amend as needed a schedule of fees that a state supported living center may charge for a service included in the list. The bill authorizes a state supported living center, based on negotiations between the center and a managed care organization, to charge a fee for a service other than the fee provided by the schedule of fees.

### **Senate Bill 584**

**Effective:** 9-1-17

**Senate Author:** West et al.

**House Sponsor:** Rose

Senate Bill 584 amends the Occupations Code to require the Texas Medical Board to adopt guidelines for the prescription of opioid antagonists. The bill exempts from liability a physician whose act or omission with respect to prescribing an opioid antagonist is made in good faith and reasonable care.

### **Senate Bill 613**

**Effective:** 9-1-17

**Senate Author:** Whitmire et al.

**House Sponsor:** Davis, Sarah

Current law requires the Health and Human Services Commission (HHSC) to coordinate with the Texas Civil Commitment Office to provide psychiatric services, disability services, and housing for a person who is a civilly committed sexually violent predator with an intellectual or developmental disability, mental illness, or physical disability that prevents the person from effectively participating in a sex offender treatment program. Senate Bill 613 amends the Health and Safety Code to instead require HHSC, after coordination with the office, to provide such services and housing for such a person. The bill also provides for inpatient mental health services for certain committed persons who are unable to participate effectively in the program.

### **Senate Bill 654**

**Effective:** 9-1-17

**Senate Author:** Seliger et al.

**House Sponsor:** Smithee et al.

Senate Bill 654 amends the Government Code, Health and Safety Code, and Human Resources Code to authorize the inclusion of an advanced practice registered nurse as a primary care provider in a Medicaid or child health plan managed care organization's or, if applicable, other entity's, provider network, regardless of whether the physician supervising the nurse is in the provider network or is included in any directory of Medicaid providers maintained by the Health and Human Services Commission.

### **Senate Bill 670**

**Effective:** Vetoed

**Senate Author:** Birdwell et al.

**House Sponsor:** Price et al.

Senate Bill 670 amends the Government Code, Health and Safety Code, and Human Resources Code to require the governor to appoint the commissioner of the Department of State Health Services and the commissioner of the Department of Family and Protective Services.

Governor's Reason for Veto: "The commissioner of the Department of State Health Services is currently appointed by the executive commissioner of the Health and Human Services Commission, a gubernatorial appointee. This arrangement works well. Senate Bill 670 would have required direct gubernatorial appointment of the commissioner of DSHS. That is not needed."

**Senate Bill 790**

**Effective:** Vetoed

**Senate Author:** Miles et al.

**House Sponsor:** Howard et al.

Senate Bill 790 amends the Government Code to postpone the abolishment of and expiration of statutory provisions relating to the women's health advisory committee.

Governor's Reason for Veto: "The Women's Health Advisory Committee was created last session 'to provide recommendations to [the Health and Human Services Commission] on the consolidation of women's health programs.' By law, the Committee is set to expire in September 2017. The Committee fulfilled its statutory charge after the women's health programs at HHSC were successfully consolidated under the Healthy Texas Women's Program, which launched in July of 2016. The Committee's purpose has been served, and it should be allowed to expire as was promised when it was created last session. In addition, the HHSC executive commissioner is already authorized by the Government Code to maintain advisory committees 'across all major areas of the health and human services system,' so there is no need to continue a particular legislative mandate for a committee that, by law, has achieved its legislative mandate.

"Senate Bill 790 does nothing more than extend the expiration date of a governmental committee that has already successfully completed its mission. Rather than prolong government committees beyond their expiration date, the State should focus on programs that address more clearly identifiable needs, like my call for action to address the maternal mortality rate during the special session."

**Senate Bill 894**

**Effective:** 9-1-17

**Senate Author:** Buckingham

**House Sponsor:** Muñoz, Jr. et al.

Senate Bill 894 amends Government Code provisions relating to the audit and verification of information under certain health and human services programs. The bill, among other provisions, requires the state auditor to consider, in devising an audit plan for the state, the performance of audits of programs operated by health and human services agencies that have not recently received audit coverage and have expenditures of less than \$100 million per year. The bill revises provisions relating to the Health and Human Services Commission's (HHSC) electronic visit verification system and requires the system to electronically verify that certain services provided to Medicaid recipients are provided in accordance with a prior authorization or plan of care. The bill requires HHSC to implement a strategy for improving overall management of audit resources used to verify the accuracy of program and financial information reported by Medicaid managed care organizations.

**Senate Bill 919**

**Effective:** 6-1-17

**Senate Author:** Rodríguez

**House Sponsor:** Coleman

Senate Bill 919 amends the Health and Safety Code to extend to a physician assistant or an advanced practice registered nurse the authority to complete the medical certification for a death certificate or fetal death certificate under certain circumstances.

**Senate Bill 922**

**Effective:** 9-1-17

**Senate Author:** Buckingham

**House Sponsor:** Gonzales, Larry

Senate Bill 922 amends the Government Code to require the Health and Human Services Commission to ensure that Medicaid reimbursement is provided to a school district or open-enrollment charter school for telehealth services provided through the district or charter school by a health professional under specified conditions.

**Senate Bill 924**  
**Effective:** 9-1-17

**Senate Author:** Perry  
**House Sponsor:** Klick

Senate Bill 924 amends the Government Code and Health and Safety Code to revise and update provisions relating to an informal dispute resolution process for disputes involving certain long-term care facilities and provisions relating to the informal dispute resolution process for disputes involving an assisted living facility that concerns a statement of violations under the Assisted Living Facility Licensing Act, including by updating references to reflect the consolidation of the health and human services system.

**Senate Bill 1021**  
**Effective:** 5-29-17

**Senate Author:** Nelson  
**House Sponsor:** Price

Senate Bill 1021 amends the Government Code to include the commissioner of the Department of Family and Protective Services (DFPS) among the members of the Health and Human Services Commission (HHSC) Executive Council, regardless of whether DFPS continues as a state agency separate from HHSC. The bill changes the deadline by which the executive commissioner of HHSC is required to conduct a study and submit a report and recommendations regarding the continuing need for certain state agencies to the Health and Human Services Transition Legislative Oversight Committee. The bill revises the required components of the study, recommendations, and report and the required components of the committee's subsequent report and recommendations to the legislature. The bill reenacts certain Government Code provisions relating to the Texas system of care framework.

**Senate Bill 1049**  
**Effective:** 9-1-17

**Senate Author:** Uresti  
**House Sponsor:** Klick et al.

Senate Bill 1049 amends the Health and Safety Code to require the Health and Human Services Commission to periodically issue a technical memorandum providing interpretive guidance on minimum life safety code standards for assisted living facilities and to establish that the Texas Department of Licensing and Regulation governs the interpretation and enforcement of accessibility standards in such facilities. The bill, among other provisions, provides for local approval of an assisted living facility with regard to building and fire codes.

**Senate Bill 1107**  
**Effective:** See below

**Senate Author:** Schwertner et al.  
**House Sponsor:** Price et al.

Senate Bill 1107 amends the Government Code, Health and Safety Code, Insurance Code, and Occupations Code to establish the components of a valid practitioner-patient relationship between a practitioner providing a telemedicine medical service and a patient receiving the telemedicine medical service for purposes of dispensing a prescription. The bill requires the Texas Medical Board, the Texas Board of Nursing, the Texas Physician Assistant Board, and the Texas State Board of Pharmacy to jointly adopt rules that establish the determination of a valid prescription issued in the course of the provision of telemedicine medical services. Effective January 1, 2018, the bill revises requirements for the coverage of telemedicine medical services or a telehealth service under a health benefit plan. The bill modifies the manner in which a provider is reimbursed under Medicaid for telemedicine medical services or telehealth services. Except as otherwise provided, the bill takes effect May 27, 2017.

**Senate Bill 1158****Effective:** 9-1-17**Senate Author:** Miles**House Sponsor:** Allen

Senate Bill 1158 amends the Health and Safety Code to raise from 2.8 million to 4 million the minimum county population threshold that triggers a county's authority to require a food manager to be on duty during the operating hours of a food establishment.

**Senate Bill 1300****Effective:** 9-1-17**Senate Author:** Perry**House Sponsor:** Darby

Senate Bill 1300 amends the Health and Safety Code and Education Code to provide for the designation of the San Angelo state supported living center as a forensic state supported living center for the care of high-risk alleged offender residents. The bill also removes certain restrictions with regard to housing a forensic state supported living center's high-risk alleged offender residents and center staffing.

**Senate Bill 1462****Effective:** 6-9-17**Senate Author:** Hinojosa et al.**House Sponsor:** Lucio III

Senate Bill 1462 amends the Health and Safety Code to revise statutory provisions relating to certain health care funding districts, county health care provider participation programs, and municipal health care provider participation programs. The bill expands the authorized uses of money deposited to an applicable entity's local provider participation fund and changes deadlines for publishing notice of a hearing on mandatory payments. The bill replaces provisions providing for the collection of mandatory payments by the county or municipal tax assessor-collector, as applicable, and authorizing the appropriate governing body to contract for the assessment and collection of mandatory payments with an authorization for the respective district, county, or municipality to collect or, using a competitive bidding process, contract for the assessment and collection of mandatory payments. The bill creates the Tarrant County Hospital District health care provider participation program.

**Senate Bill 1533****Effective:** 5-19-17**Senate Author:** Rodríguez et al.**House Sponsor:** Moody et al.

Senate Bill 1533 amends the Health and Safety Code to make a university employee who regularly interacts with students eligible for mental health first aid training provided by a local mental health authority through a Department of State Health Services grant.

**Senate Bill 1565****Effective:** 9-1-17**Senate Author:** Kolkhorst**House Sponsor:** Minjarez

Senate Bill 1565 amends the Health and Safety Code to revise procedures for obtaining consent with regard to ordering medical or dental treatment or services for certain persons admitted to or committed to care at a state facility for persons with mental illnesses or for persons with an intellectual disability.

**Senate Bill 1599****Effective:** 9-1-17**Senate Author:** Miles et al.**House Sponsor:** Walle et al.

Senate Bill 1599 amends the Health and Safety Code to require the Department of State Health Services (DSHS) to post on the DSHS website information regarding the systematic protocol for pregnancy-related death investigations and the best practices for reporting pregnancy-related deaths.

**Senate Bill 1630**

**Effective:** 9-1-17

**Senate Author:** Buckingham

**House Sponsor:** Howard

Senate Bill 1630 amends the Health and Safety Code to require a person who discovers an unverified cemetery to provide notice to the Texas Historical Commission and to the applicable landowner on record. The bill establishes requirements and procedures for the commission to investigate an unverified cemetery and determine whether sufficient evidence supports the existence of a cemetery and provides for notification of the commission's determination to be given to the landowner. The bill requires notice of the discovery of an unknown or abandoned cemetery to be provided to the landowner on record concurrently with the notice of the discovery provided to the county clerk. The bill authorizes a justice of the peace acting as coroner or medical examiner, or another person authorized to supervise the removal of remains, to investigate or remove remains in an unmarked grave contained within an abandoned, unknown, or unverified cemetery without written order of the state registrar or the registrar's designee. The bill includes municipal or county cemeteries as locations to which human remains removed from an unknown or abandoned cemetery on a court's order may be relocated. The bill exempts an unverified cemetery from statutory provisions relating to access to a cemetery.

**Senate Bill 1680**

**Effective:** 9-1-17

**Senate Author:** Lucio et al.

**House Sponsor:** Raymond

Senate Bill 1680 requires the Department of State Health Services to establish the Task Force of Border Health Officials to advise the commissioner of state health services on policy priorities addressing major issues affecting the border region residents' health and health conditions, on raising public awareness of those issues, and on other health issues impacting the border region as determined by the commissioner. The bill, among other provisions, requires the task force to study and make recommendations relating to the health problems, conditions, challenges, and needs of the population in the border region and to submit a biennial report of recommendations to the commissioner for short-term and long-term border health improvement plans.

**Senate Bill 1693**

**Effective:** 6-9-17

**Senate Author:** Lucio et al.

**House Sponsor:** Raymond

Senate Bill 1693 requires the executive commissioner of the Health and Human Services Commission (HHSC) to direct the Aging Texas Well Advisory Committee to assist HHSC in determining the appropriate level of independent living services for the growing number of seniors in Texas with visual impairment and in making recommendations on the provision of services to such seniors. The bill requires the advisory committee to conduct a study to determine the projected growth and geographic distribution of seniors with a visual impairment and methods for improving and expanding services to those seniors. The bill also requires the advisory committee to develop methods to publicize the services available to seniors with a visual impairment.

**Senate Bill 1743**

**Effective:** Vetoed

**Senate Author:** Zaffirini

**House Sponsor:** Hinojosa, Gina et al.

Senate Bill 1743 amends the Education Code, Government Code, and Penal Code to abolish the Office for the Prevention of Developmental Disabilities as an independent office administratively attached to the Health and Human Services Commission, transfer the office to The University of Texas at Austin as a program, and rename the office as the Office for Healthy Children.

Governor's Reason for Veto: "The duties prescribed by Senate Bill 1743 can be performed by the Health and Human Services Commission using existing resources. Executive branch functions need not be assigned to universities."

**Senate Bill 2117**

**Effective:** 6-12-17

**Senate Author:** Seliger

**House Sponsor:** Price

Senate Bill 2117 amends the Health and Safety Code to create the City of Amarillo Hospital District health care provider participation program.



*This page intentionally left blank.*

## Higher Education

This chapter includes legislation affecting the governance of the state’s public colleges and universities and junior and community college districts in general, legislation relating to the mission, operation, and funding of specific institutions, and legislation affecting tuition, fees, and student financial aid and other higher education funding issues.

**House Bill 66**  
**Effective:** 9-1-18

**House Author:** Guillen et al.  
**Senate Sponsor:** Zaffirini et al.

House Bill 66 amends the Education Code to change from the institution of higher education to the Texas Higher Education Coordinating Board the entity that determines the requirements for a student to continue to receive a Texas armed services scholarship after initial receipt. The bill provides for the appointment of alternate recipients of the scholarship by an elected official if a current recipient fails to maintain scholarship requirements.

**House Bill 655**  
**Effective:** 5-29-17

**House Author:** Clardy et al.  
**Senate Sponsor:** Zaffirini

House Bill 655 amends the Education Code to require a student enrolled in an associate or bachelor’s degree program at a public junior college to file a degree plan with the college not later than the end of the second regular semester or term immediately following the semester or term in which the student earned a cumulative total of 30 or more semester credit hours or, if the student begins the student’s first semester or term at the college with 30 or more semester credit hours, not later than the end of the student’s second regular semester or term at the college.

**House Bill 846**  
**Effective:** 9-1-17

**House Author:** Raney et al.  
**Senate Sponsor:** Menéndez

House Bill 846 amends the Education Code to prohibit a public, private, or independent institution of higher education from imposing additional fees, obligations, or burdens concerning payment or registration on a student eligible for state or federal military-related student financial assistance programs for military veterans or their family members if such impositions are not otherwise required by those programs for the purpose of receiving that assistance. The bill requires an institution to provide for such a student to defer payment of tuition and fees if the receipt of military-related financial assistance awarded to the student is delayed by less than 60 days and also requires the Texas Veterans Commission, in cooperation with institutions of higher education, to prescribe a standard deferment request form for that purpose.

**House Bill 961**  
**Effective:** Vetoed

**House Author:** Rodriguez, Justin  
**Senate Sponsor:** Seliger

House Bill 961 amends the Education Code to authorize the board of trustees of a certain junior college district, not later than the 180th day before the date of a certain trustee election, to provide by resolution that a candidate must receive a plurality of the votes cast for a position to be filled at the election. The bill makes such a resolution effective for subsequent elections until rescinded by a subsequent resolution.

Governor’s Reason for Veto: “It is essential that local voters have full opportunity to determine the junior college district board members who make property tax decisions for these districts. House Bill 961 would have authorized elections for junior college district board seats to be decided by plurality vote without a runoff election. In crowded races, this would result in the election of candidates who received a small percentage of voter support. Those very same crowded races are often the ones where voter

## Higher Education

interest is highest and dissatisfaction with the incumbent is most acute. Runoff elections ensure that every seat on the board is occupied by someone who received a majority of votes in an election. These elections have important consequences for property owners and for junior colleges. They should not be treated like second-tier elections.”

### **House Bill 1472**

**Effective:** 9-1-17

**House Author:** Capriglione et al.

**Senate Sponsor:** Nelson

House Bill 1472 amends the Government Code to authorize the governing board of a public junior college district to invest funds received by the district from a lease or contract for the management and development of land owned by the district and leased for oil, gas, or other mineral development in any investment authorized to be made by a trustee under the Texas Trust Code, in addition to other investments authorized under the Public Funds Investment Act. The bill requires funds invested under the bill’s provisions to be segregated and accounted for separately from other funds of the district.

### **House Bill 1638**

**Effective:** 5-23-17

**House Author:** Guillen

**Senate Sponsor:** West et al.

House Bill 1638 amends the Education Code to require the Texas Education Agency and the Texas Higher Education Coordinating Board to jointly develop statewide goals for dual credit programs to provide uniform standards for evaluating those programs. The bill establishes the required components of an agreement between a school district and a public institution of higher education to provide a dual credit program.

### **House Bill 1913**

**Effective:** 5-29-17

**House Author:** Geren

**Senate Sponsor:** Nelson

House Bill 1913 amends the Education Code to remove the requirement that the president of the University of North Texas Health Science Center at Fort Worth be a licensed physician who possesses a doctor of osteopathy degree from an accredited college of osteopathic medicine and have been licensed to practice medicine in a state of the United States for at least five years. The bill also repeals the prohibition against the board of regents of the University of North Texas System awarding an M.D. degree.

### **House Bill 2194**

**Effective:** 9-1-17

**House Author:** King, Phil et al.

**Senate Sponsor:** Estes

House Bill 2194 amends the Education Code to temporarily require the commissioners court of each county in which a branch campus of the Weatherford Junior College District is located and that imposed a branch campus maintenance tax on September 1, 2017, to appoint one member to serve on the district’s board of trustees in addition to members of the board otherwise elected or appointed. The bill provides for the terms of service and the powers and duties of the additional board members.

### **House Bill 2223**

**Effective:** 6-15-17

**House Author:** Giddings et al.

**Senate Sponsor:** Zaffirini

House Bill 2223 amends the Education Code and Labor Code to require each public institution of higher education to develop and implement for developmental coursework, other than adult basic education or basic academic skills education, a corequisite model under which a student concurrently enrolls in a developmental education course and a freshman-level course in the same subject area and to ensure the institution’s developmental coursework complies with this requirement according to a specified implementation schedule. If a student fails to

satisfactorily complete a freshman-level course taken concurrently with a developmental course in the same subject area, the institution must review the individualized plan developed for the student; if necessary, work with the student to revise the plan; and offer to the student a range of competency-based education programs to assist the student in becoming ready to perform freshman-level coursework in that subject area.

House Bill 2223 lowers the caps on the number of semester credit hours of developmental coursework per student, other than developmental coursework in English for speakers of other languages, that may be funded by legislative appropriations to a general academic teaching institution or a public junior college, public technical institute, or public state college. The bill clarifies provisions relating to the requirement under the Texas Success Initiative that a public institution of higher education assess each entering undergraduate student to determine the student's readiness for freshman-level coursework and provisions relating to the requirement that the Texas Higher Education Coordinating Board collect and analyze data regarding the effectiveness of college preparatory courses and report its findings biennially.

**House Bill 2285**

**Effective:** 6-15-17

**House Author:** Thompson, Ed et al.

**Senate Sponsor:** Taylor, Larry

House Bill 2285 amends the Education Code to establish the Texas Institute for Coastal Prairie Research and Education at the University of Houston and to vest the organization, control, and management of the institute in the board of regents of the University of Houston System. The bill sets out the powers and duties of the institute and provides for its collaboration with other entities.

**House Bill 2431**

**Effective:** 6-1-17

**House Author:** Deshotel

**Senate Sponsor:** Creighton

House Bill 2431 amends the Education Code to make public state colleges eligible to participate in the jobs and education for Texans (JET) grant program.

**House Bill 2819**

**Effective:** 9-1-17

**House Author:** Darby et al.

**Senate Sponsor:** Estes

House Bill 2819 amends the Education Code to establish the TexNet Technical Advisory Committee as an advisory committee within The University of Texas Bureau of Economic Geology to provide certain oversight over the bureau's TexNet seismic monitoring program.

**House Bill 2895**

**Effective:** 9-1-17

**House Author:** Price et al.

**Senate Sponsor:** Seliger

House Bill 2895 amends the Education Code to require a general academic teaching institution, medical and dental unit, public junior college, public state college, or public technical institute that is required to create a web page dedicated to information regarding the mental health resources available to students at the institution to include all resources, regardless of whether those resources are provided by the institution, and to maintain a conspicuous link to that web page on the institution's website home page.

**House Bill 2937**

**Effective:** 6-9-17

**House Author:** Canales et al.

**Senate Sponsor:** Lucio et al.

House Bill 2937 amends the Education Code to require the Texas Higher Education Coordinating Board to develop and implement a pilot program under which a licensed hospital, in partnership with a public school district, may offer dual credit courses to high school students enrolled in the district. The bill requires the coordinating board to select one licensed hospital

## Higher Education

in Hidalgo County that meets certain criteria to participate in the pilot program and sets out provisions relating to the organization and costs of the program.

**House Bill 2994**  
**Effective:** 9-1-17

**House Author:** Ashby et al.  
**Senate Sponsor:** Hinojosa

House Bill 2994 amends the Education Code to require contact hours attributable to the enrollment of a student in a workforce continuing education course offered by a public junior college to be included in the contact hours used to determine the college's proportionate share of state formula funding, regardless of whether the college waives all or part of the tuition or fees for the course. The bill authorizes a public junior college to offer, or to enter into an agreement with a public school district, organization, or other person that operates a high school to offer, certain workforce continuing education courses to a person enrolled in high school, subject to certain eligibility criteria. The bill sets out the circumstances in which a public junior college may waive all or part of the tuition or fees charged to a student for a workforce continuing education course.

**House Bill 3083**  
**Effective:** 9-1-17

**House Author:** Price et al.  
**Senate Sponsor:** Hinojosa

House Bill 3083 amends the Education Code to authorize the Texas Higher Education Coordinating Board to allocate any unused funds from the student loan repayment assistance program for certain mental health professionals to award repayment assistance grants to an eligible mental health professional. The bill includes a licensed chemical dependency counselor among those eligible professionals and caps the total amount of repayment assistance from the state that a licensed chemical dependency counselor who has received an associate degree related to chemical dependency counseling or behavioral science may receive. The bill establishes the coordinating board's duty to seek and maximize federal matching funds.

**House Bill 4276**  
**Effective:** 9-1-17

**House Author:** VanDeaver  
**Senate Sponsor:** Hughes

House Bill 4276 amends the Education Code to authorize the governing board of the Paris Junior College District to provide by resolution or order for the election of nine board members and to change the election date to the November uniform election date. The bill provides for the composition of the board and for transition terms of office.

**Senate Bill 286**  
**Effective:** 9-1-17

**Senate Author:** Nichols  
**House Sponsor:** Gooden

Senate Bill 286 amends the Education Code to authorize the governing board of the Trinity Valley Community College District by resolution or order to increase the number of board members to 11. The bill prescribes the manner in which such a resolution or order must provide for transition terms of office.

**Senate Bill 331**  
**Effective:** 9-1-17

**Senate Author:** West  
**House Sponsor:** Rose et al.

Senate Bill 331 amends the Education Code to increase from once to twice the number of times the Texas Higher Education Coordinating Board may renew the temporary approval for a private or independent institution of higher education that no longer holds the requisite accreditation but satisfies certain other qualifications to continue to participate in the tuition equalization grant program.

**Senate Bill 377**  
**Effective:** 5-29-17

**Senate Author:** Perry  
**House Sponsor:** Burkett

Senate Bill 377 amends the Education Code to update and clarify certain powers and duties of the Prepaid Higher Education Tuition Board under the Texas achieving a better life experience (ABLE) program, including by expressly providing for the board's power to enter into an agreement to engage services through a consortium of states and an agreement with another entity to act as plan manager. The bill removes the criterion that a designated beneficiary under the Texas ABLE program be a Texas resident and instead gives the board the power to adopt rules establishing residency requirements for a designated beneficiary, if determined appropriate.

**Senate Bill 491**  
**Effective:** 6-9-17

**Senate Author:** Watson et al.  
**House Sponsor:** Howard

Senate Bill 491 amends the Education Code to include the statewide preceptorship program in family medicine among the preceptorship programs for whose operation the Texas Higher Education Coordinating Board may contract with one or more organizations.

**Senate Bill 537**  
**Effective:** 6-9-17

**Senate Author:** Hinojosa  
**House Sponsor:** Lozano

Senate Bill 537 amends the Education Code to require each public institution of higher education to include in the institution's online course catalog, for each course listed in the catalog, a description and the amount of any special course fee to be charged specifically for the course. If the institution publishes a paper course catalog, the institution may publish any such fees using the amounts charged in the most recent academic year.

**Senate Bill 634**  
**Effective:** 9-1-17

**Senate Author:** Estes  
**House Sponsor:** Button

Senate Bill 634 amends the Labor Code to require the Texas A&M Engineering Extension Service or a public community or technical college, if the respective entity fails to submit the required report on the entity's use of the skills development fund, to refund to the comptroller of public accounts any unexpended state funds received by the entity from the fund for the applicable state fiscal biennium. The bill prohibits the Texas Workforce Commission from awarding any additional grant under the fund to the service or college until the entity has complied with the reporting requirement.

**Senate Bill 719**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini  
**House Sponsor:** Raney

Senate Bill 719 amends the Education Code to require the Texas Higher Education Coordinating Board to collect and maintain data relating to participation of persons with intellectual and developmental disabilities enrolled in a workforce education program that is eligible for state-appropriated formula funding and to implement a pilot program in five selected junior college districts to develop and recommend minimum reporting language for reporting financial and instructional cost information. The bill requires the junior college districts participating in the program, in consultation with the Legislative Budget Board, to study and report on best practices for the reporting of revenue and costs allocated across the districts and the practicability of disaggregating financial and instructional cost information by instructional site within a junior college district.

**Senate Bill 802**  
**Effective:** 5-29-17

**Senate Author:** Seliger et al.  
**House Sponsor:** Howard

Senate Bill 802 amends the Education Code to require the Texas Higher Education Coordinating Board to conduct a study to identify best practices in ensuring that courses transferred to a public institution of higher education for course credit, including courses offered for dual credit, apply toward a degree program at the institution.

**Senate Bill 887**  
**Effective:** 5-27-17

**Senate Author:** Seliger et al.  
**House Sponsor:** Clardy et al.

Senate Bill 887 amends the Education Code to require a participating higher educational institution under the student loan program administered by the Texas Higher Education Coordinating Board that receives education loan information for a student enrolled at the institution to provide to that student, at least annually, certain estimates regarding the student's education loan obligations in an electronic form. The bill limits the required disclosure to education loan debt information that the institution receives or otherwise obtains from the U.S. Department of Education's central database for student aid and information that the institution may reasonably collect from its own records and sets out content requirements for the disclosure. The bill exempts a participating higher educational institution from liability for any representation made under the bill's provisions.

**Senate Bill 968**  
**Effective:** 6-12-17

**Senate Author:** Watson et al.  
**House Sponsor:** Alvarado et al.

Senate Bill 968 amends the Education Code to extend to a private or independent institution of higher education statutory requirements relating to the adoption of a sexual assault policy and to require each public, private, or independent institution of higher education to develop and implement a public awareness campaign to inform the institution's students and employees of that policy. The bill sets out requirements for an institution's protocol for reporting incidents of sexual assault and for the provision of information to students regarding the protocol. The bill requires each institution to provide an option for a student or an employee to electronically report to the institution an allegation of sexual harassment, sexual assault, dating violence, or stalking committed against or witnessed by the student or employee and requires the commissioner of education to establish a temporary advisory committee to recommend to the Texas Higher Education Coordinating Board rules as necessary to administer the electronic reporting option.

**Senate Bill 969**  
**Effective:** 6-12-17

**Senate Author:** Watson et al.  
**House Sponsor:** Leach et al.

Senate Bill 969 amends the Education Code to prohibit a public, private, or independent institution of higher education from taking any disciplinary action for a violation of the institution's code of conduct against a student enrolled at the institution who in good faith reports to the institution being the victim of or a witness to an incident of sexual harassment, sexual assault, dating violence, or stalking, if the violation occurred at or near the time of the incident. The bill requires the commissioner of higher education to establish a temporary advisory committee to recommend to the Texas Higher Education Coordinating Board rules for adoption as necessary to implement and enforce the prohibition and related provisions.

**Senate Bill 1033**  
**Effective:** 5-23-17

**Senate Author:** Perry  
**House Sponsor:** Frullo

Senate Bill 1033 amends the Education Code to authorize the board of regents of the Texas Tech University System to execute a conveyance of real property that is part of the original main campus of Texas Tech University in Lubbock, Lubbock County, to Texas Tech University Health Sciences Center.

**Senate Bill 1066**  
**Effective:** 6-12-17

**Senate Author:** Schwertner et al.  
**House Sponsor:** Lozano

Senate Bill 1066 amends the Education Code and Health and Safety Code to require a public institution of higher education, as soon as practicable after the institution completes preliminary planning for a new doctor of medicine (M.D.) or doctor of osteopathic medicine (D.O.) degree program, to provide promptly to the Texas Higher Education Coordinating Board a specific plan regarding the addition of first-year residency positions for the graduate medical education program to be offered in connection with the new degree program. The bill revises and clarifies certain provisions relating to the coordination of medical and dental clinical education in public hospitals.

**Senate Bill 1091**  
**Effective:** 6-12-17

**Senate Author:** Seliger et al.  
**House Sponsor:** Howard et al.

Senate Bill 1091 amends the Education Code to limit the courses that may be offered under a college credit program implemented by a public school district, and for which a public institution of higher education or a public junior college may grant course credit to an entering freshman on a dual or joint credit basis, as applicable, to the following: a course in the core curriculum of the applicable institution of higher education or junior college, a career and technical education course, or a foreign language course. The bill exempts from the limitation a dual credit course offered as part of an early college program that assists a student in earning a certificate or associate degree while in high school.

**Senate Bill 1119**  
**Effective:** 6-15-17

**Senate Author:** Zaffirini  
**House Sponsor:** Howard et al.

Senate Bill 1119 amends the Education Code relating to the Texas Higher Education Coordinating Board's report on the Texas college work-study program to change the frequency with which the coordinating board is required to submit and post the report from biennially to annually, to include the governor, the lieutenant governor, and the speaker of the house of representatives as report recipients, and to expand the categories by which the number of students employed through the program and included in the report must be disaggregated.

**Senate Bill 1123**  
**Effective:** 6-12-17

**Senate Author:** Zaffirini et al.  
**House Sponsor:** Clardy

Senate Bill 1123 amends the Education Code to exempt the tuition and fee exemption at public institutions of higher education for adopted students formerly in foster or other residential care from statutory provisions placing certain conditions on the continued receipt of tuition and fee exemptions or waivers at those institutions.



**Senate Bill 1367**

**Effective:** 9-1-17

**Senate Author:** Menéndez et al.

**House Sponsor:** Howard et al.

Senate Bill 1367 amends the Education Code to authorize each public institution of higher education to adopt and implement a policy regarding the maintenance, storage, administration, and disposal of epinephrine auto-injectors on the institution's campus. The bill requires such a policy to provide that authorized and trained personnel or volunteers may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on the institution's campus and authorizes the policy to extend that provision to include administration to a person at or in transit to an off-campus event. The bill sets out requirements for the campus policy and provides for the prescription by a physician and dispensing by a pharmacist of epinephrine auto-injectors in the name of the institution on a non-patient-specific basis. The bill provides for the immunity from civil or criminal liability or disciplinary action of a person, and the immunity from suit of an institution or an institution's campus, for an action or failure to act under the bill's epinephrine auto-injector policy provisions.

Senate Bill 1367 expands the duties of the advisory committee established to examine and review the administration of epinephrine auto-injectors on public school district and open enrollment charter school campuses to include examining and reviewing the administration of epinephrine auto-injectors on an institution of higher education campus. The bill adds to the committee's required membership at least one employee of a general academic teaching institution and at least one employee of a public junior college or a public technical institute.

**Senate Bill 1781**

**Effective:** See below

**Senate Author:** West

**House Sponsor:** González, Mary

Senate Bill 1781 amends the Education Code to clarify and revise the exemption status of a private postsecondary educational institution with regard to the regulation of such institutions, to clarify the authority of the Texas Higher Education Coordinating Board to issue a certificate of authority to grant degrees to an exempt institution or person, and to authorize the coordinating board to require certain financial resources of an exempt institution or person or an institution operating or seeking to operate under a certificate of authority.

Senate Bill 1781 revises the requirement that authorized or certified institutions maintain certain student records and imposes an administrative penalty on an institution that fails to maintain the academic records of enrolled or former students or that fails to protect the personally identifiable information of those students. The bill authorizes the coordinating board, subject to the availability of funds, to maintain a repository for academic records from closed institutions that were formerly exempt or were authorized under a certificate of authority.

Senate Bill 1781 requires the coordinating board, in consultation with the Texas Workforce Commission, the Texas Veterans Commission, and public institutions of higher education, to develop certain standardized, transferable curricula within commonly offered degree and certificate programs to promote the purposes of the college credit for heroes program.

Senate Bill 1781 takes effect September 1, 2017, but only if a specific appropriation for the bill's implementation is provided in a general appropriations act of the 85th Legislature.

**Senate Bill 1782**

**Effective:** 6-15-17

**Senate Author:** West

**House Sponsor:** Clardy et al.

Senate Bill 1782 amends the Education Code to require the Texas Higher Education Coordinating Board to adopt rules under which a public institution of higher education is required to permit a student who has reenrolled at the institution following a break in enrollment, subject to certain conditions, to drop one additional course beyond the maximum number of courses permitted to be dropped under state law or institution policy, as applicable. The bill prohibits

the coordinating board from excluding semester credit hours for any course taken up to three times by such a student from the number of semester credit hours reported to the Legislative Budget Board for formula funding purposes. The bill excludes the first additional 15 semester credit hours earned toward a degree program by such a student from being counted as excess undergraduate credit hours under coordinating board funding formulas.

**Senate Bill 1799**  
**Effective:** 6-15-17

**Senate Author:** West  
**House Sponsor:** Clardy

Senate Bill 1799 amends the Education Code to temporarily require the Texas Guaranteed Student Loan Corporation to administer the student loan default prevention and financial aid literacy pilot program in accordance with an agreement the Texas Higher Education Coordinating Board and submit to the governor, the lieutenant governor, and the speaker of the house of representatives any annual or end of program report the corporation submits to the U.S. Department of Education in administering the program. The bill removes career schools or colleges as a category of postsecondary educational institution from which at least one institution must be selected to participate in the program and changes the institutions receiving priority in selection for program participation from institutions that meet certain student loan default rate criteria to institutions that are recognized by the U.S. Department of Education as minority-serving institutions. The bill repeals certain provisions relating to the role of the coordinating board in administering the program.

**Senate Bill 1813**  
**Effective:** 6-15-17

**Senate Author:** Buckingham et al.  
**House Sponsor:** Turner

Senate Bill 1813 amends the Education Code to include representatives of private or independent institutions of higher education among the members of the advisory committee with whose assistance the Texas Higher Education Coordinating Board adopts specified common admission application forms and to include high school counselors as a party with whose assistance the coordinating board adopts the forms.

**Senate Bill 2082**  
**Effective:** 5-26-17

**Senate Author:** Taylor, Larry  
**House Sponsor:** Clardy et al.

Senate Bill 2082 amends the Education Code to include as an authorized role for a student employed under the work-study student mentorship program supporting student interventions at participating eligible institutions that are focused on increasing completion of degrees or certificates. Previous law required the Texas Higher Education Coordinating Board to partner with participating nonprofit organizations to establish additional GO Centers or similar high school-based recruiting centers. The bill changes that requirement to an authorization and includes improving student success in higher education as an objective of such centers.

**Senate Bill 2118**  
**Effective:** 6-12-17

**Senate Author:** Seliger et al.  
**House Sponsor:** Davis, Sarah et al.

Previous law required the Texas Higher Education Coordinating Board to authorize public junior colleges that had previously participated in a related pilot project to offer baccalaureate degree programs in applied science and applied technology. Senate Bill 2118 amends the Education Code to instead generally authorize the coordinating board to authorize public junior colleges to offer baccalaureate degree programs and specifically authorize the coordinating board to authorize baccalaureate degree programs at one or more junior colleges that offer a degree program in applied science, applied technology, or nursing and have demonstrated a workforce need. The bill decreases the limit on the number of baccalaureate degree programs

## Higher Education

a junior college may offer at any time from five to three, with an exception for a junior college that previously participated in an applicable pilot project.

Senate Bill 2118 revises and expands requirements for a junior college seeking to offer a baccalaureate degree program and sets out further requirements specifically applicable to a junior college seeking to offer a baccalaureate degree program in nursing.

Previous law required the coordinating board to establish a pilot project to examine the feasibility and effectiveness of baccalaureate degree programs in dental hygiene at Tyler Junior College. Senate Bill 2118 instead requires the coordinating board to authorize baccalaureate degree programs in that field at the college.

Senate Bill 2118 provides for the funding of a baccalaureate degree program at a junior college and revises the biennial reporting requirement for such a junior college by requiring that the junior college conduct a review of each such program offered as a preliminary step to preparing the report and include program quality in the report.

## Insurance

This chapter covers legislation generally relating to the regulation of the business of insurance in Texas, including legislation relating to coverages provided by certain insurance plans, the regulation of companies and individuals licensed to sell insurance or annuities, and the functions and operations of the Texas Department of Insurance. Legislation relating to workers' compensation insurance is in the **Labor and Employment** chapter, and legislation relating to certain public health benefit plans is in the **Public Retirement Systems** chapter.

### **House Bill 214 (1st C.S.)**

**Effective:** 12-1-17

**House Author:** Smithee et al.

**Senate Sponsor:** Creighton et al.

House Bill 214 amends the Insurance Code to prohibit a qualified health plan offered through a health benefit exchange from providing coverage for an elective abortion performed for a reason other than due to a medical emergency. The bill limits the circumstances under which certain health benefit plans may provide such coverage, provides for the calculation of the premium for the coverage, and requires certain related notice by the issuer of a health benefit plan that provides the coverage.

### **House Bill 490**

**Effective:** 9-1-17

**House Author:** Anderson, Rodney et al.

**Senate Sponsor:** Kolkhorst et al.

House Bill 490 amends the Insurance Code to require certain health benefit plans to provide coverage for the cost of a medically necessary hearing aid or cochlear implant and related services and supplies for a covered individual who is 18 years of age or younger. The bill provides for coverage requirements and limitations.

### **House Bill 1036**

**Effective:** 9-1-17

**House Author:** Thompson, Senfronia et al.

**Senate Sponsor:** Whitmire et al.

House Bill 1036 amends the Insurance Code to include digital mammography and breast tomosynthesis as forms of low-dose mammography for which an applicable health benefit plan that provides coverage to a female who is 35 years of age or older must provide coverage in an annual screening for the presence of occult breast cancer. The bill revises, and provides certain exceptions to, the applicability of statutory provisions relating to mammography benefits as amended by the bill.

### **House Bill 1073**

**Effective:** 9-1-17

**House Author:** Smithee

**Senate Sponsor:** Creighton

House Bill 1073 amends the Insurance Code to include a life agent license as a type of license for which the Texas Department of Insurance may issue a provisional permit to an eligible license applicant.

### **House Bill 1187**

**Effective:** 9-1-17

**House Author:** Capriglione

**Senate Sponsor:** Nelson

House Bill 1187 amends the Insurance Code to include credit life insurance and credit disability insurance offered as a part of, or directly relating to, the operational risks of a captive insurance company's affiliate among the types of insurance for which a captive insurance company may provide reinsurance.

## Insurance

**House Bill 1197**  
**Effective:** 5-26-17

**House Author:** Paul  
**Senate Sponsor:** Creighton

House Bill 1197 amends the Insurance Code to extend the deadline by which an agent, insurer, or health maintenance organization that is considering appointment of a temporary agent's license applicant as its agent is required to provide at least 40 hours of training to the applicant.

**House Bill 1227**  
**Effective:** 9-1-17

**House Author:** Smithee  
**Senate Sponsor:** Seliger

House Bill 1227 amends the Insurance Code to specify that the requirement for a health benefit plan issuer to display drug formulary information on the issuer's public website applies only with respect to the issuer's individual health benefit plans.

**House Bill 1296**  
**Effective:** 9-1-17

**House Author:** Frullo et al.  
**Senate Sponsor:** Buckingham

House Bill 1296 amends the Insurance Code to require a health benefit plan that provides benefits for prescription drugs, including the child health plan program and the state Medicaid program to the extent allowed by federal law, to prorate any cost-sharing amount charged for a partial supply of a prescription drug if the pharmacy or the enrollee's prescribing physician or health care provider notifies the health benefit plan that the quantity dispensed is to synchronize the dates that the pharmacy dispenses the enrollee's prescription drugs and that the synchronization is in the enrollee's best interest and if the enrollee agrees to the synchronization. The bill applies with respect to only a medication that, in addition to certain other criteria, is used for treatment and management of a chronic illness. The bill prohibits proration of the dispensing fee paid to the pharmacy.

House Bill 1296 requires an applicable health benefit plan to establish a process through which certain parties may jointly approve a medication synchronization plan for medication to treat an enrollee's chronic illness, requires the health benefit plan to provide coverage for a medication dispensed in accordance with the dates established in the medication synchronization plan, and provides for a pharmacist's or pharmacy's ability to override the health benefit plan's denial of coverage for such a medication.

**House Bill 1298**  
**Effective:** 5-29-17

**House Author:** Frullo  
**Senate Sponsor:** Hancock

House Bill 1298 amends the Insurance Code to define "commercial property insurance" for purposes of statutory provisions governing property and casualty insurance rates and policy forms.

**House Bill 1559**  
**Effective:** 9-1-17

**House Author:** Frullo  
**Senate Sponsor:** Hancock

House Bill 1559 amends the Insurance Code to exempt insurance procured for an industrial insured, if certain requirements are met, from the condition on the authorization for an eligible surplus lines insurer to provide surplus lines insurance regarding the inability to obtain the full amount of required insurance from an insurer authorized to write and actually writing that kind and class of insurance in Texas. The bill includes evidence establishing that the insured qualified as an industrial insured and that the surplus lines agent complied with the requirements of the exemption among the records a surplus lines agent is required to maintain regarding a surplus lines contract obtained by the agent, if applicable.

**House Bill 1774**  
**Effective:** 9-1-17

**House Author:** Bonnen, Greg et al.  
**Senate Sponsor:** Hancock

House Bill 1774 amends the Insurance Code to establish requirements and procedures applicable to certain actions on claims against an insurer, other than the Texas Windstorm Insurance Association, or an agent arising from damage to or loss of covered property caused by forces of nature. The bill provides for a required presuit notice and for the authority of a person who receives such notice to send a written request to the claimant to inspect, photograph, or evaluate the property that is the subject of the claim. The bill sets out procedures regarding the filing of a plea in abatement by a person against whom an action is pending and provides for an insurer's authority to elect to accept whatever liability an agent might have to the claimant for the agent's acts or omissions related to the claim. The bill sets conditions on the amount of attorney's fees that may be awarded to a claimant in an action subject to the bill's provisions and makes changes regarding the amount of interest for which an insurer that is liable for a claim in such an action is liable if the insurer is not in compliance with statutory provisions relating to prompt payment of claims. The bill authorizes a person who receives a presuit notice to make a settlement offer during a certain period of time.

**House Bill 1944**  
**Effective:** 6-15-17

**House Author:** Murphy et al.  
**Senate Sponsor:** Hughes

House Bill 1944 amends the Insurance Code to revise statutory provisions governing captive insurance companies, including provisions relating to such a company's formation, certificate of authority, and capital and surplus requirements. The bill excepts insurance for employee benefits subject to the federal Employee Retirement Income Security Act of 1974 from the prohibition against a captive insurance company issuing life insurance and authorizes a captive insurance company to cede risks to or take credit for reserves on risks ceded to a nonaffiliated reinsurer if the reinsurer meets certain requirements. The bill authorizes the commissioner of insurance to waive the requirement for a captive insurance company to file an actuarial report with the company's annual report if the commissioner determines that the company meets certain criteria, requires a captive insurance company to notify the commissioner in writing when issuing distributions to policyholders, and authorizes the secretary of state to index in the public record any document filed with the secretary by a captive insurance company or related applicant. The bill establishes that a captive insurance company is not required to use a licensed insurance adjuster to adjust losses except to adjust a claim that a person that is not an affiliated company or an insured controlled unaffiliated business makes against an affiliated company insured by the captive insurance company.

House Bill 1944 provides for the formation of a captive exchange as a reciprocal or interinsurance exchange that operates as a captive insurance company. The bill provides for captive exchange subscriber requirements, attorney in fact requirements and powers and duties, and a subscriber declaration.

**House Bill 2334**  
**Effective:** Vetoed

**House Author:** Oliverson et al.  
**Senate Sponsor:** Garcia

House Bill 2334 amends the Flood Control and Insurance Act, Water Code, to expand the conduct that constitutes the Class C misdemeanor offense involving violating the act to include violating a rule adopted or order issued under the act in regard to a property located in a county with a population of more than 75,000.

Governor's Reason for Veto: "House Bill 2334 would have made it a state law crime to violate flood plain rules issued by political subdivisions. It is currently a Class C Misdemeanor to violate various

## Insurance

provisions of the Texas Water Code concerning floodplains. This bill would have given localities the ability to expand the contours of this crime merely by adopting local rules and orders. Violation of these local rules and orders is already punishable by a civil penalty. We need not create another crime, particularly one that is a moving target.”

### **House Bill 2437**

**Effective:** 5-26-17

**House Author:** Phillips

**Senate Sponsor:** Hancock

House Bill 2437 amends the Insurance Code to establish that a final or preliminary examination report and any information obtained during an examination of an insurance carrier are privileged for all purposes and are not subject to a subpoena, other than a grand jury subpoena, or discovery or admissibility in evidence in a civil action. The bill specifies that the confidential and privileged status of such reports and information does not limit the authority of the commissioner of insurance to use such reports and information in the furtherance of any legal or regulatory action relating to the administration of the Insurance Code that the commissioner considers appropriate.

### **House Bill 2492**

**Effective:** 1-1-18

**House Author:** Frullo et al.

**Senate Sponsor:** Zaffirini

House Bill 2492 amends the Insurance Code to authorize a property and casualty insurance company organized under statutory provisions providing general incorporation and regulatory requirements for insurance companies other than life, health, or accident insurance companies that has capital and surplus in a certain amount to apply to the Texas Department of Insurance for designation as a domestic surplus lines insurer. The bill subjects a domestic surplus lines insurer to statutory provisions relating to the regulation of surplus lines insurance and to certain other insurance laws and specifies the statutory provisions to which a domestic surplus lines insurer is not subject. The bill limits the authority of a domestic surplus lines insurer to insure a risk in Texas and prohibits a domestic surplus lines insurer from issuing certain policies. The bill subjects the premium for a surplus lines policy written by a domestic surplus lines insurer to the surplus lines insurance premium tax, if applicable, and subjects a domestic surplus lines insurer to an applicable maintenance tax. The bill sets out requirements for domestic surplus lines documents and authorizes a qualified foreign insurer to redomesticate to Texas as a domestic surplus lines insurer.

### **House Bill 2501**

**Effective:** 9-1-17

**House Author:** Phillips

**Senate Sponsor:** Creighton

House Bill 2501 amends the Insurance Code to make statutory provisions relating to insurance for transportation network company drivers applicable to certain entities arranging nonemergency medical transportation services under a contract with the state or a managed care organization for individuals qualifying for Medicaid or Medicare.

### **House Bill 2542**

**Effective:** 9-1-17

**House Author:** Anderson, Rodney

**Senate Sponsor:** Taylor, Larry

House Bill 2542 amends the Insurance Code to require the commissioner of insurance, if the commissioner places a licensed title insurance agent or a licensed insurance agent under supervision or in conservatorship, to provide written notice of the order of supervision or conservatorship to each insurer for which the agent holds an appointment on the date the supervisor or conservator is appointed.

**House Bill 3018**  
**Effective:** 1-1-18

**House Author:** Phelan  
**Senate Sponsor:** Creighton

House Bill 3018 amends the Insurance Code to require the Texas Windstorm Insurance Association's plan of operation to include a requirement that a licensed nonresident agent may not offer or sell a Texas windstorm and hail insurance policy under the Texas Windstorm Insurance Association Act unless the nonresident agent's state of residence authorizes a resident agent licensed in Texas to act in the nonresident agent's state as an agent for that state's residual insurer of last resort for windstorm and hail insurance.

**House Bill 3218**  
**Effective:** 9-1-17

**House Author:** Phillips  
**Senate Sponsor:** Schwertner

House Bill 3218 amends the Insurance Code to authorize a health maintenance organization to provide or arrange for health care services through providers or groups of providers who are under contract with an entity that is under contract with the health maintenance organization to provide a network of providers to provide health care services if the contract between the entity and the health maintenance organization meets certain conditions. The bill subjects such an entity and health maintenance organization to statutory provisions relating to the delegation of certain functions by a health maintenance organization as if the entity were a delegated entity, with certain exceptions.

**House Bill 3220**  
**Effective:** 5-19-17

**House Author:** Phillips  
**Senate Sponsor:** Hancock

House Bill 3220 amends the Insurance Code to establish procedures for the identification of a single group-wide supervisor for an internationally active insurance group. Depending on certain factors, the commissioner of insurance may determine that the commissioner is the appropriate group-wide supervisor if the group conducts substantial insurance operations concentrated in Texas or may acknowledge that a regulatory official from another jurisdiction is the appropriate group-wide supervisor. The bill authorizes an insurance holding company system that does not qualify as an internationally active insurance group to request that the commissioner make a determination or acknowledgment as to a group-wide supervisor. The bill sets out the commissioner's authorized activities in relation to group-wide supervision and makes a registered insurer subject to group-wide supervision liable for the payment of the reasonable expenses of the commissioner's participation in the administration of group-wide supervision of internationally active insurance groups.

House Bill 3220 expands the applicability of certain statutory provisions relating to the confidentiality of insurance holding company system information. The bill changes the criteria for certain transactions to be considered material for purposes of disclosure on a registration statement filed by an insurer that is a member of an insurance holding company system or on a registered insurer's report regarding material changes.

**House Bill 3276**  
**Effective:** 9-1-17

**House Author:** Oliverson et al.  
**Senate Sponsor:** Taylor, Larry

House Bill 3276 amends the Health and Safety Code to require the notice of facility fees posted by certain freestanding emergency medical care facilities to either list the health benefit plans in which the facility is a participating provider in the plan's provider network or state the facility is not a participating provider in any health benefit plan provider network. A facility that is a participating provider in one or more health benefit plan provider networks complies with the requirement if the facility provides notice on the facility's website listing the health benefit plans in which the facility is a participating provider in the plan's provider network and



## Insurance

provides to a patient written confirmation of whether the facility is a participating provider in the patient's health benefit plan's provider network.

**House Bill 3496**  
**Effective:** 9-1-17

**House Author:** Shine  
**Senate Sponsor:** Kolkhorst

House Bill 3496 amends the Insurance Code to authorize a farm mutual insurance company to provide in its constitution or bylaws that a policyholder may vote electronically or by mail without making a personal appearance at a policyholders' meeting. The bill subjects a farm mutual insurance company acting as a fronting insurer to the property and casualty insurance premium tax, the fire and allied lines insurance maintenance tax, and the Texas Windstorm Insurance Association Act.

**House Bill 3803**  
**Effective:** 9-1-17

**House Author:** Faircloth  
**Senate Sponsor:** Zaffirini

House Bill 3803 amends the Insurance Code to change the requirements for the payments of a domestic life, health, and accident insurer's obligation secured by a valid first lien on a leasehold estate in real property and to make those requirements inapplicable if the amount of the obligation does not exceed 75 percent of the value of the leasehold estate, if the lease agreement provides that the fee simple estate in the real property transfers automatically to the lessee on or before the expiration of the term of the leasehold estate, or, subject to certain conditions, if the lease agreement provides that the lessee has an option to purchase the fee simple estate in the real property on or before the expiration of the term of the leasehold estate. The bill establishes that the property insurance otherwise required for the value of buildings included in the value of real property or a leasehold estate in real property to secure an insurer's obligation is not required if the borrower maintains a specified net worth and certain other conditions are met.

**Senate Bill 417**  
**Effective:** 9-1-17

**Senate Author:** Watson  
**House Sponsor:** Lucio III et al.

Senate Bill 417 amends the Insurance Code to revise requirements for providing notice to policyholders of changes to certain types of property and casualty insurance policies, including, among others, personal automobile insurance policies, residential property insurance policies, and fire insurance policies. The bill makes such requirements applicable to any material change to a policy that reduces coverage, changes conditions of coverage, or changes the duties of the insured or policyholder; expands criteria relating to such a notice's form and content and the deadline for providing notice; and requires notice of a material change to an applicable policy to also be provided to each agent of the insurer. The bill establishes that a change to a policy provision on renewal is not a nonrenewal or cancellation if the insurer provides the insured with proper written notice of any material change in each form of the policy offered to the insured on renewal from the form of the policy held immediately before renewal.

**Senate Bill 507**  
**Effective:** 9-1-17

**Senate Author:** Hancock et al.  
**House Sponsor:** Frullo et al.

Senate Bill 507 amends the Insurance Code to apply statutory provisions relating to out-of-network health benefit claim dispute resolution to an administrator of a health benefit plan other than a health maintenance organization plan under the Texas Public School Retired Employees Group Benefits Act or the Texas School Employees Uniform Group Health Coverage Act. The bill extends the availability of mandatory mediation under those statutory provisions to claims meeting the statutory amount threshold that are for emergency care or for a health care

or medical service or supply provided by any facility-based health care provider in an ambulatory surgical center, birthing center, hospital, or freestanding emergency medical care facility that is a preferred provider or that has a contract with an applicable plan administrator. The bill makes specified duties and responsibilities of the Texas Medical Board under such statutory provisions applicable to any other appropriate regulatory agency. The bill requires a bill sent to an enrollee by a facility-based provider or emergency care provider or an explanation of benefits sent to an enrollee by an insurer or administrator for an out-of-network health benefit claim eligible for mediation to contain a specified notice with an explanation of the mediation process and information on how to request mediation. The bill repeals the requirement for a mediator to report bad faith mediation to the commissioner of insurance or the Texas Medical Board, as appropriate, following the conclusion of the mediation.

**Senate Bill 561**

**Effective:** 9-1-17

**Senate Author:** Hancock

**House Sponsor:** Smithee et al.

Senate Bill 561 amends the Insurance Code to establish requirements and procedures for an insurer to compare its in-force life insurance policies, annuity contracts, and retained asset accounts against a Death Master File to identify potential matches. The bill provides for an insurer's duties regarding a Death Master File match, which include, if applicable, the completion of a good faith effort to locate and contact each beneficiary or other authorized representative on the relevant policy, contract, or account. If a Death Master File match is confirmed, the proceeds of the relevant policy, contract, or account are considered unclaimed proceeds on the third anniversary of the date on which the insurer completed a good faith effort that failed to locate a beneficiary or authorized representative if the proceeds remain unpaid and no beneficiary or authorized representative has submitted a claim for the proceeds to the insurer before that date. The bill provides for the reporting and delivery of such unclaimed proceeds and authorizes the commissioner of insurance to issue certain orders with respect to implementation of the bill's requirements.

**Senate Bill 680**

**Effective:** 9-1-17

**Senate Author:** Hancock et al.

**House Sponsor:** Bonnen, Greg et al.

Senate Bill 680 amends the Insurance Code to require a health benefit plan issuer that requires a step therapy protocol before providing coverage for a prescription drug to establish, implement, and administer the step therapy protocol in accordance with clinical review criteria readily available to the health care industry. The bill sets out requirements regarding the establishment of the clinical review criteria. The bill authorizes a prescribing provider on behalf of a patient to submit to the patient's health benefit plan issuer a written request for an exception to a step therapy protocol required by the patient's health benefit plan, requires a health benefit plan issuer to establish a process through which an exception request may be submitted, and requires a health benefit plan issuer to grant an exception request under certain circumstances. The bill provides for an expedited appeal of the denial of an exception request and requires the standards for independent review organizations to require each such organization to make its determination for a review of an exception request within a certain time frame.

**Senate Bill 718**

**Effective:** 9-1-17

**Senate Author:** Creighton

**House Sponsor:** Anderson, Rodney

Senate Bill 718 amends the Insurance Code to exempt from the application of statutory provisions relating to regulation of insurance adjusters an individual employed by an insurer or an affiliate of the insurer who adjusts a loss not to exceed \$500, or authorizes a payment on a

## Insurance

claim for a loss for which there is a specified coverage limit of \$500 or less, arising from a first-party claim under a property and casualty insurance policy.

### **Senate Bill 1012**

**Effective:** 9-1-17

**Senate Author:** Creighton

**House Sponsor:** Paul et al.

Senate Bill 1012 amends the Insurance Code to remove the requirement that an insurer notify the commissioner of insurance and deliver a copy of any applicable order or judgment to the commissioner not later than the 30th day after the date of the imposition of a penalty, forfeiture, or sanction on the insurer for a violation of the insurance laws of another state.

### **Senate Bill 1070**

**Effective:** 9-1-17

**Senate Author:** Hancock

**House Sponsor:** Frullo

Senate Bill 1070, the Mattax Act, amends the Insurance Code to apply statutory provisions relating to reinsurance for property and casualty insurers to all life, health, and accident insurance companies regulated by the Texas Department of Insurance and to health maintenance organizations operating under the Texas Health Maintenance Organization Act. The bill repeals provisions relating to reinsurance for life, health, and accident insurance companies and related entities.

Senate Bill 1070 requires credit to be allowed when reinsurance is ceded to an assuming insurer that is certified by the commissioner of insurance as a reinsurer in Texas and that secures its obligations in accordance with the requirements set out by the bill. The bill, among other provisions, prescribes the eligibility requirements for certification, which include certain financial requirements and a requirement to be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction; establishes a process for the development of a list of qualified jurisdictions for that purpose; sets out requirements for certified reinsurers; and establishes procedures for the suspension or revocation of a reinsurer's accreditation or certification or the placement of a reinsurer's certification on inactive status. The bill requires a ceding insurer to take certain actions relating to concentration risk and revises the requirements for a trust that is used to qualify for a reinsurance credit and for the assuming insurer that maintains the trust fund.

### **Senate Bill 1073**

**Effective:** 5-22-17

**Senate Author:** Hancock

**House Sponsor:** Smithee

Senate Bill 1073 amends the Insurance Code to revise the criteria for certain transactions to be considered material for purposes of disclosure on a registration statement by an insurer that is a member of an insurance holding company system or on a registered insurer's report regarding material changes. The bill limits the applicability of the exemption from the requirement to submit an enterprise risk report for the ultimate controlling person of an insurer with total direct or assumed annual premiums of less than \$300 million, applies the same limits to the authorization for an insurer that in the preceding calendar year had direct written and assumed premiums of more than \$300 million but less than \$500 million to request an exemption from enterprise risk reporting requirements, and removes the authorization for certain health maintenance organizations to request such an exemption.

### **Senate Bill 1076**

**Effective:** 9-1-17

**Senate Author:** Schwertner

**House Sponsor:** Bonnen, Greg et al.

Senate Bill 1076 amends the Insurance Code to prohibit a health benefit plan issuer that covers prescription drugs from requiring an enrollee to make a payment for a prescription drug at the point of sale in an amount greater than the lesser of the applicable copayment, the allowable

claim amount for the prescription drug, or the amount an individual would pay for the drug if the individual purchased the drug without using a health benefit plan or any other source of drug benefits or discounts. The bill requires a health benefit plan that covers prescription eye drops to treat a chronic eye disease or condition to allow the refill of prescription eye drops if the enrollee timely pays at the point of sale the maximum allowed amount and the original prescription and refill meet certain conditions.

**Senate Bill 1171**  
**Effective:** 5-23-17

**Senate Author:** Estes  
**House Sponsor:** Paul

Senate Bill 1171 amends the Insurance Code to establish procedures for the suspension and reactivation of the operation of the Texas Health Reinsurance System by order of the commissioner of insurance. The bill, among other provisions, provides for the initial suspension of the system's operation, sets out circumstances that trigger a requirement for the commissioner to hold a hearing on authorizing or suspending the system's operation, and conditions the authorization or suspension of the system's operation on a finding that such action is in the public interest.

**Senate Bill 1406**  
**Effective:** 5-23-17

**Senate Author:** Creighton et al.  
**House Sponsor:** Smithee et al.

Senate Bill 1406 amends the Insurance Code to authorize the commissioner of insurance to apply to and negotiate with the United States secretary of health and human services to obtain a state innovation waiver for small employer health benefit plans of the actuarial value requirements and related levels of health plan coverage requirements imposed under federal law.

**Senate Bill 1450**  
**Effective:** 9-1-17

**Senate Author:** Taylor, Larry  
**House Sponsor:** Bonnen, Greg

Senate Bill 1450 amends the Insurance Code to prohibit the commissioner of insurance from adopting or enforcing a rule that implements an interstate, national, or international agreement that infringes on the state's authority to regulate the business of insurance in Texas and was not approved by the legislature and to revise the conditions under which the Texas Department of Insurance may require an insurer to comply with a rule, regulation, directive, or standard adopted by the National Association of Insurance Commissioners. The bill requires the commissioner to exercise the commissioner's rulemaking authority to adopt rules under which an insurer that cancels a personal automobile insurance policy that provides comprehensive or collision physical damage coverage for an automobile that is subject to a purchase money lien is required to notify the lienholder, if known, that the coverage will be canceled.

**Senate Bill 1490**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini  
**House Sponsor:** Perez

Senate Bill 1490 amends the Insurance Code to change the amount of a premium surcharge an insurer writing automobile insurance in Texas must assess against an insured for no more than three years immediately following the date the insured is convicted of certain intoxication offenses from an amount prescribed by the Texas Department of Insurance to an amount as stated in the insurer's rating plan.

## Insurance

### **Senate Bill 1492**

**Effective:** 9-1-17

**Senate Author:** Zaffirini

**House Sponsor:** Smithee

Senate Bill 1492 repeals an Insurance Code provision that requires the rules adopted by the commissioner of insurance to stabilize long-term care premium rates to be consistent with nationally recognized models, to contribute to the uniformity of state laws to the extent possible, and to protect consumers.

### **Senate Bill 1538**

**Effective:** 9-1-17

**Senate Author:** Watson

**House Sponsor:** Phelan et al.

Senate Bill 1538 amends the Flood Control and Insurance Act, Water Code, to expand the authorized uses of the floodplain management account by the Texas Water Development Board.

### **Senate Bill 2087**

**Effective:** 6-12-17

**Senate Author:** Hancock

**House Sponsor:** Phillips

Senate Bill 2087 amends the Insurance Code to authorize the commissioner of insurance to apply for federal funds that become available under federal law, regulation, or executive action after March 1, 2017, and to use such funds to establish and administer a temporary health insurance risk pool for the purpose of providing a temporary mechanism for maximizing available federal funding to assist Texas residents in obtaining access to quality health care at minimum cost to the public. The bill provides for the authorized uses of pool funds, the commissioner's authority to enter into contracts or agreements and use appropriated funds to carry out the bill's provisions, and the development and implementation of public education, outreach, and facilitated enrollment strategies. The bill authorizes the commissioner to apply for certain federal waivers and to exercise any authority that may be exercised under state law by a reinsurer or by a health benefit plan issuer authorized to write health benefit plans in Texas. The bill exempts a program created under the bill's provisions from any state tax, regulatory fee, or surcharge and provides for an annual report of pool activities.

## Juvenile Justice

This chapter covers legislation relating to juvenile justice generally, juvenile records, juvenile court proceedings, and juvenile boards and probation departments. Legislation relating to family law, including child custody and support, foster care, and family violence, is in the **Family Law** chapter.

**House Bill 678**  
**Effective:** 9-1-17

**House Author:** Wu  
**Senate Sponsor:** Miles

House Bill 678 amends the Family Code to authorize an associate judge or a referee appointed by a juvenile board to hold a hearing to allow a child subject to a determinate sentence to enter a plea or stipulation of evidence when the state and the child agree to the disposition of the case and to authorize the juvenile court judge who considers the associate judge's or referee's written findings and recommendations regarding the plea or stipulation to accept or reject the plea or stipulation.

**House Bill 932**  
**Effective:** 9-1-17

**House Author:** Johnson, Jarvis et al.  
**Senate Sponsor:** West

House Bill 932 amends the Human Resources Code to require the Texas Juvenile Justice Department (TJJD) to determine whether a child committed to TJJD has at any time been in foster care and requires the Department of Family and Protective Services (DFPS) to provide certain requested information concerning the child's foster care placement. The bill requires TJJD, DFPS, and local juvenile probation departments to create a method by which probation departments may access DFPS information relating to a child's foster care placement. TJJD is required to biennially report to the legislature certain statistical information concerning the children in the custody of TJJD who have at any time been in foster care.

**House Bill 1204**  
**Effective:** 9-1-17

**House Author:** White et al.  
**Senate Sponsor:** West et al.

House Bill 1204 amends the Family Code and Human Resources Code to require a person who is conducting a preliminary investigation of a child younger than 12 years of age referred to a juvenile court to refer the case, as appropriate, to a community resource coordination group, a local-level interagency staffing group, or other community juvenile service provider for services provided to the child and the child's family if the person makes certain determinations about the child's conduct, eligibility for deferred prosecution, and potential benefit from receiving services. The bill requires such a group or provider, on receipt of such a referral, to evaluate the child's case and make service recommendations to the applicable juvenile probation department.

House Bill 1204 requires the probation officer to create and coordinate a service plan or system of care for the child or the child's family that incorporates those service recommendations, limits the amount of time a probation officer may hold open the case of a child who receives such a service plan or system of care, and authorizes the probation officer to adjust the plan or system as necessary during the monitoring period and to refer the child to the prosecuting attorney if the child fails to successfully participate in required services during that period. The bill requires a juvenile board to establish policies that prioritize the diversion of children younger than 12 years of age from referral to a prosecuting attorney under the juvenile justice code and the limitation of detention of children younger than 12 years of age to circumstances of last resort.

**House Bill 3705**  
**Effective:** 9-1-17

**House Author:** White  
**Senate Sponsor:** Whitmire

House Bill 3705 amends the Family Code to authorize a local juvenile justice information system to contain, among other components, case management for juveniles in a facility that serves juveniles under a juvenile court's jurisdiction and is operated as a holdover facility, a pre-adjudication detention facility, a nonsecure facility, or a post-adjudication secure correctional facility. The bill revises the entities that may access the information system and the level of access of such entities.

**House Bill 4280**  
**Effective:** 10-1-17

**House Author:** Lambert et al.  
**Senate Sponsor:** Perry

Current law sets out the composition of the Fisher, Mitchell, and Nolan Counties juvenile board. House Bill 4280 amends the Human Resources Code to include Fisher, Mitchell, and Nolan Counties in the 32nd Judicial District Juvenile Board, as composed of the county judges, statutory county judges, and district judges in those counties.

**Senate Bill 1304**  
**Effective:** 9-1-17

**Senate Author:** Perry et al.  
**House Sponsor:** White

Senate Bill 1304 amends the Code of Criminal Procedure, Family Code, and Government Code to clarify the circumstances under which law enforcement may photograph or fingerprint a child. The bill sets out provisions relating to the creation, storage, and confidentiality and disclosure of juvenile records. The bill establishes a new process by which a person referred for delinquent conduct is entitled to the automatic sealing of the person's juvenile records and requires the Department of Public Safety to certify the person's eligibility for the automatic sealing of the records. The bill establishes separate procedures by which a person not eligible for such automatic sealing may have the person's juvenile records sealed and the steps to be taken by the Texas Juvenile Justice Department and the juvenile courts once the order to seal the records is obtained. The bill requires a child referred to the juvenile probation department and the child's parent, guardian, or custodian to be given a written explanation regarding sealing of records. The bill sets out the persons who may authorize the destruction of records in a closed juvenile matter and the conditions under which records must or may be destroyed, as applicable. The bill establishes that records contained in the juvenile justice information system are not subject to an order of expunction issued by any court.

**Senate Bill 1314**  
**Effective:** 9-1-17

**Senate Author:** Rodríguez  
**House Sponsor:** Moody et al.

Senate Bill 1314 amends the Health and Safety Code and Human Resources Code to require the Texas Juvenile Justice Board to set minimum standards for the operation of substance abuse facilities or programs that are juvenile justice facilities or juvenile justice programs and to exempt a juvenile justice facility and juvenile justice program from statutory provisions governing the regulation of chemical dependency treatment facilities.

**Senate Bill 1548**  
**Effective:** 9-1-17

**Senate Author:** Menéndez  
**House Sponsor:** Minjarez

Senate Bill 1548 amends the Human Resources Code to authorize a juvenile board or juvenile probation department to provide post-discharge services to a child after the date the child's probation period ends, regardless of the child's age on that date, and to prohibit a juvenile board or juvenile probation department from requiring a child to participate in those services.

**Senate Bill 2255**

**Effective:** 9-1-17

**Senate Author:** Campbell

**House Sponsor:** Bernal

Senate Bill 2255 amends the Human Resources Code to revise the composition of the Comal County Juvenile Board.



*This page intentionally left blank.*

## Labor and Employment

This chapter covers legislation on workers and employers, including legislation on unemployment benefits, workers' compensation, and workforce development.

### House Bill 88

**Effective:** 9-1-17

**House Author:** Martinez, "Mando" et al.

**Senate Sponsor:** Hinojosa et al.

House Bill 88 amends the Labor Code to make it an unlawful employment practice for an employer to administer a leave policy under which an employee is entitled to personal leave to care for or otherwise assist the employee's sick child that does not treat the employee's foster child in the same manner as an employee's biological or adopted child.

### House Bill 108

**Effective:** 9-1-17

**House Author:** Alvarado et al.

**Senate Sponsor:** Taylor, Larry et al.

House Bill 108 amends the Labor Code to authorize the Texas Workforce Commission to use the skills development fund to respond to and support employers expanding in or relocating their operations to Texas, with a focus on recruiting employers who will provide complex or high-skilled employment opportunities. The bill provides for the authorized uses of the available funds, including the awarding of grants for specified purposes to certain public junior colleges and public technical institutes.

### House Bill 451

**Effective:** 9-1-17

**House Author:** Moody et al.

**Senate Sponsor:** Creighton

House Bill 451 amends the Labor Code to authorize a first responder who alleges certain employment discrimination in connection with a workers' compensation claim by the first responder's employing state or local governmental entity to sue the entity for relief. The bill waives and abolishes sovereign or governmental immunity from suit to the extent of liability created by applicable workers' compensation law, with certain exceptions, and limits the liability of a political subdivision under that law to a maximum amount of \$100,000 for each person aggrieved by and \$300,000 for each single occurrence of a violation of that law.

### House Bill 919

**Effective:** 9-1-17

**House Author:** Kacal et al.

**Senate Sponsor:** Schwertner

House Bill 919 amends the Education Code and Labor Code to provide for workers' compensation insurance coverage for certain intrastate fire mutual aid system team members and regional incident management team members in the same manner as certain state employees. The bill prescribes the method for computing the average weekly wage of such a team member for purposes of computing the member's income benefits or death benefits and requires the Texas A&M Forest Service to perform all duties of an employer in relation to such a team member who is injured and receives benefits under applicable workers' compensation law.

### House Bill 1432

**Effective:** 5-28-17

**House Author:** Vo

**Senate Sponsor:** Lucio

House Bill 1432 amends the Texas Unemployment Compensation Act, Labor Code, to prohibit a person from placing on a payment instrument remitted to the Texas Workforce Commission (TWC) any restriction or condition purporting to limit the amount of contributions, penalties, or interest owed to the TWC by an employer. The bill voids a restriction or condition that violates this prohibition.

## Labor and Employment

### **House Bill 1433** **Effective:** Vetoed

**House Author:** Vo  
**Senate Sponsor:** Lucio

House Bill 1433 amends the Labor Code to provide for the suspension of the running of the limitations period applicable to the collection of a contribution, a penalty, or interest under the Texas Unemployment Compensation Act pending a judicial proceeding to redetermine the liability for the contribution, penalty, or interest.

Governor's Reason for Veto: "House Bill 1433 would provide for tolling of the three-year statute of limitations on civil actions brought by the Texas Workforce Commission against employers. This could extend by many years the period during which employers face potential liability to the government. Texas employers should not face such uncertainty at the hands of government officials. If an employer is alleged to owe money to the Workforce Commission, three years provides more than enough time for the government to file suit to collect any money it may be owed."

### **House Bill 1456** **Effective:** 5-26-17

**House Author:** Smithee  
**Senate Sponsor:** Hughes

House Bill 1456 amends the Texas Workers' Compensation Act, Labor Code, to remove the requirement that a person charged with an administrative violation and assessed an administrative penalty under the act forward the amount of the penalty to, or post a bond for such an amount with, the workers' compensation division of the Texas Department of Insurance during the pendency of judicial review of the related decision.

### **House Bill 1983** **Effective:** 9-1-17

**House Author:** Wray et al.  
**Senate Sponsor:** Whitmire

House Bill 1983 amends the Labor Code to classify post-traumatic stress disorder suffered by certain first responders as a result of specified employment-related circumstances as a compensable injury for purposes of eligibility for workers' compensation insurance.

### **House Bill 1989** **Effective:** 9-1-17

**House Author:** Shine et al.  
**Senate Sponsor:** Zaffirini

House Bill 1989 amends the Labor Code to specify that an adequate program required to be established by a certified self-insurer withdrawing from self-insurance under the Texas Workers' Compensation Act to cover certain losses includes a program in which the self-insurer has insured or reinsured all workers' compensation obligations incurred by the self-insurer with an authorized insurer under an agreement approved by the commissioner of workers' compensation.

### **House Bill 1990** **Effective:** 9-1-17

**House Author:** Shine et al.  
**Senate Sponsor:** Zaffirini

House Bill 1990 amends the Texas Workers' Compensation Act, Labor Code, to change the purpose of the fee assessed on each member of the Texas Certified Guaranty Association with regard to the Texas certified self-insurer guaranty trust fund, to increase the fund's minimum balance, and to change the cap on the fund. The bill requires the association's board of directors to submit a recommended balance of the fund to the commissioner of workers' compensation before adopting the schedule of assessments to meet the fund's funding goal.

### **House Bill 2053** **Effective:** 6-9-17

**House Author:** Oliveira  
**Senate Sponsor:** Creighton

House Bill 2053 amends the Texas Workers' Compensation Act, Labor Code, to include investigations relating to alleged offenses under the act, with particular emphasis on offenses

of fraudulently obtaining or denying benefits or obtaining workers' compensation insurance coverage, among the investigations conducted by the investigation unit of the Texas Department of Insurance division of workers' compensation. The bill updates the pecuniary thresholds used to determine the penalty grade of such offenses and grants subpoena authority to the commissioner of workers' compensation with respect to an investigation of such offenses.

**House Bill 2056**  
**Effective:** 9-1-17

**House Author:** Oliveira  
**Senate Sponsor:** Zaffirini

House Bill 2056 amends the Texas Workers' Compensation Act, Labor Code, to require a designated doctor to provide on request to the Texas Department of Insurance division of workers' compensation a copy of any contract between the doctor and an authorized agent for services provided by the agent relating to the doctor's duties. The bill exempts such a contract from disclosure under state public information law.

**House Bill 2060**  
**Effective:** 6-15-17

**House Author:** Oliveira  
**Senate Sponsor:** Zaffirini

House Bill 2060 amends the Texas Workers' Compensation Act, Labor Code, to remove demonstrated experience in the field of workers' compensation from the eligibility requirements for designation as an ombudsman by the office of injured employee counsel.

**House Bill 2061**  
**Effective:** 9-1-17

**House Author:** Oliveira  
**Senate Sponsor:** Hancock

House Bill 2061 amends the Labor Code to revise the service and filing requirements for a party seeking judicial review in certain workers' compensation cases by, among other revisions, requiring any party who initiates a proceeding for judicial review to file a separate document with the Texas Department of Insurance division of workers' compensation that fully describes the terms of a proposed settlement or proposed agreed judgment if the terms are not described in the proposed settlement or proposed agreed judgment.

**House Bill 2082**  
**Effective:** 9-1-17

**House Author:** Burrows et al.  
**Senate Sponsor:** Perry

House Bill 2082 amends the Labor Code to require the injured employee public counsel to designate a qualified employee of the office of injured employee public counsel as first responder liaison to assist an injured first responder and, if applicable, the ombudsman assigned to a first responder's case during a workers' compensation administrative dispute resolution process. The bill provides for employer notification of the liaison to first responders employed or supervised by the employer, as applicable.

**House Bill 2111**  
**Effective:** 9-1-17

**House Author:** Romero, Jr.  
**Senate Sponsor:** Zaffirini

House Bill 2111 amends the Insurance Code and Labor Code to clarify that the officer required to conduct a contested case hearing under the workers' compensation system is an administrative law judge.

**House Bill 2112**  
**Effective:** 6-9-17

**House Author:** Romero, Jr.  
**Senate Sponsor:** Zaffirini

House Bill 2112 amends and repeals provisions of the Texas Workers' Compensation Act, Labor Code, to eliminate certain reporting requirements under the act and to provide for electronic filing, submission, and delivery of certain workers' compensation documents and

## Labor and Employment

notices. The bill repeals provisions relating to the implementation of a strategic management plan by the commissioner of workers' compensation, a study on interdisciplinary pain rehabilitation program and facility accreditation, the commissioner's duty to make a certain determination regarding extended unemployment or underemployment, and the registration of a private vendor of vocational rehabilitation services with the Texas Department of Insurance division of workers' compensation.

**House Bill 2119**  
**Effective:** 9-1-17

**House Author:** Kacal et al.  
**Senate Sponsor:** West

Previous law provided for the eligibility of certain surviving spouses of first responders for workers' compensation death benefits for life under the Texas Workers' Compensation Act based on an injury that occurred on or after a certain date. House Bill 2119 amends the Labor Code to instead provide for that eligibility regardless of the date on which the first responder's death occurred.

**House Bill 2443**  
**Effective:** 9-1-17

**House Author:** González, Mary  
**Senate Sponsor:** Zaffirini et al.

House Bill 2443 amends the Labor Code to provide for the electronic filing of a wage claim with the Texas Workforce Commission by an employee who is not paid wages as prescribed by applicable state law.

**House Bill 2546**  
**Effective:** 6-9-17

**House Author:** Zerwas  
**Senate Sponsor:** Campbell

House Bill 2546 amends the Texas Workers' Compensation Act, Labor Code, to authorize a treating doctor to delegate to a physician assistant who is licensed to practice in Texas under the Physician Assistant Licensing Act the authority to complete and sign a work status report regarding an injured employee's ability to return to work.

**Senate Bill 877**  
**Effective:** 9-1-17

**Senate Author:** Hancock  
**House Sponsor:** Oliveira

Senate Bill 877 amends the Labor Code to make a political subdivision that self-insures either individually or collectively for purposes of providing workers' compensation benefits liable for certain attorney's fees as provided by the Texas Workers' Compensation Act.

**Senate Bill 1494**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini  
**House Sponsor:** Oliveira

Previous law required an insurance carrier's preauthorization and concurrent review for work-hardening or work-conditioning services provided under the workers' compensation system by a health care facility not credentialed by an organization recognized by the commissioner of workers' compensation. Senate Bill 1494 amends the Labor Code to instead require such preauthorization and review for those services without specification as to the provider but to authorize the commissioner to exempt from that preauthorization and review those services provided by a health care facility that is credentialed by a commissioner-designated organization.

**Senate Bill 1895**  
**Effective:** 9-1-17

**Senate Author:** Taylor, Larry  
**House Sponsor:** Oliveira

Senate Bill 1895 amends the Texas Workers' Compensation Act, Labor Code, to include among the matters the commissioner of workers' compensation must consider in assessing an administrative penalty whether an administrative violation has a negative impact on the

delivery of benefits to an injured employee and the history of compliance with electronic data interchange requirements. The bill requires the commissioner to adopt rules that require the workers' compensation division of the Texas Department of Insurance to communicate to a person assessed an administrative penalty certain information about the penalty.

**Senate Bill 2027**

**Effective:** 9-1-17

**Senate Author:** Rodríguez

**House Sponsor:** Moody

Senate Bill 2027 requires the Health and Human Services Commission to conduct a study in conjunction with the Texas Workforce Commission regarding occupational training programs available in Texas for individuals with an intellectual disability.

**Senate Bill 2105**

**Effective:** 9-1-17

**Senate Author:** Miles et al.

**House Sponsor:** Johnson, Jarvis

Senate Bill 2105 amends the Labor Code to include among the employment information for secondary school students the Texas Workforce Commission must provide at least quarterly to the Texas Education Agency information relating to career and technical education partnership opportunities with business and industry and certain professional development opportunities for teachers and learning opportunities for students.

*This page intentionally left blank.*

## Local Government

This chapter covers legislation relating to the powers and duties of counties, municipalities, and other political subdivisions. Legislation on certain powers and duties of local governments relating to agriculture, courts, civil remedies and procedures, criminal justice, elections, environment, government purchasing, health and human services, military forces and veterans, occupational regulation, property interests and housing, public safety, taxes and tax administration, and transportation is in chapters regarding those subjects.

### **House Bill 7 (1st C.S.)**

**Effective:** 12-1-17

**House Author:** Phelan et al.

**Senate Sponsor:** Kolkhorst et al.

House Bill 7 amends the Local Government Code to require a municipality that imposes a tree mitigation fee for tree removal on a person's property to allow that person to apply for a credit for tree planting to offset the amount of the fee. The bill sets out criteria that a planted tree must meet to qualify for the credit and prescribes the credit amounts based on the type and use of the property. The bill prohibits a municipality from requiring a person to pay a tree mitigation fee for certain removed trees that are located on residential property and less than 10 inches in diameter. The bill prohibits a municipality from prohibiting the removal of or imposing a tree mitigation fee for the removal of a tree that is diseased or dead or that poses an imminent or immediate threat to persons or property.

### **House Bill 555**

**Effective:** 6-12-17

**House Author:** Springer et al.

**Senate Sponsor:** Hughes

House Bill 555 amends the Local Government Code, Family Code, and Health and Safety Code to authorize a county clerk to set and collect an additional fee of \$100 for issuing a marriage license to an applicant who is not a Texas resident.

### **House Bill 594**

**Effective:** 5-26-17

**House Author:** VanDeaver

**Senate Sponsor:** Hughes

House Bill 594 amends the Health and Safety Code to authorize the commissioners court of a county by order to dissolve a county hospital authority created by the commissioners court if the commissioners court and the authority provide for the sale or transfer of the authority's assets and liabilities to the county. The bill requires all records of the authority remaining when the authority is dissolved to be transferred to the county clerk of the county in which the authority is located.

### **House Bill 1170**

**Effective:** 6-15-17

**House Author:** Reynolds et al.

**Senate Sponsor:** Miles

House Bill 1170 amends the Local Government Code to expand from a vehicle owned or leased by a county to personal property owned or leased by a county the items on which the county may lease to another entity advertising space under an applicable procedure.

### **House Bill 1238**

**Effective:** 9-1-17

**House Author:** VanDeaver

**Senate Sponsor:** Hughes

House Bill 1238 amends the Government Code to authorize a housing authority created under the Housing Authorities Law to satisfy the statutory requirement for certain officers of a local government to attend an investment training session not less than once every two years and receive not less than 10 hours of instruction relating to investment responsibilities by requiring an applicable officer of the authority, as specified by the bill, to attend at least five



## Local Government

hours of appropriate instruction every two years. The bill extends the conditional exemption from that training requirement for an officer of a municipality to an officer of a housing authority.

**House Bill 1288**  
**Effective:** 5-23-17

**House Author:** Rose  
**Senate Sponsor:** West

House Bill 1288 amends the Local Government Code to authorize the commissioners court of a county to contract with a broker to lease a tract of real property that is owned by the county in the same manner that the commissioners court may contract with a broker to sell such a tract.

**House Bill 2040**  
**Effective:** 9-1-17

**House Author:** King, Phil  
**Senate Sponsor:** Nichols

House Bill 2040 amends the Local Government Code to authorize a county to bring a suit for injunctive relief against a builder of new residential construction in the unincorporated area of the county, refer the builder for prosecution, or take both such actions if the builder does not indicate in the builder's notice of inspection provided to the county that the inspection showed compliance with the applicable building code standards. The bill includes a builder's failure to provide notice indicating that the inspection showed such compliance among the conduct constituting the offense involving a builder's failure to provide required notices and establishes as an affirmative defense to prosecution for failure to submit proper notice of inspection that the builder's failure to submit the notice is the result of the failure of the person who performed the inspection to provide appropriate documentation to the builder for submission to the county.

**House Bill 2654**  
**Effective:** 9-1-17

**House Author:** Stucky et al.  
**Senate Sponsor:** Lucio et al.

House Bill 2654 amends the Local Government Code to exempt a county assessor-collector who performs the duties of a local government relating to collection of assessments imposed by a local government under the Property Assessed Clean Energy Act from personal liability for exercising those duties under the act. The bill includes elected officials of a local government who are not members of the governing body of the local government among the persons exempt from personal liability for exercising any rights or responsibilities granted under the act.

**House Bill 2725**  
**Effective:** 6-15-17

**House Author:** González, Mary  
**Senate Sponsor:** Rodríguez

House Bill 2725 amends the Local Government Code to include as a member of the board of directors of a stormwater control and recapture planning authority a representative of the Texas Department of Transportation appointed by the Texas Transportation Commission. The bill replaces as members of the board each member of the state legislature whose legislative district is wholly or partly in the territory of the authority with a member appointed by each such member of the state legislature. The bill prohibits a person from serving as a director on the board if the person holds another public office.

**House Bill 2762**  
**Effective:** 6-15-17

**House Author:** Workman  
**Senate Sponsor:** Campbell et al.

House Bill 2762 amends the Local Government Code to authorize the Commissioners Court of Travis County to enter into a broker agreement to sell certain surplus property with a broker who has the expertise necessary to negotiate the sale of the surplus property. This authorization applies to surplus property that is owned by Travis County, uses a high level of technology, was used or will be used in connection with or for a highly specialized program, and was purchased by the county for more than \$250,000.

**House Bill 2985**  
**Effective:** 9-1-17

**House Author:** Phillips  
**Senate Sponsor:** Hall

House Bill 2985 amends the Government Code to raise from 36,000 to 39,000 the population cap for a county to which statutory provisions relating to the type of newspaper required for publication of governmental notice in certain counties apply if the county has a population of at least 30,000 and borders the Red River.

**House Bill 3281**  
**Effective:** Vetoed

**House Author:** Rodriguez, Eddie  
**Senate Sponsor:** Watson

House Bill 3281 amends the Local Government Code to increase the threshold number of occupied housing units in a uniform state service region in which a certain municipality must be located for purposes of the applicability to the municipality of provisions relating to homestead preservation districts and reinvestment zones. The bill prohibits a municipality to which such provisions apply from designating a homestead preservation district if the municipality has adopted a requirement in any form that establishes a maximum sales price for a privately produced housing unit or residential building lot.

Governor's Reason for Veto: "House Bill 3281 would have extended a City of Austin program that gives special tax treatment to certain neighborhoods at the expense of other taxpayers, with the apparent goal to stymie the natural forces of the free market. Directing large amounts of property tax revenue to select city projects has the effect of increasing the tax burden on other property owners. We should not empower cities to spend taxpayer money in a futile effort to hold back the free market."

"The best way to ensure people do not lose their home because of rising property taxes is to cut property taxes. This bill does nothing to lessen the tax burden for Texans on the verge of being taxed out of their home. It merely permits the City of Austin to continue redirecting tax dollars for city-initiated redevelopment. If the City of Austin is concerned about rising taxes displacing its residents, it should reconsider its tax policies or its spending priorities."

**House Bill 3453**  
**Effective:** 6-15-17

**House Author:** Landgraf  
**Senate Sponsor:** Seliger

House Bill 3453 amends the Local Government Code to include Ector, Harrison, Smith, and Tarrant Counties among the counties to which provisions governing county regulation of game rooms apply.

**House Bill 3470**  
**Effective:** 9-1-17

**House Author:** Hunter  
**Senate Sponsor:** Hinojosa

House Bill 3470 amends the Local Government Code to authorize a county commissioners court to accept a donation of labor or services on behalf of the county for the purpose of performing a function conferred by law on the county or a county officer.

**House Bill 3727**  
**Effective:** 9-1-17

**House Author:** Phillips  
**Senate Sponsor:** Estes

House Bill 3727 amends the Local Government Code to establish that a member of the governing body of a Type A general-law municipality who changes the member's place of residence to a location outside the corporate boundaries of the municipality is automatically disqualified from holding the member's office and that the office is considered vacant. The bill changes the threshold for filling a single vacancy on the governing body by appointment from a majority of the remaining members to a majority of the remaining members who are present and voting and makes a member of the governing body ineligible to vote to fill a vacancy on the governing body by special election after resigning from the governing body.

## Local Government

### **House Bill 4114** **Effective:** 9-1-17

**House Author:** Coleman  
**Senate Sponsor:** Miles et al.

Current law authorizes a county's junkyard or automotive wrecking and salvage yard licensing ordinance to condition the license on the operation of the entity at a location approved by the commissioners court. House Bill 4114 amends the Transportation Code to provide the option for such locations to be approved by a county employee designated by the commissioners court as an alternative to the commissioners court.

### **Senate Bill 4** **Effective:** 9-1-17

**Senate Author:** Perry et al.  
**House Sponsor:** Geren et al.

Senate Bill 4 amends the Code of Criminal Procedure, Government Code, Local Government Code, and Penal Code to require a law enforcement agency that has custody of a person subject to a federal immigration detainer request to comply with, honor, and fulfill any request made in the detainer request provided by the federal government and inform the person that the person is being held pursuant to an immigration detainer request. The bill makes it a Class A misdemeanor offense for a person who is a sheriff, chief of police, or constable or a person who otherwise has primary authority for administering a jail and who has custody of a person subject to a federal immigration detainer request to knowingly fail to comply with the detainer request.

Senate Bill 4 prohibits campus police departments and certain local entities from adopting, enforcing, or endorsing a policy under which the department or entity prohibits or materially limits the enforcement of state or federal immigration laws; as demonstrated by a pattern or practice, prohibiting or materially limiting the enforcement of such immigration laws; or, for a law enforcement agency or department, intentionally violating the bill's requirements pertaining to immigration detainer requests, as demonstrated by a pattern or practice. The bill provides a process by which a citizen residing in the jurisdiction of a local entity or enrolled at or employed by an institution of higher education may file a complaint with the attorney general, contingent on the person asserting facts regarding the applicable entity or department violating that prohibition, and obtain equitable relief from a district court to compel the entity or department to comply with that prohibition. The bill sets out certain civil penalties for a local entity or campus police department that is found by a court of law as having intentionally violated such prohibition and provides for the removal from office of a person holding an elective or appointive office of a political subdivision of Texas for violating that prohibition.

### **Senate Bill 6 (1st C.S.)** **Effective:** 12-1-17

**Senate Author:** Campbell et al.  
**House Sponsor:** Huberty et al.

Senate Bill 6 amends the Local Government Code to revise provisions relating to municipal annexation. The bill, among other provisions, differentiates between annexation by a tier 1 municipality and annexation by a tier 2 municipality, as those municipalities are defined by the bill. The bill makes certain existing general annexation authority provisions applicable to tier 1 and tier 2 municipalities and other such provisions applicable only to a tier 1 municipality.

Senate Bill 6 authorizes a tier 2 municipality to annex an area with a population of less than 200 only if the municipality obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area and, if the registered voters of the area do not own more than 50 percent of the land in the area, the petition is signed by more than 50 percent of the owners of land in the area. The bill authorizes a tier 2 municipality to annex an area with a population of 200 or more only if the municipality holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation and a majority of the votes received at the election approve the annexation and, if the registered voters of the area do not own more than 50 percent of the land in the area,

the municipality obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area. The bill also authorizes a tier 2 municipality to annex an area if each owner of land in the area requests the annexation.

Senate Bill 6 amends the Special District Local Laws Code to require certain local voter approval regarding the annexation of the Travis County Municipal Utility District Nos. 3, 4, 5, 6, 7, 8, or 9 and the Travis County Water Control and Improvement District No. 19.

**Senate Bill 295**  
**Effective:** 9-1-17

**Senate Author:** Hinojosa  
**House Sponsor:** Flynn

Previous law exempted the issuance of refunding bonds or of capital appreciation bonds for the purpose of financing transportation projects from certain statutory limitations on a political subdivision's authority to issue capital appreciation bonds secured by property taxes. Senate Bill 295 amends the Public Security Procedures Act, Government Code, to extend this exemption for the applicable bonds to other related provisions governing capital appreciation bonds issued by political subdivisions.

**Senate Bill 468**  
**Effective:** 9-1-17

**Senate Author:** Lucio  
**House Sponsor:** Oliveira

Current law provides that the extraterritorial jurisdiction of the City of Brownsville terminates two miles from the extraterritorial jurisdiction of a neighboring municipality under certain conditions. Senate Bill 468 amends the Local Government Code to provide that extraterritorial jurisdiction for the City of Brownsville is determined under statutory provisions relating to the extent of extraterritorial jurisdiction generally if that municipality's governing body and the governing body of the neighboring municipality each adopt resolutions stating that the determination of extraterritorial jurisdiction under the provision establishing the two mile limit is not in the municipality's best interest.

**Senate Bill 492**  
**Effective:** 5-4-17

**Senate Author:** West  
**House Sponsor:** Koop

Senate Bill 492 amends the Local Government Code to include referral of a dishonored check or credit card invoice to a private collection agency among the procedures a county tax assessor-collector may establish for the collection of dishonored checks and credit card invoices. The bill authorizes the private collection agency to charge a fee to the person responsible for the check or invoice in an amount equal to any amount authorized for a returned check under the county clerk fee schedule.

**Senate Bill 622**  
**Effective:** 6-9-17

**Senate Author:** Burton et al.  
**House Sponsor:** Lozano

Senate Bill 622 amends the Local Government Code to require the proposed budget of a political subdivision other than a junior college district to itemize certain public notice expenditures to allow a comparison between the expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year.

**Senate Bill 744**  
**Effective:** Vetoed

**Senate Author:** Kolkhorst et al.  
**House Sponsor:** Phelan et al.

Senate Bill 744 amends the Local Government Code to require a municipality that imposes a tree mitigation fee for tree removal that is necessary for development or construction on a person's property to allow that person to apply for a credit for tree planting to offset the amount of the fee.

## Local Government

Governor's Reason for Veto: "Cities telling landowners what they can and cannot do with the trees in their own backyard is an assault on private property rights. Senate Bill 744 appears to be a compromise bill that imposes a very minor restriction on some municipal tree ordinances. But in doing so, it gives the imprimatur of state law to the municipal micromanagement of private property, which should be abolished altogether. This bill was well-intentioned, but by the end of the legislative process it actually ended up doing more to protect cities than it did to protect the rights of property owners. I applaud the bill authors for their efforts, but I believe we can do better for private property owners in the upcoming special session."

### **Senate Bill 758**

**Effective:** 9-1-17

**Senate Author:** Menéndez et al.

**House Sponsor:** Rodriguez, Justin

Senate Bill 758 amends the Government Code to remove as a condition of eligibility for certain bill payment assistance programs offered by a municipality with a population of more than one million but less than two million that a utility system customer who has been determined by the municipality to be a low-income customer also has been threatened with disconnection from service for nonpayment of bills.

### **Senate Bill 988**

**Effective:** 5-10-17

**Senate Author:** Zaffirini

**House Sponsor:** Israel

Senate Bill 988 amends the Local Government Code to make the statutory provision establishing the county judge, if present, as the presiding officer of the county commissioners court inapplicable to a meeting held by videoconference call if the county judge is not located at the physical space made available to the public for the meeting.

### **Senate Bill 1004**

**Effective:** 9-1-17

**Senate Author:** Hancock et al.

**House Sponsor:** Geren

Senate Bill 1004 amends the Local Government Code to provide a uniform framework for the deployment of network nodes in a public right-of-way.

### **Senate Bill 1015**

**Effective:** 6-9-17

**Senate Author:** Creighton

**House Sponsor:** Keough

Senate Bill 1015 amends the Local Government Code to set out procedures for incorporating or establishing another form of local government for certain areas subject to a regional participation agreement by means of local election.

### **Senate Bill 1248**

**Effective:** 9-1-17

**Senate Author:** Buckingham et al.

**House Sponsor:** Lucio III

Senate Bill 1248 amends the Local Government Code to prohibit the governing body of a municipality from requiring a change in the nonconforming use of any manufactured home lot within the boundaries of a manufactured home community under specified circumstances; to authorize a manufactured home owner to install a new or used manufactured home or any appurtenance on a manufactured home lot located in a manufactured home community for which a nonconforming use is authorized by law, provided that the home or appurtenance and its installation comply with applicable law and standards; and to prohibit the governing body of a municipality from regulating a tract or parcel of land as a manufactured home community, park, or subdivision unless the tract or parcel contains at least four spaces offered for lease for installing and occupying manufactured homes.

**Senate Bill 1780**  
**Effective:** 6-12-17

**Senate Author:** Zaffirini  
**House Sponsor:** Guillen

Senate Bill 1780 amends the Local Government Code to include Live Oak County as a county in which the amount of the compensation and allowances of a county auditor, if approved by the commissioners court, may be set in an amount that exceeds the amount of the compensation and allowances received from all sources by the highest paid elected county officer whose salary and allowances are set by the commissioners court.

**Senate Bill 1878**  
**Effective:** 9-1-17

**Senate Author:** Menéndez  
**House Sponsor:** Gutierrez

Current law imposes certain additional conditions relating to the provision of fire and emergency medical services on the service plan for the annexation of territory included in an emergency services district by a municipality that, among other criteria, is located in a county with a population of more than one million and less than 1.5 million. Senate Bill 1878 amends the Local Government Code to raise the upper limit on that population range from 1.5 million to 1.75 million.

**Senate Bill 2283**  
**Effective:** 9-1-17

**Senate Author:** Perry  
**House Sponsor:** Springer

Senate Bill 2283 amends the Health and Safety Code to establish that, for purposes relating to the regulation of dangerous dogs and dogs that attack persons, the police department of the City of Paducah is the animal control authority for the city in all areas in which a dog is kept and that are subject to the authority of the police department.

*This page intentionally left blank.*

## Military Forces and Veterans

This chapter covers legislation on issues relating to the Texas Military Department and the Texas Veterans Commission as well as issues relating to current and former military personnel, including benefits, services, and special recognitions. Legislation on certain benefits and services relating to business and commerce, elections, higher education, public education, public safety, and taxes and tax administration is in chapters regarding those subjects.

**House Bill 257**  
**Effective:** 9-1-17

**House Author:** Hernandez et al.  
**Senate Sponsor:** Buckingham et al.

House Bill 257 amends the Labor Code to require the Texas Workforce Commission, in consultation with the Texas Coordinating Council for Veterans Services, to submit an annual report regarding the transition from military service to employment.

**House Bill 271**  
**Effective:** 9-1-17

**House Author:** Miller et al.  
**Senate Sponsor:** Buckingham

House Bill 271 amends the Health and Safety Code to require the Health and Human Services Commission, using existing resources, to establish and operate the veterans recovery pilot program to provide diagnostic services, hyperbaric oxygen treatment, and support services to eligible veterans who have post-traumatic stress disorder or a traumatic brain injury. The bill establishes the veterans recovery account as a dedicated account in the general revenue fund and provides for the contents and administration of the account.

**House Bill 377**  
**Effective:** 9-1-17

**House Author:** Oliverson et al.  
**Senate Sponsor:** Campbell

House Bill 377 amends the Transportation Code to provide for the issuance of certain specialty plates for extraordinary military service to a surviving spouse of a person who would be eligible for such plates as long as the spouse remains unmarried. The bill provides for the issuance of Distinguished Flying Cross medal with Valor specialty plates. The bill makes a person eligible to receive surviving spouse of a disabled veteran specialty license plates if the person is the surviving spouse of a person who had been entitled to specialty plates for veterans with disabilities, regardless of whether the deceased spouse was issued such specialty plates. The bill, among other provisions, requires a personal identification certificate and a driver's license issued to a disabled veteran, on request, to include a disabled veteran designation and the branch of the service in which the disabled veteran served and authorizes the disabled veteran, for purposes of obtaining a service of benefit, to use a personal identification certificate or a driver's license as satisfactory proof that the veteran has a disability rating and proof of the veteran's branch of service and honorable discharge.

**House Bill 493**  
**Effective:** 1-1-18

**House Author:** Perez et al.  
**Senate Sponsor:** Campbell

House Bill 493 amends the Labor Code to include among the information the Texas Workforce Commission is required to report to the legislature and the governor each year concerning the college credit for heroes program the numbers of academic or workforce education semester credit hours and transfer credit hours awarded under the program and applied toward a degree or certification program at a public institution of higher education during the most recent academic year.



## Military Forces and Veterans

### **House Bill 865**

**Effective:** 9-1-17

**House Author:** Blanco et al.

**Senate Sponsor:** Rodríguez

House Bill 865 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to establish a veterans services coordinator to coordinate responses to the needs of veterans under the supervision of the department, including veterans who are released on parole or mandatory supervision. The bill requires TDCJ to establish and administer a voluntary veterans reentry dorm program for defendants confined in state jail felony facilities and who were victims of military sexual trauma or suffer from a brain injury, a mental illness, a mental disorder, or substance abuse that occurred during or resulted from their military service and that may have contributed to their criminal activity.

### **House Bill 890**

**Effective:** 9-1-17

**House Author:** Geren et al.

**Senate Sponsor:** Estes

House Bill 890 amends the Local Government Code to require a county and any municipality in which a military installation is located to work closely with the military installation as necessary to ensure that the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study applicable to each military installation is publicly available on the local governmental entity's website.

House Bill 890 amends the Property Code to update the seller's disclosure of a property's condition to include that the property may be located near a military installation and affected by high noise or air installation compatible use zones and that information relating to such zones is available on the military installation's website and on the website of the county and any municipality in which the military installation is located.

### **House Bill 1117**

**Effective:** 5-29-17

**House Author:** Wray

**Senate Sponsor:** Zaffirini

House Bill 1117 amends the Education Code, for purposes of the eligibility criteria for a student's initial receipt of a Texas Armed Services Scholarship, to include enrollment or membership in an undergraduate officer commissioning program such as the U.S. Marine Corps Platoon Leaders Class as an alternative to enrollment or membership in a Reserve Officers' Training Corps (ROTC) program.

### **House Bill 1606**

**Effective:** 9-1-17

**House Author:** Huberty

**Senate Sponsor:** Lucio

House Bill 1606 amends the Government Code to expand the types of food and beverage purchases for which the Texas Military Department may use appropriated money to include such a purchase for service members of the Texas military forces on military duty and students participating in the Texas ChalleNGe Academy.

### **House Bill 1630**

**Effective:** 9-1-17

**House Author:** Dale

**Senate Sponsor:** West

House Bill 1630 amends the Government Code to authorize the adjutant general to delegate the authority to approve Texas Military Department expenditures to the department's executive director.

**House Bill 1646**

**Effective:** 9-1-17

**House Author:** Lozano et al.

**Senate Sponsor:** Hinojosa

House Bill 1646 amends the Business & Commerce Code to authorize a county clerk to waive all fees related to filing an assumed business or professional name certificate or a statement of abandonment of use of an assumed name for a registrant who is a military veteran.

**House Bill 1655**

**Effective:** 9-1-17

**House Author:** King, Phil

**Senate Sponsor:** Huffines

House Bill 1655 amends the Code of Criminal Procedure to replace the staff judge advocate at Joint Force Headquarters with the staff judge advocate general as one of the military officials to whom the clerk of the appropriate court must provide written notice of a conviction of or grant of deferred adjudication to a member of the state military forces or an active duty member of the U.S. armed forces for certain offenses.

**House Bill 1860**

**Effective:** 9-1-17

**House Author:** Cyrier

**Senate Sponsor:** Menéndez

House Bill 1860 repeals a provision of the Government Code that conditions the adjutant general's right to obtain criminal history record information that relates to a person who is an applicant for enlistment in the Texas military forces or an applicant for employment with the Texas Military Department on the adjutant general submitting to the Department of Public Safety a signed statement from the applicant authorizing the adjutant general to obtain the information.

**House Bill 1905**

**Effective:** 9-1-17

**House Author:** Guillen

**Senate Sponsor:** Hall

House Bill 1905 amends the Government Code to revise provisions relating to the appointment and respective areas of responsibility of certain general officers in the Texas Military Department, including provisions regarding coordination with other state agencies in matters pertaining to homeland security, with other federal, state, and local jurisdictions and officials, and with the National Guard Bureau.

**House Bill 1934**

**Effective:** 6-15-17

**House Author:** Minjarez et al.

**Senate Sponsor:** Campbell

House Bill 1934 amends the Education Code to require the State Board for Educator Certification (SBEC) to propose rules to establish procedures to expedite the processing of an application for a certificate submitted by an educator from outside Texas who is the spouse of a person who is serving on active duty as a member of the U.S. armed forces, including rules for providing the appropriate documentation to establish the educator's status as a spouse of such a person. The bill prohibits the expiration of a temporary certificate issued to such an educator before the third anniversary of the date on which the SBEC completes the review of the educator's credentials and informs the educator of the certification examination or examinations on which the educator must perform satisfactorily to receive a standard certificate.

**House Bill 2007**

**Effective:** 9-1-17

**House Author:** Cospers et al.

**Senate Sponsor:** Buckingham

House Bill 2007 amends the Occupations Code to authorize the issuance and regulation of a military limited volunteer license to certain military dentists and dental hygienists who provide voluntary charity dental or dental hygiene care at a clinic that primarily treats indigent patients.

## Military Forces and Veterans

### **House Bill 2009**

**Effective:** 6-9-17

**House Author:** Bonnen, Greg et al.

**Senate Sponsor:** Taylor, Larry

House Bill 2009 amends the Parks and Wildlife Code to broaden the exemption for certain current and former military personnel from any requirement to complete the live firing portion of a hunter education course under a state hunter education program to exempt such personnel from any requirement to complete such a course. The bill extends the exemption to a person who has previously served as a member of the Texas Army National Guard, the Texas Air National Guard, or the Texas State Guard and to certain persons who are serving or have previously served as peace officers.

### **House Bill 2115**

**Effective:** 9-1-17

**House Author:** Klick et al.

**Senate Sponsor:** Hancock et al.

House Bill 2115 amends the Transportation Code to provide for the issuance of specialty license plates for recipients of the Combat Medical Badge and specialty license plates for persons who serve or have served in the Third United States Infantry Regiment as a guard for the Tomb of the Unknown Soldier and received the Guard, Tomb of the Unknown Soldier Identification Badge.

### **House Bill 2486**

**Effective:** 6-15-17

**House Author:** Stucky et al.

**Senate Sponsor:** Menéndez

Current law entitles a state employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team and who is ordered to duty by proper authority, when relieved from duty, to be restored to the position that the employee held when ordered to duty. House Bill 2486 amends the Government Code to extend that same entitlement under the same conditions to an employee of a municipality, a county, or another political subdivision of the state with at least five full-time employees.

### **House Bill 2761**

**Effective:** 6-15-17

**House Author:** Cortez

**Senate Sponsor:** Uresti

House Bill 2761 amends the Local Government Code to include among a defense base development authority's powers and duties the authority to participate as a member or partner of a limited liability company, a limited liability partnership, or other entity organized to finance a project designated as a redevelopment project by the authority's board of directors.

### **House Bill 2933**

**Effective:** 9-1-17

**House Author:** Bonnen, Dennis et al.

**Senate Sponsor:** Taylor, Larry

House Bill 2933 amends the Occupations Code to authorize the Texas Optometry Board to issue a military limited volunteer license to practice optometry or therapeutic optometry to an applicant who is licensed and in good standing, or who was licensed and retired in good standing, as an optometrist or therapeutic optometrist in another state, who is or was authorized to treat U.S. armed forces personnel or veterans, and who provides voluntary charity care at a clinic that primarily treats indigent patients.

### **House Bill 3066**

**Effective:** 6-15-17

**House Author:** Guillen

**Senate Sponsor:** Menéndez

House Bill 3066 amends the Business & Commerce Code to authorize a military service member to suspend or terminate and subsequently reinstate cable, Internet, telecommunications, video, and spa services while serving on active duty.

House Bill 3066 amends the Government Code to update provisions relating to certain benefits and protections for a member of the Texas military forces who is ordered to state active duty or to state training to reflect applicable current federal law.

**House Bill 3521**  
**Effective:** 9-1-17

**House Author:** Lambert et al.  
**Senate Sponsor:** Buckingham

House Bill 3521 amends the Transportation Code to provide for the issuance of specialty license plates for a recipient of the Armed Forces Expeditionary Medal, the Armed Forces Service Medal, the Navy Expeditionary Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Marine Corps Expeditionary Medal, the Merchant Marine Expeditionary Medal, the Kosovo Campaign Medal, or the Inherent Resolve Campaign Medal.

**House Bill 3567**  
**Effective:** 9-1-17

**House Author:** Bonnen, Dennis  
**Senate Sponsor:** Huffman

House Bill 3567 amends the Transportation Code to provide for the issuance of specialty license plates for persons who have served in the 11th Armored Cavalry Regiment of the United States Army.

**Senate Bill 27**  
**Effective:** 9-1-17

**Senate Author:** Campbell et al.  
**House Sponsor:** Blanco

Senate Bill 27 amends the Government Code and Health and Safety Code to authorize the board of regents of The University of Texas System to establish the National Center for Warrior Resiliency at The University of Texas Health Science Center at San Antonio for purposes of researching issues relating to combat-related post-traumatic stress disorder and comorbid conditions and providing clinical care to enhance the psychological resiliency of military personnel and veterans. The bill provides for the participation of community-based licensed mental health professionals, community-based organizations, and faith-based organizations in the mental health program for veterans established by the Department of State Health Services.

**Senate Bill 49**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini et al.  
**House Sponsor:** Guillen

Senate Bill 49 amends the Education Code to provide for the appointment of alternate recipients of an initial Texas armed services scholarship by the governor, the lieutenant governor, and each state senator and state representative.

**Senate Bill 102**  
**Effective:** 9-1-17

**Senate Author:** Hall et al.  
**House Sponsor:** White

Senate Bill 102 amends the Government Code to revise provisions relating to the appointment and respective areas of responsibility of certain general officers in the Texas Military Department, including provisions regarding coordination with other state agencies in matters pertaining to homeland security, with other federal, state, and local jurisdictions and officials, and with the National Guard Bureau.

**Senate Bill 441**  
**Effective:** 9-1-17

**Senate Author:** Rodríguez  
**House Sponsor:** Blanco

Senate Bill 441 amends the Transportation Code to make a person eligible to receive surviving spouse of a disabled veteran specialty license plates if the person is the surviving spouse of a

## Military Forces and Veterans

person who had been entitled to specialty plates for veterans with disabilities, regardless of whether the deceased spouse was issued such specialty plates.

### **Senate Bill 544**

**Effective:** 9-1-17

**Senate Author:** Lucio

**House Sponsor:** Guillen

Senate Bill 544 amends the Government Code to give the Texas Veterans Commission the flexibility to provide the required training for veterans county service officers through the use of a public or private entity approved by the commission.

### **Senate Bill 578**

**Effective:** 6-9-17

**Senate Author:** Lucio et al.

**House Sponsor:** Gutierrez et al.

Senate Bill 578 amends the Government Code to require the Health and Human Services Commission (HHSC), in collaboration with the Texas Coordinating Council for Veterans Services, the U.S. Department of Veterans Affairs, the Service Members, Veterans, and Their Families Technical Assistance Center Implementation Academy of the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services, veteran advocacy groups, medical providers, and any other organization or interested party HHSC considers appropriate, to develop a comprehensive action plan to increase access to and availability of professional veteran health services to prevent veteran suicides. The bill requires HHSC to make specific short-term and long-term statutory, administrative, and budget-related recommendations to the legislature and the governor regarding the policy initiatives and reforms necessary to implement the action plan.

### **Senate Bill 588**

**Effective:** 9-1-17

**Senate Author:** Lucio et al.

**House Sponsor:** Blanco

Senate Bill 588 amends the Government Code and Labor Code to authorize a private employer to provide notice to the Texas Workforce Commission or the Texas Veterans Commission that the employer has adopted a voluntary veteran's employment preference policy and to require those agencies to make available on their respective websites a list of each private employer who has provided such notice.

### **Senate Bill 591**

**Effective:** 9-1-17

**Senate Author:** Lucio et al.

**House Sponsor:** Blanco

Senate Bill 591 amends the Government Code to require the Texas Veterans Commission to conduct a community outreach campaign to provide information relating to and increase awareness of benefits and services available to veterans.

### **Senate Bill 751**

**Effective:** 9-1-17

**Senate Author:** Campbell et al.

**House Sponsor:** Wilson

Senate Bill 751 amends the Government Code to postpone the abolishment date of the military base realignment and closure task force from September 1, 2019, to September 1, 2021. The bill requires the task force, on abolishment, to transfer all information written, produced, collected, assembled, or maintained by or for the task force to the Texas Military Preparedness Commission. The bill makes such information confidential and exempt from disclosure under state public information law only during the task force's existence but subjects the information to disclosure under that law when it is transferred to the commission.

**Senate Bill 769**  
**Effective:** 9-1-17

**Senate Author:** Watson  
**House Sponsor:** Israel

Senate Bill 769 amends the Transportation Code to provide for the issuance of specialty license plates for recipients of the Combat Medical Badge.

**Senate Bill 805**  
**Effective:** 9-1-17

**Senate Author:** Lucio et al.  
**House Sponsor:** Thompson, Senfronia et al.

Senate Bill 805 amends the Government Code to require the state’s women veterans coordinator to serve as a liaison between state and federal agencies and organizations that provide benefits and services to women veterans. The bill requires the Texas Veterans Commission to submit a report on awareness and state assistance for women veterans and requires the women veterans coordinator to conduct a community outreach campaign. The bill requires an executive branch state agency that provides benefits and services to adult women to include language on each application for a benefit or service notifying female veterans of possible eligibility for additional services based on veteran status. The bill designates June 12 as Women Veterans Day.

**Senate Bill 1371**  
**Effective:** 9-1-17

**Senate Author:** Menéndez  
**House Sponsor:** Arévalo

Senate Bill 1371 amends the Transportation Code to provide for the issuance of specialty license plates for recipients of the Commendation Medal with Valor and recipients of the Military Outstanding Volunteer Service Medal.

**Senate Bill 1676**  
**Effective:** 9-1-17

**Senate Author:** Lucio  
**House Sponsor:** Gutierrez

Senate Bill 1676 amends the Government Code to require a veterans county service office maintained by the commissioners court in a county with a population of 200,000 or more to report directly to the commissioners court.

**Senate Bill 1677**  
**Effective:** 9-1-17

**Senate Author:** Lucio et al.  
**House Sponsor:** Thompson, Senfronia

Senate Bill 1677 amends the Government Code to require an executive branch state agency that provides benefits and services to adult women to include language on each application for a benefit or service notifying female veterans of possible eligibility for additional services based on veteran status.

**Senate Bill 1679**  
**Effective:** 9-1-17

**Senate Author:** Lucio  
**House Sponsor:** Gutierrez

Senate Bill 1679 amends the Government Code to require the Texas Veterans Commission to use at least five percent of the money appropriated to the commission from the fund for veterans’ assistance in each state fiscal year to provide grants to veterans county service offices to be used to provide direct assistance and services to veterans residing in the county served by that office.

**Senate Bill 1936**  
**Effective:** 9-1-17

**Senate Author:** Hughes  
**House Sponsor:** Hefner

Senate Bill 1936 amends the Transportation Code to require the Department of Public Safety to include a disabled veteran designation and the veteran’s branch of the service on a personal

## Military Forces and Veterans

identification certificate or driver's license issued to a veteran who has received certain service-connected disability ratings on request of the disabled veteran. The bill authorizes a disabled veteran, for purposes of obtaining a service or benefit available for disabled veterans in Texas, to use the certificate or license as satisfactory proof of disability rating and of branch of service and honorable discharge. The certificate or license is not satisfactory proof of disability rating for purposes of obtaining an applicable property tax exemption.

### **Senate Bill 1944**

**Effective:** 9-1-17

**Senate Author:** Hughes

**House Sponsor:** Price et al.

Senate Bill 1944 amends the Transportation Code to provide for the issuance of Distinguished Flying Cross medal license plates with the letter "V" as a prefix or suffix to the numerals on each plate for recipients of the Distinguished Flying Cross medal with Valor.

### **Senate Bill 1968**

**Effective:** 6-15-17

**Senate Author:** Zaffirini

**House Sponsor:** Gutierrez

Senate Bill 1968 amends the Government Code to authorize a member of the armed forces or a veteran who is not in uniform to make the military salute during the ceremony of hoisting or lowering the state flag or if the flag is passing in a parade or in review, during the recitation of the pledge to the state flag, during a retirement ceremony for a state flag, and during the performance of the state song.

## Occupational Regulation

This chapter covers legislation on issues relating to the regulation of certain occupations, professions, and industries, including license and permit requirements and fees, performance standards and restrictions, and penalties for violations. Legislation relating to occupations in the financial, insurance, and law enforcement sectors is in the **Business and Commerce, Insurance, and Public Safety** chapters, respectively. Legislation relating to unemployment compensation, workers' compensation, and workforce development is in the **Labor and Employment** chapter.

### **House Bill 91**

**Effective:** 6-12-17

**House Author:** White et al.

**Senate Sponsor:** Huffman et al.

House Bill 91 requires each licensing authority, for each license, certificate, registration, permit, or other authorization issued by the authority that an individual must obtain to practice or engage in a particular business, occupation, or profession that has an eligibility requirement related to an applicant's criminal history, to review the criminal history requirement and make a recommendation regarding whether the requirement should be retained, modified, or repealed.

### **House Bill 874**

**Effective:** 5-29-17

**House Author:** Kuempel

**Senate Sponsor:** Kolkhorst

House Bill 874 amends the Occupations Code to authorize a licensed authorized organization to offer and award as a bingo prize under the Bingo Enabling Act a ticket for a charitable raffle conducted under the Charitable Raffle Enabling Act.

### **House Bill 1247**

**Effective:** 6-15-17

**House Author:** Pickett

**Senate Sponsor:** Nichols

House Bill 1247 amends the Vehicle Storage Facility Act, Occupations Code, to require a vehicle storage facility operator who receives a vehicle that is registered outside of Texas to send the written notice required to be sent to the registered owner and each recorded lienholder of the vehicle to an address obtained from the applicable governmental or private entity that has access to the relevant vehicle information. The bill, among other provisions, sets out the circumstances under which a vehicle storage facility operator who receives a vehicle and does not know the state in which the vehicle is registered may provide notice by publication.

### **House Bill 1284**

**Effective:** Vetoed

**House Author:** Thompson, Senfronia

**Senate Sponsor:** Garcia

House Bill 1284 amends the Texas Electrical Safety and Licensing Act, Occupations Code, to expand the type of electrical work that falls under the scope of a journeyman lineman license and to require the Texas Department of Licensing and Regulation to accept, develop, or contract for a journeyman lineman examination that meets specified criteria.

Governor's Reason for Veto: "I vetoed this bill in 2015. The Legislature enacted the exact same bill that was previously vetoed."

### **House Bill 1508**

**Effective:** 9-1-17

**House Author:** Giddings

**Senate Sponsor:** West

House Bill 1508 amends the Occupations Code to provide for notice to each applicant to and enrollee in an educational program that prepares individuals for issuance of an occupational license regarding an individual's potential ineligibility for an occupational license as a consequence of a criminal conviction and an individual's right to request a criminal history evaluation letter from the applicable licensing authority.



## Occupational Regulation

### **House Bill 1586**

**Effective:** Vetoed

**House Author:** King, Tracy O.

**Senate Sponsor:** Estes

House Bill 1586 amends the Texas Structural Pest Control Act, Occupations Code, to clarify the service-related activities for which a person is considered to be engaged in the business of structural pest control and is required to hold a license under the act.

Governor's Reason for Veto: "House Bill 1586 is unnecessary. Existing law gives the Texas Department of Agriculture sufficient statutory authority to regulate exterminators."

### **House Bill 1657**

**Effective:** 9-1-17

**House Author:** Phelan et al.

**Senate Sponsor:** West et al.

House Bill 1657 amends the Occupations Code to postpone from September 1, 2017, to September 1, 2027, the date on or after which a person who holds a certificate of registration relating to interior designers issued without examination may no longer renew the certificate unless the person has passed the required registration examination adopted by the Texas Board of Architectural Examiners.

### **House Bill 1698**

**Effective:** 9-1-17

**House Author:** Kuempel

**Senate Sponsor:** Estes

House Bill 1698 amends the Texas Electrical Safety and Licensing Act, Occupations Code, to provide for the licensing of a journeyman industrial electrician and to transfer the rulemaking authority of the executive director of the Texas Department of Licensing and Regulation regarding the licensing of electrician-related occupations to the Texas Commission of Licensing and Regulation.

### **House Bill 1978**

**Effective:** 9-1-17

**House Author:** Sheffield

**Senate Sponsor:** Buckingham

House Bill 1978 amends the Occupations Code to exempt the performance of medical tasks by a physician assistant as a volunteer for a charitable organization or at a public or private event from the supervision and delegation requirements applicable to physicians and physician assistants.

### **House Bill 2070**

**Effective:** 9-1-17

**House Author:** Smithee

**Senate Sponsor:** Watson

House Bill 2070 amends the Occupations Code to revise certain deadlines associated with the conditions that establish a rebuttable presumption that a reasonable number of attempts have been undertaken to conform a motor vehicle to an applicable express warranty. The bill includes the Texas Department of Motor Vehicles as a possible provider of the written notice of an alleged vehicle defect or nonconformity for purposes of a refund or a motor vehicle replacement.

### **House Bill 2095**

**Effective:** 9-1-17

**House Author:** Kuempel

**Senate Sponsor:** Zaffirini

House Bill 2095 amends the Occupations Code to reduce the minimum number of consecutive years that a person must continuously hold an unexpired license under the Plumbing License Law to trigger the authorization for such a person to transfer the license number on the date of the person's retirement or death to another person, subject to certain conditions. The bill, among other provisions, specifies that only the license number is transferrable.

**House Bill 2113**  
**Effective:** 9-1-19

**House Author:** Goldman et al.  
**Senate Sponsor:** Zaffirini

House Bill 2113 repeals Occupations Code provisions relating to the powers and duties of the executive director of the Texas Department of Licensing and Regulation to enforce statutory provisions regulating for-profit legal service contract companies and relating to certain requirements applicable to such a company.

House Bill 2113 amends the Occupations Code to remove certain filing requirements relating to legal service contracts and to establish that a violation of provisions relating to the regulation of for-profit legal service contract companies is a deceptive trade practice actionable under the Deceptive Trade Practices-Consumer Protection Act.

**House Bill 2275**  
**Effective:** 9-1-17

**House Author:** Paddie  
**Senate Sponsor:** Hughes

House Bill 2275 amends the Service Contract Regulatory Act, Occupations Code, to authorize a service contract to provide for the replacement of a motor vehicle key or key fob in the event that the key or key fob is inoperable, lost, or stolen. The bill specifies that a service contract provider is not required to deduct the amount of any claims paid under the contract from the amount of a refund of the contract's purchase price due as a result of cancellation of the contract by the service contract holder or by the provider.

**House Bill 2279**  
**Effective:** 1-1-18

**House Author:** Goldman  
**Senate Sponsor:** Hancock

House Bill 2279 amends the Residential Service Company Act, Occupations Code, to revise and update provisions relating to the examination of a residential service company, an application for licensure under the act, certain financial and reporting requirements under the act, residential service contracts, prohibited practices of a residential service company, and the grounds for disciplinary action against a residential service company taken by the Texas Real Estate Commission.

**House Bill 2578**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia  
**Senate Sponsor:** Zaffirini

House Bill 2578 amends the Bingo Enabling Act, Occupations Code, to eliminate certain bingo license fees and to provide for administration costs relating to bingo to be collected by the Texas Lottery Commission from certain other license fees and money paid to the lottery commission by bingo players as bingo prize fees.

**House Bill 2615**  
**Effective:** 9-1-17

**House Author:** Goldman et al.  
**Senate Sponsor:** Hancock

House Bill 2615 amends and repeals provisions of the Vehicle Storage Facility Act and Texas Towing and Booting Act, Occupations Code, to eliminate the dual license for a person who is a vehicle storage facility employee and a towing operator. The bill authorizes a person holding an incident management towing operator's license, a private property towing operator's license, or a consent towing operator's license to work at a vehicle storage facility regulated under the Vehicle Storage Facility Act.

**House Bill 2738**  
**Effective:** 9-1-17

**House Author:** Hernandez  
**Senate Sponsor:** Taylor, Larry

House Bill 2738 amends the Occupations Code to authorize the Texas Commission of Licensing and Regulation to adopt rules to authorize a licensed school in which barbering or cosmetology is taught to account for any hours of instruction completed under applicable state law on the basis of clock hours or credit hours. The bill authorizes the commission to adopt rules to establish standards for determining the equivalency and conversion between clock and credit hours.

**House Bill 2739**  
**Effective:** 9-1-17

**House Author:** Hernandez  
**Senate Sponsor:** Zaffirini

House Bill 2739 amends the Occupations Code to limit the applicability of facilities and equipment requirements for an applicant for a barber school permit to a barber school that offers instruction to persons seeking a Class A barber certificate and to set out the criteria for approval of a permit application for a barber school that offers instruction to persons seeking a barber-related certificate, license, or permit, other than a Class A barber certificate. The bill removes the authorization for a private beauty culture school license holder to maintain an establishment in which any practice of cosmetology is taught, limits the applicability of requirements for an application for a private beauty culture school license to an application for such a license to instruct persons seeking an operator license, and sets out the criteria for approval of an application for a private beauty culture school license to instruct persons seeking a cosmetology-related license or certificate, other than an operator license.

House Bill 2739 repeals provisions relating to risk-based inspections of certain persons and places of business regulated under statutory provisions governing barbers and cosmetologists.

**House Bill 2765**  
**Effective:** 9-1-17

**House Author:** Clardy  
**Senate Sponsor:** Taylor, Van

House Bill 2765 amends the Occupations Code to enact the Physical Therapy Licensure Compact to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The bill designates the Texas Board of Physical Therapy Examiners as the compact administrator for Texas.

**House Bill 2818**  
**Effective:** 6-9-17

**House Author:** Romero, Jr. et al.  
**Senate Sponsor:** Taylor, Van et al.

House Bill 2818 amends the Occupations Code to expand the conduct that constitutes the practice of marriage and family therapy and to establish that such practice does not constitute the practice of medicine.

**House Bill 3029**  
**Effective:** 9-1-17

**House Author:** Frullo  
**Senate Sponsor:** Whitmire

House Bill 3029 amends the Air Conditioning and Refrigeration Contractor License Law, Occupations Code, to give a person acting as or offering to act as an air conditioning and refrigeration technician the option of being certified as an alternative to being registered under that law. The bill, among other provisions, sets out eligibility requirements for a certified technician and exempts certain students from the requirement that a person be registered or certified by the Texas Department of Licensing and Regulation to act or offer to act as an air conditioning and refrigeration technician. The bill revises eligibility requirements for an air conditioning and refrigeration contractor license and includes a certified technician and certain

students among the persons whose services such a license holder may use to assist in the performance of air conditioning and refrigeration maintenance work.

**House Bill 3049**

**Effective:** 5-29-17

**House Author:** Guillen

**Senate Sponsor:** Creighton

House Bill 3049 amends the Occupations Code to authorize the Texas State Board of Plumbing Examiners to credit an applicant for a license as a journeyman plumber or tradesman plumber limited license holder, at the applicant's request, with up to 250 hours of the work experience required before taking an examination for such a license if the applicant has completed a coherent sequence of courses in the construction trade that are offered through a career and technical education program that is approved by the State Board of Education.

**House Bill 3125**

**Effective:** See below

**House Author:** Kuempel et al.

**Senate Sponsor:** Hinojosa

House Bill 3125 amends the Professional Sports Team Charitable Foundation Raffle Enabling Act, Occupations Code, to expand the teams, persons, and organizations considered a professional sports team for purposes of the act and to include a debit card as an accepted form of payment for the purchase of a raffle ticket for a charitable raffle conducted under the act. The bill takes effect December 1, 2017, contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 100.

**House Bill 3131**

**Effective:** 9-1-17

**House Author:** Martinez, "Mando"

**Senate Sponsor:** Rodríguez

House Bill 3131 amends the Transportation Code to revise provisions relating to application requirements for authorization to sell, give away, or dispose of certain motor vehicles to a motor vehicle demolisher, notice procedures applicable to the Texas Department of Motor Vehicles regarding such an application that concerns an abandoned motor vehicle, and the issuance of a certificate of authority to dispose of a motor vehicle.

House Bill 3131 amends the Property Code to authorize a person authorized to dispose of property for which a landlord lien is attached to dispose of the property in accordance with provisions governing the demolition of abandoned motor vehicles if the property is a motor vehicle and the person determines that the vehicle's only residual value is as a source of parts or scrap metal or it is not economical to dispose of the vehicle at a public sale. The bill makes those same authorizations and determinations applicable to the lessor of a self-service storage facility lien on a motor vehicle and to the lienholder of a possessory lien on a motor vehicle.

**House Bill 3243**

**Effective:** 9-1-17

**House Author:** Anderson, Charles "Doc"

**Senate Sponsor:** Estes

House Bill 3243 amends the Texas Structural Pest Control Act, Occupations Code, to require the Department of Agriculture (TDA), before the TDA proposes a rule for adoption on certain issues related to structural pest control, to submit the proposed rule to the structural pest control advisory committee to provide advice on the rule. The bill also requires the committee, at the first committee meeting of each year, to elect from the committee's members a presiding officer and an assistant presiding officer to serve a term of one year.

**House Bill 3257**

**Effective:** 5-29-17

**House Author:** Paddie

**Senate Sponsor:** Hancock

Previous law required a portable power boiler to be inspected externally each time the boiler was moved to a new location and to receive an internal inspection at least annually. House Bill

## Occupational Regulation

3257 amends the Health and Safety Code to instead require the Texas Commission of Licensing and Regulation to establish inspection intervals subsequent to the initial installation inspection and the manner of inspection for a portable boiler. The bill exempts espresso machines from state law relating to boilers and prohibits a state agency or political subdivision from restricting the use or installation of a specific fuel gas pipe product that is approved for use and installation by the International Fuel Gas Code.

**House Bill 3296**  
**Effective:** 9-1-17

**House Author:** Klick  
**Senate Sponsor:** Perry

House Bill 3296 amends the Occupations Code to decrease the minimum number of nurses regularly employed, hired, or contracted for services by a person that triggers the requirement for the person to establish a nursing peer review committee.

**House Bill 3329**  
**Effective:** 9-1-17

**House Author:** Paddie  
**Senate Sponsor:** Campbell

House Bill 3329 amends the Texas Electrical Safety and Licensing Act, Occupations Code, to prohibit a municipality or region from collecting a permit fee, registration fee, administrative fee, or any other fee from an electrician who holds a license issued under the act for work performed in the municipality or region.

**House Bill 3808**  
**Effective:** 9-1-17

**House Author:** Clardy  
**Senate Sponsor:** Menéndez

House Bill 3808 amends the Education Code to make a licensed marriage and family therapist eligible for repayment assistance for certain mental health professional education loans, subject to specified caps. The bill authorizes the Texas Higher Education Coordinating Board in a state fiscal year in which there are funds available for the repayment of such loans after funding grants to other eligible mental health professionals to allocate any unused funds to award repayment assistance grants free of certain limitations to any of the eligible mental health professionals, including a licensed marriage and family therapist, but with priority given to awarding grants to the other eligible professionals.

House Bill 3808 amends the Occupations Code to revise the conduct that constitutes the practice of psychology, for purposes of the regulation of that profession, and to exclude certain conduct from that practice.

**House Bill 3907**  
**Effective:** 6-1-17

**House Author:** Frullo  
**Senate Sponsor:** Perry

House Bill 3907 amends the Occupations Code to provide for the inspection of retail fireworks sites for a fire or life safety hazard and the assessment and collection of an inspection fee. The bill establishes certain requirements for the fireworks sales building and the sales display area of an indoor retail fireworks site and authorizes the commissioner of insurance to exempt the office area used in the operation of an indoor retail fireworks site from commissioner rules prescribing distance requirements between fireworks storage and inhabited buildings, subject to certain conditions.

**House Bill 4007**  
**Effective:** 9-1-17

**House Author:** Kuempel  
**Senate Sponsor:** Zaffirini

House Bill 4007 amends the Occupations Code to remove certain barriers and redundancies with regard to the licensing and regulation of the following health-related occupations and professionals regulated by the Texas Department of Licensing and Regulation (TDLR): midwifery,

speech-language pathologists and audiologists, hearing instrument fitters and dispensers, dyslexia practitioners and dyslexia therapists, athletic trainers, massage therapy, orthotists and prosthetists, dietitians, code enforcement officers, sanitarians, and mold assessors and remediators. Among other provisions, the bill creates the Massage Therapy Advisory Board to provide advice and recommendations to TDLR on technical matters relevant to the administration of statutory provisions relating to massage therapy and grants a midwife in attendance at childbirth who is unable to apply prophylaxis to prevent ophthalmia neonatorum due to the objection of the parent, managing conservator, or guardian of the newborn child immunity from any criminal, civil, or administrative liability and any professional disciplinary action for failure to administer the prophylaxis.

**House Joint Resolution 100**

**For Election:** 11-7-17

**House Author:** Kuempel et al.

**Senate Sponsor:** Hinojosa

House Joint Resolution 100 proposes an amendment to the state constitution to remove language limiting the application of a law enacted under a constitutional provision authorizing the legislature to permit a professional sports team charitable foundation to conduct charitable raffles to an entity defined as a professional sports team charitable foundation on January 1, 2016, and to provide for the entities considered a professional sports team for that purpose.

**Senate Bill 208**

**Effective:** 9-1-17

**Senate Author:** West

**House Sponsor:** Rodriguez, Eddie et al.

Senate Bill 208 amends the Occupations Code to create an offense for a person who knowingly sells an explosive device to a metal recycling entity, an offense for a metal recycling entity that knowingly buys an explosive device, and an offense for a metal recycling entity that knowingly stores or allows to be stored on the entity's premises an explosive device. The bill expands the Public Safety Commission's authority to impose an administrative penalty with regard to metal recycling entities, requires the commission by rule to adopt a standardized penalty schedule, and restricts appropriation of an administrative penalty to the Texas Department of Public Safety (DPS). The bill requires a metal recycling entity to report to DPS the entity's possession of an explosive device unknowingly purchased or otherwise obtained by the entity and authorizes the entity to also report to an appropriate law enforcement authority or the nearest military installation the possession of an explosive device that the entity unknowingly purchased or otherwise obtained so that the explosive device may be removed from the entity or disposed of as soon as possible.

**Senate Bill 549**

**Effective:** 1-1-18

**Senate Author:** Kolkhorst

**House Sponsor:** Bell

Senate Bill 549 amends the Bingo Enabling Act, Occupations Code, to require the Texas Lottery Commission, on request, to refund to an authorized organization the fee for a temporary license to conduct bingo if the authorized organization does not use the temporary license to conduct bingo before the first anniversary of the date of the license's issuance or if the authorized organization requests withdrawal of the application before the temporary license is issued. The bill also requires the lottery commission to refund certain licensing and registration fees under the act if an applicant requests withdrawal of the applicable application before a certain period or if the lottery commission denies the application.

**Senate Bill 589**

**Effective:** See below

**Senate Author:** Lucio et al.

**House Sponsor:** Simmons et al.

Senate Bill 589 amends the Occupations Code to enact the Behavior Analyst Licensing Act and to create the Behavior Analyst Advisory Board. The bill establishes the board's duties and the activity that constitutes the practice of applied behavior analysis. The bill establishes license requirements for behavior analysts and assistant behavior analysts and establishes the authority and duties of the Texas Department of Licensing and Regulation (TDLR), the Texas Commission of Licensing and Regulation, and the executive director of TDLR relating to such licenses. Effective September 1, 2018, the bill prohibits a person, with certain exceptions, from engaging in the practice of applied behavior analysis using certain titles unless the person holds a license under the bill's provisions and provides for enforcement procedures. Except as otherwise provided, the bill takes effect September 1, 2017.

**Senate Bill 674**

**Effective:** 9-1-17

**Senate Author:** Schwertner et al.

**House Sponsor:** Davis, Sarah et al.

Senate Bill 674 amends the Occupations Code to require the Texas Medical Board by rule to create and implement an expedited licensing process for an applicant who holds an unrestricted license to practice medicine issued by another state, is board certified in psychiatry by the American Board of Psychiatry and Neurology or the American Osteopathic Board of Neurology and Psychiatry, and is not ineligible to practice medicine under the Medical Practice Act. The bill revises certain requirements for a medical license, a license to practice acupuncture, and a medical radiologic technologist certificate or registration. The bill authorizes the medical board, the Texas State Board of Acupuncture Examiners, the Texas Board of Medical Radiologic Technology, and the Texas Board of Respiratory Care to refuse to renew registration permits, licenses, or certificates, as applicable, if the permit, license, or certificate holder is in violation of board order.

**Senate Bill 679**

**Effective:** 6-1-17

**Senate Author:** Hancock et al.

**House Sponsor:** Dale et al.

Senate Bill 679 amends the Business Organizations Code to authorize a licensed chiropractor to form a corporation, partnership, professional association, or professional limited liability company to perform professional services within the scope of the chiropractor's practice.

**Senate Bill 721**

**Effective:** 6-12-17

**Senate Author:** Perry et al.

**House Sponsor:** Davis, Sarah

Senate Bill 721 amends the Occupations Code to exempt from the Veterinary Licensing Act a licensed health care professional who, under certain conditions, provides treatment or care to an animal owned by or in the possession, control, or custody of an entity accredited by the Association of Zoos and Aquariums, the Global Federation of Animal Sanctuaries, or the Zoological Association of America.

**Senate Bill 1089**

**Effective:** 6-12-17

**Senate Author:** Perry et al.

**House Sponsor:** Burkett et al.

Senate Bill 1089 amends the Health and Safety Code to establish that a food service worker trained in a food handler training course that is accredited by the Department of State Health Services and listed with the registry of accredited course programs is considered to have met a local health jurisdiction's training, testing, and permitting requirements. The bill also prohibits a local health jurisdiction from charging a fee or requiring or issuing a local food handler card for

a certificate issued to a food service worker who provides proof of completion of an accredited food handler training course.

**Senate Bill 1148**

**Effective:** 1-1-18

**Senate Author:** Buckingham et al.

**House Sponsor:** Bonnen, Greg et al.

Senate Bill 1148 amends the Insurance Code and the Occupations Code to prohibit certain managed care plan issuers, health facilities, and mental hospitals from differentiating between physicians based on a physician's maintenance of certification, with certain exceptions. The bill prohibits the Texas Medical Board from requiring maintenance of certification by an medical license applicant for the applicant to be eligible for the license and from adopting a rule requiring maintenance of certification by a medical license holder for the license holder to be eligible for a registration permit.

**Senate Bill 1199**

**Effective:** 9-1-17

**Senate Author:** Campbell et al.

**House Sponsor:** Minjarez

Senate Bill 1199 amends the Service Contract Regulatory Act, Occupations Code, to make that act applicable to a service contract under which a provider agrees to provide compensation to the buyer of a vehicle on the total constructive loss under a depreciation benefit optional member program and to set out provisions relating to the use and cancellation of such a contract.

**Senate Bill 1501**

**Effective:** See below

**Senate Author:** Zaffirini et al.

**House Sponsor:** Kuempel

Senate Bill 1501 amends the Vehicle Storage Facility Act and the Texas Towing and Booting Act, Occupations Code, to revise provisions regulating motor vehicle towing, booting, and storage, including provisions relating to certain notice and posting requirements and the name and composition of the Towing, Storage, and Booting Advisory Board. Among other provisions, the bill provides for the regulation of booting activities by a local authority, the creation of a roadway clearance program in certain counties, certain boot removal requirements applicable to a booting company responsible for the installation of a boot on a vehicle, and a towing company's authority to tow vehicles from a university parking facility.

Senate Bill 1501 repeals provisions of the Vehicle Storage Facility Act and Texas Towing and Booting Act relating to risk-based inspections and, effective September 1, 2018, eliminates training licenses, boot operator's licenses, and booting company licenses issued under the Texas Towing and Booting Act. Except as otherwise provided, the bill takes effect June 15, 2017.

**Senate Bill 1502**

**Effective:** 9-1-17

**Senate Author:** Zaffirini

**House Sponsor:** Kuempel

Senate Bill 1502 amends the Occupations Code to exclude threading from the services that constitute the practices of barbering and cosmetology.

**Senate Bill 1503**

**Effective:** 9-1-17

**Senate Author:** Zaffirini

**House Sponsor:** Goldman

Senate Bill 1503 amends the Occupations Code to remove shampooing and conditioning a person's hair from the services that constitute the practices of barbering and cosmetology and to eliminate shampoo apprentice permits and shampoo specialty certificates.



**Senate Bill 1516**

**Effective:** 9-1-17

**Senate Author:** Hancock

**House Sponsor:** Geren

Senate Bill 1516 amends the Occupations Code to revise and update provisions of the Texas Appraisal Management Company Registration and Regulation Act, including provisions relating to the powers and duties of the Texas Appraiser Licensing and Certification Board, registration requirements, the practice by an appraisal management company, and disciplinary actions and administrative procedures. The bill sets out provisions providing for the authority of the board to negotiate a settlement and enter into an agreed order with an appraisal management company or other person who is the subject of a complaint under the act, the confidentiality of certain investigation information or material, and certain other provisions applicable to a contested case hearing under the act.

**Senate Bill 1625**

**Effective:** 9-1-17

**Senate Author:** Uresti

**House Sponsor:** Cortez et al.

Senate Bill 1625 amends the Occupations Code to revise the authority and duties of the Texas Physician Assistant Board and certain licensing requirements, including submitting to a criminal history record information check. The bill establishes the rights of a physician assistant to refuse to engage in certain conduct relating to patient care and revises the requirements for a prescriptive authority agreement between a physician and a physician assistant.

**Senate Bill 1633**

**Effective:** 9-1-17

**Senate Author:** Perry

**House Sponsor:** Oliverson et al.

Senate Bill 1633 amends the Occupations Code to expand the locations at which a telepharmacy system may be located to include a remote dispensing site and to establish requirements for such a remote dispensing site. The bill requires the Texas State Board of Pharmacy to adopt certain rules regarding remote dispensing sites.

**Senate Bill 1932**

**Effective:** 9-1-17

**Senate Author:** West

**House Sponsor:** Lucio III

Senate Bill 1932 amends the Occupations Code to revise the eligibility requirements for admission to the interior designer registration examination.

**Senate Bill 1969**

**Effective:** 4-1-19

**Senate Author:** Kolkhorst

**House Sponsor:** Cyrier

Senate Bill 1969 enacts a nonsubstantive revision of the Texas Racing Act by codifying the act and amending the Alcoholic Beverage Code, Business Organizations Code, Education Code, Government Code, Health and Safety Code, Occupations Code, Penal Code, and Tax Code.

**Senate Bill 2065**

**Effective:** See below

**Senate Author:** Hancock

**House Sponsor:** Kuempel

Senate Bill 2065 amends and repeals provisions of the Business & Commerce Code, Finance Code, Government Code, Health and Safety Code, Insurance Code, Labor Code, Occupations Code, and Vernon's Texas Civil Statutes to update and eliminate certain regulations and licensing requirements relating to vehicle protection products; notaries public; a certificate of authority for the over-the-counter sale of certain substances; attorney's title insurance companies and title attorneys; an emergency managing general agent license; temporary common worker employers; for-profit legal service contract companies; plumbing; barbering and cosmetology; volunteer security services; a bingo unit manager license; an agricultural, industrial, and wildlife

control fireworks permit; motor vehicle towing, booting, and storage; certain local transportation entities and contracts; and the registration of trademarks. The bill requires the comptroller of public accounts to prepare and submit to the legislature a biennial report regarding all required state occupational licenses.

Senate Bill 2065 takes effect September 1, 2017, except the bill's provisions relating to motor vehicle towing, booting, and storage take effect June 15, 2017, unless otherwise provided by the bill, and the bill's provisions relating to for-profit legal service contract companies take effect September 1, 2019.

**Senate Bill 2212**

**Effective:** 9-1-17

**Senate Author:** Hancock

**House Sponsor:** Kuempel

Senate Bill 2212 amends the Real Estate License Act, Occupations Code, to provide for the acquisition and sale of an equitable interest in real property by a person who does not hold a license under the act; to place certain restrictions on the authority of the Texas Real Estate Commission to adopt rules to prohibit false, misleading, or deceptive practices; and to revise the grounds for suspension or revocation of a license issued under the act.

Senate Bill 2212 amends the Property Code to require a person selling an option or assigning an interest in a contract to purchase real property to disclose to any potential buyer that the person is selling only an option or assigning an interest in a contract and that the person does not have legal title to the real property.

*This page intentionally left blank.*

## Open Government and Privacy

This chapter covers legislation on issues relating to public access to governmentally held information, including state public information law, state open meetings law, confidentiality, disclosure, and personal privacy. Legislation relating to government contracting and procurement is in the **Government Purchasing** chapter, and legislation relating to cybersecurity for state government information resources is in the **State Government** chapter.

### House Bill 59

**Effective:** 9-1-17

**House Author:** Guillen et al.

**Senate Sponsor:** Zaffirini

House Bill 59 amends the Government Code to give a person who is a prize winner of a lottery prize in an amount equal to \$1 million or more or who is an owner of a beneficial interest in a legal entity that is a prize winner of such a lottery prize the choice to remain anonymous and prohibit all personally identifiable information from being released to the public, subject to certain exceptions.

### House Bill 457

**Effective:** 6-15-17

**House Author:** Holland et al.

**Senate Sponsor:** Estes

House Bill 457 amends the Tax Code to make the spouse or surviving spouse of a current or former peace officer and the adult child of a current peace officer eligible to restrict public access to certain home address information in property tax appraisal records at the person's election.

### House Bill 501

**Effective:** 1-8-19

**House Author:** Capriglione et al.

**Senate Sponsor:** Taylor, Van

House Bill 501 amends the Government Code to expand the financial activity that must be reported in a personal financial statement filed with the Texas Ethics Commission by a public officer or candidate to include: information on certain business associations in which five percent or more of the outstanding ownership was held, acquired, or sold; information on written contracts with a governmental entity or a person who contracts with a governmental entity valued at a certain amount and information on the names of certain parties associated with the contract; and information on certain issuances under the Public Security Procedures Act for members of the legislature who provide bond counsel services. The bill authorizes a person who files a personal financial statement to amend the person's statement under certain conditions.

### House Bill 505

**Effective:** 1-8-19

**House Author:** Geren et al.

**Senate Sponsor:** Taylor, Van

House Bill 505 amends the Government Code to prohibit a person required to register under statutory provisions relating to lobbyist registration, at any time following the date the last term for which the person was elected ends, from knowingly making or authorizing a political expenditure that is a political contribution to another candidate, officeholder, or political committee from political contributions accepted by the person as a candidate or officeholder. A person is not prohibited from making a political contribution or political expenditure in support of the person's own candidacy.

### House Bill 630

**Effective:** 9-1-17

**House Author:** Howard

**Senate Sponsor:** Zaffirini

House Bill 630 amends the Government Code to require the Health and Human Services Commission (HHSC), HHSC executive council, Department of Aging and Disability Services,

Department of State Health Services, Department of Assistive and Rehabilitative Services, Department of Family and Protective Services, and any advisory body to such entities to broadcast live video and audio of the entity's open meetings over the Internet, make a video and audio recording of the broadcast, and provide access to the archived video and audio for at least two years on the applicable entity's website. The bill makes exceptions for Internet broadcasting in cases of catastrophe and revises certain open meeting posting requirements.

**House Bill 776**  
**Effective:** 6-15-17

**House Author:** Ashby  
**Senate Sponsor:** Buckingham et al.

House Bill 776 amends the Government Code to expand the class of individuals entitled to have certain personal information removed from a personal financial statement filed with the Texas Ethics Commission from a judge or justice to any individual who so files. The bill also expands the personal information to be removed. The bill requires such removal before the statement is made available to the public on the commission's website.

**House Bill 791**  
**Effective:** 5-29-17

**House Author:** Lozano et al.  
**Senate Sponsor:** Hinojosa

House Bill 791 amends the Government Code to authorize an individual who is appointed to a state office and who is required to file a personal financial statement with the Texas Ethics Commission to file such a statement by certified mail and to require the statement to be timely filed in a certain manner.

**House Bill 998**  
**Effective:** 9-1-17

**House Author:** Alvarado  
**Senate Sponsor:** Miles et al.

House Bill 998 amends the Election Code to make confidential and prohibit from disclosure, before a campaign finance report is filed, electronic data that is temporarily saved by the applicable county or municipality filing authority for later retrieval and editing. The bill makes the information disclosed in the filed report public information to the extent provided by applicable law.

**House Bill 1278**  
**Effective:** 6-15-17

**House Author:** Dutton  
**Senate Sponsor:** Miles

House Bill 1278 amends the Government Code and Tax Code to provide for the nondisclosure and confidentiality under state public information law of certain personal information of a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters and current or former employees of such attorneys and for the confidentiality of personal information of such attorneys in appraisal records.

**House Bill 1861**  
**Effective:** 6-15-17

**House Author:** Elkins  
**Senate Sponsor:** Watson

House Bill 1861 amends the Government Code to make government information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident confidential and excepted from the public availability requirement of state public information law. The bill requires a state agency to redact government information related to security or infrastructure issues for computers made confidential or excepted from public disclosure from certain purchasing contracts posted on the agency's website.

**House Bill 2413**  
**Effective:** 9-1-17

**House Author:** Burkett  
**Senate Sponsor:** Lucio

House Bill 2413 amends the Education Code to include as student information that is not public information and the unauthorized use of which constitutes an offense information in the possession of any school, educational institution, or business entity that the Texas Workforce Commission receives or reviews through its administration or enforcement of state law governing career schools and colleges. The bill revises the exceptions to that offense.

**House Bill 3047**  
**Effective:** 9-1-17

**House Author:** Dale  
**Senate Sponsor:** Schwertner

House Bill 3047 amends the Government Code to require a member of a governmental body who participates in a meeting by videoconference call to be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected and sets out the conditions under which the governmental body is authorized to continue the meeting given the absence.

**House Bill 3107**  
**Effective:** 9-1-17

**House Author:** Ashby  
**Senate Sponsor:** Nichols

House Bill 3107 amends Government Code provisions relating to state public information law to allow the treatment of all requests received in one calendar day from an individual as a single request for purposes of calculating costs but prohibits a governmental body from combining multiple requests from separate individuals who submit requests on behalf of an organization. The bill establishes that a request is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in the offices of the governmental body before a certain time after the information is made available or fails to pay any applicable charges. The bill revises provisions relating to limits on the amount of time that personnel of a governing body are required to spend on requests that require large amounts of employee or personnel time. The bill entitles a complainant seeking a declaratory judgment or injunctive relief under the public information law to file a complaint with the attorney general if the district or county attorney with whom the person originally filed the complaint has not timely brought an action.

**House Bill 3492**  
**Effective:** 6-15-17

**House Author:** Elkins  
**Senate Sponsor:** Bettencourt

House Bill 3492 amends the Local Government Code to authorize a county clerk or district clerk in Harris County to copy, record, and maintain in an electronic storage format certain non-biometric identifying information regarding an individual who presents an instrument for filing or recording to or requests or obtains a public service from the applicable clerk. The bill prohibits such a clerk from refusing to file or record an instrument or to provide a public service on the ground that the individual does not have or refuses to provide identifying information and provides for the confidentiality of such identifying information.

**Senate Bill 79**  
**Effective:** 9-1-17

**Senate Author:** Nelson  
**House Sponsor:** Capriglione

Senate Bill 79 amends the Government Code to expand from a political subdivision to a governmental body the types of entities for which a public information officer is authorized to comply with a request for public information by referring a requestor to an exact Internet location or uniform resource locator (URL) address on a website maintained by the entity.

**Senate Bill 347**  
**Effective:** 9-1-17

**Senate Author:** Watson et al.  
**House Sponsor:** Phelan

Senate Bill 347 amends the Water Code to subject each regional water planning group and any committee or subcommittee of a regional water planning group to state open meetings law and state public information law.

**Senate Bill 510**  
**Effective:** 5-27-17

**Senate Author:** Zaffirini et al.  
**House Sponsor:** Smithee

Senate Bill 510 amends the Tax Code to make a current or former employee of a federal judge or state judge eligible to restrict public access to certain home address information in property tax appraisal records at the employee's election.

**Senate Bill 564**  
**Effective:** 9-1-17

**Senate Author:** Campbell et al.  
**House Sponsor:** Capriglione

Senate Bill 564 amends the Government Code to expand from the governing board of the Department of Information Resources to any governmental body the entities that are exempt from open meeting requirements when deliberating security devices or security audits. The bill sets out the conditions under which network security information related to components of a governmental entity security system are confidential.

**Senate Bill 705**  
**Effective:** 5-29-17

**Senate Author:** Birdwell  
**House Sponsor:** Price

Senate Bill 705 amends the Government Code to except certain personal information obtained by the governor or senate regarding an applicant for appointment by the governor from being made available to the public.

**Senate Bill 1023**  
**Effective:** 6-1-17

**Senate Author:** Nelson  
**House Sponsor:** Simmons

Senate Bill 1023 amends the Transportation Code to make confidential and exempt from disclosure under state public information law certain personal identifying information collected by a joint airport board in relation to a commercial online payment system.

**Senate Bill 1440**  
**Effective:** 9-1-17

**Senate Author:** Campbell  
**House Sponsor:** Larson

Senate Bill 1440 amends the Government Code to establish that the definition of "meeting" for purposes of state open meetings law does not include the attendance by a quorum of a governmental body at a candidate forum, appearance, or debate to inform the electorate if formal action is not taken and any discussion of public business is incidental to the forum, appearance, or debate.

## Parks and Wildlife

This chapter covers legislation on issues relating to parks and wildlife generally, including hunting, fishing, and management of the state's fish and wildlife resources.

### House Bill 51

**Effective:** See below

**House Author:** Guillen et al.

**Senate Sponsor:** Hinojosa

House Bill 51 amends the Parks and Wildlife Code to revise provisions relating to the regulation of the commercial oyster industry. The bill requires certain persons who purchase oysters to distribute oyster shells or other cultch material in a specified manner and to pay a related fee to the Parks and Wildlife Department (TPWD) and requires a person who possesses oysters that do not meet required size limits to replace the oysters in the beds from which they were taken. The bill authorizes the Parks and Wildlife Commission to establish a vessel monitoring system for commercial oyster boats. The bill revises certain oyster license requirements, enhances the penalty for a violation of statutory provisions relating to oyster licenses or a Parks and Wildlife Commission regulation under those provisions based on certain conduct, and provides for the suspension of an oyster license on the basis of final conviction of certain such violations. The bill includes an oyster size limit violation among the violations for which each person on a vessel licensed as a commercial oyster boat is responsible. The bill prohibits certain persons who purchase oysters from a captain of a vessel licensed as a commercial oyster boat, the holder of a commercial oyster boat license, or a member of the crew of a commercial oyster boat in violation of statutory provisions relating to the prohibition on night dredging, oyster size limits, or responsibility for a violation of oyster regulations from possessing the oysters and subjects such a person to any penalty prescribed by law. These provisions take effect September 1, 2017.

House Bill 51 requires TPWD to implement a license buyback program for licenses issued under the oyster license moratorium program and provides for TPWD and Parks and Wildlife Commission duties relating to the buyback program. The bill establishes that a commission proclamation under the oyster license moratorium program prevails over any conflicting statutory provision relating to the regulation of oysters to the extent of the conflict. These provisions take effect June 1, 2018.

### House Bill 394

**Effective:** 9-1-17

**House Author:** Howard et al.

**Senate Sponsor:** Watson

House Bill 394 amends the Government Code to designate the Lady Bird Johnson Wildflower Center at The University of Texas at Austin as the state botanical garden and arboretum.

### House Bill 448

**Effective:** 9-1-17

**House Author:** Guillen

**Senate Sponsor:** Perry

House Bill 448 amends the Parks and Wildlife Code to replace the requirement that the Parks and Wildlife Department each month transfer a certain amount of all amounts collected during the previous month from vessel registration fees, vessel manufacturer or dealer licensing fees, or vessel and outboard motor titling fees to the state parks account with an authorization to do so and to specify that the amount is a cap.

### House Bill 1260

**Effective:** 9-1-17

**House Author:** Phelan

**Senate Sponsor:** Creighton et al.

House Bill 1260 amends the Parks and Wildlife Code to prohibit a person from unloading or allowing to be unloaded at a port or point in Texas shrimp or other aquatic products caught or



taken from the outside water or from salt water outside Texas without having been previously unloaded in some other state or foreign country unless the person has obtained a commercial gulf shrimp unloading license and a federal commercial vessel permit for gulf shrimp. The bill prescribes the fee for a commercial gulf shrimp unloading license and exempts a person who holds a valid resident or nonresident commercial gulf shrimp boat license from the requirement to hold a commercial gulf shrimp unloading license. The bill requires a vessel operating under a commercial gulf shrimp unloading license to make a nonstop progression through outside waters to a place of unloading and provides for the adoption of rules for the requirements of trawl gear storage for such a vessel. The bill includes a commercial gulf shrimp unloading license holder among the license holders from whom a wholesale fish dealer, a retail fish dealer, and a restaurant owner, operator, or employee may purchase an aquatic product. The bill subjects a commercial gulf shrimp unloading license holder to certain sale of catch restrictions.

**House Bill 1724**

**Effective:** 9-1-17

**House Author:** Guillen

**Senate Sponsor:** Rodríguez

House Bill 1724 amends the Parks and Wildlife Code to create the commercial license buyback subaccount in the game, fish, and water safety account to be used to buy back commercial fishing licenses from willing license holders. The bill specifies sources of revenue to be deposited by the Parks and Wildlife Department to the credit of the commercial license buyback subaccount. The bill abolishes the shrimp license buyback account and requires the comptroller of public accounts to transfer the unencumbered balance of the account to the commercial license buyback subaccount. The bill revises provisions relating to the finfish license buyback program and the crab license buyback program to reflect the creation of the commercial license buyback subaccount.

**House Bill 1891**

**Effective:** 6-15-17

**House Author:** Nevárez

**Senate Sponsor:** Uresti

House Bill 1891 amends the Parks and Wildlife Code to make a member of the Kickapoo Traditional Tribe of Texas who possesses documentation of membership sanctioned by the Bureau of Indian Affairs eligible for a resident hunting license and to authorize a documented member of the tribe who holds such a license to hunt antlerless white-tailed deer for religious ceremonial purposes on any day of the year between one-half hour before sunrise and one-half hour after sunset, subject to the requirements prescribed by the bill. The bill restricts this authorization to hunting on land owned or leased by the tribe in certain counties.

**House Bill 3535**

**Effective:** 9-1-17

**House Author:** Keough et al.

**Senate Sponsor:** Perry

House Bill 3535 amends the Parks and Wildlife Code to authorize a qualified landowner or landowner's agent, as determined by Parks and Wildlife Commission rule, to contract to participate as a hunter or observer in using a hot air balloon to take depredating feral hogs or coyotes under the authority of a permit to manage wildlife and exotic animals from aircraft.

**House Bill 3537**

**Effective:** 6-1-17

**House Author:** Geren

**Senate Sponsor:** Hancock

House Bill 3537 amends the State Purchasing and General Services Act, Government Code, to specify that the use of money credited to the deferred maintenance fund by appropriation or transfer from a fund or account in the state treasury the use of which is subject to restrictions under federal law, and the use of money earned as interest or other earnings on the investment of that money credited to the fund, continues to be subject to those federal restrictions. The bill

restricts the use of such money to a function required to manage Texas fish or wildlife resources in accordance with those federal restrictions.

**House Bill 3781****Effective:** 9-1-17**House Author:** Phelan**Senate Sponsor:** Hinojosa

House Bill 3781 amends the Parks and Wildlife Code to replace the general prohibition against making expenditures from the principal of the lifetime license endowment account with a prohibition against making an expenditure from such principal that would lower the unencumbered balance of the principal below \$20 million. The bill prohibits the interest earnings on and principal in the account from being used to pay Parks and Wildlife Department salaries or employee benefits. The bill restricts the use of the principal in the account to the making of capital expenditures related to fisheries and wildlife resources and includes the making of such expenditures as an authorized use of interest earned on the account.

**Senate Bill 573****Effective:** 9-1-17**Senate Author:** Estes**House Sponsor:** Frullo

Senate Bill 573 amends the Parks and Wildlife Code to include among the authorized uses of the net receipts from freshwater fishing stamp sales the repair, maintenance, renovation, or construction of facilities supporting the management of and research related to freshwater fisheries; the restoration, enhancement, or management of freshwater fish habitats; the development of shoreline-based projects allowing freshwater angler access; and, subject to a prescribed cap, the administration and operation of freshwater fish hatcheries. The bill repeals a restriction on the use of the net receipts from collectable freshwater fishing stamp sales and instead subjects such receipts to the same use restrictions as the net receipts from freshwater fishing stamp sales.

**Senate Bill 720****Effective:** 9-1-17**Senate Author:** Perry**House Sponsor:** Frullo

Senate Bill 720 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Commission to modify or eliminate certain carcass, final destination, and final processing requirements and provisions related to hunting.

*This page intentionally left blank.*

## Probate and Guardianship

This chapter covers legislation on probate and guardianship proceedings and appointments, durable power of attorney, and the management and administration of a guardianship or trust.

### **House Bill 1814**

**Effective:** 9-1-17

**House Author:** Murr

**Senate Sponsor:** Zaffirini

House Bill 1814 amends the Estates Code to include the last three numbers of an applicant's, testator's, and decedent's driver's license number and social security number, as applicable, among information that must be stated or ascertainable by the applicant for the probate of a will, for the probate of a will as a muniment of title, and for letters of administration when no will is alleged to exist and to require an application for such letters of administration that does not state such information to state the reasons the numbers are not stated.

### **House Bill 1877**

**Effective:** 9-1-17

**House Author:** Murr

**Senate Sponsor:** Zaffirini

House Bill 1877 amends the Estates Code to authorize a court, to fine an independent executor in an amount not to exceed \$1,000 if the court finds that the executor misrepresented in an affidavit in lieu of the inventory, appraisal, and list of claims filed by the executor that all relevant beneficiaries received a verified, full, and detailed inventory and appraisal as required.

### **House Bill 1974**

**Effective:** 9-1-17

**House Author:** Wray

**Senate Sponsor:** Rodríguez

House Bill 1974 amends the Estates Code to revise and set out certain provisions applicable to a durable power of attorney, including provisions regarding the following: conditions under which a signature on a durable power of attorney is presumed genuine and under which a durable power of attorney is valid; the meaning and effect of a durable power of attorney in relation to the law of the relevant jurisdiction; the appointment, authority, and certain duties of agents; the duration and effect of termination of a durable power of attorney; the acceptance of and reliance on a durable power of attorney under certain circumstances; and judicial relief for specified persons with relation to the construction, validity, or enforceability of a durable power of attorney or an agent's conduct under a power of attorney.

### **House Bill 2207**

**Effective:** 9-1-17

**House Author:** Kuempel

**Senate Sponsor:** Zaffirini

House Bill 2207 amends the Estates Code, Government Code, and Local Government Code to authorize an attorney, business entity, or other person in possession of a testator's will to deposit the will with the county clerk of the county of the testator's last known residence if the entity or person is unable to maintain custody of the will and, after a diligent search, is unable to contact or locate the testator. The bill requires such an entity or person to provide to the clerk a \$5 fee at the time the will is deposited and, among other provisions, provides for the clerk's notification and delivery of such a will to a named executor and devisee, as applicable.

### **House Bill 2271**

**Effective:** 9-1-17

**House Author:** Wray

**Senate Sponsor:** Rodríguez

House Bill 2271 amends the Estates Code to revise and set out certain provisions applicable to decedents' estates, including provisions regarding the following: the inclusion of an equitably adopted child in the statutory definition of "child"; the authorization for an independent

executor to make certain distributions of property not specifically devised; certain transfers against which a multiple-party account is not effective; the definition of the decedent's next of kin for purposes of determining venue for a probate proceeding to admit a will to probate or for the granting of letters testamentary or of administration; the deadline by which an eligible institution must disburse funds and close a trust or escrow account in compliance with instructions from the applicable lawyer; the division of certain trusts with divorced individuals as joint settlors; certain conditions of liability and effectiveness applicable to the designation of a former spouse or relative of a former spouse on certain multiple-party accounts; a cause of action for a person aggrieved by an eligible institution that violates its duties regarding the disbursement and close of a lawyer trust or escrow account; and the accrual of certain survival rights as a member under a class. The bill repeals, among other provisions, certain provisions regarding procedures for the payment of inheritance tax.

### **Senate Bill 36**

**Effective:** 9-1-17

**Senate Author:** Zaffirini

**House Sponsor:** Thompson, Senfronia

Senate Bill 36 amends the Estates Code and Government Code to provide for the regulation of guardianship programs exclusive of guardianship provided by a program under contract with the Health and Human Services Commission. The bill requires a guardianship program to register with and hold a certificate issued by the Judicial Branch Certification Commission and requires a person who directly supervises an individual that will provide guardianship services to be appropriately certified. The commission must adopt standards to monitor and ensure the quality of services provided by a guardianship program and the Supreme Court of Texas must adopt rules and procedures for the management of the program registration certificate. The commission must make a publicly accessible updated list of all registered guardianship programs available on its website.

### **Senate Bill 39**

**Effective:** 9-1-17

**Senate Author:** Zaffirini

**House Sponsor:** Farrar

Senate Bill 39 amends the Estates Code to revise provisions relating to estates and guardianships, substitutes for guardianships, and durable powers of attorney for persons with disabilities or who are incapacitated. The bill revises the notice requirements applicable to the removal of a personal representative of an estate, including an independent executor. The bill authorizes the court in which a guardianship is pending, with notice and on its own motion, to transfer the guardianship to another county if the ward resides in the county to which the guardianship is to be transferred. The bill authorizes the court, after providing notice, to remove a guardian for certain specified reasons on the court's own motion or on the complaint of an interested person. The bill specifies the conditions under which the court appointment of a guardian of an estate for a ward who is the principal who executed a power of attorney automatically revokes or automatically suspends the authority granted to the attorney in fact or agent named in the power of attorney and conditions under which such appointment does not so revoke or suspend such authority. The bill provides for a probate court, after a hearing and with notice to certain third parties, to remove an attorney in fact or agent under a durable power of attorney and authorizes the appointment of a successor attorney in fact or agent under certain circumstances.

Senate Bill 39 amends the Supported Decision-Making Agreement Act, Estates Code, to specify that a supporter owes certain fiduciary duties listed in a given statutory form regardless of whether that form is used for the supported decision-making agreement, to provide for the designation of an alternate supporter in certain circumstances, and to terminate a supported

decision-making agreement on the appointment of a qualified temporary or permanent guardian of the person or estate for the adult with a disability.

**Senate Bill 499**  
**Effective:** 9-1-17

**Senate Author:** West  
**House Sponsor:** Wray

Senate Bill 499 amends the Property Code to enact the Uniform Partition of Heirs' Property Act that, among other things, provides for a court to determine the value of an heir's property that is the subject of a partition action, to notify cotenants of the opportunity to buy out the interests of cotenants who request partition by sale, and to enforce partition alternatives under specified circumstances. The bill sets out considerations a court must make when determining if a partition in kind would result in substantial prejudice to cotenants and sets out the requirements applicable to a court-ordered sale of an heir's property, including that such a sale must be an open-market sale, a sale by sealed bids, or an auction.

**Senate Bill 511**  
**Effective:** 9-1-17

**Senate Author:** Rodríguez  
**House Sponsor:** Wray

Senate Bill 511 amends the Estates Code to provide an additional method for executing a written declaration to designate a guardian before need arises by allowing the declaration to be signed in front of a notary public instead of two witnesses if the declarant is not disqualifying any individual from serving as guardian.

**Senate Bill 617**  
**Effective:** 9-1-17

**Senate Author:** Rodríguez  
**House Sponsor:** Wray

Senate Bill 617 amends the Property Code to, among other provisions, provide for the reformation of a trust on the petition of a trustee or a beneficiary under specified conditions while expressly not making those conditions the exclusive basis for reformation. The bill modifies the definitions of "full discretion," "limited discretion," and "presumptive remainder beneficiary" as they relate to trusts and provides for the waiver of the requirement that a trustee give written notice of the trustee's disclaimer. The bill removes the prohibition against an authorized trustee exercising the power to distribute the principal of a trust to materially impair the rights of any beneficiary of the trust. The bill provides for the appointment of an agent by a trustee and sets out the duties and powers a trustee may delegate to such an appointed agent.

**Senate Bill 667**  
**Effective:** Vetoed

**Senate Author:** Zaffirini et al.  
**House Sponsor:** Smithee

Senate Bill 667 amends the Government Code to require the Office of Court Administration to establish and maintain a guardianship compliance program designed to provide additional resources and assistance, including guardianship compliance specialists, to courts that have jurisdiction over guardianship proceedings and to provide for a court's participation in that program.

Governor's Reason for Veto: "This session the Legislature passed, and I have signed, several bills that improve the guardianship system in Texas. This is an important endeavor, and I look forward to seeing the effect of these needed reforms during the interim. Senate Bill 667 would have created a large new staff of state employees to oversee local guardianship arrangements at a cost of over \$5 million a biennium. We should give the new statutory reforms a chance to work, and we should continue to look for cost-effective ways to address this challenge. The creation of a new state bureaucracy should be a last resort."

**Senate Bill 869**  
**Effective:** 9-1-17

**Senate Author:** Huffman  
**House Sponsor:** Farrar et al.

Senate Bill 869 amends the Estates Code to authorize the owner of a motor vehicle to transfer the owner's interest in the vehicle to a sole beneficiary effective on the owner's death. The bill sets out provisions establishing the legal characteristics of such a beneficiary designation, authorizing such designation by joint owners with right of survivorship, and establishing the effect of such a designation during the owner's life and at the owner's or the last surviving owner's death. The bill amends the Transportation Code to enumerate the requirements applicable to such a designation as they concern the Texas Department of Motor Vehicles.

**Senate Bill 1016**  
**Effective:** 9-1-17

**Senate Author:** Creighton  
**House Sponsor:** Bell

Senate Bill 1016 amends the Estates Code to authorize the judge of a county court exercising its probate jurisdiction or the judge of a court created by statute and authorized to exercise original probate jurisdiction other than the judge of a statutory probate court to appoint a court investigator for guardianship proceedings if authorized by the commissioners court and to require the commissioners court to set the salary of such a court investigator.

**Senate Bill 1096**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini  
**House Sponsor:** Smithee

Senate Bill 1096 amends the Code of Criminal Procedure, Estates Code, Family Code, Government Code, and Health and Safety Code to require a peace officer who detains or arrests a person who is a ward or a peace officer who takes a child ward into custody to notify the court having jurisdiction over the ward's guardianship of the ward's detention or arrest by a specified deadline and to set out training requirements for an individual to serve as a guardian. The bill provides for the creation and administration of a mandatory registration program for guardianships and for the establishment and maintenance of and access to a guardianship database by the Office of Court Administration. The bill requires the Supreme Court of Texas to establish a process by which the Judicial Branch Certification Commission performs criminal history background checks for individuals seeking appointment as a guardian and to require certain training be completed before an individual is appointed as a guardian. The bill sets out the commission's duty to obtain criminal history record information relating to an individual seeking such appointment, provides for the commission's use of such information, and authorizes the commission to impose a fee for obtaining such information.

**Senate Bill 1193**  
**Effective:** 9-1-17

**Senate Author:** Taylor, Van  
**House Sponsor:** Parker

Senate Bill 1193 amends the Estates Code to adopt the Texas Revised Uniform Fiduciary Access to Digital Assets Act.

**Senate Bill 1559**  
**Effective:** 9-1-17

**Senate Author:** Taylor, Larry et al.  
**House Sponsor:** Bonnen, Greg

Senate Bill 1559 amends the Estates Code to waive guardianship proceeding fees for proceedings involving certain military service members, law enforcement officers, firefighters, and other first responders if the court finds that the proposed ward or ward became incapacitated as a result of personal injury sustained in the line of duty.

**Senate Bill 1709**  
**Effective:** 6-15-17

**Senate Author:** Zaffirini  
**House Sponsor:** Moody

Senate Bill 1709 amends the Estates Code to require an applicable citation or notice for an application for guardianship that is required to be given to certain relatives of a proposed ward to contain a statement notifying the relative that, if a guardianship is created for the proposed ward, the relative must elect in writing to receive notice about the ward in regard to the ward's health and residence. The bill clarifies that the requirement for a guardian to inform a ward's applicable relative about a ward's health and residence applies only with respect to such a relative against whom a protective order has not been issued to protect the ward, who has not been found by a court or other state agency to have abused, neglected, or exploited the ward, and who so elected to receive such notice about a ward.

**Senate Bill 1710**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini  
**House Sponsor:** Neave

Senate Bill 1710 amends the Estates Code to prohibit the court from requiring the appointment of a successor guardian before considering an application for the complete restoration of a ward's capacity or modification of guardianship if the ward's guardian has resigned, was removed, or has died. The bill clarifies that, in the process by which a ward makes an informal request for restoration of capacity or modification of guardianship, no new medical examination is required before the appointment of the court investigator or a guardian ad litem to investigate the ward's circumstances. The bill requires the court to timely send a letter acknowledging receipt of the ward's informal letter and advising the ward of the date on which the court investigator or guardian ad litem was appointed and contact information for the investigator or ad litem.

**Senate Bill 1764**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini et al.  
**House Sponsor:** Burkett

Senate Bill 1764 amends the Estates Code and Property Code to establish that a guardian of an estate is considered to have exercised the standard for the investment of the ward's estate if the guardian invests in an account established in accordance with the Texas achieving a better life experience (ABLE) program and to provide for the termination of the guardianship on the placement of the ward's assets in an ABLE account of which the ward is the designated beneficiary. The bill also includes an ABLE account among the plans and programs in which money recovered by the plaintiff in a suit in which a minor or incapacitated person who has no legal guardian is represented by a next friend or an appointed guardian ad litem may be invested by certain persons.

**Senate Bill 2150**  
**Effective:** 9-1-17

**Senate Author:** Huffman  
**House Sponsor:** Farrar

Senate Bill 2150 amends Estates Code provisions addressing the transfer of an interest in real property at the death of the interest holder in the event a designated beneficiary fails to survive the transferring party by at least 120 hours to specify that the statute applies to a transfer on death deed regardless of the number of beneficiaries an individual designates.



*This page intentionally left blank.*

## Property Interests and Housing

This chapter covers legislation on issues relating to property interests, including affordable housing, real property transactions, the landlord-tenant relationship, and liens. Legislation relating to property taxation is in the **Taxes and Tax Administration** chapter.

**House Bill 755**  
**Effective:** 9-1-17

**House Author:** Parker  
**Senate Sponsor:** Nelson

House Bill 755 amends the Property Code to authorize certain payments made in connection with real property transfers and that are not considered private transfer fee obligations to a school for educational activities to collaterally benefit property other than a community composed of property that is adjacent to property subject to a private transfer fee obligation or composed of property not more than 1,000 yards from property so encumbered if the encumbered property is located within the school's assigned attendance zone and Denton County.

**House Bill 1099**  
**Effective:** 9-1-17

**House Author:** Canales et al.  
**Senate Sponsor:** Lucio

House Bill 1099 amends the Property Code to expand the circumstances under which a landlord may not prohibit or limit a tenant's right to summon police or emergency assistance or impose penalties on a tenant who summons police or emergency assistance and under which a provision in a lease that purports to waive a tenant's right to such a summons is void.

**House Bill 1128**  
**Effective:** 9-1-17

**House Author:** Wray  
**Senate Sponsor:** Taylor, Larry

House Bill 1128 amends the Civil Practice and Remedies Code, Property Code, and Tax Code to specify the date on which and time at which certain public sales of real property must take place.

**House Bill 1449**  
**Effective:** 5-29-17

**House Author:** Simmons et al.  
**Senate Sponsor:** Nelson et al.

House Bill 1449 amends the Local Government Code to prohibit a political subdivision from adopting or enforcing a regulation that imposes, directly or indirectly, a fee on new construction for the purposes of offsetting the cost or rent of any unit of residential housing, with certain exceptions.

**House Bill 1470**  
**Effective:** 9-1-17

**House Author:** Villalba et al.  
**Senate Sponsor:** Creighton

House Bill 1470 amends the Business & Commerce Code and Occupations Code to provide for the public sale of residential real property under a power of sale in a security instrument. The bill, among other provisions, authorizes an applicable trustee conducting such a sale to contract with an attorney or an auction company, requires a winning bidder at the sale to provide certain information to the trustee when the trustee completes the sale, and requires the trustee to provide the winning bidder with a receipt and deed and to conduct related post-sale actions, such as the distribution of sale proceeds, for which the trustee may receive certain fees.

## Property Interests and Housing

**House Bill 1512**  
**Effective:** 6-15-17

**House Author:** Isaac  
**Senate Sponsor:** Watson

House Bill 1512 amends the Government Code to remove the \$90,000 cap on the total amount of amortized, repayable loans made by the Texas Department of Housing and Community Affairs (TDHCA) and other entities to an owner-builder under the owner-builder loan program. The bill requires all money received by the TDHCA as part of the owner-builder loan program to be deposited in the housing trust fund and repeals provisions establishing the owner-builder revolving loan fund.

**House Bill 2019**  
**Effective:** 9-1-17

**House Author:** King, Tracy O. et al.  
**Senate Sponsor:** Estes

House Bill 2019 amends the Finance Code, Occupations Code, Property Code, and Tax Code to revise and update provisions relating to the regulation of manufactured homes. The bill, among other provisions, amends and repeals provisions of the Texas Manufactured Housing Standards Act to reflect changes in general practices and federal law and requires the Texas Department of Housing and Community Affairs to perform certain tasks.

**House Bill 2792**  
**Effective:** Vetoed

**House Author:** González, Mary  
**Senate Sponsor:** Rodríguez

House Bill 2792 amends the Local Government Code to expand the exemption from taxes and special assessments under the Housing Authorities Law for certain multifamily residential developments. The bill revises statutory provisions relating to the appointment of housing authority commissioners.

Governor's Reason for Veto: "House Bill 2792 sought to expand the property tax exemptions currently applicable to government-subsidized housing. More property tax exemptions means more property tax burden on property owners who are not exempt."

**House Bill 3574**  
**Effective:** See below

**House Author:** Collier et al.  
**Senate Sponsor:** Menéndez

House Bill 3574 amends the Government Code to authorize the Texas Department of Housing and Community Affairs (TDHCA) to consider educational quality as part of the threshold criteria in evaluating an application for low income housing tax credits and to prohibit the TDHCA from considering educational quality as a scoring factor for such purposes. These provisions take effect September 1, 2017, but expire effective September 1, 2019, by which date the TDHCA is required to report the outcome of considering educational quality in threshold and not as a scoring factor in an application.

**House Bill 3879**  
**Effective:** 9-1-17

**House Author:** Goldman et al.  
**Senate Sponsor:** Hancock

House Bill 3879 amends the Property Code to provide for nonlawyer representation for an owner of a multifamily residential property in an appeal of an eviction suit for nonpayment of rent in a county or district court.

**Senate Bill 593**  
**Effective:** 9-1-17

**Senate Author:** Rodríguez  
**House Sponsor:** Blanco et al.

Senate Bill 593 amends the Local Government Code to specify that a recipient of housing assistance administered through a project-based rental assistance program may be a commissioner of a municipal housing authority. The bill requires the City of El Paso to appoint at least one commissioner to the city's municipal housing authority who is a tenant of a public

housing project over which the authority has jurisdiction or a recipient of housing assistance administered through the authority's housing choice voucher program or project-based rental assistance program. The bill prohibits a housing authority commissioner who is appointed as a tenant representative from participating in any vote or discussion concerning the termination of the commissioner's rights to housing assistance administered through a project-based rental assistance program or such rights of any person related in the first degree by consanguinity to the commissioner. If a housing authority commissioner appointed as a recipient of housing assistance administered through a project-based rental assistance program ceases to receive such assistance, a majority of the other commissioners must decide whether to request that a new commissioner be appointed.

**Senate Bill 920**

**Effective:** 9-1-17

**Senate Author:** Whitmire et al.

**House Sponsor:** Lucio III

Senate Bill 920 amends the Property Code to include as a condition under which a person may apply for a writ authorizing entry to and property retrieval from the person's residence the person's inability to enter the residence because the current occupant poses a clear and present danger of family violence to the person or the person's dependent. The bill expands the types of personal items that an application for such a writ may seek to recover from the applicable residence. The bill authorizes a justice of the peace to issue a temporary ex parte writ authorizing entry and property retrieval without providing notice and opportunity for a hearing to the occupant if the justice makes certain findings and to take certain other actions relating to the issuance of the writ.

**Senate Bill 952**

**Effective:** 9-1-17

**Senate Author:** Hancock

**House Sponsor:** Villalba

Senate Bill 952 amends the Property Code to authorize a public sale of property seized from a self-service storage facility tenant for the enforcement of a contractual landlord's lien to be conducted through a publicly accessible website as an alternative to being conducted at the facility or a reasonably near public place.

**Senate Bill 1238**

**Effective:** 6-12-17

**Senate Author:** Rodríguez

**House Sponsor:** Moody

Senate Bill 1238 amends the Government Code to extend eligibility for low income housing tax credits set aside for at-risk developments to a development that proposes to rehabilitate or reconstruct certain housing units that are owned by or that are proposed to be or have been disposed of or demolished by a public facility corporation created by a public housing authority. The bill establishes that certain at-risk developments that were previously allocated set-aside housing tax credits do not lose eligibility for those credits if the portion of units reserved for public housing as a condition of eligibility for the credits are later converted under the Rental Assistance Demonstration program administered by the U.S. Department of Housing and Urban Development.

**Senate Bill 1955**

**Effective:** 9-1-17

**Senate Author:** Hughes

**House Sponsor:** Wray

Senate Bill 1955 amends the Property Code to authorize an interest in real property to be transferred or encumbered free of all matters asserted or disclosed in a notice of lis pendens and all other matters asserted or disclosed in the action in connection with which the notice was filed after a certified copy of an order expunging the notice has been recorded. The bill extends

## Property Interests and Housing

the effect of such an expunction on information derived from the notice to any information that could be derived from the notice.

### **Senate Bill 1992**

**Effective:** Vetoed

**Senate Author:** Watson

**House Sponsor:** Isaac

Current law conditions the authority of the governing board of the Texas Department of Housing and Community Affairs to allocate low income housing tax credits to more than one development in a single community in the same calendar year in certain counties on the developments being located more than two linear miles apart. Senate Bill 1992 amends the Government Code to add as an alternative condition under which such allocation is authorized the condition that the developments will serve different types of households and to exclude Travis County from the applicability of the conditions.

Governor's Reason for Veto: "Existing law governing the density of subsidized housing in large cities should remain in place, and Travis County should be subject to the same rules as Bexar, Dallas, Harris, and Tarrant counties."

## Public Education

This chapter covers legislation on issues relating to the state's public school system, including school district, campus, and charter school operations. The chapter contains legislation affecting the powers and duties of the Texas Education Agency, the State Board of Education, the State Board for Educator Certification, school district boards of trustees, school administrators, teachers, professional staff, and other school employees. In addition, the chapter covers legislation relating to students, school curricula, school finance, school accountability, and standardized testing.

### House Bill 21 (1st C.S.)

**Effective:** See below

**House Author:** Huberty et al.

**Senate Sponsor:** Taylor, Larry et al.

House Bill 21 amends the Education Code to revise the public school finance system. The bill authorizes the commissioner of education to administer a temporary financial hardship transition program that provides grants to eligible public school districts and open-enrollment charter schools to defray financial hardships resulting from changes made to recapture under Chapter 41 and the foundation school program that apply after the 2016-2017 school year. The bill sets out a formula on which the grant amounts are based and limits the total amount of grants to \$100 million for the 2017-2018 school year and \$50 million for the 2018-2019 school year.

Effective September 1, 2018, House Bill 21 increases the guaranteed yield of the existing debt allotment to the lesser of \$40 or the amount that would result in a \$60 million increase in state aid from the level of state aid provided by a yield of \$35 and provides additional state aid for instructional facilities capped at \$60 million per year to certain open-enrollment charter schools that have an acceptable overall performance rating or operate a school program located at a day treatment facility, residential treatment facility, psychiatric hospital, or medical hospital.

House Bill 21 establishes two separate temporary grant programs for districts and charter schools that provide innovative services to students with autism and dyslexia, respectively, and requires the commissioner to award grant funds beginning in the 2018-2019 school year. The bill requires the commissioner to set aside an amount not to exceed \$20 million from the total amount of funds appropriated for the 2018-2019 fiscal biennium to fund grants under the autism grant program and to set aside an amount not to exceed \$20 million from such appropriated funds to fund grants under the dyslexia grant program. The bill requires the commissioner to use \$10 million for the autism grant program and \$10 million for the dyslexia grant program for each school year in the state fiscal biennium.

Effective September 1, 2018, House Bill 21 begins a series of five annual increases of the adjustment to the basic allotment of a district that contains less than 300 square miles and has not more than 1,600 students in average daily attendance (ADA) until, effective September 1, 2023, that adjustment is equal to the adjustment for districts with that ADA that contain at least 300 square miles.

House Bill 21 establishes the Texas Commission on Public School Finance to develop recommendations to address issues related to the public school finance system and prepare and deliver a report to the governor and the legislature that recommends statutory changes to improve the public school finance system. The commission is abolished January 8, 2019.

House Bill 21 transfers \$311 million of the unencumbered appropriations for the 2018-2019 state fiscal biennium made to the Health and Human Services Commission (HHSC) to the Texas Education Agency (TEA), with \$150 million allocated to fund financial hardship grants, \$60 million allocated to fund instructional facility payments to charter schools, \$60 million allocated for the increase in the existing debt allotment; and \$41 million allocated for the increase of the small-

sized district adjustment. The bill also transfers \$212 million of the 2018-2019 appropriations made to HHSC to the Teacher Retirement System of Texas (TRS) to be used by TRS during the 2018-2019 state fiscal biennium to increase school districts' recruitment and retention of school teachers and provide support to participants in the Texas Public School Employees Group Insurance Program. The bill requires HHSC to identify the strategies and objectives out of which the transfers are to be made.

House Bill 21 takes effect November 14, 2017, except as otherwise provided.

**House Bill 22**

**Effective:** 6-15-17

**House Author:** Huberty et al.

**Senate Sponsor:** Taylor, Larry

House Bill 22 amends the Education Code to revise the domains of achievement indicators on which school districts and campuses are evaluated by, among other changes, reducing the number of domains and organizing the new domains by student achievement, school progress, and closing the gaps. The bill establishes the commissioner of education's duty to establish and modify standards to continuously improve student performance to achieve the goals of eliminating achievement gaps based on race, ethnicity, and socioeconomic status and to ensure that Texas is a national leader in preparing students for postsecondary success. The bill provides for a study by the commissioner regarding the feasibility of incorporating an indicator that accounts for extracurricular and cocurricular student activity. The bill revises the manner in which the commissioner assigns an overall performance rating for a district or campus, establishes that an overall or domain performance rating of D reflects performance that needs improvement, and provides for interventions and sanctions for a district or campus assigned that rating. The bill provides for a local accountability system under which school districts and open-enrollment charter schools assign A-F campus performance ratings.

**House Bill 61**

**Effective:** Vetoed

**House Author:** Guillen et al.

**Senate Sponsor:** Uresti

House Bill 61 amends the Education Code to clarify the individuals who may make, and who must act on, a written request for video surveillance equipment to be provided to a school or campus for use in a self-contained classroom or other special education setting and to limit the classrooms or other settings in which a school or campus that receives such equipment is required to place, operate, and maintain a video camera. The bill sets out requirements for a school district or open-enrollment charter school policy relating to the placement, operation, or maintenance of such video cameras and procedures for an expedited review by the Texas Education Agency of certain district actions regarding the use of such video cameras.

House Bill 61 includes among the fourth domain of indicators of achievement used to evaluate the performance of middle and junior high school and elementary school campuses and districts that include those campuses the percentage of students formerly receiving special education services who achieved satisfactory academic performance on statewide standardized tests administered in grades three through eight. The bill also includes that percentage among the criteria used by the commissioner of education to determine which districts receive an academic distinction designation.

Governor's Reason for Veto: "I have signed House Bill 22, which reforms our public school accountability system to provide additional transparency on school performance. Multiple provisions of House Bill 61 are based on the existing accountability system, which was overhauled by House Bill 22. Additionally, parts of House Bill 61 regarding the use of video cameras in special education classrooms are already adequately addressed by Senate Bill 1398, which I have signed."

**House Bill 136**  
**Effective:** 6-1-17

**House Author:** Bell et al.  
**Senate Sponsor:** Uresti

House Bill 136 amends the Education Code to include among the objectives of public education preparing students through the school curriculum to succeed in a variety of postsecondary activities and requiring the State Board of Education, the Texas Education Agency, and the commissioner of education to assist school districts and charter schools in providing career and technology education to students.

**House Bill 156**  
**Effective:** 6-12-17

**House Author:** Raymond  
**Senate Sponsor:** Zaffirini

House Bill 156 amends the Education Code to establish a pilot program in certain public high schools, as designated by the Texas Education Agency, for placement of students in Junior Reserve Officers' Training Corps programs as an alternative to placement in disciplinary alternative education programs or juvenile justice alternative education programs. The bill sets out student participation requirements, prescribes procedures, and provides for commissioner of education and school district reports relating to the pilot program.

**House Bill 264**  
**Effective:** 6-1-17

**House Author:** Hernandez  
**Senate Sponsor:** Garcia

House Bill 264 amends the Education Code to postpone the expiration date of the Texas Education Agency's duty to develop and make available public outreach materials to promote awareness of certain public school curriculum changes from September 1, 2018, to September 1, 2020.

**House Bill 332**  
**Effective:** 9-1-17

**House Author:** Meyer et al.  
**Senate Sponsor:** Estes

House Bill 332 amends the Election Code to require a public school district to include in its multihazard emergency operations plan a policy for school district property selected for use as a polling place.

**House Bill 357**  
**Effective:** 6-15-17

**House Author:** Huberty et al.  
**Senate Sponsor:** Huffman et al.

House Bill 357 amends the Education Code to make a child who is at least three years of age and the child of a person eligible for the Star of Texas Award as a peace officer, a firefighter, or an emergency medical first responder eligible for enrollment in a free prekindergarten class.

**House Bill 441**  
**Effective:** 6-15-17

**House Author:** Martinez, "Mando"  
**Senate Sponsor:** Lucio

House Bill 441 amends the Education Code to prohibit a school district from providing student instruction on Memorial Day. The bill provides an exception for compensating for minutes of instruction lost because of certain school closures.

**House Bill 523**  
**Effective:** 9-1-17

**House Author:** Schofield et al.  
**Senate Sponsor:** Kolkhorst

House Bill 523 amends the Government Code to require an elected school district board of trustees for a school district that has an enrollment of 10,000 or more to make a video and audio recording of each open meeting that is a work session or special called meeting in which



the board votes on any matter or allows public comment or testimony and to make available an archived copy of the video and audio recording of such a meeting on the Internet.

**House Bill 639**

**Effective:** 5-26-17

**House Author:** Anderson, Charles “Doc” et al.

**Senate Sponsor:** Menéndez

House Bill 639 amends the Education Code to authorize the board of trustees of a school district or the governing body of an open-enrollment charter school to obtain accident, liability, or automobile insurance coverage to protect businesses, other entities, and students that provide or participate in a career and technology program. The bill establishes requirements relating to such coverage and entitles a student who participates in such a program to immunity from liability.

**House Bill 657**

**Effective:** 5-29-17

**House Author:** Bernal et al.

**Senate Sponsor:** Menéndez

House Bill 657 amends the Education Code to require the admission, review, and dismissal (ARD) committee of a student who participates in a school district’s special education program and who does not perform satisfactorily on a statewide standardized test to meet before the student is administered the test for the second time and to authorize the ARD committee at such a meeting to promote the student to the next grade level if the committee concludes that the student has made sufficient progress toward the measurable academic goals contained in the student’s individualized education program.

**House Bill 674**

**Effective:** 6-12-17

**House Author:** Johnson, Eric et al.

**Senate Sponsor:** Garcia et al.

House Bill 674 amends the Education Code to prohibit the placement of a student who is enrolled in a grade level below grade three in out-of-school suspension, with certain exceptions. The bill provides for the development and implementation of a positive behavior program by a school district or open-enrollment charter school as a disciplinary alternative for such a student who engages in conduct for which the student may be placed on in-school suspension.

**House Bill 728**

**Effective:** 5-26-17

**House Author:** Guerra et al.

**Senate Sponsor:** Hinojosa et al.

House Bill 728 amends the Education Code to require the State Board of Education to develop and implement a program for high school students in participating school districts to comply with the curriculum requirements for an advanced mathematics or science credit by successfully completing an advanced computer science program.

**House Bill 789**

**Effective:** 6-15-17

**House Author:** Meyer

**Senate Sponsor:** Huffines

House Bill 789 amends the Education Code to authorize the board of trustees of Highland Park Independent School District to establish a minimum required score for each section of an examination for primary school grade level acceleration or an examination for secondary school academic subject credit that is higher than the minimum required scores for such examinations under state law, subject to certain conditions.

**House Bill 867**

**Effective:** 6-15-17

**House Author:** Villalba et al.

**Senate Sponsor:** Taylor, Van et al.

House Bill 867 amends the Education Code to provide for the appointment of school marshals in private schools. The bill revises the cap on the number of school marshals that

may be appointed by a school district or open-enrollment charter school and specifies that ammunition carried by a school marshal must be approved by the Texas Commission on Law Enforcement.

**House Bill 1075**  
**Effective:** 9-1-17

**House Author:** Thompson, Ed  
**Senate Sponsor:** Hancock

House Bill 1075 amends the Education Code to require a sports official, in order to maintain registration with the University Interscholastic League (UIL), to maintain compliance with conditions of eligibility required by the UIL and undergo a criminal background check once every three years following the date of the initial background check undergone by the official for registration purposes.

**House Bill 1076**  
**Effective:** 9-1-17

**House Author:** Oliverson et al.  
**Senate Sponsor:** Huffines

House Bill 1076 amends the Health and Safety Code to remove the limitation on the grade levels at which a public or private school student must undergo the mandatory spinal screening and to instead require the executive commissioner of the Health and Human Services Commission to consider specified scientific research in determining the appropriate ages for conducting the screening and develop, in cooperation with the Texas Education Agency, a process to notify a parent, managing conservator, or guardian of information relating to the screening.

**House Bill 1081**  
**Effective:** 9-1-17

**House Author:** Arévalo et al.  
**Senate Sponsor:** Watson et al.

House Bill 1081 amends the Education Code to increase the new instructional facility allotment to which a school district is entitled for each of the first and second years in which students attend such a facility from \$250 for each student in average daily attendance at the facility to \$1,000 for each such student. The bill provides a definition of “new instructional facility” for purposes of the allotment.

**House Bill 1342**  
**Effective:** Vetoed

**House Author:** Parker et al.  
**Senate Sponsor:** Hughes

House Bill 1342 amends the Education Code to require a school district’s child abuse antivictimization program to include certain annual sexual abuse prevention training and establishes district and Texas Education Agency duties relating to such training.

Governor’s Reason for Veto: “I have signed Senate Bill 2039, which directs the Texas Education Agency to develop an optional curriculum regarding sexual abuse prevention for use by school districts. While both Senate Bill 2039 and House Bill 1342 seek to achieve a good purpose, Senate Bill 2039 does so in a more suitable way. By recognizing both the importance of this topic and the right of parents to opt their children out of the instruction, Senate Bill 2039 strikes the correct balance. House Bill 1342 was well-intentioned, but it lacked a provision for parental opt-out. This is inconsistent with the longstanding rule in Texas schools that parents can remove their child from ‘any part of the district’s human sexuality instruction.’ Tex. Educ. Code 28.004(i).”

**House Bill 1469**  
**Effective:** 6-1-17

**House Author:** Bailes  
**Senate Sponsor:** Schwertner

House Bill 1469 amends the Education Code to establish the conditions under which a person employed as a teacher for a noncore vocational course in an open-enrollment charter school that serves youth referred to or placed in a residential trade center by a local or state agency is exempt from the requirement to hold a baccalaureate degree.

**House Bill 1500**  
**Effective:** Vetoed

**House Author:** Giddings et al.  
**Senate Sponsor:** West

House Bill 1500 amends the Education Code to revise the domains of achievement indicators on which school districts and campuses are evaluated and the methods and standards for assigning district and campus performance ratings. The bill establishes that an overall or domain performance rating of D reflects performance that needs improvement and provides for interventions and sanctions for a district or campus assigned that rating. The bill sets out commissioner of education duties relating to the approval or denial of a campus turnaround plan.

Governor's Reason for Veto: "In 2015, the Texas Legislature prioritized parental engagement and increased transparency by developing an A through F grading system for school districts and campuses. House Bill 22, which I have signed, makes positive changes to the existing A through F system. House Bill 22 ensures students, parents, and taxpayers know how well our schools are doing. It also aligns the new grading system with Texas' sanction and intervention strategies. House Bill 1500 is based on the existing grading system and conflicts with House Bill 22."

**House Bill 1553**  
**Effective:** 6-15-17

**House Author:** Lozano  
**Senate Sponsor:** Hinojosa

House Bill 1553 amends the Education Code to authorize the commissioner of education to authorize a school district that has failed to satisfy performance standards to enter into a memorandum of understanding with an institution of higher education that provides for the assistance of the institution in improving the district's performance.

**House Bill 1569**  
**Effective:** 6-15-17

**House Author:** Ashby  
**Senate Sponsor:** Nichols

House Bill 1569 amends the Education Code to provide for a residential facility's disclosure of certain information relating to a student placed in the facility to the school district or open-enrollment charter school providing that student educational services.

**House Bill 1593**  
**Effective:** 6-15-17

**House Author:** Bohac  
**Senate Sponsor:** Hughes

House Bill 1593 amends the Education Code to require the family engagement strategies developed by the Texas Education Agency for inclusion in a school district's family engagement plan to include programs and interventions that engage a family in supporting a student's learning at home.

**House Bill 1645**  
**Effective:** 5-29-17

**House Author:** Lozano et al.  
**Senate Sponsor:** Zaffirini et al.

House Bill 1645 amends the Education Code to require a school district that allows high school students to earn a letter for academic, athletic, or extracurricular achievements to allow high school students in the district to earn a letter on the basis of the student's participation in a Special Olympics event.

**House Bill 1886**  
**Effective:** 6-15-17

**House Author:** Miller et al.  
**Senate Sponsor:** Huffman

House Bill 1886 amends the Education Code to require each regional education service center to employ a dyslexia specialist and to require the program of screening and treatment for dyslexia and related disorders provided in public schools to include screening at the end of the school year of each student in kindergarten and in first grade, respectively. The bill sets

out the duties of the Texas Education Agency regarding the development of a list of dyslexia training opportunities.

House Bill 1886 revises the issues the admission, review, and dismissal committee of a student enrolled in a special education program is required to consider and, if appropriate, address in the student's individualized education program regarding transition planning for the student. The bill establishes the duties of a district and the commissioner of education with regard to the transfer of parental rights of a student with a disability at the age of majority.

**House Bill 2010**  
**Effective:** 6-9-17

**House Author:** Bonnen, Greg  
**Senate Sponsor:** Taylor, Larry

House Bill 2010 amends the Education Code to require the Texas Education Agency to collect and make available to a school district on request information regarding workplace safety training and to authorize a district to develop a workplace safety program that provides educators access to such information and encourages educators to include the information in certain curriculum.

**House Bill 2039**  
**Effective:** 6-15-17

**House Author:** Huberty et al.  
**Senate Sponsor:** Zaffirini

House Bill 2039 amends the Education Code to require the State Board for Educator Certification (SBEC) to establish an early childhood certificate for an educator with certain specialty training focusing on prekindergarten through grade three. The bill sets out eligibility criteria for the certificate and establishes the SBEC duty to propose rules relating to the certificate.

**House Bill 2087**  
**Effective:** 9-1-17

**House Author:** VanDeaver et al.  
**Senate Sponsor:** Taylor, Larry

House Bill 2087 amends the Education Code to restrict the use of certain personally identifiable information, including student personally identifiable information, by an operator of a website, online service, online application, or mobile application. The bill sets out exceptions to the bill's restrictions and provides for the protection and deletion of covered information.

**House Bill 2130**  
**Effective:** 6-12-17

**House Author:** Roberts et al.  
**Senate Sponsor:** Menéndez et al.

House Bill 2130 amends the Education Code to establish requirements for a Texas Education Agency study of the impact of the statewide assessment program on students in a special education program.

**House Bill 2263**  
**Effective:** 9-1-17

**House Author:** Gooden  
**Senate Sponsor:** West

House Bill 2263 amends the Education Code to remove the requirement that a campus intervention team continue to work with a school campus that has been assigned an unacceptable performance rating until the campus satisfies certain performance standards. The bill prescribes the manner in which the commissioner of education is required to annually approve or reject a district's campus turnaround plan and in which a district is required to submit a modified plan, if applicable.

**House Bill 2442**  
**Effective:** 6-15-17

**House Author:** King, Ken  
**Senate Sponsor:** Taylor, Larry

House Bill 2442 repeals the requirement that a public school day be at least seven hours each day and amends the Education Code to authorize the commissioner of education to adopt rules to determine the minutes of operation that are equivalent to a day, defining minutes of operation and instructional time, and establishing the minimum number of minutes of instructional time required for a full-day and a half-day program. The bill authorizes the commissioner to proportionally reduce funding and the average daily attendance calculation for a school district that provides fewer minutes of operation than required. The bill sets out additional conditions under which a district or charter school is eligible to earn full average daily attendance and, if a district or charter school operates a prekindergarten program, to earn one-half of average daily attendance.

**House Bill 2537**  
**Effective:** 6-9-17

**House Author:** Guerra  
**Senate Sponsor:** West

House Bill 2537 amends the Education Code to include among the information about postsecondary education a school counselor must provide to a student and the student's parent or guardian information regarding the availability of education and training vouchers and tuition and fee waivers to attend an institution of higher education for a student who is or was previously in the conservatorship of the Department of Family and Protective Services.

**House Bill 2729**  
**Effective:** 6-9-17

**House Author:** Lucio III  
**Senate Sponsor:** Miles

House Bill 2729 amends the Education Code to establish the duties of the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Workforce Commission to jointly develop, annually review, and make available an inventory of industry-recognized credentials and certificates that may be earned by a public high school student through a career and technology education program, are aligned to state and regional workforce needs, and serve as an entry point to middle- and high-wage jobs.

**House Bill 2790**  
**Effective:** 9-1-17

**House Author:** White et al.  
**Senate Sponsor:** Miles

House Bill 2790 amends the Education Code to authorize an independent apprenticeship committee to conduct an apprenticeship training program in the apprenticeship system of adult career and technology education. The bill subjects an apprenticeship committee to certain audit procedures applicable to a school district or state postsecondary institution conducting such a training program.

**House Bill 3024**  
**Effective:** 6-1-17

**House Author:** Price et al.  
**Senate Sponsor:** Birdwell

House Bill 3024 amends the Education Code to require the immediate removal of a student from an interscholastic athletics practice or competition if a licensed chiropractor believes the student might have sustained a concussion during the practice or competition.

**House Bill 3075**  
**Effective:** 6-15-17

**House Author:** Huberty  
**Senate Sponsor:** Garcia

House Bill 3075 amends the Education Code to require the commissioner of education to exclude from the computation of high school dropout and completion rates students detained

at a county pre-adjudication or post-adjudication juvenile detention facility who are provided services by an open-enrollment charter school exclusively as a result of having been detained at the facility.

**House Bill 3157**  
**Effective:** 9-1-17

**House Author:** Bonnen, Dennis  
**Senate Sponsor:** Huffman

House Bill 3157 amends the Health and Safety Code to require the rules adopted by the executive commissioner of the Health and Human Services Commission for the screening program for special senses or communication disorders to allow an individual who attends a public or private school to be screened using photoscreening to detect vision disorders.

**House Bill 3270**  
**Effective:** 9-1-17

**House Author:** Bohac et al.  
**Senate Sponsor:** Taylor, Larry

House Bill 3270 amends the Education Code to prohibit a contracting or subcontracting entity working on a public work for a school district, open-enrollment charter school, or shared services arrangement from permitting an employee to provide services at an instructional facility if the employee, in addition to other characteristics, was convicted of a felony offense against the person or an offense requiring sex offender registration in the preceding 30 years and the victim was underage or enrolled in a public school. The bill establishes the duties of the applicable entity and the Department of Public Safety regarding the criminal history record information of certain entity employees.

**House Bill 3349**  
**Effective:** See below

**House Author:** Gervin-Hawkins et al.  
**Senate Sponsor:** Taylor, Van et al.

House Bill 3349 amends the Education Code to require the State Board for Educator Certification (SBEC) to propose rules to create an abbreviated educator preparation program for a person seeking certification in trade and industrial workforce training. The bill requires the SBEC to establish a probationary trade and industrial workforce training certificate and a standard trade and industrial workforce training certificate that may be obtained through an abbreviated program. The bill sets out eligibility requirements for participation in an abbreviated educator preparation program and for obtaining a probationary certificate or a standard certificate. The bill takes effect June 15, 2017, but only if a specific appropriation for the bill's implementation is provided in a general appropriations act of the 85th Legislature.

**House Bill 3526**  
**Effective:** 6-12-17

**House Author:** Howard  
**Senate Sponsor:** Taylor, Larry

House Bill 3526 amends the Education Code to rename the instructional materials allotment as the technology and instructional materials allotment, the state instructional materials fund as the state technology and instructional materials fund, and the instructional materials account as the technology and instructional materials account. The bill requires the commissioner of education to develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials and authorizes the commissioner to establish a grant program under which grants are awarded to districts and charter schools to implement a technology lending program to provide students access to equipment necessary to access and use electronic instructional materials.

**House Bill 3563**  
**Effective:** 6-1-17

**House Author:** Koop  
**Senate Sponsor:** Taylor, Van

House Bill 3563 amends the Education Code to conform to federal law on the required parental notification regarding public school teacher qualifications.

**House Bill 3593**  
**Effective:** 6-15-17

**House Author:** Bernal et al.  
**Senate Sponsor:** Taylor, Larry et al.

House Bill 3593 amends the Education Code to establish a school district's authority to offer a course in cybersecurity. The bill requires the State Board of Education (SBOE) to adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics endorsement. The bill entitles a teacher to a subsidy for a certification examination if the teacher passes a certification examination related to cybersecurity and authorizes a district to use funds from the new instructional facility allotment to renovate an existing instructional facility to serve as a dedicated cybersecurity computer laboratory. The bill includes among the fourth domain of performance indicators of achievement the percentage of students who successfully completed a SBOE-approved practicum or internship.

**House Bill 3632**  
**Effective:** 6-15-17

**House Author:** Moody  
**Senate Sponsor:** Rodríguez

House Bill 3632 amends the Education Code to require the Texas Education Agency to include in the notice of procedural safeguards regarding the rights of parents of students with disabilities that the statute of limitations for a parent to request an impartial due process hearing under federal law may be tolled if the parent is an active-duty servicemember and the relevant federal statute of limitations is tolled for the parent.

**House Bill 3706**  
**Effective:** 6-15-17

**House Author:** Lucio III  
**Senate Sponsor:** Lucio

House Bill 3706 amends the Education Code to authorize a school district to offer an alternative education program for students at risk of dropping out of school through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce.

**Senate Bill 7**  
**Effective:** 9-1-17

**Senate Author:** Bettencourt et al.  
**House Sponsor:** King, Ken et al.

Senate Bill 7 amends the Code of Criminal Procedure, Education Code, Government Code, and Penal Code to expand the conduct that constitutes the offense of improper relationship between educator and student and to expand certain reporting requirements for educator misconduct. The bill establishes civil and criminal penalties, as applicable, for a superintendent, principal, or director of a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services arrangement who fails to make a required report. The bill makes a person who is a member or an annuitant of the Teacher Retirement System of Texas (TRS) and is or was an employee of the public school system ineligible to receive a service retirement annuity from TRS if the person is convicted of certain offenses involving improper sexual relations with a student.

**Senate Bill 22**  
**Effective:** 9-1-17

**Senate Author:** Taylor, Larry et al.  
**House Sponsor:** Lucio III et al.

Senate Bill 22 amends the Education Code to abolish the existing tech-prep education program and to instead require the commissioner of education to establish the Pathways in Technology Early College High School (P-TECH) program for students who wish to participate in a work-based education program and to establish the P-TECH advisory council, with members appointed by the governor, lieutenant governor, and the speaker of the house of representatives. The bill requires the commissioner to establish a grant program to assist school districts and open-enrollment charter schools in implementing the program at designated P-TECH schools.

**Senate Bill 160**  
**Effective:** 5-22-17

**Senate Author:** Rodríguez et al.  
**House Sponsor:** Wu et al.

Senate Bill 160 amends the Education Code to prohibit the commissioner of education or the Texas Education Agency (TEA) from adopting or implementing a performance indicator in any TEA monitoring system that solely measures a school district's or open-enrollment charter school's aggregated number or percentage of enrolled students who receive special education services.

**Senate Bill 179**  
**Effective:** 9-1-17

**Senate Author:** Menéndez et al.  
**House Sponsor:** Minjarez et al.

Senate Bill 179, David's Law, amends the Education Code to revise provisions relating to school district bullying prevention policies and procedures to provide protections against cyberbullying. The bill authorizes a student to be removed from class and placed in a disciplinary alternative education program or expelled for engaging in certain bullying behavior and authorizes a district to report certain conduct constituting assault or harassment to local law enforcement. Open-enrollment charter schools are subject to these provisions. The bill requires the Texas Education Agency, in coordination with the Health and Human Services Commission, to establish and maintain a website to provide resources for school employees regarding working with students with mental health conditions. The bill provides for injunctive relief for the cyberbullying of a child and enhances the penalty for harassment involving repeatedly sending certain electronic communications under specified circumstances.

**Senate Bill 195**  
**Effective:** 9-1-17

**Senate Author:** Garcia et al.  
**House Sponsor:** Allen

Senate Bill 195 amends the Education Code to extend the additional transportation allotment for transporting children living within two miles of a school to a school district or county with students who would be subject to a high risk of violence if they walked to school. The bill authorizes a district or county to use all or part of any such allotment to support community walking transportation programs under certain circumstances.

**Senate Bill 196**  
**Effective:** Vetoed

**Senate Author:** Garcia et al.  
**House Sponsor:** Coleman

Senate Bill 196 amends the Education Code to require a public school, including an open-enrollment charter school, that does not have a full-time nurse, school counselor, or librarian or the equivalent of a full-time nurse, school counselor, or librarian assigned to be present at the school for a prescribed period during the same school year to provide notice of the absence to the parent of or other person standing in parental relation to each student enrolled in the school.

Governor's Reason for Veto: "Our public schools should be focused on educating students in the classroom. Senate Bill 196 detracts from that focus and imposes a needless regulatory mandate on schools."



**Senate Bill 276**

**Effective:** See below

**Senate Author:** Watson et al.

**House Sponsor:** Parker

Senate Bill 276 amends the Education Code to remove the cap on the number of students who may attend an adult high school diploma and industry certification charter school program and to establish the state public education law to which such a program is subject. The bill requires the commissioner of education to develop and adopt performance frameworks to measure the performance of such a program and requires the commissioner to annually evaluate program performance. The bill repeals certain Texas Education Agency reporting requirements regarding such programs. The bill takes effect May 23, 2017, but only if a specific appropriation is provided for additional funding for the increase in the number of program participants above 150 in a general appropriations act of the 85th Legislature.

**Senate Bill 436**

**Effective:** 9-1-17

**Senate Author:** Rodríguez

**House Sponsor:** Uresti, Tomas

Senate Bill 436 amends the Education Code to require meetings of the special education continuing advisory committee to be conducted in compliance with state open meetings law. The bill provides for public participation with the committee and establishes the committee's duty to post certain information on its website and submit a biennial report to the legislature with recommended changes to state law and agency rules relating to special education.

**Senate Bill 463**

**Effective:** See below

**Senate Author:** Seliger et al.

**House Sponsor:** Huberty et al.

Senate Bill 463 amends the Education Code to provide for the development of a procedure under which a public school may award a diploma to eligible students who entered ninth grade before the 2011-2012 school year based on the completion of alternative graduation requirements. The bill postpones the expiration of provisions regarding the use of individual graduation committees to satisfy graduation requirements. The bill requires the Texas Higher Education Coordinating Board, in coordination with the Texas Education Agency, to collect certain data relating to the post-graduation pursuits of each student who is awarded a diploma based on the determination of an individual graduation committee and requires the coordinating board to provide a report to the legislature that includes a summary compilation of that data. The bill takes effect June 9, 2017, except that a provision removing a reference to a transition plan adopted by the commissioner of education regarding previously enacted curriculum changes takes effect September 1, 2018, and a prohibition against a school district administering certain assessment instruments required for graduation before previously enacted school accountability changes takes effect September 1, 2019.

**Senate Bill 489**

**Effective:** 5-28-17

**Senate Author:** Lucio et al.

**House Sponsor:** Alvarado

Senate Bill 489 amends the Education Code to include instruction to prevent the use of e-cigarettes among the curriculum components each school district's local school health advisory council is required to recommend.

**Senate Bill 490**

**Effective:** 6-9-17

**Senate Author:** Lucio

**House Sponsor:** Huberty et al.

Senate Bill 490 amends the Education Code to include among the information about postsecondary education a school counselor must provide to a student and the student's parent or guardian information regarding the availability of education and training vouchers

and tuition and fee waivers to attend an institution of higher education for a student who is or was previously in the conservatorship of the Department of Family and Protective Services. The bill includes among the contents of a school district's annual performance report the number of school counselors providing counseling services at each campus and requires the commissioner of education to require each district and open-enrollment charter school to report through the Public Education Information Management System certain information regarding the availability of school counselors at each campus.

**Senate Bill 579**

**Effective:** 5-22-17

**Senate Author:** Taylor, Van

**House Sponsor:** Cortez

Senate Bill 579 amends the Education Code to provide for the use of epinephrine auto-injectors on private school campuses and at or in transit to or from off-campus private school events.

**Senate Bill 587**

**Effective:** 5-26-17

**Senate Author:** Campbell

**House Sponsor:** VanDeaver et al.

Senate Bill 587 amends the Education Code to make a student who was enrolled in a publicly funded school outside of Texas in the preceding school year and who is a dependent of a member of the U.S. military who has been deployed or transferred to Texas eligible to enroll full-time in courses provided through the state virtual school network. The bill removes the requirement for the commissioner of education to contract with a regional education service center for the service center to operate that network.

**Senate Bill 671**

**Effective:** 5-22-17

**Senate Author:** Campbell et al.

**House Sponsor:** Guillen

Senate Bill 671 amends the Education Code to require the State Board of Education to adopt criteria to allow a student to complete one of the two required foreign language credits by successfully completing a dual language immersion program at an elementary school.

**Senate Bill 725**

**Effective:** 6-9-17

**Senate Author:** Miles et al.

**House Sponsor:** Bernal et al.

Senate Bill 725 amends the Education Code to authorize a public school district or open-enrollment charter school to allow a campus to elect to donate food to a nonprofit organization, through an official of the nonprofit organization who is directly affiliated with the campus, for purposes of providing food at no cost to a student for breakfast, lunch, or dinner meals or a snack if the student is unable to purchase such meals or a snack.

**Senate Bill 748**

**Effective:** 6-9-17

**Senate Author:** Zaffirini et al.

**House Sponsor:** Allen

Senate Bill 748 amends the Education Code to revise the issues the admission, review, and dismissal committee of a student enrolled in a special education program is required to consider and, if appropriate, address in the student's individualized education program regarding transition planning for the student. The bill establishes the duties of a district and the commissioner of education with regard to the transfer of parental rights of a student with a disability at the age of majority.

**Senate Bill 754**  
**Effective:** 9-1-17

**Senate Author:** Perry  
**House Sponsor:** King, Ken

Senate Bill 754 amends the Education Code to increase from two to three the number of additional two-year terms for which an independent school district and the district's depository bank may agree to extend a depository contract and to authorize the contract to be modified for each two-year extension if both parties mutually agree to the terms.

**Senate Bill 801**  
**Effective:** 9-1-17

**Senate Author:** Seliger et al.  
**House Sponsor:** King, Ken

Senate Bill 801 amends the Education Code to require each instructional material on the instructional material list and the supplemental instructional materials adopted by the State Board of Education to be suitable for, and reviewed by academic experts in, the applicable subject and grade level.

**Senate Bill 810**  
**Effective:** 6-9-17

**Senate Author:** Kolkhorst et al.  
**House Sponsor:** Howard

Senate Bill 810 amends the Education Code and the Government Code to rename the instructional materials allotment as the instructional materials and technology allotment, to rename the state instructional materials fund as the state instructional materials and technology fund, and to change as a purpose for which money in the fund is required to be used the payment of expenses associated with the purchase or licensing of open-source instructional material to the payment of such expenses concerning open education resource instructional material. The bill changes the instructional materials account the commissioner of education is required to maintain for each public school district to the instructional materials and technology account.

Senate Bill 810 requires the State Board of Education (SBOE), in reviewing and adopting instructional materials for elementary and secondary grade levels for each subject in the required curriculum, to consider a district's need for technology as well as instructional materials and authorizes the SBOE in any biennium to limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum. The bill requires the SBOE to include information regarding open education resource instructional materials during the adoption cycle and authorizes a district or open-enrollment charter school to consider the use of such materials in selecting instructional materials each year. The bill changes the frequency with which the SBOE is required to update the long-range technology-related plan from an update as necessary to an update at least every five years.

Senate Bill 810 requires the commissioner of education to develop and maintain a web portal to assist districts and charter schools in selecting instructional materials and to pay any expenses associated with the web portal using money in the state instructional materials and technology fund. The bill sets out requirements relating to the information to be included in the web portal, including a requirement for a repository of open education resource instructional materials and other electronic instructional materials that districts and charter schools may access at no cost.

Senate Bill 810 includes among the textbook cost-savings information a public institution of higher education is required to make reasonable efforts to disseminate to its students information regarding the availability of courses and sections of courses that require or recommend only open educational resources. The bill sets out related requirements for certain textbook lists provided by an institution of higher education or a college bookstore.

Senate Bill 810 requires the Texas Higher Education Coordinating Board to establish and administer a temporary grant program to encourage faculty at public institutions of higher education to adopt, modify, redesign, or develop courses that use only open educational resources. The bill provides for the grant program's application and review process and sets out

certain eligibility restrictions for a grantee and reporting requirements for a grantee and for the coordinating board. The bill requires the coordinating board to conduct a study to determine the feasibility of creating a state repository of open educational resources and sets out the factors the study must consider and reporting requirements regarding the study's results.

**Senate Bill 825**

**Effective:** 6-9-17

**Senate Author:** Taylor, Larry

**House Sponsor:** Huberty

Senate Bill 825 amends the Education Code to replace the requirement for a school district to administer a preliminary college preparation test to students in 8th and 10th grades with an authorization for a district to administer such a test to those students.

**Senate Bill 826**

**Effective:** 5-29-17

**Senate Author:** Taylor, Larry

**House Sponsor:** Huberty

Senate Bill 826 amends the Education Code to remove a student's successful completion of English I, II, and III as a prerequisite to the student's compliance with the curriculum requirement for an advanced English course and a student's successful completion of Algebra I and geometry as a prerequisite to compliance with the curriculum requirement for an advanced mathematics course.

**Senate Bill 1005**

**Effective:** 6-12-17

**Senate Author:** Campbell

**House Sponsor:** Deshotel

Senate Bill 1005 amends the Education Code to provide certain high school students the opportunity to use the SAT, the ACT, the Texas Success Initiative (TSI) diagnostic assessment, or the current assessment instrument or instruments administered for graduation purposes as an exit-level assessment instrument for obtaining a high school diploma.

**Senate Bill 1152**

**Effective:** 5-28-17

**Senate Author:** Menéndez et al.

**House Sponsor:** Rodriguez, Justin

Senate Bill 1152 amends the Education Code to require a school district to excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the U.S. armed services or the Texas National Guard under certain circumstances.

**Senate Bill 1153**

**Effective:** 6-12-17

**Senate Author:** Menéndez et al.

**House Sponsor:** Huberty

Senate Bill 1153 amends the Education Code to establish each school district's and open-enrollment charter school's duty to notify a parent of a child who receives assistance from the district or school for learning difficulties that the district or school provides the child such assistance.

**Senate Bill 1177**

**Effective:** 9-1-17

**Senate Author:** Hughes et al.

**House Sponsor:** Koop

Senate Bill 1177 amends the Human Resources Code to authorize the commissioner of education to grant a charter to an eligible entity that has entered into a contract with a detention, correctional, or residential facility established only for juvenile offenders. The bill entitles a charter school operated by such a facility or entity to receive open-enrollment charter school funding under the foundation school program in the same manner as an open-enrollment charter school.

**Senate Bill 1318**

**Effective:** 9-1-17

**Senate Author:** Taylor, Van

**House Sponsor:** Parker

Senate Bill 1318 amends the Education Code to establish the authority of the commissioner of education to designate a campus of a school district or open-enrollment charter school as a mathematics innovation zone and award grant funds to those campuses. The bill also authorizes the commissioner to structure and approve pay for success programs that provide private financing for certain district or school programs.

**Senate Bill 1353**

**Effective:** 6-1-17

**Senate Author:** Taylor, Larry

**House Sponsor:** Faircloth

Senate Bill 1353 amends the Education Code to entitle a public school district to which an academically unacceptable school district is annexed to additional state aid for five years to assist with the costs of facility renovation, repair, and replacement. The bill revises the method for determining additional state aid to which such a district is entitled based on debt service taxes. The commissioner of education is required to implement the bill only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commissioner may, but is not required to, implement the bill using other appropriations available for the purpose.

**Senate Bill 1398**

**Effective:** 6-12-17

**Senate Author:** Lucio et al.

**House Sponsor:** Thompson, Senfronia

Senate Bill 1398 amends the Education Code to clarify the individuals who may make and who must act on a written request for video surveillance equipment to be provided to a school or campus for use in a self-contained classroom or other special education setting and to limit the classrooms or other settings in which a school or campus that receives such equipment is required to place, operate, and maintain a video camera. The bill sets out requirements for a school district or open-enrollment charter school policy relating to the placement, operation, or maintenance of such video cameras and provides procedures for an expedited review by the Texas Education Agency of certain district actions regarding the use of such video cameras.

**Senate Bill 1404**

**Effective:** 6-15-17

**Senate Author:** Hughes et al.

**House Sponsor:** Ashby

Senate Bill 1404 amends the Education Code to require the commissioner of education by rule to require each public school district and open-enrollment charter school to report through the Public Education Information Management System information for each campus of the district or school regarding the availability of expanded learning opportunities and the number of students participating in each of the categories of expanded learning opportunities. The bill establishes the duties of the Sunset Advisory Commission regarding the reviews of the Expanded Learning Opportunities Council and of regional education service centers.

**Senate Bill 1480**

**Effective:** 9-1-17

**Senate Author:** Hughes

**House Sponsor:** Murphy et al.

Senate Bill 1480 amends the Education Code to replace the cap on the total amount of charter district bonds the commissioner of education may approve for guarantee based on total available capacity of the guaranteed bond program with a cap based on the program's charter capacity. The bill provides for the transition to the capacity-based cap by setting out a schedule by which the total limitation on the amount of charter district bonds that could be guaranteed under the law is increased annually until that transition is completed. The bill authorizes the

commissioner to consider certain additional factors when determining whether to approve charter district bonds for guarantee that are in addition to all applicable requirements prescribed by law. The bill specifies that the charter district bond guarantee reserve fund is managed by the State Board of Education (SBOE) in the same manner as the permanent school fund and authorizes the SBOE to invest money in that reserve fund subject to certain requirements. The bill increases from 10 percent to 20 percent the amount of the savings a charter district realizes as a result of the lower interest rate on the district's bonds due to the guarantee of the bonds by the permanent school fund that the district is required to remit to the commissioner; provides an exception to the remittance requirement; and removes the requirement that such a remittance be made annually.

**Senate Bill 1553**

**Effective:** See below

**Senate Author:** Menéndez et al.

**House Sponsor:** Bernal

Senate Bill 1553 amends the Code of Criminal Procedure to require a person subject to sex offender registration who enters the premises of any private or public elementary or secondary school or a day-care center in Texas during the standard operating hours of the school or center to immediately notify the school's or center's administrative office of the person's presence on the premises and the person's registration status. The bill establishes the circumstances under which a school may refuse to allow a person to enter on or may eject a person from property under the school district's control who refuses to leave peaceably on request.

Senate Bill 1553 takes effect June 15, 2017, except that the notification requirement for a person subject to sex offender registration and certain related provisions take effect September 1, 2017.

**Senate Bill 1566**

**Effective:** 9-1-17

**Senate Author:** Kolkhorst

**House Sponsor:** King, Ken

Senate Bill 1566 provides for the abolishment of each county board of education, board of county school trustees, and office of county school superintendent in Dallas County effective November 15, 2017, unless the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved by a majority of voters at an election held on the November 2017 uniform election date in Dallas County. The bill provides for the dissolution of each such board if that abolishment takes effect.

Senate Bill 1566 amends the Education Code to subject a county board of education and office of county school superintendent in Dallas County to Texas Education Agency oversight of school districts. The bill revises and expands the scope of provisions establishing the powers and duties of the board of trustees of an independent school district. The bill, among other provisions, provides for the development of a board improvement and evaluation tool, sets out additional requirements for district dropout prevention strategies, authorizes a board to establish before-school and after-school programs for students, provides for the transportation or storage of a firearm and ammunition by a handgun license holder in a school parking area, and revises the grace period policy for exhausted or insufficient meal card or account balances.

**Senate Bill 1784**

**Effective:** 6-15-17

**Senate Author:** Taylor, Larry

**House Sponsor:** Huberty

Senate Bill 1784 amends the Education Code to authorize the purchase of instructional materials that include content that is not owned by the state and for which preexisting rights may exist under certain conditions. The bill requires the commissioner of education to provide a license for open-source instructional materials purchased by the state that allows for the free use, reuse, modification, or sharing of the material by any person or entity and removes the

requirement for the commissioner to develop a schedule for the adoption of state-developed open-source instructional materials.

**Senate Bill 1837**  
**Effective:** 6-12-17

**Senate Author:** Hughes et al.  
**House Sponsor:** Bohac

Senate Bill 1837 amends the Education Code to limit the financial indicators used to evaluate the financial performance of a charter school operated by a public institution of higher education to the indicators determined by commissioner of education rule as appropriate to accurately measure the financial performance of such charter schools.

**Senate Bill 1839**  
**Effective:** 6-12-17

**Senate Author:** Hughes et al.  
**House Sponsor:** Koop

Senate Bill 1839 amends the Education Code to require the Texas Education Agency to provide educator preparation programs with specified data based on information reported through the Public Education Information Management System (PEIMS) and establish requirements for an educator certificate candidate to receive instruction in digital learning, but only requires the commissioner of education to implement these provisions if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commissioner may, but is not required to, implement the provisions using other appropriations available for the purpose. The bill requires the State Board for Educator Certification to develop an optional early childhood certificate for teachers with special training in early childhood education focusing on prekindergarten through grade three. The bill provides for an additional option for satisfying the field-based experience requirement for a candidate for certification as a teacher of record, exceptions to the examination requirements for an educator from outside of Texas to obtain an educator certificate in Texas, and the incorporation of instruction regarding digital learning and digital teaching in the continuing education requirements for a classroom teacher.

**Senate Bill 1843**  
**Effective:** 6-15-17

**Senate Author:** Campbell  
**House Sponsor:** Blanco

Senate Bill 1843 amends the Education Code to require each public school district and open-enrollment charter school each school year to provide students in grades 10 through 12 an opportunity to take the Armed Services Vocational Aptitude Battery test and consult with a military recruiter. A district or charter school may elect to not provide the Armed Services Vocational Aptitude Battery test only if the district or school provides an alternative test that, among other conditions, assesses a student's aptitude for success in a career field other than a career field that requires postsecondary education and provides the student with a professional interpretation of the test results that allows the student to explore occupations that are consistent with the student's interests and skills and to develop strategies to attain the student's career goals.

**Senate Bill 1873**  
**Effective:** 6-15-17

**Senate Author:** Hinojosa  
**House Sponsor:** Wilson et al.

Senate Bill 1873 amends the Education Code to establish the commissioner of education's duty to complete a report on physical education provided by each school district and publish the report on the Texas Education Agency website.

**Senate Bill 1882**  
**Effective:** 6-15-17

**Senate Author:** Menéndez et al.  
**House Sponsor:** Koop

Senate Bill 1882 amends the Education Code to establish the eligibility of a school campus with an overall performance rating of unacceptable for an exemption from interventions, and of the applicable school district for additional funding, once the district contracts with an open-enrollment charter school or an entity granted a campus or program charter to partner to operate the campus. The commissioner of education is required to implement the bill only if the legislature appropriates money specifically for that purpose, but, in absence of such appropriation, the commissioner may implement the bill using other appropriations available for the purpose.

**Senate Bill 1901**  
**Effective:** 6-12-17

**Senate Author:** Campbell  
**House Sponsor:** Huberty

Senate Bill 1901 amends the Education Code to require the governor to designate a day to be known as Texas Military Heroes Day in public schools that includes appropriate instruction to educate students about the sacrifices made by brave Texans who have served in the U.S. armed forces.

**Senate Bill 1963**  
**Effective:** 6-15-17

**Senate Author:** Creighton  
**House Sponsor:** Phelan

Senate Bill 1963 amends the Education Code to prohibit State Board for Educator Certification rules from requiring that an educator preparation program conduct a formal observation of a candidate seeking certification in a certification class other than classroom teacher on the candidate's site in a face-to-face setting and to require the rules to permit a formal observation to occur on the candidate's site or through use of electronic transmission.

**Senate Bill 2039**  
**Effective:** See below

**Senate Author:** Zaffirini  
**House Sponsor:** Thompson, Senfronia

Senate Bill 2039 amends the Education Code and Government Code to continue the human trafficking prevention task force until September 1, 2019, and to require the commissioner of education to develop one or more sexual abuse and sex trafficking instructional modules that a school district may use in the district's health curriculum. The bill requires a school district's or open-enrollment charter school's policy addressing sexual abuse and other maltreatment of children to also address sex trafficking and authorizes a district to collaborate with local law enforcement and outside consultants to create that policy and a referral protocol for high-risk students. The bill takes effect June 12, 2017, but only if a specific appropriation for the bill's implementation is provided in a general appropriations act of the 85th Legislature.

**Senate Bill 2080**  
**Effective:** See below

**Senate Author:** Taylor, Larry  
**House Sponsor:** Guillen

Senate Bill 2080 amends the Education Code to require the commissioner of education by rule to require each school district and open-enrollment charter school to include in the district's or school's Public Education Information Management System (PEIMS) report the number of children with disabilities residing in a residential facility who are required to be tracked by the Residential Facility Monitoring (RFM) System and receive educational services from the district or school. The bill takes effect June 12, 2017, but only if a specific appropriation for the bill's implementation is provided in a general appropriations act of the 85th Legislature.



**Senate Bill 2084**

**Effective:** 6-15-17

**Senate Author:** Taylor, Larry

**House Sponsor:** Bohac et al.

Senate Bill 2084 amends the Education Code to require the commissioner of education to adopt rules to calculate average daily attendance for students participating in a blended learning program in which classroom instruction is supplemented with applied workforce learning opportunities.

**Senate Bill 2141**

**Effective:** 6-12-17

**Senate Author:** Taylor, Larry

**House Sponsor:** Howard

Senate Bill 2141 amends the Education Code to require commissioner of education rules to include specified requirements applicable to the representative for a person in a special education due process hearing if the representative is not a licensed attorney and receives monetary compensation from a person for that representation.

## Public Retirement Systems

This chapter covers legislation on state and local public retirement systems, including the Employees Retirement System of Texas and the Teacher Retirement System of Texas, as well as legislation relating to health benefit plans administered by public retirement systems.

**House Bill 1428**  
**Effective:** 9-1-17

**House Author:** Smithee  
**Senate Sponsor:** Huffman

House Bill 1428 amends the Insurance Code to apply statutory provisions relating to out-of-network claim dispute resolution to an administrator of a health benefit plan, other than a health maintenance organization plan, under the Texas Public School Retired Employees Group Benefits Act or the Texas School Employees Uniform Group Health Coverage Act.

**House Bill 3056**  
**Effective:** 9-1-17

**House Author:** Meyer et al.  
**Senate Sponsor:** Huffines

House Bill 3056 amends the Government Code and Texas Local Fire Fighters Retirement Act, Vernon's Texas Civil Statutes, to authorize the governing body of University Park to adopt one or more ordinances to exclude from participation in the municipality's fire fighters' retirement system employees of the fire department first hired on or after the closure effective date provided by the bill and to require the governing body, if it does so, to allow those excluded employees to participate in the Texas Municipal Retirement System. The bill, among other provisions, provides for an election regarding such an ordinance.

**House Bill 3158**  
**Effective:** See below

**House Author:** Flynn et al.  
**Senate Sponsor:** West

House Bill 3158 amends the Revised Statutes to revise and update provisions relating to the Dallas Police and Fire Pension System. Among other provisions, the bill revises and sets out provisions relating to the administration of the pension system, required contributions to the pension system by the city, membership and member contributions, retirement benefits and benefit adjustments, the deferred retirement option plan (DROP), and treatment under federal law. The bill adjusts the composition and governance structure of the pension system's board of trustees and provides for mandatory trustee training, certain reviews and an independent actuarial analysis of the pension system, the creation of an investment advisory committee and an alternative benefit plan, and certain equitable adjustments to benefits.

House Bill 3158, effective September 1, 2017, prohibits certain distributions out of a DROP participant's DROP account, subject to certain exceptions, and provides for the bill's severability and effective date. Except as otherwise provided, the bill takes effect May 31, 2017, unless the board violates the bill's provisions regarding such prohibited distributions. If, not later than August 31, 2017, the State Pension Review Board determines that the pension system violated those provisions, the bill's contingent provisions have no effect.

**House Bill 3976**  
**Effective:** 9-1-17

**House Author:** Ashby et al.  
**Senate Sponsor:** Huffman

House Bill 3976 amends and repeals provisions of the Texas Public School Retired Employees Group Benefits Act, Insurance Code, to restructure the administration of benefits payable under the act by removing the two-tiered structure of basic and optional plans offered under the Texas public school employees group insurance program and instead requiring the Teacher Retirement System of Texas (TRS) to establish or contract for and make available under the group program a high deductible plan, a Medicare Advantage plan, and a Medicare prescription drug

plan for eligible retirees, dependents, surviving spouses, and surviving dependent children. The bill exempts the Medicare Advantage plan and Medicare prescription drug plan from certain statutory requirements relating to prior authorization for certain drugs and coverage for preexisting conditions, coverage for a prostate-specific antigen test, and certain disease management services. The bill revises statutory provisions relating to cost sharing, monthly contribution, and payment requirements for the group program and the state's required contribution through TRS to cover certain costs of plans under the group program. The bill repeals statutory provisions relating to additional enrollment periods for coverage under the group program provision, establishing certain caps on the percentage of costs to be allocated to each group responsible for sharing the costs, and requiring that TRS establish certain ranges of payment for those costs.

**House Bill 4035**

**Effective:** See below

**House Author:** Flynn

**Senate Sponsor:** Huffman

House Bill 4035 amends the Government Code, effective January 1, 2018, to provide for certain deductions from the regular monthly service or disability retirement annuity payment of a Teacher Retirement System of Texas retiree who is participating in the employees uniform insurance benefits program under the State University Employees Uniform Insurance Benefits Act.

House Bill 4035 amends the Insurance Code to set out alternative eligibility criteria for participation as an annuitant in the state employees group benefits program and as a retired employee in the employees uniform insurance benefits program for certain individuals. Among other provisions, the bill authorizes the University of Texas System or the Texas A&M University System to design and offer an optional basic coverage plan for employees who are graduate students. Except as otherwise provided, the bill takes effect June 15, 2017.

**Senate Bill 55**

**Effective:** 9-1-17

**Senate Author:** Zaffirini

**House Sponsor:** Sheffield

Senate Bill 55 requires the Teacher Retirement System of Texas and the Employees Retirement System of Texas to jointly conduct a study of the benefits and disadvantages of establishing a patient-reported outcomes registry for musculoskeletal care provided under the plans of group coverage administered by the systems under the Texas Employees Group Benefits Act, the Texas Public School Retired Employees Group Benefits Act, and the Texas School Employees Uniform Group Health Coverage Act.

**Senate Bill 500**

**Effective:** 6-6-17

**Senate Author:** Taylor, Van et al.

**House Sponsor:** Geren et al.

Senate Bill 500 amends the Code of Criminal Procedure and Government Code to make certain elected officials or persons appointed to such offices who are members of a public retirement system ineligible to receive a service retirement annuity if the official is convicted of a qualifying felony related to performance of public service committed while in office. A member of the legislature, the governor, or a state elected official vacates the official's office on the date the conviction becomes final. The bill, among other provisions, provides for the suspension of payments of a service retirement annuity, alternate payee benefits, entitlement to a refund of retirement annuity contributions, and an affirmative finding in a trial regarding a qualifying offense related to public service.

**Senate Bill 1663****Effective:** See below**Senate Author:** Huffman**House Sponsor:** Flynn

Senate Bill 1663 amends the Education Code, Government Code, and Insurance Code to update and clarify provisions relating to benefits from and the administration of the Teacher Retirement System of Texas (TRS) and to update the period during which the board of trustees of TRS is subject to review under the Texas Sunset Act. The bill, among other provisions, clarifies that certain student employees are not eligible for membership in TRS, revises provisions relating to a post-retirement change of an optional annuity selection to a standard retirement annuity, provides the method by which TRS is required to determine whether to reduce the optional retirement annuity paid to certain designated beneficiaries because of early retirement, establishes the circumstances under which a retiree is considered to be employed by a Texas public educational institution for purposes of determining entitlement to retirement benefit payments, and exempts TRS from provisions relating to the benefits of and restrictions on state employees working out of state. Effective June 15, 2017, the bill makes all personal financial disclosures made by TRS employees relating to the TRS ethics policy confidential. The bill also revises procedures for managing TRS assets, provides for the imposition of a late fee on an employer that fails to remit certain member and employer deposits, and alters the composition of the Retirees Advisory Committee. Except as otherwise provided, the bill takes effect September 1, 2017.

**Senate Bill 1664****Effective:** 9-1-17**Senate Author:** Huffman**House Sponsor:** Flynn

Senate Bill 1664 amends the Education Code and Government Code to update and clarify provisions relating to service credit, payments, and deposits administered by the Teacher Retirement System of Texas (TRS). Among other provisions, the bill revises reporting requirements regarding a school district's compliance with certain group health coverage requirements, provides for the method by which TRS is required to determine whether an individual is an employee or independent contractor, and adjusts the payment deadlines for certain service credit. The bill requires TRS to deposit in a member's individual account in the member savings account the portion of a deposit to establish USERRA credit and gives TRS the option to deposit the portion of a deposit to establish unreported service credit or compensation as an alternative to the deposit establishing equivalent membership service credit. The bill also changes the entity required to certify to the comptroller of public accounts an estimate of the amount necessary to pay the state's contributions to TRS for the following biennium from the TRS board of trustees to the Texas Higher Education Coordinating Board.

**Senate Bill 1665****Effective:** 6-15-17**Senate Author:** Huffman**House Sponsor:** Flynn

Senate Bill 1665 amends the Government Code to provide for the permanent authority of the board of trustees of the Teacher Retirement System of Texas (TRS) to delegate discretionary investment authority to external investment managers to invest and manage not more than 30 percent of the total assets held in trust by TRS.

**Senate Bill 1735****Effective:** 6-12-17**Senate Author:** Hughes**House Sponsor:** Springer

Senate Bill 1735 repeals certain obsolete laws governing state pensions and other benefits relating to part of the enabling legislation for state pensions for Confederate veterans and their surviving spouses, an authorization of a state pension for veterans of the Texas Revolution and their surviving spouses, an authorization of a state pension for certain Texas Rangers who served

before September 1, 1947, and their surviving spouses, and transitional funding mechanisms and appropriations for the original Texas Old Age Assistance Fund.

**Senate Bill 1954**

**Effective:** 9-1-17

**Senate Author:** Hughes

**House Sponsor:** Lozano

Senate Bill 1954 amends the Government Code to set out additional deadlines by which eligible members of the Teacher Retirement System of Texas (TRS) must elect to participate in the optional retirement program available to certain employees of public institutions of higher education. The bill provides for the correction of certain member contributions to TRS submitted in error by an employer on behalf of a participant in the program.

**Senate Bill 2190**

**Effective:** 7-1-17

**Senate Author:** Huffman

**House Sponsor:** Flynn et al.

Senate Bill 2190 amends the Revised Statutes and Vernon's Texas Civil Statutes to revise and update provisions relating to the Houston Firefighters' Relief and Retirement Fund, Houston Police Officers' Pension System, and Houston Municipal Employees Pension System. Among other provisions, the bill revises and sets out provisions relating to the administration and actuarial review of the fund and those systems, required municipal contributions to the fund and systems, membership and member contributions, service retirement benefits and benefit adjustments, and certain alternative and cash balance retirement plans. The bill provides for certain risk sharing mechanisms and the actuarial assumptions and methods for reviewing the fund and systems.

Senate Bill 2190 amends the Local Government Code to condition Houston's authority to issue an obligation to fund all or any part of the fund's or systems' unfunded liabilities on the issuance of such an obligation receiving voter approval.

## Public Safety

This chapter covers legislation relating to peace officers and other law enforcement personnel, law enforcement agencies, handgun and firearm possession, and the duties and functions of the Texas Department of Public Safety. Legislation on crime victims and criminal offenses, penalties, and procedures is in the **Criminal Justice** chapter, and legislation on juvenile offenders and proceedings is in the **Juvenile Justice** chapter. Legislation on emergency response and the Texas Division of Emergency Management is in the **Emergency Response** chapter, and legislation on driver's licenses is in the **Transportation** chapter.

**House Bill 245**  
**Effective:** 9-1-17

**House Author:** Johnson, Eric et al.  
**Senate Sponsor:** Whitmire

House Bill 245 amends the Code of Criminal Procedure to require the office of the attorney general to conduct an investigation after receiving a report asserting that a law enforcement agency failed to submit a required report for officer-involved injury or death or for injuries or deaths of peace officers and, if appropriate, to notify the agency of the failure to report. The bill makes an agency that fails to submit such a report liable for a civil penalty and requires collected penalties to be deposited to the crime victims compensation fund.

**House Bill 281**  
**Effective:** 9-1-17

**House Author:** Howard et al.  
**Senate Sponsor:** Huffman et al.

House Bill 281 amends the Government Code to require the Department of Public Safety to develop and implement a statewide electronic tracking system for evidence collected in relation to a sexual assault or other sex offense and to require participation in the tracking system by any facility or entity that collects evidence of a sexual assault or other sex offense or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected. The bill provides for the confidentiality of and limited access to records entered into the tracking system.

**House Bill 297**  
**Effective:** 9-1-17

**House Author:** Bell et al.  
**Senate Sponsor:** West

House Bill 297 amends the Government Code to designate January 9 as Law Enforcement Appreciation Day and to require the Texas Education Agency to develop recommendations for the observation of Law Enforcement Appreciation Day through appropriate activities in the public schools.

**House Bill 435**  
**Effective:** 9-1-17

**House Author:** King, Ken et al.  
**Senate Sponsor:** Perry

House Bill 435 amends the Civil Practice and Remedies Code, Government Code, Health and Safety Code, and Penal Code to, among other provisions, establish that a governmental unit is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun, authorize a state hospital to prohibit a license holder from carrying a handgun on the hospital property by providing written notice, and impose a civil penalty on a license holder who violates that prohibition.

House Bill 435 establishes a defense to prosecution for trespass by a license holder carrying a concealed or openly carried handgun that the license holder is volunteer emergency services personnel and a defense to prosecution for the unlawful carrying of a handgun by a license holder on certain specified premises that the actor is volunteer emergency services personnel engaged in providing emergency services. The bill expands the group of persons exempt from

application of the offenses of unlawful carrying of weapons and the possession or going with a prohibited weapon on certain premises to include the attorney general, a United States attorney, their respective assistants, and volunteer emergency services personnel engaged in providing emergency services.

**House Bill 873**

**Effective:** 9-1-17

**House Author:** Pickett et al.

**Senate Sponsor:** Hughes

House Bill 873 amends the Code of Criminal Procedure to prohibit certain establishments serving the public from restricting a peace officer or special investigator from carrying an authorized weapon on the establishment's premises regardless of whether the peace officer or special investigator is engaged in the actual discharge of official duties while carrying the weapon.

**House Bill 1355**

**Effective:** 9-1-17

**House Author:** Wray

**Senate Sponsor:** Birdwell

House Bill 1355 amends the Transportation Code to make a police officer of the City of Midlothian eligible to apply for certification to enforce commercial motor vehicle safety standards.

**House Bill 1503**

**Effective:** 9-1-17

**House Author:** Frullo et al.

**Senate Sponsor:** Huffman

House Bill 1503 amends the Code of Criminal Procedure to clarify the time frame within which a local law enforcement agency, on receiving a report of an attempted child abduction, must provide any relevant information regarding the attempted abduction to the missing children and missing persons information clearinghouse.

**House Bill 1526**

**Effective:** 9-1-17

**House Author:** King, Phil et al.

**Senate Sponsor:** Huffman

House Bill 1526 amends the Government Code to provide financial assistance to an eligible survivor of a peace officer employed by a private institution of higher education located in Texas who is killed in the line of duty.

House Bill 1526 amends the Insurance Code to transfer the responsibility for paying insurance contributions for an active or retired employee of a community supervision and corrections department from the community justice assistance division of the Texas Department of Criminal Justice to the state.

**House Bill 1545**

**Effective:** 9-1-17

**House Author:** Clardy

**Senate Sponsor:** Nichols

House Bill 1545 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE) to adopt rules establishing a procedure under which credit hours earned for high school courses directly related to law enforcement can be counted toward the training hours required of an applicant for a peace officer license and requiring an applicant to submit to TCOLE a high school transcript indicating the applicant earned an endorsement in the public services category.

**House Bill 1570**

**Effective:** 9-1-17

**House Author:** Burns

**Senate Sponsor:** Birdwell

House Bill 1570 amends the Transportation Code to make a police officer of the City of Alvarado eligible to apply for certification to enforce commercial motor vehicle safety standards.

**House Bill 1643**  
**Effective:** 9-1-17

**House Author:** Springer et al.  
**Senate Sponsor:** Seliger

House Bill 1643 amends the Government Code to prohibit a county, municipality, or joint airport board from adopting or enforcing a regulation regarding the operation of an unmanned aircraft except a regulation regarding the use of an unmanned aircraft during certain special events, the political subdivision's use of an unmanned aircraft, or the use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision if the political subdivision holds a public hearing on the political subdivision's intent to apply for Federal Aviation Administration authorization to adopt the regulation and receives the authorization. The bill expands the definition of "critical infrastructure facility" for purposes of the offense of operation of unmanned aircraft over such a facility to include any structure used as part of a system to provide wired or wireless telecommunications services, certain oil, gas, or chemical production facilities or apparatuses, and a concentrated animal feeding operation.

**House Bill 1771**  
**Effective:** 9-1-17

**House Author:** Price et al.  
**Senate Sponsor:** Seliger

House Bill 1771 amends the Parks and Wildlife Code to prohibit a person from discharging a firearm or shooting an arrow from any kind of bow while located in or on the bed or bank of a certain portion of the Canadian River in Potter County. The bill provides exceptions to the prohibition and does not limit the ability of a license holder to carry a concealed handgun.

**House Bill 1780**  
**Effective:** 9-1-17

**House Author:** Dale  
**Senate Sponsor:** Birdwell

House Bill 1780 amends the Government Code to expand the class of officers eligible for membership in the reserve officer corps of the Department of Public Safety (DPS) from certain retired or previously commissioned DPS officers to certain retired or previously commissioned peace officers as defined by the Code of Criminal Procedure.

**House Bill 2306**  
**Effective:** 9-1-17

**House Author:** Guillen et al.  
**Senate Sponsor:** Zaffirini

House Bill 2306 amends the Transportation Code to entitle a law enforcement agency to reimbursement from the proceeds of the sale of an abandoned motor vehicle, aircraft, watercraft, or outboard motor for compensation paid from existing funds to property owners whose property was damaged as a result of a pursuit involving the motor vehicle.

**House Bill 2619**  
**Effective:** 9-1-17

**House Author:** Giddings et al.  
**Senate Sponsor:** Hughes et al.

House Bill 2619 amends the Government Code to require the governor's criminal justice division to establish and administer a grant program through which a law enforcement agency may apply for a grant to implement programs, practices, and services designed to address the direct or indirect emotional harm suffered by peace officers in the course of the officers' duties or as the result of the commission of crimes by other persons and a grant program to assist law enforcement agencies in providing critical incident stress debriefing to peace officers who experience critical incidents while performing official duties.



**House Bill 2812**  
**Effective:** 9-1-18

**House Author:** Oliverson et al.  
**Senate Sponsor:** Huffman

House Bill 2812 amends the Transportation Code to limit the lights with which a security patrol vehicle may be equipped to only green, amber, or white lights.

**House Bill 3042**  
**Effective:** 6-15-17

**House Author:** Meyer et al.  
**Senate Sponsor:** Huffines

House Bill 3042 amends the Government Code to designate July 7 as Fallen Law Enforcement Officer Day in recognition of the ultimate sacrifice made by Texas law enforcement officers killed in the line of duty.

**House Bill 3223**  
**Effective:** 9-1-17

**House Author:** Goldman et al.  
**Senate Sponsor:** Zaffirini

House Bill 3223 amends the Local Government Code and the Transportation Code to prohibit a person both from selling or transferring a law enforcement motor vehicle to the public unless the person first removes any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle and from selling or transferring such a vehicle to a licensed security services contractor unless each emblem or insignia that identifies the vehicle as a law enforcement motor vehicle is removed before the sale or transfer. The bill imposes liability on a person or political subdivision that violates such prohibitions for damages proximately caused by the use of that vehicle during the commission of a crime and to the state for a civil penalty of \$1,000.

**House Bill 3647**  
**Effective:** 6-15-17

**House Author:** Dale et al.  
**Senate Sponsor:** Watson et al.

House Bill 3647 amends the Government Code to set out the nomination process for having a person's name added to the Texas Peace Officers' Memorial Monument and requires the Texas Commission on Law Enforcement (TCOLE) to add the name of a nominee found by TCOLE to have met eligibility requirements. The bill establishes the Texas Peace Officers' Memorial Ceremony Committee to plan and coordinate annual ceremonies to recognize and honor Texas peace officers who were killed in the line of duty.

**House Bill 3784**  
**Effective:** 9-1-17

**House Author:** Holland et al.  
**Senate Sponsor:** Taylor, Van et al.

House Bill 3784 amends the Government Code to provide for the certification of, and authorization for, qualified online course providers to offer the classroom part of the handgun proficiency course required for licensure and administer the associated written exams. The bill revises the license to carry a handgun requirements that exempt a current or honorably discharged member of the federal armed forces or Texas military forces from the requirement to take the range instruction part of a handgun proficiency course by extending the relevant period during which the person completed a range qualification process for firearm usage as part of military service from the five years preceding the application for a license to the 10 years preceding the application. The bill exempts a peace officer who complies with all other applicable requirements for a license to carry a handgun from the requirement to complete a handgun proficiency course and exempts a county jailer or state correctional officer who complies with all other applicable requirements for a license to carry a handgun from the requirement to complete the range instruction part of a handgun proficiency course if the

Department of Public Safety is satisfied with the applicant's handgun proficiency. The bill waives all fees required for a license to carry a handgun for a county jailer or state correctional officer.

**Senate Bill 12**

**Effective:** 5-27-17

**Senate Author:** West et al.

**House Sponsor:** King, Phil et al.

Senate Bill 12 amends the Government Code to create a grant program administered by the governor's criminal justice division to assist law enforcement agencies with the purchase of bulletproof vests and body armor.

**Senate Bill 16**

**Effective:** 9-1-17

**Senate Author:** Nichols et al.

**House Sponsor:** King, Phil et al.

Senate Bill 16 amends the Government Code to decrease the fee for the issuance of an original or renewed license to carry a handgun, waive the fee for the issuance of such a license to a peace officer, and reduce the fee required for the issuance of a renewed license to carry a handgun by \$5 for an applicant who is indigent or is 60 years of age or older.

**Senate Bill 30**

**Effective:** 9-1-17

**Senate Author:** West et al.

**House Sponsor:** Thompson, Senfronia et al.

Senate Bill 30, the Community Safety Education Act, amends the Education Code and Occupations Code to require the State Board of Education (SBOE) and the Texas Commission on Law Enforcement (TCOLE) to develop instructional curriculum and material on proper interaction with peace officers during traffic stops and other in-person encounters. The instruction is to be included in the required curriculum for students in grade levels 9 through 12 and for each driver education course and driving safety course. A school district or open-enrollment charter school may tailor the instruction as appropriate for the district's or school's community. The bill requires the SBOE and TCOLE to also develop a training program on proper interaction with civilians during traffic stops and other in-person encounters to be included in the basic training course for law enforcement officers and requires the civilian interaction training program to be completed by a certain date by officers who did not complete the program in basic training.

**Senate Bill 263**

**Effective:** 9-1-17

**Senate Author:** Perry

**House Sponsor:** Springer et al.

Previous law required that a person applying to obtain or renew a license to carry a handgun demonstrate, at a minimum, the degree of proficiency required to effectively operate a handgun of .32 caliber or above. Senate Bill 263 amends the Government Code to remove the minimum handgun caliber element from the proficiency requirement.

**Senate Bill 297**

**Effective:** 9-1-17

**Senate Author:** Hinojosa

**House Sponsor:** Miller et al.

Senate Bill 297 amends the Government Code to establish what constitutes overtime for certain commissioned officers of the Department of Public Safety (DPS) based on the number of hours worked during a 24-hour period and a 40-hour work week and removes statutory provisions relating to a formula for computing state compensation for overtime entitlements. The bill authorizes DPS to compensate such an officer for overtime earned by allowing or requiring the officer to take compensatory leave at the rate of 1-1/2 hours of leave for each hour of overtime earned or by paying the officer for the overtime hours earned at the rate equal to 1-1/2 times the officer's regular hourly pay rate.

**Senate Bill 840**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini et al.  
**House Sponsor:** Martinez, “Mando” et al.

Senate Bill 840 amends the Government Code to make the capturing of the following images using an unmanned aircraft in Texas lawful: an image captured by or for certain telecommunications entities or purposes; an image of real property or a person on real property that is within 25 miles of the United States border captured for the sole purpose of ensuring border security by a law enforcement authority or a person who is under contract with or otherwise acting under the direction or on behalf of a law enforcement authority; and an image captured by an employee of an insurance company or its affiliate in connection with the underwriting of an insurance policy or the rating or adjusting of an insurance claim regarding real property or a structure on real property if the operator of the unmanned aircraft is authorized by the Federal Aviation Administration to conduct operations within the airspace from which the image is captured.

**Senate Bill 1024**  
**Effective:** 9-1-17

**Senate Author:** Nelson  
**House Sponsor:** Davis, Yvonne

Senate Bill 1024 amends the Transportation Code to authorize an airport security vehicle to be equipped with flashing blue and amber lights visible from directly in front of the center of the vehicle.

**Senate Bill 1138**  
**Effective:** 9-1-17

**Senate Author:** Whitmire et al.  
**House Sponsor:** Krause et al.

Senate Bill 1138 amends the Government Code to create a statewide blue alert system to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer. The system is developed and implemented by the Department of Public Safety in cooperation with the Department of Transportation, the office of the governor, law enforcement agencies, and other appropriate media and public and private persons or entities. The bill establishes the director of public safety as the statewide coordinator of the alert system and the procedures by which the alert system is activated and terminated.

**Senate Bill 1253**  
**Effective:** 9-1-17

**Senate Author:** West et al.  
**House Sponsor:** Smithee

Senate Bill 1253 amends the Code of Criminal Procedure to require a law enforcement agency to make a complete and contemporaneous electronic recording of any custodial interrogation that occurs on or after March 1, 2018, in a place of detention and that is of a person suspected of committing or charged with the commission of certain offenses, unless electronic recording is infeasible as prescribed by the bill. The bill exempts such a recording from public disclosure under state public information law and provides for the admissibility of such a recording in a criminal proceeding against the accused.

**Senate Bill 1290**  
**Effective:** 9-1-17

**Senate Author:** Creighton  
**House Sponsor:** Metcalf

Senate Bill 1290 amends the Government Code to entitle an emergency communication district to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to an employee of the district, a volunteer with the district, an employee of a person that contracts with the district, or an applicant for such positions and to prohibit the release or disclosure of such criminal history record information, with certain exceptions.

**Senate Bill 1805****Effective:** 9-1-17**Senate Author:** Lucio**House Sponsor:** Lucio III

Senate Bill 1805 amends the Government Code to rename the “multiuse training facility” used by the Department of Public Safety (DPS) and certain military and law enforcement agencies as the “multiuse training and operations center facility” and to include the housing of law enforcement assets and equipment and the support and initiation of tactical operations and law enforcement missions among its permissible uses. The bill includes a navigation district among the subdivisions authorized to donate real property to DPS for the facility.

**Senate Bill 1849****Effective:** See below**Senate Author:** Whitmire et al.**House Sponsor:** Coleman et al.

Senate Bill 1849, the Sandra Bland Act, amends the Code of Criminal Procedure, Government Code, and Occupations Code to revise provisions relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses and to the confinement, conviction, or release of those individuals, including persons with a mental illness or intellectual disability. The bill revises provisions relating to grants supporting populations that are more likely to interact frequently with law enforcement and provides for the development of related local plans. The bill, among other provisions, establishes the prisoner safety fund to pay for certain mental health care access for prisoners, requires routine serious incidents reports in county jails and independent investigations of deaths occurring in county jails, and provides for the position of county jail administrator. The bill expands the required peace officer and county jailer training, sets out additional requirements for a law enforcement agency’s policy on racial profiling and law enforcement reports required for motor vehicle stops, and revises provisions relating to peace officer equipment.

Senate Bill 1849 takes effect September 1, 2017, except that provisions relating to county jailer training take effect January 1, 2018.

*This page intentionally left blank.*

## Special Districts

This chapter covers legislation relating to special districts, including emergency services districts, hospital districts, and navigation districts. The chapter also covers economic development districts, such as improvement and management districts, and water districts, including groundwater conservation districts, water control and improvement districts, and municipal utility districts. While general law grants districts general powers and duties, a district's enabling legislation and subsequent amendments to that legislation may grant additional powers and duties specific to that district, such as certain taxing and eminent domain authority.

**House Bill 651**  
**Effective:** 9-1-17

**House Author:** Clardy  
**Senate Sponsor:** Hughes

House Bill 651 amends the law to change the election date of the board of directors of the Rusk County Groundwater Conservation District.

**House Bill 886**  
**Effective:** 5-28-17

**House Author:** King, Ken  
**Senate Sponsor:** Seliger

House Bill 886 amends the law to change the powers granted to the Hemphill County Underground Water Conservation District from powers applicable to underground water conservation districts to powers applicable to groundwater conservation districts. The bill revises the manner in which a district director is required to qualify to serve as a director and the date of the directors election.

**House Bill 967**  
**Effective:** 9-1-17

**House Author:** VanDeaver  
**Senate Sponsor:** Hughes

House Bill 967 amends the Special District Local Laws Code to include as a purpose of the TexAmericas Center the promotion of regional economic development and job creation and to authorize the center to authorize by resolution the creation of a nonprofit corporation solely to undertake certain projects on behalf of the center.

**House Bill 1186**  
**Effective:** 6-1-17

**House Author:** Anderson, Rodney  
**Senate Sponsor:** Huffines

House Bill 1186 amends the law to authorize the tax assessor-collector for the Dallas County Utility and Reclamation District or a person designated by the tax assessor-collector, if the district enters into a tax abatement agreement with the owner of single-family residential property to exempt a portion of the taxable value of the property from property taxation, to file an application for the exemption on behalf of the property owner with the chief appraiser for the appraisal district in which the property is located.

**House Bill 1207**  
**Effective:** 6-15-17

**House Author:** Gooden  
**Senate Sponsor:** Hall

House Bill 1207 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Kaufman County Fresh Water Supply District No. 1-A.

**House Bill 1208**  
**Effective:** 6-15-17

**House Author:** Gooden  
**Senate Sponsor:** Hall

House Bill 1208 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Kaufman County Fresh Water Supply District No. 1-D.

## Special Districts

### **House Bill 1331**

**Effective:** 5-18-17

**House Author:** Zerwas

**Senate Sponsor:** Kolkhorst

House Bill 1331 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 224.

### **House Bill 1439**

**Effective:** 5-18-17

**House Author:** Bell

**Senate Sponsor:** Creighton

House Bill 1439 amends the Special District Local Laws Code to grant the Wood Trace Municipal Utility District No. 3 of Montgomery County, Texas, the power to undertake certain road projects.

### **House Bill 1440**

**Effective:** 5-18-17

**House Author:** Bell

**Senate Sponsor:** Creighton

House Bill 1440 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 154.

### **House Bill 1445**

**Effective:** 5-18-17

**House Author:** Bell

**Senate Sponsor:** Creighton

House Bill 1445 amends the Special District Local Laws Code to grant the Montgomery County Municipal Utility District No. 130 the power to undertake certain road projects.

### **House Bill 1448**

**Effective:** 5-18-17

**House Author:** Bell

**Senate Sponsor:** Creighton

House Bill 1448 amends the Special District Local Laws Code to grant the Montgomery County Municipal Utility District No. 131 the power to undertake certain road projects.

### **House Bill 1455**

**Effective:** 6-15-17

**House Author:** Bohac

**Senate Sponsor:** Whitmire

House Bill 1455 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 552.

### **House Bill 1631**

**Effective:** 9-1-17

**House Author:** King, Ken

**Senate Sponsor:** Seliger

House Bill 1631 amends the Special District Local Laws Code to change from a petition to an application the type of document that a person who wants to have the person's name printed on the ballot as a candidate for director of the Ochiltree County Hospital District must file with the secretary of the district's board of directors.

### **House Bill 1664**

**Effective:** 5-18-17

**House Author:** Bell

**Senate Sponsor:** Creighton

House Bill 1664 amends the Special District Local Laws Code to grant the Wood Trace Municipal Utility District No. 1, of Montgomery County, Texas the power to undertake certain road projects.

**House Bill 1709**  
**Effective:** 9-1-17

**House Author:** Gooden et al.  
**Senate Sponsor:** Hall

House Bill 1709 amends the Special District Local Laws Code to authorize the Commissioners Courts of Dallas and Kaufman Counties to dissolve the Bois d'Arc Island Levee Improvement District of Dallas and Kaufman Counties under certain circumstances.

**House Bill 1716**  
**Effective:** 9-1-17

**House Author:** Reynolds et al.  
**Senate Sponsor:** Miles

House Bill 1716 amends the Local Government Code to authorize a county assistance district to consist of noncontiguous tracts and to authorize a county assistance district annexing territory to annex territory that is not adjacent or contiguous to the district.

**House Bill 1946**  
**Effective:** 9-1-17

**House Author:** Parker  
**Senate Sponsor:** Taylor, Van

House Bill 1946 amends the Water Code to specify the types of contracts and leases a water district may submit, along with bond records, to the attorney general for which the attorney general's approval of the bonds constitutes an approval of the contract or lease and to make such a contract or lease incontestable.

**House Bill 1962**  
**Effective:** 5-18-17

**House Author:** Thompson, Ed  
**Senate Sponsor:** Taylor, Larry

House Bill 1962 amends the Special District Local Laws Code to provide for the creation of the Brazoria County Municipal Utility District No. 69.

**House Bill 1963**  
**Effective:** 5-23-17

**House Author:** Thompson, Ed  
**Senate Sponsor:** Taylor, Larry

House Bill 1963 amends the Special District Local Laws Code to provide for the creation of the Brazoria County Municipal Utility District No. 70.

**House Bill 1982**  
**Effective:** 9-1-17

**House Author:** Metcalf et al.  
**Senate Sponsor:** Creighton

House Bill 1982 amends the law to decrease from nine to seven the number of directors of the Lone Star Groundwater Conservation District, to change from appointment to election the manner in which a director is selected, and to set a limit of three terms for a director.

**House Bill 2064**  
**Effective:** 6-1-17

**House Author:** Anderson, Rodney et al.  
**Senate Sponsor:** Huffines

House Bill 2064 amends the Special District Local Laws Code to establish that a quorum of the board of directors of the Irving Flood Control District Section III of Dallas County consists of three directors and to establish the conditions under which an action or recommendation of the board requiring a board vote is valid.

**House Bill 2134**  
**Effective:** 9-1-17

**House Author:** Metcalf  
**Senate Sponsor:** Creighton

House Bill 2134 amends the Special District Local Laws Code to provide for the creation of the Trinity Lakes Municipal Utility District of Montgomery County.



## Special Districts

**House Bill 2220**  
**Effective:** 6-12-17

**House Author:** Elkins  
**Senate Sponsor:** Whitmire

House Bill 2220 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the West Harris County Municipal Utility District No. 21.

**House Bill 2332**  
**Effective:** 5-23-17

**House Author:** Thompson, Ed  
**Senate Sponsor:** Taylor, Larry

House Bill 2332 amends the Special District Local Laws Code to provide for the creation of the Brazoria County Management District No. 1.

**House Bill 2358**  
**Effective:** 1-1-18

**House Author:** Metcalf et al.  
**Senate Sponsor:** Kolkhorst

House Bill 2358 amends the Water Code to require a voter in a water district confirmation election, or an election to authorize taxes and bonds held in conjunction with such a confirmation election, to be a qualified voter of the district. The bill provides for a related voter affidavit.

**House Bill 2504**  
**Effective:** 9-1-17

**House Author:** Hernandez et al.  
**Senate Sponsor:** Garcia

House Bill 2504 amends the Health and Safety Code to entitle a commissioner of an emergency services district to receive compensation in the same manner and amount as are provided by Water Code provisions applicable to a director of a water district.

**House Bill 2565**  
**Effective:** 6-15-17

**House Author:** Stucky  
**Senate Sponsor:** Estes

House Bill 2565 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Big Sky Municipal Utility District of Denton County and to provide for the division of the Smiley Road Water Control and Improvement District.

**House Bill 2566**  
**Effective:** 9-1-17

**House Author:** Stucky  
**Senate Sponsor:** Estes

House Bill 2566 amends the Special District Local Laws Code to provide for the creation of the Denton County Municipal Utility District No. 9.

**House Bill 2610**  
**Effective:** 9-1-17

**House Author:** Guillen  
**Senate Sponsor:** Lucio

House Bill 2610 amends the Water Code to authorize a navigation district that operates a port that is wholly located in Willacy County to lease the surface of land for not more than 99 years or extend a lease to a period not to exceed 99 years under certain conditions.

**House Bill 2687**  
**Effective:** 9-1-17

**House Author:** Dutton  
**Senate Sponsor:** Whitmire

House Bill 2687 amends the Special District Local Laws Code to provide for the creation of the Lago Bello Municipal Utility District No. 1 of Harris County.

**House Bill 2788**  
**Effective:** 5-29-17

**House Author:** White  
**Senate Sponsor:** Nichols

House Bill 2788 amends the Health and Safety Code to set out provisions relating to the appointment of a board of emergency services commissioners in an emergency services district

that was authorized to have a board of emergency services commissioners appointed under specified former law and that is located partly in a county with a population of less than 22,000 and partly in a county with a population of more than 54,000.

**House Bill 2803**  
**Effective:** 4-1-19

**House Author:** Larson  
**Senate Sponsor:** Lucio

House Bill 2803, a continuation of the legislature's ongoing statutory revision program, nonsubstantively codifies a number of session law special districts into the Special District Local Laws Code. The codified districts include one navigation district, one port authority, one fresh water supply district, one flood control district, 11 districts governing groundwater, and two water control and improvement districts.

**House Bill 2825**  
**Effective:** 9-1-17

**House Author:** Gooden  
**Senate Sponsor:** Hall

House Bill 2825 amends the Water Code to authorize the commissioners courts of Dallas County, Ellis County, Navarro County, and Kaufman County to dissolve a dormant levee improvement district at any time under certain conditions. The bill requires such a commissioners court to hold a public hearing before voting on a dissolution order and, if the commissioners court votes to dissolve the district, to appoint the chairman of the district's board of directors or some other suitable person as trustee to close the affairs of the district without delay.

**House Bill 2881**  
**Effective:** 9-1-17

**House Author:** Sanford  
**Senate Sponsor:** Estes

House Bill 2881 amends the Special District Local Laws Code to change the composition of the board of directors of the Old Celina Municipal Management District No. 1 from three directors appointed by the governing body of the City of Celina and two specified city officers to five elected directors. The bill provides for transitional directors and initial permanent directors and revises provisions relating to director terms, director qualifications, board vacancies, director compensation, and removal of directors.

**House Bill 2912**  
**Effective:** 9-1-17

**House Author:** King, Phil  
**Senate Sponsor:** Estes

House Bill 2912 amends the Special District Local Laws Code to provide for the creation of the New Fairview Municipal Utility District No. 1 in Wise County.

**House Bill 2938**  
**Effective:** 6-15-17

**House Author:** Reynolds  
**Senate Sponsor:** Huffman

House Bill 2938 amends the law to establish that the Sienna Plantation Levee Improvement District of Fort Bend County, Texas, is a conservation and reclamation district and to set out provisions relating to a cap on the outstanding principal amount of district obligations issued to finance parks and recreational facilities supported by property taxation.

**House Bill 2987**  
**Effective:** 8-1-17

**House Author:** Fallon  
**Senate Sponsor:** Hughes

House Bill 2987 amends the Special District Local Laws Code to authorize the Denton County Municipal Utility Districts Nos. 4 and 5, subject to local voter approval, to improve, operate, or maintain any macadamized, graveled, or paved roads in existence on September 1, 2017, or improvements in aid of those roads inside the districts. The bill sets out provisions relating

## Special Districts

to road standards and requirements and provides for the acceptance of certain roads by the districts and a prohibition against the districts issuing obligations to pay for a road project.

**House Bill 3136**  
**Effective:** 9-1-17

**House Author:** Wray  
**Senate Sponsor:** Birdwell

House Bill 3136 amends the Special District Local Laws Code to provide for the creation of the Windsor Hills Municipal Management District No. 1 in Ellis County.

**House Bill 3173**  
**Effective:** 6-12-17

**House Author:** Bell  
**Senate Sponsor:** Creighton

House Bill 3173 amends the Special District Local Laws Code to grant the Harris County Improvement District No. 17 the powers of a municipal utility district relating to services for certain defined areas and designated property and to create the East Lake Houston Management District.

**House Bill 3178**  
**Effective:** 6-15-17

**House Author:** Anchia  
**Senate Sponsor:** Huffines

House Bill 3178 amends the Health and Safety Code to authorize the Dallas County Hospital District to contract with a broker to lease or sell a tract of real property that is owned by the district and to set out provisions relating to that authority.

**House Bill 3185**  
**Effective:** 9-1-17

**House Author:** Frank  
**Senate Sponsor:** Perry

House Bill 3185 amends the Special District Local Laws Code to authorize the Rolling Plains Groundwater Conservation District to assess fees in an annual amount capped at 150 percent of the maximum commercial water rate charged by the City of Wichita Falls for groundwater exported from the district. The bill restricts the district's use of funds obtained from such fees to certain purposes.

**House Bill 3442**  
**Effective:** 6-12-17

**House Author:** Cook  
**Senate Sponsor:** Schwertner

House Bill 3442 amends the Special District Local Laws Code to change the manner in which notice of an election of the directors of the Fairfield Hospital District is provided and to authorize the district's board of directors to order an election to increase the maximum tax rate of the district to a rate capped at 25 cents on each \$100 valuation of the taxable property in the district. The bill requires the board to order an election to increase the maximum tax rate of the district on presentation of a petition requesting the election that states the maximum tax rate to be voted on at the election and meets a specified signature threshold if, after a hearing, the board determines that the petition is in proper form and that an increase of the maximum tax rate would benefit the district.

**House Bill 3504**  
**Effective:** 9-1-17

**House Author:** Miller  
**Senate Sponsor:** Kolkhorst

House Bill 3504 amends the Local Government Code to authorize the governing body of a county assistance district created by Fort Bend County to include in the district a portion of a public right-of-way, and county-owned property being used for a public purpose, that is located in a municipality located in the county and whose inclusion is consented to by the municipality. The bill expands the purposes for which such a district may use available money from the performance of maintenance or improvement on a road and the associated drainage

areas included in the district to the performance of any function of the district on a road or public right-of-way, including associated drainage areas, or any property included in the district.

**House Bill 3783**

**Effective:** 6-12-17

**House Author:** Lang

**Senate Sponsor:** Estes

House Bill 3783 amends the Special District Local Laws Code to increase from two years to three years the length of a term of a director elected to the board of directors of the Palo Pinto County Hospital District.

**House Bill 4268**

**Effective:** 9-1-17

**House Author:** Sanford

**Senate Sponsor:** Estes

House Bill 4268 amends the Special District Local Laws Code to create the Celina Municipal Management District No. 2 in Collin County.

**House Bill 4270**

**Effective:** 6-12-17

**House Author:** Isaac

**Senate Sponsor:** Campbell

House Bill 4270 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Anthem Municipal Utility District.

**House Bill 4272**

**Effective:** 6-12-17

**House Author:** Oliverson

**Senate Sponsor:** Kolkhorst

House Bill 4272 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 554.

**House Bill 4275**

**Effective:** 6-12-17

**House Author:** Lozano

**Senate Sponsor:** Zaffirini

House Bill 4275 amends the Special District Local Laws Code to provide for the creation of the Ingleside Municipal Utility District No. 1.

**House Bill 4277**

**Effective:** 6-12-17

**House Author:** Zerwas

**Senate Sponsor:** Kolkhorst

House Bill 4277 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Fort Bend County Municipal Utility District No. 50.

**House Bill 4279**

**Effective:** 6-12-17

**House Author:** King, Tracy O.

**Senate Sponsor:** Uresti

House Bill 4279 amends the Special District Local Laws Code to provide for the expansion of the territory of the Frio Hospital District by authorizing registered voters of a defined territory composed of all territory within Frio County that does not include the district's territory to file a petition with the secretary of the district's board of directors requesting inclusion of the territory in the district. The annexation of territory is final when the board approves the annexation by a resolution and the annexation is approved by a majority of the voters at an election held in the district and a separate election held on the same date in the territory to be annexed. The bill provides for the addition of two members to the district's board of directors if annexation is approved. The bill revises the procedures for providing notice of an election of district directors and changes from a petition to an application the type of document that a person who wants to have the person's name printed on the ballot as a candidate for director of the district must file with the board secretary.

## Special Districts

### **House Bill 4283**

**Effective:** 6-12-17

**House Author:** Oliverson

**Senate Sponsor:** Kolkhorst

House Bill 4283 converts the Grand Northwest Municipal Utility District to the Grand Northwest Municipal Management District and amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the converted district.

### **House Bill 4285**

**Effective:** 6-12-17

**House Author:** Zerwas

**Senate Sponsor:** Kolkhorst

House Bill 4285 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Fort Bend County Municipal Utility District No. 130.

### **House Bill 4287**

**Effective:** 6-12-17

**House Author:** Fallon

**Senate Sponsor:** Estes

House Bill 4287 amends the Special District Local Laws Code to provide for the division of the Smiley Road Water Control and Improvement District.

### **House Bill 4289**

**Effective:** 9-1-17

**House Author:** Zerwas

**Senate Sponsor:** Kolkhorst

House Bill 4289 amends the Special District Local Laws Code to authorize the Aliana Management District to compensate a district director in an amount capped at \$150 for each board of directors meeting. The bill caps the total amount of compensation for a director in one year at \$7,200 and entitles a director to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

### **House Bill 4290**

**Effective:** 6-15-17

**House Author:** Thierry

**Senate Sponsor:** Miles

House Bill 4290 amends the Special District Local Laws Code to create the Stadium Park Management District in the City of Houston.

### **House Bill 4291**

**Effective:** 6-12-17

**House Author:** Schubert

**Senate Sponsor:** Kolkhorst

House Bill 4291 amends the Special District Local Laws Code to revise the fees the Colorado County Groundwater Conservation District may assess, authorize the district to solicit and accept grants, and include as a purpose for which the district may collect revenue the accomplishment of the district's regulatory goals.

### **House Bill 4292**

**Effective:** 9-1-17

**House Author:** Zerwas

**Senate Sponsor:** Kolkhorst

House Bill 4292 amends the Special District Local Laws Code to authorize the Fort Bend County Municipal Management District No. 1 to compensate a district director in an amount capped at \$150 for each board of directors meeting. The bill caps the total amount of compensation for a director in one year at \$7,200 and entitles a director to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board. The bill provides for a district sales and use tax.

**House Bill 4297**  
**Effective:** 6-12-17

**House Author:** Miller  
**Senate Sponsor:** Kolkhorst

House Bill 4297 amends the Special District Local Laws Code to create the Telfair Tract 5 Commercial Management District in the City of Sugar Land.

**House Bill 4298**  
**Effective:** 6-12-17

**House Author:** Oliverson  
**Senate Sponsor:** Bettencourt

House Bill 4298 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 553.

**House Bill 4301**  
**Effective:** 6-12-17

**House Author:** Isaac  
**Senate Sponsor:** Campbell

House Bill 4301 amends the Special District Local Laws Code to provide for the creation of the Driftwood Conservation District in Hays County.

**House Bill 4303**  
**Effective:** 9-1-17

**House Author:** Burns  
**Senate Sponsor:** Birdwell

House Bill 4303 amends the Special District Local Laws Code to provide for the creation of the Prairie Ridge Municipal Management District No. 1 near the City of Grand Prairie and to correct the term “city” as defined in the enabling legislation of, respectively, the Joshua Farms Municipal Management District No. 1 and the Joshua Farms Municipal Management District No. 2.

**House Bill 4309**  
**Effective:** 9-1-17

**House Author:** Isaac  
**Senate Sponsor:** Campbell

House Bill 4309 amends the Special District Local Laws Code to provide for the creation of the Driftwood Municipal Utility District No. 1 in Hays County.

**House Bill 4310**  
**Effective:** Vetoed

**House Author:** Isaac  
**Senate Sponsor:** Zaffirini

House Bill 4310 amends the Special District Local Laws Code to name the temporary board of directors of the LaSalle Municipal Utility District No. 1 and provide for the financing of district improvements and recreational facilities with assessments.

Governor’s Reason for Veto: “The bill author requested a veto of this bill because he prefers the companion Senate Bill.”

**House Bill 4311**  
**Effective:** Vetoed

**House Author:** Isaac  
**Senate Sponsor:** Zaffirini

House Bill 4311 amends the Special District Local Laws Code and session law to name the temporary board of directors of the LaSalle Municipal Utility District No. 2, provide for the financing of district improvements and recreational facilities with assessments, and revise the district’s boundaries.

Governor’s Reason for Veto: “The bill author requested a veto of this bill because he prefers the companion Senate Bill.”

**House Bill 4312**  
**Effective:** Vetoed

**House Author:** Isaac  
**Senate Sponsor:** Zaffirini

House Bill 4312 amends the Special District Local Laws Code and session law to name the temporary board of directors of the LaSalle Municipal Utility District No. 3, provide for the

## Special Districts

financing of district improvements and recreational facilities with assessments, and revise the district's boundaries.

Governor's Reason for Veto: "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

### **House Bill 4313**

**Effective:** Vetoed

**House Author:** Isaac

**Senate Sponsor:** Zaffirini

House Bill 4313 amends the Special District Local Laws Code and session law to name the temporary board of directors of the LaSalle Municipal Utility District No. 4, provide for the financing of district improvements and recreational facilities with assessments, and revise the district's boundaries.

Governor's Reason for Veto: "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

### **House Bill 4314**

**Effective:** Vetoed

**House Author:** Isaac

**Senate Sponsor:** Zaffirini

House Bill 4314 amends the Special District Local Laws Code and session law to name the temporary board of directors of the LaSalle Municipal Utility District No. 5, provide for the financing of district improvements and recreational facilities with assessments, and revise the district's boundaries.

Governor's Reason for Veto: "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

### **House Bill 4315**

**Effective:** 6-12-17

**House Author:** Deshotel

**Senate Sponsor:** Creighton

House Bill 4315 amends the Special District Local Laws Code to create the Beaumont Municipal Management District No. 1.

### **House Bill 4320**

**Effective:** 6-12-17

**House Author:** Zerwas

**Senate Sponsor:** Kolkhorst

House Bill 4320 amends the Special District Local Laws Code to create the Fort Bend County Municipal Management District No. 2.

### **House Bill 4321**

**Effective:** 6-12-17

**House Author:** Schofield

**Senate Sponsor:** Huffman

House Bill 4321 amends the Special District Local Laws Code to create the Harris County Improvement District No. 25.

### **House Bill 4324**

**Effective:** 6-12-17

**House Author:** Schofield

**Senate Sponsor:** Huffman

House Bill 4324 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Harris County Municipal Utility District No. 61.

### **House Bill 4325**

**Effective:** 9-1-17

**House Author:** King, Phil

**Senate Sponsor:** Estes

House Bill 4325 amends the Special District Local Laws Code to provide for the creation of the Wise County Municipal Utility District No. 4.

**House Bill 4331**  
**Effective:** 6-12-17

**House Author:** King, Phil  
**Senate Sponsor:** Estes

House Bill 4331 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Far North Fort Worth Municipal Utility District No. 1 of Tarrant and Wise Counties.

**House Bill 4333**  
**Effective:** 6-15-17

**House Author:** Davis, Sarah  
**Senate Sponsor:** Huffman

House Bill 4333 amends the Special District Local Laws Code to create the Harris County Improvement District No. 24.

**House Bill 4334**  
**Effective:** 6-12-17

**House Author:** Bailes  
**Senate Sponsor:** Nichols

House Bill 4334 amends the Special District Local Laws Code to provide for the creation of the Liberty County Municipal Utility District No. 1 and to grant the Montgomery County Municipal Utility District Nos. 100 and 101 the power to undertake certain road projects.

**House Bill 4335**  
**Effective:** 6-12-17

**House Author:** Guillen  
**Senate Sponsor:** Lucio

House Bill 4335 amends the Special District Local Laws Code to provide for the creation of the Willacy County Municipal Utility District No. 1.

**House Bill 4340**  
**Effective:** 6-12-17

**House Author:** Wilson  
**Senate Sponsor:** Schwertner

House Bill 4340 amends the Special District Local Laws Code to provide for the creation of the Williamson County Municipal Utility District No. 34.

**House Bill 4341**  
**Effective:** 6-12-17

**House Author:** Bailes  
**Senate Sponsor:** Nichols

House Bill 4341 amends the Special District Local Laws Code to create the Liberty County Municipal Management District No. 1.

**House Bill 4345**  
**Effective:** See below

**House Author:** Rodriguez, Eddie  
**Senate Sponsor:** Watson

House Bill 4345 amends the Special District Local Laws Code to provide for, effective June 12, 2017, the creation of the Rio de Vida Municipal Utility District No. 1 in Travis County and, effective September 1, 2017, the creation of the Southwestern Travis County Groundwater Conservation District.

**House Bill 4347**  
**Effective:** 6-12-17

**House Author:** Wray  
**Senate Sponsor:** Birdwell

House Bill 4347 amends the Special District Local Laws Code to create the Midlothian Municipal Management District No. 3.

**Senate Bill 248**  
**Effective:** 6-9-17

**Senate Author:** Schwertner  
**House Sponsor:** Shine et al.

Senate Bill 248 amends the Special District Local Laws Code to provide a process for the dissolution of the Chisholm Trail Special Utility District.



## Special Districts

**Senate Bill 320**  
**Effective:** 6-9-17

**Senate Author:** Nichols  
**House Sponsor:** Bailes

Senate Bill 320 amends the Special District Local Laws Code to create the River Ranch Improvement District of Liberty County.

**Senate Bill 321**  
**Effective:** 6-1-17

**Senate Author:** Nichols  
**House Sponsor:** Bailes

Senate Bill 321 amends the Special District Local Laws Code to provide for the creation of the River Ranch Municipal Utility District of Liberty County and the Riverside Municipal Utility District of Liberty County.

**Senate Bill 554**  
**Effective:** 9-1-17

**Senate Author:** Kolkhorst  
**House Sponsor:** Metcalf

Senate Bill 554 amends the Water Code to require certain water districts that do not have a meeting place within the respective district to include in the required notice for a district's first meeting of each calendar year a description of the petition process for the Texas Commission on Environmental Quality to designate a meeting place.

**Senate Bill 625**  
**Effective:** 9-1-17

**Senate Author:** Kolkhorst  
**House Sponsor:** Stephenson et al.

Senate Bill 625 amends the Government Code to require the comptroller of public accounts to create and make accessible on the Internet a database to be known as the special purpose district public information database that contains specified information regarding certain special purpose districts of the state.

Senate Bill 625 amends the Local Government Code to require an applicable special purpose district to transmit information to the comptroller annually for purposes of providing the comptroller with information to operate and update the database. The bill provides for penalties for noncompliance with such requirement.

Senate Bill 625 specifies that the comptroller is required to implement the bill only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the comptroller may, but is not required to, implement the bill using other appropriations available for that purpose.

**Senate Bill 726**  
**Effective:** 9-1-17

**Senate Author:** Seliger  
**House Sponsor:** Price

Senate Bill 726 amends the law to change the date of the directors election for the Panhandle Groundwater Conservation District and to revise the manner in which such an election is held.

**Senate Bill 749**  
**Effective:** 9-1-17

**Senate Author:** Watson  
**House Sponsor:** Cyrier

Senate Bill 749 amends the Special District Local Laws Code to increase from \$15 to \$21 the cap on the monthly charge that the board of directors of the Bastrop County Water Control and Improvement District No. 2 by resolution may impose for each developed or undeveloped lot, tract, or reserve in the district.

**Senate Bill 814**  
**Effective:** 9-1-17

**Senate Author:** Hinojosa  
**House Sponsor:** Canales

Senate Bill 814 amends the Special District Local Laws Code to provide for a director of the Agua Special Utility District who represents the part of the City of La Joya within the district. The bill prohibits the district's board of directors, if a director is an employee of another taxing entity within the district, from employing as an employee, as a consultant, or on a contract basis an elected official of the other taxing entity that employs the director or employing, as such, a person related to that elected official in the third degree of consanguinity or affinity.

**Senate Bill 865**  
**Effective:** 6-9-17

**Senate Author:** Perry  
**House Sponsor:** Burns

Senate Bill 865 amends the Water Code to authorize a groundwater conservation district's board of directors to authorize payroll disbursements by electronic direct deposit. The bill expands a board's options with regard to the transfer of disbursements.

**Senate Bill 881**  
**Effective:** 9-1-17

**Senate Author:** Uresti  
**House Sponsor:** Nevárez

Senate Bill 881 amends the Special District Local Laws Code to lower the vote threshold required of the remaining directors of the Maverick County Hospital District to fill a director vacancy from a unanimous vote to a majority vote. The bill requires the remaining directors to immediately call a special election to fill director vacancies if the number of directors is reduced to fewer than three for any reason and authorizes a district court, on application of a district voter or taxpayer, to order the directors to hold the election if the remaining directors do not call the election. The bill replaces the position of president of the board of directors with the positions of chairman and vice-chairman of the board.

**Senate Bill 904**  
**Effective:** 9-1-17

**Senate Author:** Birdwell  
**House Sponsor:** Burns

Senate Bill 904 amends the Special District Local Laws Code to provide for the creation of the Cresson Municipal Utility District No. 1 of Hood County.

**Senate Bill 905**  
**Effective:** 6-9-17

**Senate Author:** Birdwell  
**House Sponsor:** Burns

Senate Bill 905 amends the Special District Local Laws Code to provide for the creation of the Cresson Crossroads Municipal Utility District No. 2.

**Senate Bill 914**  
**Effective:** 6-9-17

**Senate Author:** Campbell  
**House Sponsor:** Kuempel

Senate Bill 914 amends the Special District Local Laws Code to provide for the creation of the Kendall County Water Control and Improvement District No. 3.

**Senate Bill 964**  
**Effective:** 9-1-17

**Senate Author:** Rodríguez  
**House Sponsor:** Nevárez

Senate Bill 964 amends the Special District Local Laws Code to codify the Jeff Davis County Underground Water Conservation District as a groundwater conservation district.

## Special Districts

**Senate Bill 976**  
**Effective:** 6-9-17

**Senate Author:** Birdwell  
**House Sponsor:** Kacal

Senate Bill 976 dissolves the Falls County Water Control and Improvement District No. 1 and authorizes the transfer of the district's assets and obligations to the City of Marlin.

**Senate Bill 1014**  
**Effective:** 6-9-17

**Senate Author:** Creighton  
**House Sponsor:** Keough

Senate Bill 1014 amends the Special District Local Laws Code and session law to provide for the incorporation and dissolution of The Woodlands Township.

**Senate Bill 1085**  
**Effective:** 9-1-17

**Senate Author:** Bettencourt  
**House Sponsor:** Roberts

Senate Bill 1085 amends the law to set out provisions relating to the certification of unopposed candidates for the board of directors of the North Harris County Regional Water Authority.

**Senate Bill 1118**  
**Effective:** 9-1-17

**Senate Author:** Creighton  
**House Sponsor:** Bell

Senate Bill 1118 amends the Special District Local Laws Code to provide for the creation of the Blaketree Municipal Utility District No. 2 of Montgomery County.

**Senate Bill 1129**  
**Effective:** 9-1-17

**Senate Author:** Hinojosa  
**House Sponsor:** Herrero

Senate Bill 1129 amends the Water Code to extend from 30 years to 50 years the maximum period for which certain navigation districts may grant a franchise on property owned or controlled by the district. The bill revises notice requirements for such a grant and provides for the grant's effective date.

**Senate Bill 1131**  
**Effective:** 9-1-17

**Senate Author:** Hinojosa  
**House Sponsor:** Herrero

Senate Bill 1131 amends the Water Code to authorize a designated officer of an Article XVI, Section 59, navigation district to make certain payments by check without authorization by the district treasurer.

**Senate Bill 1198**  
**Effective:** 6-15-17

**Senate Author:** Zaffirini et al.  
**House Sponsor:** Isaac

Senate Bill 1198 converts the Hays Caldwell Public Utility Agency to a conservation and reclamation district to be known as the Alliance Regional Water Authority located in Bexar, Caldwell, Comal, Guadalupe, and Hays Counties and amends the Special District Local Laws Code to set out provisions relating to the authority's powers and duties.

**Senate Bill 1260**  
**Effective:** 5-29-17

**Senate Author:** Creighton  
**House Sponsor:** Faircloth

Senate Bill 1260 amends the Special District Local Laws Code to establish that the Chambers County Improvement District No. 2 is a governmental unit under the Texas Tort Claims Act and that the operations of the district are essential government functions and are not proprietary functions for any purpose. In addition to making other changes relating to the operation of the district, the bill revises the district's authority for road projects.

**Senate Bill 1261****Effective:** 9-1-17**Senate Author:** Creighton**House Sponsor:** Bell

Senate Bill 1261 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 157.

**Senate Bill 1361****Effective:** 6-1-17**Senate Author:** Creighton**House Sponsor:** Deshotel

Senate Bill 1361 amends the law to revise provisions relating to the general powers of the Sabine-Neches Navigation District of Jefferson County and to provide for district fire prevention and firefighting facilities and equipment. With respect to the Sabine-Neches Waterway Improvement Project, the bill authorizes the district to pledge to impose, and impose, a maintenance tax in an amount capped by the bill sufficient to comply with district obligations and authorizes the district to request a person designated by the district to create a domestic entity under the Business Organizations Code for the purpose of financing all or a portion of the improvement project with funds from any private, public, or governmental source, including the district.

**Senate Bill 1395****Effective:** 6-1-17**Senate Author:** Creighton et al.**House Sponsor:** Perez

Senate Bill 1395 amends the Water Code to revise general provisions relating to navigation districts, including transferring certain powers and duties from a district's navigation and canal commission to the district itself. The bill decreases the amount of security required for bids submitted on certain real property to be sold or leased for more than 50 years and revises general navigation district provisions relating to the improvement of port facilities, competitive bidding requirements, and purchase contracts. The bill sets out provisions relating to the grant of a franchise by an Article XVI, Section 59, navigation district and extends from 30 years to 50 years the maximum period for which a self-liquidating navigation district may grant a franchise.

**Senate Bill 1479****Effective:** 9-1-17**Senate Author:** Hughes**House Sponsor:** Paddie

Senate Bill 1479 amends the Special District Local Laws Code to change the date of the directors election of the Panola County Groundwater Conservation District from the uniform election date in May of each even-numbered year to the uniform election date in November of each such year.

**Senate Bill 1489****Effective:** 6-15-17**Senate Author:** Taylor, Larry et al.**House Sponsor:** Faircloth

Senate Bill 1489 amends the Special District Local Laws Code and session law to rename the Gulf Coast Waste Disposal Authority as the Gulf Coast Authority.

**Senate Bill 1526****Effective:** 9-1-17**Senate Author:** Creighton**House Sponsor:** Bell

Senate Bill 1526 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 158.

## Special Districts

### **Senate Bill 1727**

**Effective:** 6-9-17

**Senate Author:** Birdwell

**House Sponsor:** Cook

Senate Bill 1727 amends the Health and Safety Code to remove as a condition that must be met for an emergency services district otherwise precluded from adopting a sales and use tax due to a certain limitation on the combined sales and use tax rate to be authorized to adopt a sales and use tax, change the rate of its sales and use tax, or abolish its sales and use tax at a sales and use tax election the condition consisting of the board of emergency services commissioners excluding from the election any territory in the district where the sales and use tax is then at two percent. The bill requires the ballot at such an election held to adopt a sales and use tax to be prepared to permit voting for or against the proposition and sets out the proposition language.

### **Senate Bill 1864**

**Effective:** 6-12-17

**Senate Author:** Taylor, Larry et al.

**House Sponsor:** Perez

Senate Bill 1864 amends the Special District Local Laws Code to revise and update statutory provisions relating to the administration of the Port of Houston Authority of Harris County, Texas. The bill specifies that areas to which the authority's powers and duties apply include the Houston Ship Channel and dredge material management areas, provides for the leasing of facilities, and extends the authority to adopt plans for the construction or refinancing of grain elevators to such authority regarding facilities. The bill provides an exception as provided by general statutory provisions governing navigation districts to the requirement that a contract, lease, or agreement entered into by the authority be approved by action of the port commission. The bill removes the requirement that authority traffic control facilities be financed out of available revenue and removes the prohibition against such facilities utilizing bond revenue funds. The bill authorizes the chair of the port commission to designate an officer or employee of the authority to serve on behalf of the chair as a director of a freight rail district.

### **Senate Bill 1987**

**Effective:** 6-12-17

**Senate Author:** Lucio

**House Sponsor:** Murphy

Senate Bill 1987 amends the Government Code to require a person, other than a member of the legislature, who intends to apply for the passage of a law adding territory to a special district that incorporates a municipal management district power to provide notice to each affected property owner in the same manner required of a person who intends to apply for the passage of a law establishing such a special district. The bill also requires notice of the introduction in the legislature of legislation establishing or adding territory to such a special district.

Senate Bill 1987 amends the Local Government Code and Water Code to remove the option for a petition requesting the creation of a municipal management district, a petition requesting the annexation of a defined area to a water district, a petition requesting the creation of a municipal utility district, or a request to a city for its written consent to the creation of such a district to be signed by 50 property owners.

### **Senate Bill 2014**

**Effective:** 9-1-17

**Senate Author:** Creighton

**House Sponsor:** Schubert

Senate Bill 2014 amends the Water Code to prohibit the Texas Commission on Environmental Quality (TCEQ), if TCEQ determines that an application for the approval of water district bonds complies with the requirements for financial feasibility and the district submitting the application is not required to comply with rules regarding project completion, from disapproving the issuance of bonds for all or a portion of a project or requiring that the funding for all or a portion of a project be escrowed solely on the basis that the construction of the project is not

complete at the time of the determination. The bill authorizes an application for the approval of water district bonds to include financing for payment of creation and organization expenses and requires TCEQ to approve certain applications to issue water district bonds to finance the costs of spreading and compacting fill to remove property from the 100-year floodplain or to provide drainage. The bill establishes that, if a district is approved for the issuance of bonds by TCEQ to use a certain return flow of wastewater, the approval applies to subsequent bond authorizations unless the district seeks approval to use a different return flow of wastewater. The bill revises provisions relating to district contract change orders.

Senate Bill 2014 removes the option for a petition requesting the annexation of a defined area to a water district, a petition requesting the creation of a municipal utility district, or a request to a city for its written consent to the creation of such a district to be signed by 50 property owners. The bill authorizes TCEQ to approve the creation of, and authorizes the legislature to create and validate the creation of, a municipal utility district that includes any portion of the land covered by the city's consent to the creation of the district.

**Senate Bill 2068**  
**Effective:** 6-12-17

**Senate Author:** Buckingham  
**House Sponsor:** Murr

Senate Bill 2068 amends the law to authorize the Bandera County River Authority and Groundwater District to enter into a contract with a licensed water well driller to cap an open, uncovered, or abandoned well or plug and permanently close a deteriorated well. The bill authorizes a district employee to perform the same functions but requires an employee to have received certain training in order to plug a well.

**Senate Bill 2186**  
**Effective:** 6-12-17

**Senate Author:** Zaffirini  
**House Sponsor:** Guillen

Senate Bill 2186 amends the law to change the Water Code provisions that govern the Live Oak Underground Water Conservation District from provisions relating to water control and improvement districts and relating to underground water conservation districts to provisions relating to groundwater conservation districts, to remove authorization for specific powers and duties of the district, and to remove the applicability of certain tax and bond provisions to the district.

**Senate Bill 2243**  
**Effective:** 6-12-17

**Senate Author:** Buckingham  
**House Sponsor:** Workman

Senate Bill 2243 amends the Special District Local Laws Code to set the directors election of the West Travis County Municipal Utility District No. 3 to be held on the uniform election date in November of each even-numbered year. The bill grants the district the rights, powers, privileges, functions, and duties relating to a road district or road utility district created under certain constitutional provisions and the rights, powers, privileges, functions, and duties relating to the provision of potable and nonpotable water to the residents and businesses of Travis and Hays Counties but prohibits the district from constructing, acquiring, operating, or maintaining a toll road.

**Senate Bill 2244**  
**Effective:** 6-12-17

**Senate Author:** West  
**House Sponsor:** Giddings

Senate Bill 2244 amends the Special District Local Laws Code to provide for the creation of the University Hills Municipal Management District in the City of Dallas.

## Special Districts

### **Senate Bill 2245**

**Effective:** 6-12-17

**Senate Author:** Campbell

**House Sponsor:** Isaac

Senate Bill 2245 amends the Special District Local Laws Code to provide for the creation of the North Hays County Municipal Utility District No. 2.

### **Senate Bill 2252**

**Effective:** 6-12-17

**Senate Author:** Nichols

**House Sponsor:** Metcalf

Senate Bill 2252 amends the Special District Local Laws Code to grant the Montgomery County Municipal Utility District No. 100 the power to undertake certain road projects.

### **Senate Bill 2253**

**Effective:** 6-12-17

**Senate Author:** Nichols

**House Sponsor:** Metcalf

Senate Bill 2253 amends the Special District Local Laws Code to grant the Montgomery County Municipal Utility District No. 101 the power to undertake certain road projects.

### **Senate Bill 2262**

**Effective:** See below

**Senate Author:** Perry

**House Sponsor:** Burns

Senate Bill 2262 dissolves the Central Colorado River Authority after the completion of the activities in a memorandum of understanding between the authority and Coleman County regarding the transfer of assets as provided by the bill. The bill takes effect September 1, 2017, except that effective January 1, 2019, the bill amends the Government Code to make a conforming change and repeals the Special District Local Laws Code chapter governing the authority.

### **Senate Bill 2263**

**Effective:** 6-12-17

**Senate Author:** Campbell

**House Sponsor:** Kuempel

Senate Bill 2263 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Lerin Hills Municipal Utility District of Kendall County.

### **Senate Bill 2267**

**Effective:** 9-1-17

**Senate Author:** Creighton

**House Sponsor:** Perez

Senate Bill 2267 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 555.

### **Senate Bill 2268**

**Effective:** 6-12-17

**Senate Author:** Creighton

**House Sponsor:** Bell

Senate Bill 2268 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 159.

### **Senate Bill 2271**

**Effective:** 6-12-17

**Senate Author:** Creighton

**House Sponsor:** Phelan

Senate Bill 2271 amends the Special District Local Laws Code to create the Port Neches Improvement District.

### **Senate Bill 2273**

**Effective:** 6-12-17

**Senate Author:** Campbell

**House Sponsor:** Kuempel

Senate Bill 2273 amends the Special District Local Laws Code to provide for the creation of the Kendall County Water Control and Improvement District No. 4.

**Senate Bill 2274****Effective:** 9-1-17**Senate Author:** Creighton**House Sponsor:** Perez

Senate Bill 2274 amends the Special District Local Laws Code to provide for the creation of the Lakewood Municipal Utility District No. 1 in the City of Houston.

**Senate Bill 2275****Effective:** 9-1-17**Senate Author:** Creighton**House Sponsor:** Perez

Senate Bill 2275 amends the Special District Local Laws Code to provide for the creation of the Lakewood Municipal Utility District No. 2 near the City of Houston.

**Senate Bill 2276****Effective:** 6-12-17**Senate Author:** Creighton**House Sponsor:** Perez

Senate Bill 2276 amends the Special District Local Laws Code to create the Lakewood Improvement District of Harris County.

**Senate Bill 2277****Effective:** 9-1-17**Senate Author:** Creighton**House Sponsor:** Perez

Senate Bill 2277 amends the Special District Local Laws Code to provide for the creation of the Lakewood Municipal Utility District No. 3 in and near the City of Houston.

**Senate Bill 2280****Effective:** 6-12-17**Senate Author:** Buckingham**House Sponsor:** Wilson

Senate Bill 2280 amends the Special District Local Laws Code to rename the Burnet County Municipal Utility District No. 1 as the Highway 71 Municipal Utility District.

**Senate Bill 2282****Effective:** 6-12-17**Senate Author:** Nichols**House Sponsor:** Ashby

Senate Bill 2282 dissolves the Angelina County Water Control and Improvement District No. 3 and amends the Special District Local Laws Code to add the district's territory to the territory of the Angelina County Fresh Water Supply District No. 1.

**Senate Bill 2284****Effective:** 6-12-17**Senate Author:** Creighton**House Sponsor:** Huberty

Senate Bill 2284 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 544.

**Senate Bill 2285****Effective:** 6-12-17**Senate Author:** Creighton**House Sponsor:** Huberty

Senate Bill 2285 excludes a specified parcel of land from the territory of the Harris County Fresh Water Supply District No. 58.

**Senate Bill 2286****Effective:** 9-1-17**Senate Author:** Creighton**House Sponsor:** Bell

Senate Bill 2286 amends the law to rename the Southwest Montgomery County Improvement District as the Westwood Magnolia Parkway Improvement District and to revise the district's governing provisions and territory. The bill, among other provisions, revises the composition of the district's board of directors, authorizes the district to designate reinvestment zones and grant abatements of district taxes or assessments on property within such zones, and authorizes



## Special Districts

the board by resolution to impose and collect an assessment for any authorized purpose in all or any part of the district.

**Senate Bill 2287**  
**Effective:** 6-12-17

**Senate Author:** Creighton  
**House Sponsor:** Perez

Senate Bill 2287 amends the Special District Local Laws Code to revise the road powers of the Harris County Municipal Utility District No. 525.

**Senate Bill 2290**  
**Effective:** 6-12-17

**Senate Author:** Creighton  
**House Sponsor:** Bell

Senate Bill 2290 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 557.

**Senate Bill 2292**  
**Effective:** 6-12-17

**Senate Author:** Campbell  
**House Sponsor:** Kuempel

Senate Bill 2292 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Meyer Ranch Municipal Utility District of Comal County.

**Senate Bill 2295**  
**Effective:** 6-12-17

**Senate Author:** Zaffirini  
**House Sponsor:** Isaac

Senate Bill 2295 amends the Special District Local Laws Code to name the temporary board of directors of the LaSalle Municipal Utility District No. 1. The bill provides for the financing of district improvements and recreational facilities with assessments but prohibits the district from issuing bonds payable wholly or partly from assessments.

**Senate Bill 2296**  
**Effective:** 6-12-17

**Senate Author:** Zaffirini  
**House Sponsor:** Isaac

Senate Bill 2296 amends the Special District Local Laws Code to name the temporary board of directors of the LaSalle Municipal Utility District No. 2. The bill provides for the financing of district improvements and recreational facilities with assessments but prohibits the district from issuing bonds payable wholly or partly from assessments.

Senate Bill 2296 amends session law to revise the district's boundaries.

**Senate Bill 2297**  
**Effective:** 6-12-17

**Senate Author:** Zaffirini  
**House Sponsor:** Isaac

Senate Bill 2297 amends the Special District Local Laws Code to name the temporary board of directors of the LaSalle Municipal Utility District No. 3. The bill provides for the financing of district improvements and recreational facilities with assessments but prohibits the district from issuing bonds payable wholly or partly from assessments.

Senate Bill 2297 amends session law to revise the district's boundaries.

**Senate Bill 2298**  
**Effective:** 6-12-17

**Senate Author:** Zaffirini  
**House Sponsor:** Isaac

Senate Bill 2298 amends the Special District Local Laws Code to name the temporary board of directors of the LaSalle Municipal Utility District No. 4. The bill provides for the financing of district improvements and recreational facilities with assessments but prohibits the district from issuing bonds payable wholly or partly from assessments.

Senate Bill 2298 amends session law to revise the district's boundaries.

**Senate Bill 2299**

**Effective:** 6-12-17

**Senate Author:** Zaffirini

**House Sponsor:** Isaac

Senate Bill 2299 amends the Special District Local Laws Code to name the temporary board of directors of the LaSalle Municipal Utility District No. 5. The bill provides for the financing of district improvements and recreational facilities with assessments but prohibits the district from issuing bonds payable wholly or partly from assessments.

Senate Bill 2299 amends session law to revise the district's boundaries.

*This page intentionally left blank.*

## State Government

This chapter covers legislation regarding state government generally, including legislation relating to state agencies, cybersecurity, and the maintenance and transfer of public lands. Legislation relating to state purchasing is in the **Government Purchasing** chapter, legislation relating to open government is in the **Open Government and Privacy** chapter, and legislation relating to the sunset review process is in the **Sunset Review** chapter.

### House Bill 8

**Effective:** 9-1-17

**House Author:** Capriglione et al.

**Senate Sponsor:** Nelson et al.

House Bill 8, the Texas Cybersecurity Act, amends the Election Code and Government Code to set out provisions relating to cybersecurity for state agency information resources. The bill, among other provisions, requires the Department of Information Resources (DIR) to develop a plan to address cybersecurity risks and incidents in Texas and to establish an information sharing and analysis center for state agencies to share information regarding cybersecurity threats, best practices, and remediation strategies and sets out certain notification requirements for applicable state agencies in the event of a breach, suspected breach, or unauthorized exposure of government information. The bill provides for the composition and duties of the cybersecurity council; a biennial state agency information security assessment and report of each state agency's information resources systems, network systems, digital data storage systems, digital data security measures, and information resources vulnerabilities; a biennial data security plan for online and mobile applications for each state agency other than a public institution of higher education; and the adoption and implementation of a policy for data security procedures for online and mobile applications by each public institution of higher education.

House Bill 8 requires the secretary of state to conduct an election cyber attack study and prepare related reports. The bill provides for the establishment of the Senate Select Committee on Cybersecurity and House Select Committee on Cybersecurity. The bill also includes among the criteria the Sunset Advisory Commission must consider during sunset review an assessment of a state agency's cybersecurity practices using confidential information available from DIR or any other appropriate state agency.

### House Bill 462

**Effective:** Vetoed

**House Author:** Dale

**Senate Sponsor:** Zaffirini

House Bill 462 amends the Government Code to revise the notice requirements relating to proposed rules by state agencies to include notifying legislative authors and sponsors of the bill that enacted the authority under which the proposed rule is to be adopted.

Governor's Reason for Veto: "Agency rulemaking is an executive branch function, not a legislative function. Transparency in rulemaking is important, but it should not come at the expense of legislative encroachment on executive branch authority. Additionally, House Bill 462 has the potential to slow down the executive rulemaking process rather than enhance it."

### House Bill 635

**Effective:** 9-1-17

**House Author:** Howard et al.

**Senate Sponsor:** Watson

House Bill 635 amends the Government Code to require the State Preservation Board by rule and in consultation with the Texas Facilities Commission and other appropriate state agencies to establish a process for a vendor to obtain from the board a permit that allows the vendor to sell goods from a rented space during an event authorized by the board and held in the Texas mall area of the Capitol Complex. The board is not required to adopt such rules until the Capitol Complex master plan is implemented and the Texas mall proposed in the plan is established.

**House Bill 822**  
**Effective:** 9-1-17

**House Author:** Canales et al.  
**Senate Sponsor:** Hinojosa et al.

House Bill 822 amends the Government Code to designate April as Sexual Assault Awareness Month to increase awareness and prevention of sexual assault.

**House Bill 1106**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia  
**Senate Sponsor:** Hughes

House Bill 1106 amends the Texas Racing Act, Vernon's Texas Civil Statutes, to replace as an ex officio member of the Texas Racing Commission the comptroller of public accounts or the comptroller's designee with the commissioner of agriculture or the commissioner's designee.

**House Bill 1217**  
**Effective:** 7-1-18

**House Author:** Parker  
**Senate Sponsor:** Creighton

House Bill 1217 amends the Civil Practice and Remedies Code and Government Code to set out requirements for the performance of notarial acts as an online notary public, including the standards for and authority to perform online notarization and the qualifications to be appointed and commissioned as an online notary public, among other provisions.

**House Bill 1254**  
**Effective:** 9-1-17

**House Author:** Wray  
**Senate Sponsor:** Birdwell

House Bill 1254 amends the Government Code to designate July 26 as Waxahachie Chautauqua Day in recognition of the Waxahachie Chautauqua auditorium and to promote the history of Chautauqua, the role Chautauqua plays in preserving communities, and the educational and cultural opportunities Chautauqua offers through community programs.

**House Bill 1290**  
**Effective:** 9-1-17

**House Author:** Roberts et al.  
**Senate Sponsor:** Kolkhorst et al.

House Bill 1290 amends the Government Code to prohibit a state agency from adopting a proposed rule with a fiscal note that states that the rule imposes a cost on regulated persons unless on or before the proposed rule's effective date the agency repeals a rule that imposes a total cost on regulated persons that is equal to or greater than the total cost imposed on regulated persons by the proposed rule or the agency amends a rule to decrease the total cost imposed on regulated persons by an amount that is equal to or greater than the cost imposed on the persons by the proposed rule, with certain exceptions. The bill requires a state agency to prepare a government growth impact statement for a proposed rule and requires the agency to reasonably describe in the statement certain information regarding the nature and impact of the proposed rule for the first five years in which the rule would be in effect.

**House Bill 1406**  
**Effective:** Vetoed

**House Author:** Blanco  
**Senate Sponsor:** Hinojosa et al.

House Bill 1406 amends the Natural Resources Code to authorize the asset management division of the General Land Office to sell real property owned by the state directly to a federally recognized Indian tribe under certain conditions.

Governor's Reason for Veto: "Current law gives political subdivisions like cities and counties a preference over private buyers when the General Land Office sells land owned by the State. This practice might be justified in rare cases when there are compelling reasons to ensure that State land continues to benefit the public. In general, however, when selling land the State should seek the best financial terms for the taxpayers. Existing law's preference for political subdivisions is already questionable. House Bill

1406 sought to expand this questionable preference to Indian tribes, which are not political subdivisions of the State.”

**House Bill 1644**

**Effective:** 9-1-17

**House Author:** Springer

**Senate Sponsor:** Birdwell

House Bill 1644 requires the Texas Veterans Commission to transfer charge and control of the painting entitled “The Spirit of the Alamo Lives On” to the General Land Office.

**House Bill 1829**

**Effective:** 9-1-17

**House Author:** Geren

**Senate Sponsor:** Kolkhorst

House Bill 1829 amends the Government Code to require the State Preservation Board to contract with a nonprofit corporation, including a nonprofit corporation formed to assist in the preservation, maintenance, and improvement of the Capitol and Capitol grounds, to develop and implement a plan for the solicitation and acceptance of gifts, grants, devises, and bequests of money, other property, and services to be used to preserve, maintain, and improve the Capitol and the Capitol grounds.

**House Bill 2079**

**Effective:** 9-1-17

**House Author:** Hunter et al.

**Senate Sponsor:** Hinojosa et al.

House Bill 2079 amends the Government Code to require the Texas Historical Commission to develop a Texas music history trail program to promote and preserve Texas music history. The bill sets out program requirements and authorizes the commission to enter into a memorandum of understanding with certain other state agencies to implement the program.

**House Bill 2463**

**Effective:** Vetoed

**House Author:** Price

**Senate Sponsor:** Hughes

House Bill 2463 amends the Government Code to require executive branch state agencies to develop and annually update a written succession plan identifying and developing mechanisms to ensure the transfer of institutional knowledge from experienced and retiring employees who are not appointed by the governor or the agency’s governing body to succeeding employees. The bill requires a state agency to annually submit the plan to the state auditor and post the plan on the agency’s website. The bill requires the state auditor to include certain information regarding the succession plans in the auditor’s annual report on classified employee turnover.

Governor’s Reason for Veto: “State agencies should be encouraged to continually consider new ideas and new perspectives in a constant effort to reduce cost and improve service for the taxpayers. While House Bill 2463 was well-intentioned, its practical effect could have been to encourage a business-as-usual culture in state government. Bureaucracies are too often inclined to resist innovation and place an outsized value on the organization’s old way of doing things. State employees should be encouraged to propose better ways to serve the taxpayers, not taught to do their job just the way their predecessor did it. Additionally, the purposes of House Bill 2463 are, in many respects, already achieved by Section 2056.0021 of the Government Code, which provides that ‘a state agency shall conduct a strategic staffing analysis and develop a workforce plan, according to guidelines developed by the state auditor, to address critical staffing and training needs of the agency, including the need for experienced employees to impart knowledge to their potential successors.’”

**House Bill 3275**

**Effective:** 1-1-18

**House Author:** Capriglione

**Senate Sponsor:** Campbell

House Bill 3275 amends the Information Resources Management Act, Government Code, to require the quality assurance team of the Department of Information Resources (DIR) to monitor and report on performance indicators for the entire life cycle of each major information resources project and to place a project the team determines is not likely to achieve its performance

## State Government

objectives on a list for more intense monitoring. The bill requires DIR to create and maintain a user-friendly data visualization tool that provides an analysis and visual representation of the performance indicators for each project on the DIR website.

**House Bill 3402**  
**Effective:** 6-12-17

**House Author:** Bonnen, Dennis  
**Senate Sponsor:** Huffman

House Bill 3402 requires the Texas Board of Criminal Justice to sell certain state property in Brazoria County if the board receives a bid for the fair market value of the property.

**House Bill 3423**  
**Effective:** 9-1-17

**House Author:** Lambert  
**Senate Sponsor:** Uresti

House Bill 3423 amends the Natural Resources Code and Property Code to provide for certain documents relating to the sale or lease of public school land to be recorded by the county clerk in the official public records of the county at no charge and to exempt a notice of sale or land award related to such a sale from the requirement that a paper document concerning real or personal property satisfy certain original signature criteria in order to be recorded.

**House Bill 3810**  
**Effective:** 9-1-17

**House Author:** Cyrier et al.  
**Senate Sponsor:** Watson

House Bill 3810 amends the Government Code to add the Sam Rayburn House State Historic Site, the National Museum of the Pacific War, the property known as the French Legation, and the Mission Dolores State Historic Site to the Texas Historical Commission's jurisdiction. The bill provides for the transfer of jurisdiction over and management of the property known as the French Legation to the commission but authorizes the commission to enter into an agreement with the Daughters of the Republic of Texas regarding the management, staffing, parking facilities, operation, and financial support of that property. The bill specifies the commission's powers and duties with regard to the French Legation and removes the authorization for the Daughters of the Republic of Texas to charge admission to state property over which the organization has custody or control.

**Senate Bill 21**  
**Effective:** 6-6-17

**Senate Author:** Birdwell et al.  
**House Sponsor:** King, Phil et al.

Senate Bill 21 amends the Government Code to provide for the appointment, duties, and limitations of Texas delegates to a convention called by the United States Congress under Article V of the United States Constitution. The bill requires the legislature to appoint delegates and alternate delegates to an Article V convention as soon as possible following the calling of the convention and to adopt instructions by joint resolution to govern such delegates.

**Senate Bill 73**  
**Effective:** 9-1-17

**Senate Author:** Nelson et al.  
**House Sponsor:** Geren

Senate Bill 73 amends the Government Code to require each executive, legislative, and judicial state agency and institution of higher education to adopt an employee policy providing clear and objective guidelines on the circumstances under which an employee is entitled to leave and to post the policy on the agency's website in a place easily accessible to employees and the public. The bill limits the discretion of an administrative head of an executive or judicial state agency to grant emergency leave to granting such leave to an employee the administrative head believes in good faith intends to return to work and authorizes such an administrative head to grant leave to a state employee involved with an agency investigation. The bill authorizes leave for medical and mental health care for certain veterans and sets out related reporting

requirements. The bill also requires the comptroller of public accounts to adopt a uniform system for the reporting of leave that certain agencies must use.

**Senate Bill 78**

**Effective:** 9-1-17

**Senate Author:** Nelson et al.

**House Sponsor:** Price

Senate Bill 78 amends the Government Code to add certain statewide and local volunteer organizations involved in court-appointed advocacy programs to the list of entities to which the Texas Department of Criminal Justice sells repaired or refurbished surplus or salvage data processing equipment and to specify that such equipment is for use by children or youth in foster care.

**Senate Bill 81**

**Effective:** 9-1-17

**Senate Author:** Nelson

**House Sponsor:** Davis, Sarah et al.

Senate Bill 81 amends the Government Code and Health and Safety Code to continue the Cancer Prevention and Research Institute of Texas (CPRIT), designate a CPRIT member as an appointed officer of a major state agency for purposes of state ethics law, and establish the authority of CPRIT to transfer to the Texas Treasury Safekeeping Trust Company its management and disposition authority over the state's interest in benefits realized as a result of projects undertaken with money awarded from the cancer prevention and research fund.

**Senate Bill 416**

**Effective:** 6-15-17

**Senate Author:** Watson et al.

**House Sponsor:** Smithee

Senate Bill 416 amends the Government Code to replace the four minority member directors on the board of directors of the State Bar of Texas appointed by the president of the state bar with four at-large directors appointed by the president who demonstrate knowledge gained from experience in the legal profession and community necessary to ensure the board represents the interests of attorneys from the varied backgrounds that compose the membership of the state bar.

**Senate Bill 526**

**Effective:** 9-1-17

**Senate Author:** Birdwell

**House Sponsor:** Capriglione et al.

Senate Bill 526 amends and repeals provisions of the Family Code, Government Code, Insurance Code, Natural Resources Code, Occupations Code, Tax Code, and session law to abolish the advisory oversight community outreach committee in the Department of Public Safety, rain harvesting and water recycling task force, State Cogeneration Council, information resources steering committee for the attorney general's child support division, premarital education handbook advisory committee, independent review organization advisory group to the commissioner of insurance, Vehicle Protection Product Warrantor Advisory Board, qualified agricultural land and qualified timber land property tax valuation manuals approval committees, and Communities in Schools advisory committee. The bill abolishes the residential mortgage fraud task force and revises certain requirements relating to notification about fraudulent activity and sharing confidential information. The bill abolishes the Alternative Fuels Council and transfers the council's role in evaluating an application for assistance with alternative fuel projects to the comptroller of public accounts. The bill repeals the Vehicle Protection Product Regulatory Act and the Liquefied Petroleum Gas Code.



**Senate Bill 528**  
**Effective:** 9-1-17

**Senate Author:** Birdwell  
**House Sponsor:** Meyer

Senate Bill 528 amends the Government Code to set the two-year term served by the chief administrative law judge appointed by the governor to direct the State Office of Administrative Hearings to expire on May 15 of each even-numbered year.

**Senate Bill 532**  
**Effective:** 9-1-17

**Senate Author:** Nelson  
**House Sponsor:** Capriglione et al.

Senate Bill 532 amends the Government Code to make information directly arising from a governmental body's efforts to prevent, detect, investigate, or mitigate a computer security incident confidential under state public information law. The bill requires the Department of Information Resources (DIR) to collect information on the status and condition of each state agency's information technology infrastructure and to submit to the governor, chair of the house appropriations committee, chair of the senate finance committee, speaker of the house of representatives, lieutenant governor, and staff of the Legislative Budget Board a biennial report consolidating the information collected. The bill sets out required contents of the consolidated report and provides for the information contained in the report to be made available to the public on request, with the exception of information made confidential by the bill's provisions. The bill requires a state agency to consider any security benefits and cost savings associated with cloud computing services options when making purchases for a major information resources project under applicable law and to cooperate with DIR in the creation of a biennial report on the use of such cloud computing service options, cost savings, and security benefits to be submitted to the governor, lieutenant governor, and speaker of the house of representatives.

**Senate Bill 706**  
**Effective:** 9-1-17

**Senate Author:** Birdwell  
**House Sponsor:** Kacal

Senate Bill 706 amends and repeals provisions of the Agriculture Code, Family Code, Government Code, Human Resources Code, Parks and Wildlife Code, and Transportation Code to abolish the State Council on Competitive Government. The bill transfers powers and duties of the council to the comptroller of public accounts; makes the Department of Information Resources responsible for certain duties relating to the electronic benefits enrollment and administration system; and clarifies that the Health and Human Services Commission is solely responsible for awarding a contract under the Medicaid vendor drug program and is authorized to consult with the comptroller in administering the program and related competitive bidding provisions.

**Senate Bill 736**  
**Effective:** 9-1-17

**Senate Author:** Hancock  
**House Sponsor:** Clardy

Senate Bill 736 requires the General Land Office to collect information on the sale of electric power by the office and to provide a report on the collected information to the legislature.

**Senate Bill 763**  
**Effective:** 9-1-17

**Senate Author:** Huffman  
**House Sponsor:** Frullo

Senate Bill 763 amends the Government Code to increase the number of members of the Texas Historical Commission appointed by the governor with the advice and consent of the senate and to specify the required fields of expertise of certain commission members.

**Senate Bill 1098****Effective:** 9-1-17**Senate Author:** Zaffirini**House Sponsor:** Anderson, Rodney

Current law provides for the inclusion of an applicable person's residence or alleged residence in the required records of a notary public and in a statement of an acknowledgment or proof of a written instrument. Senate Bill 1098 amends the Government Code and Civil Practice and Remedies Code to instead provide for the inclusion of an applicable person's mailing address in such records and statements and to revise the duties of a notary public with respect providing a certified copy of certain records.

**Senate Bill 1124****Effective:** 9-1-17**Senate Author:** Hinojosa**House Sponsor:** Geren

Senate Bill 1124 amends the Code of Criminal Procedure to change the entity to which the Texas Forensic Science Commission is administratively attached from Sam Houston State University to the Office of Court Administration of the Texas Judicial System.

**Senate Bill 1205****Effective:** 6-12-17**Senate Author:** Nichols**House Sponsor:** Holland

Senate Bill 1205 amends the Health and Safety Code to require the Department of State Health Services (DSHS) to implement an efficient and effective method to verify death information to assist the Department of Public Safety (DPS) with maintaining records of holders of driver's licenses and personal identification certificates in Texas and to require DSHS to enter into a memorandum of understanding with DPS to implement that requirement.

**Senate Bill 1349****Effective:** 5-28-17**Senate Author:** Watson**House Sponsor:** Pickett

Senate Bill 1349 amends the Government Code and the Transportation Code to authorize the Texas Department of Motor Vehicles (TxDMV) to own, control, manage, maintain, improve, lease, trade, sell, transfer, and otherwise dispose of real property, including improvements. The bill requires the General Land Office, if requested by TxDMV, to negotiate and close a sale of real property on behalf of TxDMV. The bill authorizes TxDMV to enter into a contract regarding the disposition of real property and sets out provisions regarding TxDMV's compliance with requirements and processes relating to state property. The bill provides for a Texas Department of Transportation transfer of specified real property to TxDMV and for the sale of such property.

**Senate Bill 1446****Effective:** 9-1-17**Senate Author:** Estes**House Sponsor:** Clardy

Senate Bill 1446 amends the Government Code to revise and clarify certain provisions of the Administrative Procedure Act relating to procedures for handling a contested case, including, among others, provisions regarding the deadline for filing a motion for rehearing for a party that fails to receive notice of an applicable decision or order, regarding matters that an adversely affected party must prove on sworn motion and notice, and regarding which party is responsible for sending copies of a motion for rehearing in a contested case to all other parties.

**Senate Bill 1488****Effective:** See below**Senate Author:** West**House Sponsor:** Landgraf

Senate Bill 1488, a continuation of the legislature's ongoing statutory revision program, makes certain nonsubstantive additions to, revisions of, and corrections in enacted codes; makes certain nonsubstantive codifications and dispositions of various laws omitted from

enacted codes; and makes certain conforming codifications enacted by the 84th Legislature to other Acts of that legislature. The bill takes effect September 1, 2017, except that a provision regarding miscellaneous fees and costs paid or collected under the Government Code takes effect September 1, 2019.

**Senate Bill 1731**

**Effective:** See below

**Senate Author:** Birdwell et al.

**House Sponsor:** Meyer

Senate Bill 1731 abolishes the Agriculture and Wildlife Research and Management Advisory Committee, the State of Texas Anniversary Remembrance Day Medal Committee, the Texas Bioenergy Policy Council, the Texas Bioenergy Research Committee, the Border Security Council, the College Opportunity Act Committee, the Texas Distinguished Service Awards Committee, the advisory board of economic development stakeholders, the Texas Emissions Reduction Plan Advisory Board, the Fire Ant Research and Management Account Advisory Committee, the Agriculture Policy Board, the Advisory Oversight Community Outreach Committee, the Rain Harvesting and Water Recycling Task Force, the State Cogeneration Council, the Premarital Education Handbook Advisory Committee, the Independent Review Organization Advisory Group, and the Vehicle Protection Product Warrantor Advisory Board. The bill repeals provisions relating to these abolished entities and to the State of Texas Anniversary Remembrance Day Medal, the College Opportunity Act, the Texas Distinguished Service Medal, the fire ant basic research program, and the Palliative Care Interdisciplinary Advisory Council.

Senate Bill 1731 amends the Health and Safety Code to provide for the assumption by the Texas Commission on Environmental Quality of certain responsibilities and duties of the Texas Emissions Reduction Plan Advisory Board and to set out provisions relating to the publication of notice in the Texas Registrar regarding national ambient air quality standards for ozone and the creation of a light-duty motor vehicle purchase or lease incentive program and a governmental alternative fuel fleet grant program. The bill revises provisions regarding the drayage truck incentive program to expand that program into a seaport and rail yard areas emissions reduction program. The bill revises provisions relating to the use of the Texas emissions reduction plan fund and the alternative fueling facilities program.

Senate Bill 1731 amends the Agriculture Code and the Government Code to conform to the repeal of the Agriculture and Wildlife Research and Management Advisory Committee and the State Cogeneration Council, respectively.

Senate Bill 1731 takes effect September 1, 2017, except that the bill's Health and Safety Code provisions take effect on the date that the Texas Emissions Reduction Plan Advisory board is abolished.

**Senate Bill 1910**

**Effective:** 9-1-17

**Senate Author:** Zaffirini

**House Sponsor:** Capriglione

Senate Bill 1910 amends the Government Code to require the Department of Information Resources (DIR) to submit an annual report to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over state government operations identifying preventive and recovery efforts the state can undertake to improve cybersecurity in Texas. The bill requires a state agency in the executive or judicial branch of state government, including a university system or institution of higher education, proposing to spend appropriated funds for a major information resources project to first conduct an execution capability assessment and requires an agency to submit to DIR, the quality assurance team, and the Legislative Budget Board a detailed report that identifies the agency's organizational strengths and any weaknesses that will be addressed before the agency initially spends appropriated funds for a major information resources

project. The bill also requires each such state agency, system, or institution to designate an information security officer. The bill sets out certain data security procedures for online and mobile applications of each state agency and institution of higher education.

**Senate Joint Resolution 2**

**Effective:** 5-11-17

**Senate Author:** Birdwell et al.

**House Sponsor:** Miller et al.

Senate Joint Resolution 2, among other provisions, applies to the United States Congress to call an Article V convention for the limited purpose of proposing one or more amendments to the United States Constitution to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office of federal officials and members of Congress.

**Senate Joint Resolution 34**

**For Election:** 11-7-17

**Senate Author:** Birdwell

**House Sponsor:** Geren

Senate Joint Resolution 34 proposes an amendment to the Texas Constitution to limit the service of certain officers appointed by the governor and confirmed by the senate after the expiration of the person's term of office.

**Senate Joint Resolution 38**

**Effective:** 5-15-17

**Senate Author:** Estes et al.

**House Sponsor:** Darby

Senate Joint Resolution 38, among other provisions, officially rescinds, repeals, revokes, cancels, voids, and nullifies any and all applications from Texas legislators before the 85th Legislature, Regular Session, 2017, that apply to the United States Congress for the calling of an Article V constitutional convention, except for the application provided by H.C.R. No. 31, Acts of the 65th Legislature, Regular Session, 1977, relating to a balanced federal budget. The resolution requires any application to the United States Congress for the calling of such a convention that is submitted by the Texas Legislature during or after the 85th Legislature, Regular Session, 2017, to be automatically rescinded, repealed, revoked, canceled, voided, and nullified if the applicable convention is not called on or before the eighth anniversary of the date the last legislative vote is taken on the application.

*This page intentionally left blank.*

## Sunset Review

This chapter covers legislation stemming from the [Sunset Advisory Commission](#)'s review of the agencies subject to the Texas Sunset Act during the 2016-2017 biennium. The chapter also covers legislation relating to the review schedule for certain agencies subject to sunset review.

**House Bill 641**  
**Effective:** 5-23-17

**House Author:** Phillips  
**Senate Sponsor:** Estes

House Bill 641 amends the Natural Resources Code to continue the Red River Boundary Commission until December 31, 2021, and postpone the deadline by which the commission is required to issue a final report.

**House Bill 1818**  
**Effective:** 9-1-17

**House Author:** Gonzales, Larry et al.  
**Senate Sponsor:** Taylor, Van et al.

House Bill 1818 amends the Natural Resources Code to continue the Railroad Commission of Texas until September 1, 2029. The bill requires the railroad commission to develop and implement an alternative dispute resolution policy, requires the railroad commission's oil and gas division to develop and publish an annual monitoring and enforcement strategic plan, and authorizes the railroad commission by rule to establish pipeline safety and regulatory fees. The bill prohibits the railroad commission from awarding a contract for goods or services in Texas to a contractor unless the contractor and any subcontractor register with and participate in the E-verify program to verify employee information.

House Bill 1818 amends the Natural Resources Code, Health and Safety Code, and Utilities Code to provide for certain railroad commission rulemaking authority over safety standards relating to the prevention of damage to a pipeline facility. The bill repeals provisions relating to railroad commission alternative fuels programs and the Oil and Gas Regulation and Cleanup Fund Advisory Committee.

**House Bill 1920**  
**Effective:** 9-1-17

**House Author:** Flynn  
**Senate Sponsor:** Nichols

House Bill 1920 amends the law to revise and update the governing provisions of the Palo Duro River Authority of Texas, following Sunset Advisory Commission recommendations. In addition to including across-the-board sunset provisions, the bill renames the Palo Duro River Authority of Texas as the Palo Duro Water District; revises provisions relating to the district's territory, board of directors, and powers and duties; removes imprisonment as a possible penalty for the breach of a district regulation; removes the requirement that a district tax constitute a lien on the property against which it is levied; provides certain authority for the district to lease district property; and provides for the withdrawal of a county or municipality from the district and for the dissolution of the district. The bill repeals provisions that grant the district eminent domain authority and that authorize the district to levy a property tax at a capped rate for district maintenance, operation, and administration.

House Bill 1920 amends the Government Code to remove the district from being subject to limited sunset review.

**House Bill 1921**  
**Effective:** 9-1-17

**House Author:** Flynn  
**Senate Sponsor:** Nichols

House Bill 1921 amends the Special District Local Laws Code to revise the governing provisions of the Upper Colorado River Authority, following Sunset Advisory Commission

recommendations. In addition to including across-the-board sunset provisions, the bill expands the authority's territory and revises the composition of the authority's board of directors.

**House Bill 2180**  
**Effective:** 9-1-17

**House Author:** Flynn et al.  
**Senate Sponsor:** Nichols

House Bill 2180 amends the law to revise and update the governing provisions of the Sulphur River Basin Authority, following Sunset Advisory Commission recommendations. The bill, among other provisions, keeps the authority subject to review, but not abolishment, under the Texas Sunset Act, adds a member to the authority's appointed board of directors to represent the authority at large, requires the governor to designate a board member as the presiding officer of the board, and provides for board member training, use of alternative rulemaking and dispute resolution, separation of policymaking and management functions, and maintenance of a complaint system. The bill repeals provisions that provide authority for forestation and reforestation, solid waste services, and parks and recreational facilities and removes a provision that provides an authorization for the development and distribution of hydroelectric power.

**House Bill 2561**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia  
**Senate Sponsor:** Taylor, Van

House Bill 2561 amends the Education Code, Health and Safety Code, and Occupations Code to continue the Texas State Board of Pharmacy. The bill revises the board's duties, pharmacist licensing and pharmacy technician registration requirements, and the prescription drug monitoring program. The bill creates a joint interim committee to conduct an interim study on the monitoring of the prescribing and dispensing of controlled substances in Texas.

**House Bill 2950**  
**Effective:** See below

**House Author:** Burkett et al.  
**Senate Sponsor:** Hinojosa

House Bill 2950 amends the Health and Safety Code and Occupations Code to continue the Texas Board of Nursing and revise the regulation of the practice of nursing, including the conduct that constitutes a basis for denial of a license or disciplinary action and an advanced practice registered nurse's authority to determine death and complete death certificates. The bill provides for the adoption of the revised Nurse Licensure Compact and, effective December 31, 2018, repeals the existing Nurse Licensure Compact. Except as otherwise provided, the bill takes effect September 1, 2017.

**House Bill 3078**  
**Effective:** 9-1-17

**House Author:** Thompson, Senfronia  
**Senate Sponsor:** Schwertner

House Bill 3078 amends the Health and Safety Code and Occupations Code to abolish the Texas State Board of Podiatric Medical Examiners and to transfer all functions and activities performed by the board to the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation (TDLR), as applicable. The bill creates the Podiatric Medical Examiners Advisory Board to provide advice and recommendations to TDLR on technical matters relevant to the regulation of the practice of podiatry. The bill revises licensing requirements and establishes the authority and duties of TDLR and the commission, including the authority to issue subpoenas and the duty to develop a standardized penalty schedule.

**Senate Bill 20 (1st C.S.)**  
**Effective:** 8-11-17

**Senate Author:** Taylor, Van et al.  
**House Sponsor:** Gonzales, Larry

Senate Bill 20 amends the Government Code to continue the Texas Medical Board, the Texas State Board of Examiners of Psychologists, the Texas State Board of Examiners of Marriage and

Family Therapists, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Social Worker Examiners until September 1, 2019.

**Senate Bill 60 (1st C.S.)**

**Effective:** 8-11-17

**Senate Author:** Taylor, Van et al.

**House Sponsor:** Gonzales, Larry

Senate Bill 60 repeals provisions of S.B. 1, Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), that condition the appropriation and use of funds for the Texas Medical Board and the Texas State Board of Examiners of Psychologists on the continuation of those agencies by the 85th Legislature.

**Senate Bill 301**

**Effective:** 9-1-17

**Senate Author:** Watson et al.

**House Sponsor:** Flynn

Senate Bill 301 amends the Government Code to update the period during which the board of trustees of the Employees Retirement System of Texas (ERS) is subject to review under the Texas Sunset Act, provide for required board member training, and require the board to develop a policy encouraging the use of alternative rulemaking and dispute resolution procedures. The bill specifies the frequency with which the board is required to adopt certain interest rates and tables and increases the frequency with which the board-designated actuary is required to make certain actuarial investigations and valuations. The bill requires the board to develop a method to collect or calculate profit share data in connection with ERS alternative investments and establishes procedures for the approval of certain alternative investments.

Senate Bill 301 amends the Insurance Code to expand the required contents of the board's annual report concerning the coverages provided and the benefits and services being received by participants under the Texas Employees Group Benefits Act and to provide for the development and maintenance of a precedent manual relating to enrollment and claims determinations arising from group coverages or benefits provided under the act and appeals of those determinations.

**Senate Bill 302**

**Effective:** 9-1-17

**Senate Author:** Watson et al.

**House Sponsor:** Thompson, Senfronia

Senate Bill 302 amends the State Bar Act, Government Code, to, among other provisions, continue the existence of the State Bar until September 1, 2029. The bill provides for requirements applicable to any change in a state bar membership fee or other fee and requires the Supreme Court of Texas in establishing rules governing admission to the practice of law to ensure that no rule violates Civil Practice and Remedies Code provisions relating to religious freedom.

Senate Bill 302 requires the supreme court to ensure that an attorney has an opportunity to respond to all allegations of misconduct and sets out provisions relating to disciplinary rules, including provisions relating to issuance of a subpoena, attorney self-reporting of criminal offenses and disciplinary action taken by another state, a process to identify complaints suitable for settlement or an investigatory hearing, and sanction guidelines. The bill requires the chief disciplinary counsel to create and maintain a grievance tracking system and establish a process to regularly search the National Lawyer Regulatory Data Bank to identify a state bar member who is disciplined in another state. The bill authorizes the chief disciplinary counsel to hold investigatory and disciplinary hearings by teleconference. The bill requires the bar to obtain criminal history record information on each bar member whose information is already on file with the Department of Public Safety or the Board of Law Examiners.

Senate Bill 302 establishes the Committee on Disciplinary Rules and Referenda and provides procedures by which the committee proposes disciplinary rules and by which such rules are



adopted or rejected. The bill requires the state bar to fund one full-time position of ombudsman for the attorney discipline system and sets out the powers and duties of that position.

**Senate Bill 303**

**Effective:** 9-1-17

**Senate Author:** Watson et al.

**House Sponsor:** Thompson, Senfronia

Senate Bill 303 amends the Government Code to, among other provisions, continue the Board of Law Examiners until September 1, 2029; to authorize the board to delegate routine decisions to the executive director of the board; and to revise board training requirements. The bill requires the Supreme Court of Texas, in adopting rules on eligibility for a license to practice law, to ensure that no rule violates Civil Practice and Remedies Code provisions relating to religious freedom and to adopt rules on licensing and examinations deadlines and a fee schedule. The bill requires the board to develop specific guidelines for determining the moral character and fitness of license applicants, overseeing probationary license holders, and granting waiver requests.

**Senate Bill 304**

**Effective:** 9-1-17

**Senate Author:** Taylor, Van et al.

**House Sponsor:** Raymond

Senate Bill 304 amends the Occupations Code to continue the Texas Board of Chiropractic Examiners and to include diagnosing the biomechanical condition of the spine and musculoskeletal system of the human body among the acts that constitute the practice of chiropractic. The bill revises certain board duties and chiropractic licensing requirements.

**Senate Bill 312**

**Effective:** See below

**Senate Author:** Nichols et al.

**House Sponsor:** Gonzales, Larry et al.

Senate Bill 312 amends the Government Code and Transportation Code to revise provisions relating to the administration and operation of the Texas Department of Transportation (TxDOT) and to continue TxDOT until September 1, 2029. The bill revises requirements relating to TxDOT strategic planning functions, including the statewide transportation plan, the long-term plan for a statewide passenger rail system, the unified transportation program, and TxDOT district project portfolios. The bill revises provisions relating to contractor performance for state highway projects and provides for the coordination of TxDOT with municipalities for highway closures during certain periods. The bill revises provisions relating to the use and operation of toll projects and systems in Texas, including turnpikes and toll projects of regional tollway authorities and regional mobility authorities. The bill repeals provisions establishing and administering the State Aircraft Pooling Board and updates related provisions to reflect the transfer to TxDOT of the board's powers and duties. The bill includes additional requirements for the long-range plan for the state aircraft pool and provides for the inclusion of capital aircraft replacement costs in rates for interagency aircraft services. The bill is effective September 1, 2017, except for a provision requiring a law enforcement officer's written vehicle accident report to be filed electronically, which is effective September 1, 2019.

**Senate Bill 313**

**Effective:** See below

**Senate Author:** Schwertner et al.

**House Sponsor:** Burkett et al.

Senate Bill 313 amends the Occupations Code to continue the State Board of Dental Examiners and revise the authority and duties of the board, including the authority to request an applicant for or holder of a license to submit to a mental or physical evaluation and the board's subpoena power. The bill revises certain licensing requirements. Effective March 1, 2018, the bill establishes requirements for the administration of anesthesia by a dentist to a pediatric

or high-risk patient. The bill requires the board to establish a six-member advisory committee to analyze and report on data and associated trends concerning anesthesia-related deaths or incidents, establishes the dental review committee, and provides for the creation of an informal settlement conference panel consisting of board and committee members. The bill's provisions relating to a dentist's delegation of authority to a dental assistant or other person and the registration of dental assistants take effect September 1, 2018. Except as otherwise provided, the bill takes effect September 1, 2017.

**Senate Bill 314**

**Effective:** 9-1-17

**Senate Author:** Schwertner et al.

**House Sponsor:** Flynn

Senate Bill 314 amends the Occupations Code to continue the Texas Optometry Board. The bill establishes the manner in which the board must handle information in the board's possession, including the board's investigation files and information relating to a complainant. The bill revises certain licensing requirements and the grounds on which the board may impose a disciplinary action. The bill establishes the conditions under which an applicant or license holder must submit to a mental or physical examination.

**Senate Bill 315**

**Effective:** 9-1-17

**Senate Author:** Hinojosa et al.

**House Sponsor:** Burkett et al.

Senate Bill 315 amends the Occupations Code to authorize the Texas Medical Board, acting through the attorney general, to file suit to enforce a subpoena issued by the board in district court if a person fails to comply with the subpoena. The bill establishes the board's authority to inspect a pain management clinic or facility that is not certified. The bill requires the board to adopt guidelines for the prescription of opioid antagonists.

**Senate Bill 317**

**Effective:** See below

**Senate Author:** Nichols et al.

**House Sponsor:** Burkett et al.

Senate Bill 317 amends the Occupations Code to continue and revise the duties of the Executive Council of Physical Therapy and Occupational Therapy Examiners, Texas Board of Physical Therapy Examiners, and Texas Board of Occupational Therapy Examiners. The bill also revises certain licensing requirements. Effective September 1, 2019, the bill authorizes both boards to require that a license holder provide current, accessible information regarding the license holder's place of employment as a physical therapist or occupational therapist or a physical therapist assistant or occupational therapy assistant, as applicable, repeals provisions relating to the registration of a physical therapy facility or occupational therapy facility, and establishes each board's duty to establish a process to expunge any record of disciplinary action taken against a license holder before that date for practicing in a facility that failed to meet repealed registration requirements as they previously existed. The bill provides for the adoption of the Physical Therapy Licensure Compact. Except as otherwise provided, the bill takes effect September 1, 2017.

**Senate Bill 319**

**Effective:** 9-1-17

**Senate Author:** Watson et al.

**House Sponsor:** Raymond

Senate Bill 319 amends the Veterinary Licensing Act, Occupations Code, to continue the State Board of Veterinary Medical Examiners until September 1, 2021, and to provide for a special-purpose review of the board by the Sunset Advisory Commission for the 87th Legislature. In addition to making across-the-board sunset provisions, the bill requires the board to monitor certain information to determine whether a veterinarian is engaging in potentially harmful prescribing or dispensing patterns or practices and authorizes the board to conduct a risk-based

## Sunset Review

inspection of a veterinarian's practice concerning the use, handling, prescribing, dispensing, or delivery of controlled substances. The bill establishes criminal history record information requirements for the issuance and renewal of a license to practice veterinary medicine and requires the board to adopt a schedule of sanctions to serve as the basis for administrative penalties imposed under the act.

Senate Bill 319 amends the Health and Safety Code to set out notification and identification requirements regarding quarantined animals.

## Taxes and Tax Administration

This chapter covers legislation on issues relating to taxation, including the franchise tax and hotel occupancy, property, and sales and use taxes. The chapter also contains legislation relating to the appraisal of real property and appraisal appeal.

### House Bill 150

**Effective:** See below

**House Author:** Bell et al.

**Senate Sponsor:** Creighton et al.

House Bill 150 amends the Tax Code to entitle a disabled veteran who has a disability rating of less than 100 percent to an exemption from taxation of a percentage of the appraised value of the veteran's residence homestead equal to the veteran's disability rating if the residence homestead was donated to the veteran by a charitable organization at some cost to the veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the residence homestead's market value made by the charitable organization as of the donation date. The bill decreases from eight percent to five percent the annual rate at which interest accrues during the deferral or abatement period in relation to the collection of property taxes on the residence homestead of an elderly or disabled person. The bill takes effect January 1, 2018, contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 21.

### House Bill 217

**Effective:** 9-1-17

**House Author:** Canales et al.

**Senate Sponsor:** Hinojosa

House Bill 217 amends the Tax Code to entitle an individual to defer collection of a tax, abate a suit to collect a delinquent tax, or abate a sale to foreclose a tax lien if the tax was imposed against property that the individual owns and occupies as a residence homestead and the individual is qualified to receive an exemption under statutory provisions relating to exemptions on certain property owned by a disabled veteran.

### House Bill 455

**Effective:** 9-1-17

**House Author:** Metcalf et al.

**Senate Sponsor:** Nichols

House Bill 455 amends the Tax Code to authorize a property owner to appear by telephone conference call to offer argument at a protest hearing before the appraisal review board of an appraisal district and to require a property owner appearing by telephone conference call to offer any evidence by affidavit to the board hearing the protest before the board begins the hearing. The bill requires the board to conduct a hearing on a protest by telephone conference call if the property owner provides certain notice to the board or if the board proposes that the hearing be conducted by telephone conference call and the property owner agrees. If a property owner elects to have a hearing on a protest conducted by telephone conference call, the board is required to provide a telephone number for the property owner to call to participate in the hearing and to hold the hearing in a location equipped with telephone equipment that allows each board member and the other parties to the protest who are present at the hearing to hear the property owner offer argument. A property owner is responsible for providing access to another person that the owner invites to participate in the hearing.

### House Bill 626

**Effective:** 9-1-17

**House Author:** Workman et al.

**Senate Sponsor:** Campbell

House Bill 626 amends the Tax Code to extend the date by which a late application for a residence homestead property tax exemption is required to be accepted by a chief appraiser from one year after the delinquency date for the taxes on the homestead to two years after

that date and to extend the date by which a late application for a disabled veterans property tax exemption is required to be accepted by a chief appraiser from one year after the delinquency date for the taxes on the eligible property to five years after that date. The bill imposes a deadline on the chief appraiser's duty to notify applicable property tax collectors regarding approval of a late application for a residence homestead exemption or disabled veterans exemption that occurs after approval of the appraisal records by the appraisal review board of not later than the 30th day after the date the late application is approved. The bill requires a collector to pay a refund due as a result of the approval of a late residence homestead exemption application not later than the 60th day after the date the chief appraiser notifies the collector of the approval of the exemption.

**House Bill 777**  
**Effective:** 5-23-17

**House Author:** Ashby et al.  
**Senate Sponsor:** Nichols et al.

House Bill 777 amends the Tax Code to establish that the eligibility of land for appraisal as qualified open-space land does not end because the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area if the owner of the land is a member of the U.S. armed services who is deployed or stationed outside Texas and intends that the use of the land in that manner and to that degree of intensity be resumed not later than the 180th day after the date the owner ceases to be deployed or stationed outside Texas. The bill requires the landowner to provide certain notification to the appraisal office in this circumstance.

**House Bill 804**  
**Effective:** 9-1-17

**House Author:** Dale  
**Senate Sponsor:** Taylor, Van

House Bill 804 amends the Tax Code to clarify the entitlement of a lessee of property who is contractually obligated to reimburse the property owner for taxes imposed on the property to receive a copy of any notice of the appraised value of the property and to require the property owner to send such notice not later than the 10th day after the date the property owner receives the notice from the appraisal review board. The bill authorizes the lessee to request that the chief appraiser of the appraisal district in which the property is located send such a notice to the lessee and requires the chief appraiser to send the notice not later than the fifth day after the date the notice is sent to the property owner, unless the appraisal district posts the appraised value of the property on the district's website by the same day. The bill authorizes the lessee to designate another person to act as the agent of the lessee with the same authority and subject to the same limitations as the lessee.

**House Bill 897**  
**Effective:** 9-1-17

**House Author:** Ashby et al.  
**Senate Sponsor:** Schwertner

House Bill 897 amends the Tax Code to exempt from taxes imposed on the sale, use, lease, or rental of a motor vehicle the sale, use, lease, or rental of a motor vehicle for use by an open-enrollment charter school. The bill, with regard to the exemption for a motor vehicle used for religious purposes, includes a trailer as a motor vehicle and expands the qualification for the exemption consisting of the vehicle being used primarily for the purpose of providing transportation to and from a church or religious service or meeting to include being used primarily by a church or religious society regardless of purpose.

House Bill 897 amends the Transportation Code to exempt the owner of a motor vehicle, trailer, or semitrailer owned by and used exclusively in the service of an open-enrollment charter school from the payment of a motor vehicle registration fee.

**House Bill 1101**  
**Effective:** 1-1-18

**House Author:** Pickett et al.  
**Senate Sponsor:** Rodríguez

House Bill 1101 amends the Tax Code to prohibit the chief appraiser of an appraisal district from requiring a 100 percent disabled veteran allowed an applicable residence homestead property tax exemption to file a new application to determine the veteran's current qualification for the exemption if the veteran has a permanent total disability determined by the U.S. Department of Veterans Affairs under certain federal regulations.

**House Bill 1346**  
**Effective:** 9-1-17

**House Author:** Button et al.  
**Senate Sponsor:** Taylor, Van et al.

House Bill 1346 amends the Tax Code to change from the 10th day of each month to the 20th day of each month the deadline by which the owner of a certain item of heavy equipment is required to deposit with the tax collector an amount equal to the total of unit property tax assigned to all items of heavy equipment sold, leased, or rented from the dealer's heavy equipment inventory in the preceding month to which a unit property tax was assigned and by which a dealer of heavy equipment is required to file with the collector the dealer's heavy equipment inventory tax statement.

**House Bill 1494**  
**Effective:** 6-1-17

**House Author:** Morrison  
**Senate Sponsor:** Kolkhorst

House Bill 1494 amends the Tax Code to authorize the City of Rockport to use not more than 30 percent of the revenue derived from the municipal hotel occupancy tax for the encouragement, promotion, improvement, and application of the arts. If the city spends more than 15 percent of the hotel occupancy tax revenue collected by the city in a fiscal year for those purposes, the city may not in that fiscal year reduce the percentage of hotel occupancy tax revenue that the city spends for the purpose of advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the city or its vicinity to a percentage that is less than the average percentage of hotel occupancy tax revenue spent by the city for that purpose during the 36-month period preceding that fiscal year. If the increase in the amount of revenue attributable to the expenditure on the arts is less than the increase in the city's expenditure on the arts, the city is required to reimburse to the hotel occupancy tax revenue fund 50 percent of the difference between those amounts.

**House Bill 1896**  
**Effective:** 9-1-17

**House Author:** Bohac  
**Senate Sponsor:** Taylor, Larry

House Bill 1896 amends the Local Government Code to make the consideration of a facility that is financed with hotel occupancy tax revenue and that is used or planned for use for professional or amateur sports events, community events, other sports events, and other civic or charitable events as a venue for purposes of local funding of certain sports and community venues contingent on the facility not being primarily used for community, civic, and charitable events that are attended only by community residents. The bill makes the same consideration of an improvement financed with hotel occupancy tax revenue and related to a convention center or a convention center facility contingent on the improvement being in the vicinity of the convention center.

House Bill 1896 amends the Tax Code to clarify the applicability of the exemption from a municipality's or county's increase of the applicable hotel occupancy tax rate for the tax imposed on the use or possession of a room under a certain preexisting contract and to define "meetings" with regard to the consideration of facilities that are primarily used to host conventions and

meetings as convention center facilities or a convention center complex for purposes of the imposition of a municipal hotel occupancy tax.

**House Bill 2067**  
**Effective:** 5-29-17

**House Author:** Oliveira  
**Senate Sponsor:** Nichols

House Bill 2067 amends the Tax Code to make the registration of a related finance company for purposes of the motor vehicle sales and use tax effective until canceled by the registration holder or the comptroller of public accounts and repeals a provision authorizing the comptroller to charge an annual fee for such a registration.

**House Bill 2126**  
**Effective:** 1-1-18

**House Author:** Button  
**Senate Sponsor:** Birdwell

House Bill 2126 amends the Tax Code to clarify that, for purposes of determining the franchise tax rate applicable to a taxable entity that is primarily engaged in retail or wholesale trade but does not provide retail or wholesale utilities, including telecommunications services, the provision of telecommunications services does not include selling telephone prepaid calling cards.

**House Bill 2182**  
**Effective:** Vetoed

**House Author:** Reynolds et al.  
**Senate Sponsor:** Miles

House Bill 2182 amends the Local Government Code to establish that, in determining the combined tax rate of all local sales and use taxes for purposes of an election to create a county assistance district or the imposition of a sales and use tax by such a district, the following are considered to not be included in the territory of the proposed district or the area proposed to be added to the district or in the district's territory, as applicable: rights-of-way and any area in which a county facility is located and in which no person has a place of business to which a sales tax permit has been issued.

Governor's Reason for Veto: "House Bill 2182 could be interpreted to result in certain limited geographical areas becoming subject to a local sales tax rate above the legal limit. The two percent cap on local sales tax must never be exceeded. House Bill 2182 should have been drafted with greater clarity to exclude any possibility that sales tax above the maximum allowable rate would ever be charged."

**House Bill 2228**  
**Effective:** 1-1-18

**House Author:** Murphy  
**Senate Sponsor:** Bettencourt

House Bill 2228 amends the Tax Code to change certain deadlines for performing various functions in connection with the property tax system.

**House Bill 2277**  
**Effective:** 9-1-17

**House Author:** Darby  
**Senate Sponsor:** Watson

House Bill 2277 amends the Tax Code to establish that the median drilling and completion cost for all high-cost wells for which an application for a gas production tax reduction was made during the previous state fiscal year is fixed on the date the comptroller of public accounts makes the determination of that cost. The bill prohibits the required report of drilling and completion costs contained in such an application and used by the comptroller in making the determination from being amended after March 1 of the year following the state fiscal year in which the application was made.

Previous law entitled a gas producer to a credit against certain other gas production taxes if gas production tax was paid on gas that otherwise qualified for the tax reduction before a well was certified as producing high-cost gas or before the comptroller approved an application for

the tax reduction. House Bill 2277 instead entitles the person who remitted such tax to a refund in an amount equal to the difference between the amount of the tax paid on the gas and the amount of tax that would have been paid on the gas if it had received the tax reduction. The bill limits the total allowable refund for taxes paid for reporting periods before the date the application is filed and requires the person entitled to the refund to apply to the comptroller for the refund not later than the first anniversary after the date the comptroller approves the tax reduction.

**House Bill 2445**

**Effective:** 6-15-17

**House Author:** Stucky et al.

**Senate Sponsor:** Estes

House Bill 2445 is an omnibus bill relating to the imposition of hotel occupancy taxes by and the collection and use of certain tax revenue in certain municipalities and counties.

House Bill 2445 amends the Local Government Code as it relates to sports and community venues to classify an area or facility for active transportation use and an airport facility located in a municipality on the international border, such as the City of Brownsville, as a venue, to authorize such a municipality to finance a venue project with short-term motor vehicle rental tax revenue, and to exclude the financing of a tourist development area and an airport facility located in a municipality on the international border as authorized uses of hotel occupancy tax revenue.

House Bill 2445 amends the Tax Code to cap the municipal hotel occupancy tax revenue a municipality may spend on an electronic tax administration system at \$75,000, provided that amount is less than one percent of the revenue, to prohibit a municipality from using the revenue to conduct an audit, and to revise a municipality's duty and authority to provide reimbursement for expenses of hotel occupancy tax collection and use of an electronic tax administration system.

House Bill 2445 authorizes the cities of Denton, Queen City, Buda, and Brownfield to use municipal hotel occupancy tax revenue for certain purposes under certain conditions, entitles the City of Laredo to rebates of state tax revenue associated with certain hotel and convention center projects to be pledged for hotel and convention center project bonds, and makes the following municipalities eligible to pledge certain hotel occupancy tax revenue for such bonds: Abilene; Midland; Prosper; Lubbock, with certain restrictions; Lewisville; Cedar Hill; Roanoke; Rowlett; League City; Kemah; Sugar Land; Katy; and Port Aransas.

House Bill 2445 authorizes the Cooke County Commissioners Court to impose a county hotel occupancy tax and authorizes Jim Hogg County to use county hotel occupancy tax revenue, with certain limitations, for repairs and improvements to the county airport or reimbursement for repairs and improvements to the airport.

**House Bill 2475**

**Effective:** Vetoed

**House Author:** Davis, Sarah

**Senate Sponsor:** Bettencourt

House Bill 2475 amends the Tax Code to establish that an amusement service remains exclusively provided by a nonprofit corporation or association whose proceeds do not go to the benefit of an individual except as a part of the services of a purely public charity or exclusively provided by an educational, religious, law enforcement association, or charitable organization, for purposes of the sales and use tax exemption for such amusement services, if such an entity contracts with another entity not listed or described as a tax-exempt amusement service provider to provide touring Broadway productions subject to a contract with the other entity for a term of at least five years and at least five presentations each year and held at a location either owned by, or leased or licensed for a term of at least one year to, the contracting entity.



## Taxes and Tax Administration

Governor's Reason for Veto: "House Bill 2475 would have provided a special sales tax loophole for tickets to Broadway shows. As required by the constitution and by basic fairness, Broadway shows should be treated just like any other comparable event for tax purposes."

**House Bill 2989**  
**Effective:** 5-26-17

**House Author:** Bonnen, Dennis  
**Senate Sponsor:** Taylor, Larry

House Bill 2989 amends the Tax Code to specify that the property owner to whom a taxing unit must provide a refund that results from a correction to the tax roll that decreases the property owner's tax liability after the owner has paid the tax is the property owner who paid the tax.

**House Bill 2999**  
**Effective:** 1-1-18

**House Author:** Bonnen, Dennis  
**Senate Sponsor:** Huffman et al.

House Bill 2999 amends the Tax Code to revise and update the property tax exemption for property owned by the Texas Medical Center.

**House Bill 3045**  
**Effective:** 6-15-17

**House Author:** Dale  
**Senate Sponsor:** Schwertner

House Bill 3045 amends the Local Government Code to authorize an authorizing municipality that has imposed a sales and use tax for the benefit of a Type B corporation to reduce or increase the tax rate, in the same manner and by the same procedure as the municipality imposed the tax, by a majority of the voters of the municipality voting at an election held for that purpose. The bill requires the municipality's governing body to order an election on the issue on petition of 10 percent or more of the municipality's registered voters and authorizes the reduction or increase to any rate that is an increment of one-eighth of one percent, that the authorizing municipality determines is appropriate, and that would not result in a combined rate that exceeds the maximum combined rate.

**House Bill 3046**  
**Effective:** 6-15-17

**House Author:** Dale  
**Senate Sponsor:** Schwertner

House Bill 3046 amends the Tax Code to remove language limiting the type of municipal sales tax a municipality may lower, repeal, raise, or adopt by a combined ballot proposition to a dedicated or special purpose municipal sales tax.

**House Bill 3103**  
**Effective:** 6-15-17

**House Author:** Darby  
**Senate Sponsor:** Bettencourt

House Bill 3103 amends the Tax Code to clarify that, for purposes of the state's jurisdiction to tax tangible personal property, property is considered to be used continually, whether regularly or irregularly, in Texas if the property is used in Texas three or more times on regular routes or for three or more completed assignments occurring in close succession throughout the year. Events are considered to occur in close succession throughout the year if the events occur in sequence within a short period at intervals from the beginning to the end of the year.

**House Bill 3232**  
**Effective:** 1-1-18

**House Author:** Darby  
**Senate Sponsor:** Bettencourt

House Bill 3232 amends the Tax Code to exempt a person from the penalty imposed on certain delinquent oil and gas production taxes if certain conditions are met.

**House Bill 3389**  
**Effective:** 9-1-17

**House Author:** Schofield  
**Senate Sponsor:** Bettencourt

House Bill 3389 amends the Tax Code to require a district clerk in a delinquent tax suit for which a master in chancery is appointed to collect the fees taxed as costs of suit and award the fees to the master as required for reasonable compensation, regardless of the disposition of the suit. The bill prohibits such fees from being collected or awarded in a suit dismissed by the master unless the master held at least one hearing on the suit or prepared for the suit for at least a number of hours equivalent to the time typically required to conduct a hearing.

**House Bill 3484**  
**Effective:** 5-29-17

**House Author:** Paddie  
**Senate Sponsor:** Hughes

House Bill 3484 amends the Tax Code to authorize the cities of Carthage and Marshall to use all or any portion of the revenue derived from the municipal hotel occupancy tax to construct, improve, maintain, and operate sports facilities and fields for the purpose of promoting tourism and the convention and hotel industry, provided certain conditions are met.

**House Bill 4002**  
**Effective:** 9-1-17

**House Author:** Bonnen, Dennis  
**Senate Sponsor:** Nelson

House Bill 4002 amends the Tax Code to remove installation from the activities that constitute production for purposes of determining the cost of goods sold in calculating the taxable margin on which an entity's franchise tax liability is based.

**House Bill 4029**  
**Effective:** 6-12-17

**House Author:** Oliveira  
**Senate Sponsor:** Lucio

House Bill 4029 amends the Tax Code to include as a purpose for which the City of South Padre Island may use a certain amount of municipal hotel occupancy tax revenue expenses directly related to the construction, improvement, equipping, repairing, operation, and maintenance of city-owned coastal sports facilities if the facilities have been used in the preceding calendar year a combined total of more than five times for district, state, regional, or national sports tournaments or events and the majority of the events at the facilities are directly related to a sports tournament or event in which the majority of participants are tourists who substantially increase economic activity at hotels within or in the vicinity of the city.

**House Bill 4038**  
**Effective:** 6-1-17

**House Author:** Bohac  
**Senate Sponsor:** Hancock

House Bill 4038 amends the Tax Code to include a new employment position staffed by a third-party employer if a contract exists providing that the employment position is permanently assigned to an associated qualifying data center in the definition of "qualifying job" for purposes of comptroller of public accounts certification of a qualifying data center under the Limited Sales, Excise, and Use Tax Act.

**House Bill 4054**  
**Effective:** 9-1-17

**House Author:** Murphy  
**Senate Sponsor:** Bettencourt

House Bill 4054 amends the Tax Code to clarify the application of the sales and use tax to bakery items sold by a bakery.

**House Bill 4187**  
**Effective:** 6-12-17

**House Author:** Raney et al.  
**Senate Sponsor:** Schwertner

Current law authorizes the cities of Bryan and College Station to use municipal hotel occupancy tax revenue to promote tourism and the convention and hotel industry by constructing, operating, or expanding certain sporting related facilities or sports fields owned by the cities. House Bill 4187 amends the Tax Code to require the cities at least annually to compare the area hotel revenue that is attributable to sporting events held at the facilities or fields to the projected annual amount of that revenue anticipated by the cities to be generated as a result of the construction or expansion of the facilities or fields. If the attributable area hotel revenue is less than the projected amount, the cities are required to develop and implement a plan to increase that revenue.

**House Joint Resolution 21**  
**For Election:** 11-7-17

**House Author:** Bell et al.  
**Senate Sponsor:** Creighton et al.

House Joint Resolution 21 proposes an amendment to the state constitution to authorize the legislature to provide for a property tax exemption of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead.

**Senate Bill 15**  
**Effective:** See below

**Senate Author:** Huffines et al.  
**House Sponsor:** Fallon et al.

Senate Bill 15 amends the Tax Code to entitle the surviving spouse of a first responder who is killed or fatally injured in the line of duty to an exemption from property taxation of the total appraised value of the surviving spouse's residence homestead under certain conditions.

Senate Bill 15 amends the Government Code to establish that a residence homestead that receives the exemption established by the bill in the year that is the subject of the study of public school district property values is not considered to be taxable property. The bill takes effect January 1, 2018, contingent on voter approval of the constitutional amendment proposed by Senate Joint Resolution 1.

**Senate Bill 277**  
**Effective:** 9-1-17

**Senate Author:** Campbell et al.  
**House Sponsor:** Frank

Senate Bill 277 amends the Tax Code to prohibit an owner or lessee of a parcel of real property that is located in a reinvestment zone from receiving a property tax exemption under a tax abatement agreement under the Property Redevelopment and Tax Abatement Act that is entered into on or after September 1, 2017, if, on or after that date, a wind-powered energy device is installed or constructed on the same parcel of real property at a location that is within 25 nautical miles of a military aviation facility located in Texas.

Senate Bill 277 also prohibits an owner of a parcel of land that is located in a reinvestment zone, a new building constructed on the parcel of land, a new improvement erected or affixed on the parcel of land, or tangible personal property placed in service in the building or improvement or on the parcel of land from receiving a limitation on appraised value under a Texas Economic Development Act agreement that is entered into on or after September 1, 2017, if, on or after that date, a wind-powered energy device is installed or constructed on the same parcel of land at a location that is within 25 nautical miles of a military aviation facility located in Texas.

**Senate Bill 345**  
**Effective:** 5-22-17

**Senate Author:** West  
**House Sponsor:** Davis, Yvonne

Senate Bill 345 amends the Tax Code to authorize the City of Grand Prairie to pledge for the payment of certain hotel-related bonds or other obligations municipal hotel occupancy tax revenue from a hotel project not owned by or located on land owned by the city if the project is located on land that is owned by the federal government and the project is located within 1,000 feet of a convention center facility owned by the city.

**Senate Bill 440**  
**Effective:** 5-29-17

**Senate Author:** Rodríguez  
**House Sponsor:** Nevárez

Senate Bill 440 amends the Tax Code to authorize the City of Marfa to use municipal hotel occupancy tax revenue to improve or expand the Marfa Municipal Airport in an amount each fiscal year of no more than 15 percent of the hotel occupancy tax revenue collected by the city during that year and a total amount of no more than the amount of revenue in the city that is likely to be reasonably attributable to guests traveling through the airport during the 15-year period beginning on the date the city first uses tax revenue to improve or expand the airport.

**Senate Bill 550**  
**Effective:** 5-4-17

**Senate Author:** Campbell  
**House Sponsor:** Rodriguez, Justin

Senate Bill 550 amends the Tax Code to authorize an entity to which all or part of a franchise tax credit for the certified rehabilitation of certified historic structures is sold or assigned and that is subject to a premium tax for property and casualty insurance, life, health, and accident insurance, title insurance, or a reciprocal and interinsurance exchange to claim all or part of the credit against the premium tax. An entity claiming all or part of a credit under the bill's provisions is not required to pay any additional retaliatory tax levied under applicable Insurance Code provisions as a result of claiming that credit.

**Senate Bill 594**  
**Effective:** 1-1-18

**Senate Author:** Creighton  
**House Sponsor:** Springer

Previous law required rules relating to the development and distribution of appraisal manuals setting forth the methods of appraising qualified open-space land and qualified timber land and the development and enforcement of procedures for verifying that land as qualified, before taking effect, to have been approved by a majority vote of a committee composed of the governor, the comptroller of public accounts, the attorney general, the agriculture commissioner, and the commissioner of the General Land Office or the designees of those officials. Senate Bill 594 amends the Tax Code to instead require the rules regarding qualified open-space land to be approved by the comptroller with the review and counsel of the Department of Agriculture before taking effect and the rules regarding qualified timber land to be approved by the comptroller with the review and counsel of the Texas A&M Forest Service before taking effect.

**Senate Bill 686**  
**Effective:** 5-29-17

**Senate Author:** Uresti  
**House Sponsor:** Murr

Senate Bill 686 amends the Tax Code to correct a drafting error so that Real County may impose a hotel occupancy tax.

**Senate Bill 731**  
**Effective:** 9-1-17

**Senate Author:** Bettencourt  
**House Sponsor:** Bohac

Senate Bill 731 amends the Tax Code to increase from \$3 million to \$5 million the maximum appraised or market value of property as determined by an appraisal review board order determining a protest concerning the value of the property that triggers a property owner's entitlement to appeal such an order through binding arbitration. The bill sets the amount of the arbitration deposit to appeal an appraisal review board order through binding arbitration at \$1,550 if the property does not qualify as the owner's residence homestead and the appraised or market value, as applicable, of the property is more than \$3 million but not more than \$5 million, as determined by the order. The bill, with regard to the same property, sets the maximum arbitration fee at \$1,500.

**Senate Bill 745**  
**Effective:** 9-1-17

**Senate Author:** Kolkhorst  
**House Sponsor:** Murphy

Senate Bill 745 amends the Tax Code to revise the sales and use tax exemption for a service performed by an employee of a temporary employment service for a certain employer to supplement the employer's existing work force on a temporary basis under certain conditions. The bill limits the applicability of the requirement that the comptroller of public accounts prescribe by rule certain criteria the comptroller deems necessary to properly implement provisions relating to the taxability of certain employee services to a service performed by covered employees of a professional employer organization for a client under a written contract that provides for shared employment responsibilities between the professional employer organization and the client for the covered employees, most of whom must have been previously employed by the client.

**Senate Bill 799**  
**Effective:** 5-29-17

**Senate Author:** Rodríguez  
**House Sponsor:** Blanco

Senate Bill 799 amends the Tax Code to update the classification bracket by which the counties of Webb and El Paso may impose a hotel occupancy tax.

**Senate Bill 929**  
**Effective:** 5-18-17

**Senate Author:** Hughes  
**House Sponsor:** Thompson, Ed

Senate Bill 929 amends the Tax Code to require a county assessor-collector who assesses or collects property taxes to successfully complete at least 40 hours of continuing education courses on the assessment and collection of property taxes, including a course dedicated to state law governing property tax assessments, not later than the first anniversary of the date on which the county assessor-collector first takes office and in addition to other applicable continuing education requirements.

**Senate Bill 942**  
**Effective:** 6-9-17

**Senate Author:** Hughes  
**House Sponsor:** Paddie

Senate Bill 942 amends the Tax Code to authorize the City of Queen City to use municipal hotel occupancy tax revenue for the promotion of tourism by the enhancement and upgrading of an existing sports facility or field provided that the municipality owns the facility or field; the sports facility or field has been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments; and the tax revenue is allocated as required by law.

**Senate Bill 945**  
**Effective:** 5-22-17

**Senate Author:** Bettencourt  
**House Sponsor:** Murphy

Senate Bill 945 amends the Tax Code to authorize a chief appraiser to change a property tax appraisal roll at any time to correct an erroneous denial or cancellation of any residence homestead tax exemption if the applicant or recipient is disabled or is 65 or older, a residence homestead exemption authorized for the surviving spouse of an individual who had an age 65 or older exemption, a residence homestead exemption for a 100 percent or totally disabled veteran or the veteran's surviving spouse, or an exemption for a partially disabled veteran or the veteran's surviving spouse or certain surviving children.

**Senate Bill 1047**  
**Effective:** 1-1-18

**Senate Author:** Creighton et al.  
**House Sponsor:** Faircloth

Senate Bill 1047 amends the Tax Code to establish that statutory provisions authorizing installment payments of property taxes imposed on certain residence homesteads apply only to an individual who is disabled or at least 65 years of age and entitled to an exemption from taxation by a public school district of \$10,000 of the appraised value of the individual's residence homestead or to a disabled veteran or the unmarried surviving spouse of a disabled veteran who qualified for an exemption on the donated residence homestead of a partially disabled veteran or exemptions on certain property owned by a disabled veteran. The bill clarifies the dates by which penalty-free and interest-free installment payments of property taxes imposed on certain property in a disaster area must be paid, provided the first installment is paid before the delinquency date. The bill also authorizes an applicable person to pay taxes imposed on certain property in a disaster area that the person owns in four equal installments without penalty or interest if the first installment is paid and the required notice is provided before the first day of the first month after the delinquency date.

**Senate Bill 1083**  
**Effective:** 1-1-18

**Senate Author:** Perry  
**House Sponsor:** Frullo

Senate Bill 1083 amends the Tax Code to exempt from the sales and use tax a service performed by a certified public accountancy firm, if less than one percent of the firm's total revenue in the prior calendar year is from services in Texas that would otherwise constitute taxable insurance service, and a service performed on behalf of a certified public accountancy firm by an owner of the firm or a member of the firm's affiliated group, if less than one percent of the owner's or member's total revenue in the prior calendar year is from services in Texas that would otherwise constitute taxable insurance service.

**Senate Bill 1086**  
**Effective:** 5-18-17

**Senate Author:** Seliger  
**House Sponsor:** Elkins

Senate Bill 1086 amends the Tax Code to prohibit a state agency from posting on a public website hotel occupancy tax information that identifies the taxable receipts of an individual business but to establish that such information collected or maintained by a state agency is public information and to require a state agency to provide access to the information as set out by state public information law.

**Senate Bill 1095**  
**Effective:** 9-1-17

**Senate Author:** Taylor, Larry  
**House Sponsor:** Cook

Senate Bill 1095 amends the Tax Code to change the filing deadline for a petition for redetermination of taxes filed with the comptroller of public accounts, the date on which the

comptroller's order or decision on such a petition becomes final, the deadline by which a person claiming a tax refund must request a hearing on the claim to be entitled to such a hearing, and the date on which the comptroller's decision or order following such a hearing becomes final. The bill entitles a taxpayer who is dissatisfied with the decision on a motion for redetermination to file a motion for rehearing in the time provided by the Administrative Procedure Act for filing a motion for rehearing in a contested case and limits to the same time the entitlement of a tax refund claimant who is dissatisfied with the decision on the claim to file a motion for rehearing.

**Senate Bill 1120**  
**Effective:** 5-10-17

**Senate Author:** Zaffirini  
**House Sponsor:** Wray

Senate Bill 1120 amends the Tax Code to include any excise or occupation tax imposed by a political subdivision of the state on the sale, use, or distribution of compressed natural gas or liquefied natural gas among the taxes in lieu of which state motor fuel taxes are imposed.

**Senate Bill 1133**  
**Effective:** 5-26-17

**Senate Author:** Hinojosa et al.  
**House Sponsor:** Herrero

Senate Bill 1133 amends the Water Code to establish that the property of a navigation district is public property used for essential public and governmental purposes and to exempt a navigation district and the district's property from all taxes and special assessments imposed by the state or a political subdivision of the state.

**Senate Bill 1136**  
**Effective:** 5-29-17

**Senate Author:** Hinojosa  
**House Sponsor:** Canales

Senate Bill 1136 amends the Tax Code to authorize the City of Edinburg to use municipal hotel occupancy tax revenue to construct, maintain, or expand a sporting-related facility or sporting-related field on property owned by the city provided its sports facilities and fields have been used in the preceding calendar year a combined total of more than 10 times for district, state, regional, or national sports tournaments, games, or events. The bill imposes certain limitations on the amount of hotel tax revenue that may be used for this purpose and sets a floor for the city's spending on advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants.

**Senate Bill 1221**  
**Effective:** 6-1-17

**Senate Author:** Watson et al.  
**House Sponsor:** Hinojosa, Gina

Senate Bill 1221 amends the Tax Code to require a municipality that imposes a municipal hotel occupancy tax to submit an annual report to the comptroller of public accounts on the rate of the tax and, if applicable, the rate of the hotel occupancy tax imposed by the municipality under statutory provisions relating to sports and community venues; the amount of revenue collected during the municipality's preceding fiscal year from such taxes; and the amount and percentage of municipal hotel occupancy tax revenue allocated by the municipality to certain specified uses that promote tourism and the convention and hotel industry during the municipality's preceding fiscal year.

**Senate Bill 1286**  
**Effective:** 9-1-17

**Senate Author:** Bettencourt  
**House Sponsor:** Murphy

Senate Bill 1286 amends the Tax Code to require the comptroller of public accounts by rule to prescribe the manner and form in which a person must provide a copy of any written material or material preserved on a certain portable device that the person intends to offer or submit to the appraisal review board at a taxpayer protest hearing, which must allow the board to retain

the material as part of the hearing record, and to prescribe specifications for the audiovisual equipment provided by an appraisal district for use by a property owner or the property owner's agent during the hearing.

Senate Bill 1286 includes as a circumstance under which the comptroller is required to remove a person from the arbitrator registry as it concerns property tax appeals through binding arbitration a determination of the comptroller by clear and convincing evidence that there is good cause to remove a person from the registry.

Senate Bill 1286 removes and repeals provisions relating to the selection of an arbitrator by the parties to a request for binding arbitration and the comptroller's appointment of an arbitrator if the parties are unable to make a selection and instead requires the comptroller to appoint an eligible arbitrator who is listed in the arbitrator registry and send notice to the appointed arbitrator requesting the individual to conduct the hearing on the arbitration. The bill sets out conditions of eligibility for appointment as an arbitrator and conditions under which a person is not eligible for such appointment. The bill prohibits the comptroller from appointing an arbitrator if the comptroller determines that there is good cause not to appoint the arbitrator.

**Senate Bill 1345**

**Effective:** 1-1-18

**Senate Author:** Watson et al.

**House Sponsor:** Darby

Senate Bill 1345 amends the Tax Code to include providing tax return preparation services and assistance with other financial matters without regard to the beneficiaries' ability to pay among the charitable functions at least one of which a charitable organization must be engaged exclusively in performing to qualify for the property tax exemption for certain charitable organizations.

**Senate Bill 1365**

**Effective:** 5-22-17

**Senate Author:** Miles

**House Sponsor:** Reynolds

Senate Bill 1365 amends the Tax Code to include the City of Missouri City among those that may use municipal hotel occupancy tax revenue on expenses directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity and on the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, provided the municipality owns the facilities or fields and the facilities or fields have been used in the preceding calendar year a combined total of more than 10 times for district, state, regional, or national sports tournaments.

**Senate Bill 1390**

**Effective:** 9-1-17

**Senate Author:** Hinojosa

**House Sponsor:** Wray

Previous law required the comptroller of public accounts to compute the rate of the fee for certain cigarettes or cigarette tobacco products applicable during a calendar year by increasing the rate for the preceding calendar year by a certain amount each January. Senate Bill 1390 amends the Health and Safety Code to require the comptroller to adjust the rate of the fee by increasing the rate in effect on the date the adjustment is made by that amount and to establish that the adjusted rate takes effect on February 1 of the year in which the adjusted rate is determined and remains in effect until January 31 of the following year.

Senate Bill 1390 amends the Tax Code to exempt from the cigarette tax and related stamping requirements cigarettes that are sold directly by a manufacturer to a research facility in Texas, used by the research facility exclusively for experimental purposes, and not resold by the research facility. The bill moves the filing deadline for a cigarette or tobacco product distributor's



monthly report to the comptroller from the last day of each month to the 25th day of each month.

**Senate Bill 1465**

**Effective:** 9-1-17

**Senate Author:** Taylor, Larry

**House Sponsor:** Bonnen, Greg

Senate Bill 1465 amends the Tax Code to require a board of directors of certain reinvestment zones under the Tax Increment Financing Act to notify an applicable member of the state senate or state house of representatives of the person's ex officio membership on the board within a certain time frame of the member's election. A member may choose not to serve on the board or to designate another individual to serve in the member's place and, in such an event, must timely notify the board of the choice.

**Senate Bill 1557**

**Effective:** 1-1-18

**Senate Author:** Kolkhorst

**House Sponsor:** Shine et al.

Senate Bill 1557 amends the Tax Code to impose a tax on gasoline and diesel fuel that is otherwise exempt from motor fuel taxation on the basis of being exported to another state or a foreign country if the gasoline or diesel fuel is sold in Texas to an unlicensed purchaser. The bill makes the person that sold the gasoline or diesel fuel liable for the tax and requires that person to collect the tax. The bill also imposes a tax on such gasoline and diesel fuel if before export the gasoline or diesel fuel is sold in Texas to a licensed purchaser and the gasoline or diesel fuel is delivered to a destination in Texas. The bill makes the person that redirected the delivery of the gasoline or diesel fuel to a destination in Texas liable for the tax, requires that person to pay the tax, and requires a person who fails to pay the tax when due to pay an additional penalty equal to the greater of \$2,000 or five times the amount of the tax due on the motor fuel. The bill sets out related reporting requirements and a \$200 penalty for failure to report a subsequent sale in Texas of tax-free motor fuel purchased for export.

Senate Bill 1557 amends the Water Code to transfer liability for the fee imposed on the delivery of a petroleum product on withdrawal from bulk of that product from each operator of a bulk facility to each supplier. The bill clarifies that, for purposes of the exemption from the fee of a delivery of a petroleum product destined for export from Texas on the basis of being in continuous movement to a destination outside Texas, a petroleum product ceases to be in continuous movement to a destination outside Texas if the product is delivered to a destination in Texas. The bill requires the person that directs the delivery of the product to a destination in Texas to pay the fee on that product.

**Senate Bill 1767**

**Effective:** 1-1-18

**Senate Author:** Buckingham et al.

**House Sponsor:** Darby

Senate Bill 1767 amends the Tax Code to entitle a property owner in a hearing on a motion to correct the appraisal roll to elect to present the property owner's evidence and argument before, after, or between the cases presented by the chief appraiser and each taxing unit. The bill also entitles a property owner who is a party to a protest to elect to present the owner's case at a hearing on the protest either before or after the appraisal district presents the district's case.

**Senate Bill 2056**

**Effective:** 6-12-17

**Senate Author:** Perry

**House Sponsor:** Burrows

Senate Bill 2056 amends the Tax Code to authorize the City of Brownfield to use municipal hotel occupancy tax revenue to promote tourism by maintaining, enhancing, or upgrading sports facilities or fields, provided that the city, if it uses the revenue to enhance or upgrade a sports facility or field, complies with certain requirements relating to the allocation of municipal hotel

occupancy tax revenue for that purpose, the city owns the sports facilities or field, and the sports facilities and fields have been used in the preceding calendar year a combined total of more than 10 times for district, state, regional, or national sports tournaments. The bill sets a floor for the city's spending on advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants.

**Senate Bill 2166**  
**Effective:** 6-12-17

**Senate Author:** Creighton  
**House Sponsor:** Keough

Senate Bill 2166 amends the Tax Code to authorize the City of Shenandoah to use municipal hotel occupancy tax revenue to directly enhance and promote tourism and the convention and hotel industry by acquiring sites for and constructing, improving, enlarging, equipping, repairing, operating, and maintaining the following municipally owned facilities and related infrastructure: a convention center facility, a sports-related facility with seating for at least 4,500 people, and a multiuse facility that includes both.

**Senate Bill 2242**  
**Effective:** 6-12-17

**Senate Author:** Hinojosa et al.  
**House Sponsor:** Lozano et al.

Senate Bill 2242 amends the Local Government Code to authorize a property owner, if, as a result of disputed, overlapping, or erroneously applied geographic boundaries between like taxing units involving Nueces and San Patricio Counties, multiple like taxing units have imposed property taxes on the same property, to file suit in the Supreme Court of Texas to establish the correct geographic boundary between the taxing units and determine the amount of taxes owed on the property and the taxing unit or units to which the taxes are owed.

Senate Bill 2242 amends the Tax Code to authorize like taxing units to which a property owner has made tax payments under protest as a result of an applicable dispute or error to enter into a written agreement to resolve the dispute or error that establishes the correct geographic boundary between the taxing units and requires the taxing units to refund to the property owner any amount by which the amount paid exceeds the amount due. The bill requires the chief appraiser of each applicable appraisal district to correct the appropriate records as necessary to reflect an agreement or supreme court order establishing the correct geographic boundaries.

Senate Bill 2242 amends the Education Code to require the commissioner of education to adjust certain amounts due to a public school district as necessary to account for the resolution of a dispute or error involving the district and another district by an agreement between the districts or by a supreme court order as authorized by the bill.

**Senate Joint Resolution 1**  
**For Election:** 11-7-17

**Senate Author:** Campbell et al.  
**House Sponsor:** Fallon et al.

Senate Joint Resolution 1 proposes an amendment to the state constitution to authorize the legislature to provide for an exemption from property taxation of all or part of the market value of the residence homestead of the surviving spouse of a first responder who is killed or fatally injured in the line of duty.

*This page intentionally left blank.*

## Transportation

This chapter covers legislation on driver's licenses and driver education, motor vehicles, rules of the road, the state highway system, memorial highway designations, and the financing, planning, and administration of transportation systems. Legislation relating to specialty license plates to recognize veterans is in the **Military Forces and Veterans** chapter, and legislation relating to vehicle storage and towing is in the **Occupational Regulation** chapter.

### **House Bill 62**

**Effective:** 9-1-17

**House Author:** Craddick et al.

**Senate Sponsor:** Zaffirini

House Bill 62, the Alex Brown Memorial Act, amends the Transportation Code to create a misdemeanor offense for the operator of a motor vehicle who uses a portable wireless communication device to read, write, or send an electronic message while operating the vehicle, unless the vehicle is stopped. The bill provides a penalty enhancement if the offense causes another person's death or serious bodily injury and establishes affirmative defenses to prosecution for the offense. The bill limits the authority of a peace officer to take possession of or inspect a wireless communication device on grounds of a suspected violation, establishes certain signage requirements, and revises the penalty for the operation of a motor vehicle by a person under 18 years of age while using a wireless communication device.

### **House Bill 100**

**Effective:** 5-29-17

**House Author:** Paddie et al.

**Senate Sponsor:** Schwertner

House Bill 100 amends the Occupations Code to provide for the operation of transportation network companies in Texas, including the arrangement and provision of rides, driver and vehicle requirements, and nondiscrimination and accessibility policies. The bill prohibits the operation of a transportation network company in Texas without a permit issued by the Texas Department of Licensing and Regulation and provides for the suspension or revocation of such a permit. The bill makes Insurance Code requirements relating to transportation network company drivers applicable to transportation network companies and drivers logged in to a digital network and prohibits the regulation of transportation network companies, drivers, and vehicles by a municipality or other local entity, with limited exceptions.

### **House Bill 216**

**Effective:** 5-26-17

**House Author:** Springer

**Senate Sponsor:** Estes

House Bill 216 amends the Transportation Code to designate a portion of U.S. Highway 380 in Young and Jack Counties as the Henry H. King Memorial Highway.

### **House Bill 263**

**Effective:** 9-1-17

**House Author:** Lozano

**Senate Sponsor:** Zaffirini et al.

House Bill 263 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue "Back the Blue" specialty license plates.

### **House Bill 409**

**Effective:** 5-22-17

**House Author:** Springer

**Senate Sponsor:** Estes

House Bill 409 amends the Transportation Code to designate a portion of Farm-to-Market Road 1810 in Jack County as the Luther G. Prunty Memorial Highway.

## Transportation

**House Bill 561**  
**Effective:** 5-26-17

**House Author:** Murphy  
**Senate Sponsor:** Kolkhorst

House Bill 561 amends the Transportation Code to authorize the Texas Department of Motor Vehicles to issue distinguishing license plates for a vehicle operated by a motor carrier for the purpose of picking up and delivering mail, parcels, and packages if the vehicle is an all-terrain vehicle, a golf cart, a neighborhood electric vehicle, a recreational off-highway vehicle, or a utility vehicle and meets certain equipment criteria. The bill limits the operation of a vehicle bearing the license plates to certain roadways and provides for the operation of such a vehicle on the property of a subdivision or condominium managed or regulated by a property owners' association and within certain municipalities and counties.

**House Bill 912**  
**Effective:** 6-15-17

**House Author:** Romero, Jr. et al.  
**Senate Sponsor:** Taylor, Van

House Bill 912 amends the Education Code and Transportation Code to provide for the electronic issuance and delivery of driver education certificates, to expand the persons eligible to conduct the parent-taught driver education course, and to revise the eligibility requirements for a person conducting the course. The bill prohibits the Texas Department of Licensing and Regulation from charging a fee for the submission of proof of completion of the course or passage of examinations for a parent-taught driver education course. The bill decreases from \$25,000 to \$10,000 the amount of a corporate surety bond a driving safety course provider must hold to be issued a license.

**House Bill 920**  
**Effective:** 9-1-17

**House Author:** Kacal et al.  
**Senate Sponsor:** Creighton

House Bill 920 amends the Transportation Code to change the position at which the authorized operator of an all-terrain vehicle must attach a triangular orange flag to the back of the vehicle before driving the vehicle on a public street, road, or highway that is not an interstate or limited-access highway. The bill extends a peace officer's conditional authority to operate an all-terrain vehicle on such a street, road, or highway to another person who provides law enforcement, firefighting, ambulance, medical, or other emergency services and decreases the maximum distance an all-terrain vehicle may be operated under such authority.

**House Bill 938**  
**Effective:** 9-1-17

**House Author:** Thompson, Ed  
**Senate Sponsor:** Taylor, Larry

House Bill 938 amends the Transportation Code to designate a portion of Farm-to-Market Road 518 in Pearland as the Officer Endy Ekpanya Memorial Highway.

**House Bill 947**  
**Effective:** 5-23-17

**House Author:** Thompson, Ed et al.  
**Senate Sponsor:** Taylor, Larry

House Bill 947 amends the Transportation Code to designate a portion of Farm-to-Market Road 1462 in Brazoria County as the Lieutenant Colonel Roy Lin Tisdale Memorial Highway.

**House Bill 979**  
**Effective:** 9-1-17

**House Author:** Kacal et al.  
**Senate Sponsor:** Birdwell

House Bill 979 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue specialty license plates for recipients of the Star of Texas Award.

**House Bill 1140**  
**Effective:** 9-1-17

**House Author:** Anderson, Charles “Doc” et al.  
**Senate Sponsor:** Hinojosa

House Bill 1140 amends the Transportation Code to revise the areas to which the Texas Transportation Commission is required to allocate certain appropriations under the formula program each state fiscal biennium.

**House Bill 1162**  
**Effective:** 6-15-17

**House Author:** Guillen  
**Senate Sponsor:** Zaffirini

House Bill 1162 amends the Transportation Code to designate a portion of Farm-to-Market Road 649 in Jim Hogg County as the State Trooper David Lee Nevarez Memorial Highway.

**House Bill 1221**  
**Effective:** 5-28-17

**House Author:** Stephenson  
**Senate Sponsor:** Kolkhorst

House Bill 1221 amends the Transportation Code to designate a portion of U.S. Highway 90 Alternate in Wharton County as the Johnnie David Hutchins Memorial Highway.

**House Bill 1249**  
**Effective:** 9-1-17

**House Author:** Goldman et al.  
**Senate Sponsor:** Hinojosa et al.

House Bill 1249 amends the Health and Safety Code to create a Class C misdemeanor offense for a person who operates a motor vehicle that resembles an emergency medical services vehicle in a manner that is not consistent with the Emergency Health Care Act or other legitimate governmental functions.

**House Bill 1256**  
**Effective:** 9-1-17

**House Author:** Kacal  
**Senate Sponsor:** Hancock

House Bill 1256 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue “Blessed are the Peacemakers” specialty license plates.

**House Bill 1303**  
**Effective:** 9-1-17

**House Author:** Stephenson  
**Senate Sponsor:** Kolkhorst

House Bill 1303 amends the Transportation Code to designate a portion of State Highway 71 in Wharton County as the Roy P. Benavidez Memorial Highway.

**House Bill 1317**  
**Effective:** 9-1-17

**House Author:** King, Ken  
**Senate Sponsor:** Seliger

House Bill 1317 amends the Government Code and Transportation Code to require the Texas Historical Commission to develop the Tom Lea Trail program to commemorate the life and art of Tom Lea and to designate a portion of U.S. Highway 287 in Claude as the Charles H. Roan Memorial Highway and to designate a portion of State Highway 31 under construction as a relief route around Corsicana, in Navarro County as the Navarro County Vietnam Memorial Loop.

**House Bill 1345**  
**Effective:** 9-1-17

**House Author:** Dale  
**Senate Sponsor:** Birdwell

House Bill 1345 amends the Transportation Code to remove the specification that the photograph required on a driver’s license be a color photograph.

## Transportation

### **House Bill 1372** **Effective:** 9-1-17

**House Author:** Koop et al.  
**Senate Sponsor:** Hughes

House Bill 1372 amends the Education Code to require the Texas Commission of Licensing and Regulation to require information relating to the proper use of child passenger safety seat systems to be included in the curriculum of each driver education and driving safety course.

### **House Bill 1434** **Effective:** 9-1-17

**House Author:** Simmons et al.  
**Senate Sponsor:** Nelson

House Bill 1434 amends the Transportation Code to authorize the Department of Public Safety (DPS) to make available, in a publicly accessible area of a driver's license office, informational materials and videos on driving with autism that are developed by an appropriate entity, as determined by DPS.

### **House Bill 1483** **Effective:** 9-1-17

**House Author:** Landgraf  
**Senate Sponsor:** Seliger

House Bill 1483 amends the Transportation Code to designate a portion of State Highway 191 in Ector County as the Chris Kyle Memorial Highway.

### **House Bill 1691** **Effective:** 9-1-17

**House Author:** Smithee et al.  
**Senate Sponsor:** Seliger et al.

House Bill 1691 amends the Transportation Code to designate rest areas on Interstate Highway 27 in Hale County as the Nelda Laney Safety Rest Areas.

### **House Bill 1699** **Effective:** 5-29-17

**House Author:** Geren  
**Senate Sponsor:** Nichols

House Bill 1699 amends the Transportation Code to revise the requirements for a person to be qualified to participate in the Department of Public Safety's driver record monitoring pilot program and prohibit DPS from limiting the number of qualified persons participating in the program.

### **House Bill 1764** **Effective:** Vetoed

**House Author:** Israel  
**Senate Sponsor:** Watson

Previous law exempted a contract totaling \$50,000 or less for the construction of an improvement or the purchase of any property from competitive bidding requirements for certain metropolitan rapid transit authorities. House Bill 1764 amends the Transportation Code to change the maximum value of such a contract to the simplified acquisition threshold as defined by federal regulations. The bill revises the computation of certain indicators used in performance audits of certain metropolitan rapid transit authorities. The bill changes the cap on the amount Austin's Capital Metropolitan Transportation Authority may spend for capital improvements from the total amount allocated for major capital expenditures in the annual budget to the total amounts allocated for major capital expenditures in the current and preceding annual budgets of the authority. The bill caps the term of bonds issued by the authority at 15 years and makes such bonds payable only from revenue received on or after their issue date.

Governor's Reason for Veto: "House Bill 1764 would have reduced budget transparency and competitive bidding requirements for local transportation authorities such as Austin's Capital Metro. The bill would have raised from \$50,000 to \$150,000 the value of a contract that Capital Metro could award without competitive bidding. It would also have expanded Capital Metro's ability to go into debt.

"The legislative bill analysis for House Bill 1764 indicates that the bill was envisioned because 'Capital Metro discovered that several sections of Chapter 451 [of the TRANSPORTATION CODE] are out of date

with its current operations.’ If Capital Metro’s way of doing business violates the Transportation Code, the answer is not House Bill 1764. The answer is for Capital Metro to follow the law.”

**House Bill 1790**

**Effective:** 9-1-17

**House Author:** Pickett

**Senate Sponsor:** Rodríguez

Previous law required the Texas Department of Motor Vehicles on request to conduct a hearing to confirm or rescind the revocation of a disabled parking placard. House Bill 1790 amends the Transportation Code to instead authorize the person from whom such a placard was seized to apply for a new placard.

**House Bill 1791**

**Effective:** 5-18-17

**House Author:** Pickett

**Senate Sponsor:** Rodríguez

House Bill 1791 amends the Transportation Code to authorize an operator of a vehicle equipped with a connected braking system that is following another vehicle equipped with that system to be assisted by the system to maintain the required assured clear distance or sufficient space.

**House Bill 1793**

**Effective:** 5-26-17

**House Author:** Pickett

**Senate Sponsor:** Hancock

House Bill 1793 amends the Transportation Code to exempt from compulsory vehicle inspection requirements a commercial motor vehicle that is not domiciled in Texas but is registered in Texas or under the International Registration Plan and has been issued a certificate of inspection in compliance with federal motor carrier safety regulations. The bill subjects such a commercial motor vehicle to any fees established by the Transportation Code that would apply to the vehicle if the vehicle were subject to those inspection requirements.

**House Bill 1823**

**Effective:** 9-1-17

**House Author:** Canales

**Senate Sponsor:** Zaffirini et al.

House Bill 1823 amends the Health and Safety Code and Transportation Code to require the state registrar of vital statistics and the Department of Public Safety, as appropriate, to ensure that a vital statistics record, an original or renewal driver’s license or personal identification certificate, or an original or renewal commercial driver’s license or commercial learner’s permit properly records any diacritical mark used in a person’s name.

**House Bill 1956**

**Effective:** 9-1-17

**House Author:** Springer

**Senate Sponsor:** Nichols

House Bill 1956 amends the Transportation Code to extend the applicability of statutory provisions relating to the operation of all-terrain vehicles and recreational off-highway vehicles to the operation of a utility vehicle.

**House Bill 1959**

**Effective:** 6-15-17

**House Author:** Thompson, Senfronia et al.

**Senate Sponsor:** Taylor, Larry

House Bill 1959 amends the Transportation Code to require the Texas Department of Motor Vehicles to conduct a study that identifies and assesses alternative technologies for registering commercial motor vehicles to replace current documentation and registration methods and that evaluates the safety and suitability of those technologies. The bill provides for the creation of a pilot program that identifies, implements, and assesses such technologies.



## Transportation

**House Bill 2065**  
**Effective:** 9-1-17

**House Author:** Phillips et al.  
**Senate Sponsor:** Hancock

House Bill 2065 amends the Transportation Code to require a municipality or county that retains a fine from the enforcement of commercial motor vehicle safety standards to annually file with the comptroller of public accounts a report that details the amount of fines retained and the actual expenses claimed for enforcement during the previous fiscal year. The bill requires a municipality or county that fails to file the report to send to the comptroller an amount equal to the amount retained by the municipality or county in the fiscal year the report would cover.

**House Bill 2319**  
**Effective:** 6-9-17

**House Author:** Paddie et al.  
**Senate Sponsor:** Creighton

House Bill 2319 amends the Transportation Code to authorize a vehicle or combination of vehicles that is powered by an engine fueled primarily by natural gas to exceed certain vehicle weight limitations. The bill provides for the issuance of a permit for the international transportation of an intermodal shipping container along certain routes in Bowie County.

**House Bill 2557**  
**Effective:** 6-15-17

**House Author:** Miller et al.  
**Senate Sponsor:** Kolkhorst

House Bill 2557 amends the Transportation Code to authorize Fort Bend and Brazoria Counties to adopt an order that provides for the development of certain rail facilities and the issuance of bonds for those facilities.

**House Bill 2646**  
**Effective:** 6-15-17

**House Author:** Martinez, "Mando" et al.  
**Senate Sponsor:** Hinojosa

Current law authorizes the Texas Transportation Commission to purchase an option to acquire property for use in connection with a transportation facility before a final decision has been made as to whether the transportation facility will be located on that property. House Bill 2646 amends the Transportation Code to authorize the commission to acquire real property or an interest in real property for such a purpose before that decision has been made and to authorize such an acquisition or purchase before environmental clearance has been issued for the transportation facility. The bill requires the commission, before disposing of property acquired by advance acquisition that is not needed for a transportation facility, to first offer the property for sale to the person from whom the commission acquired the property.

**House Bill 2663**  
**Effective:** 6-9-17

**House Author:** Pickett et al.  
**Senate Sponsor:** Hinojosa

House Bill 2663 amends the Transportation Code to exempt the owner of a registered motor vehicle from the fee for a replacement registration insignia or a replacement license plate if a county assessor-collector determines that the owner did not receive an insignia or license plate, as applicable, that was issued to the owner by mail.

**House Bill 2675**  
**Effective:** 9-1-17

**House Author:** Dean  
**Senate Sponsor:** Hughes

House Bill 2675 amends the Transportation Code to designate a portion of State Highway 31 in Gregg County as the Jack Ward Memorial Highway.

**House Bill 2700**  
**Effective:** 9-1-17

**House Author:** Hunter  
**Senate Sponsor:** Hinojosa

House Bill 2700 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue childhood cancer awareness specialty license plates.

**House Bill 2774**  
**Effective:** Vetoed

**House Author:** Phelan  
**Senate Sponsor:** Rodríguez

House Bill 2774 amends the Transportation Code to create the misdemeanor offense of installation of unsafe tires.

Governor's Reason for Veto: "House Bill 2774 would have created a new crime for installation of faulty tires on vehicles. Texas does not need to impose new criminal penalties on people who put tires on cars. For the past two sessions, the legislature has passed several laws aimed at limiting the reach of criminal penalties and reducing the burden of criminal records. This bill goes in the opposite direction. Nobody wants bad tires on the road, but creating a new crime is not the answer to every problem."

**House Bill 2968**  
**Effective:** 5-26-17

**House Author:** Bonnen, Dennis  
**Senate Sponsor:** Kolkhorst

House Bill 2968 amends the Transportation Code to authorize the Matagorda County Commissioners Court to allow a golf cart or utility vehicle to operate on all or part of a public highway that is located in the unincorporated area of the county and that has a speed limit of not more than 35 miles per hour.

**House Bill 3050**  
**Effective:** 9-1-17

**House Author:** King, Phil  
**Senate Sponsor:** Nichols

House Bill 3050 amends the Transportation Code to, among other provisions, authorize the establishment of a program for the provision of renewal and duplicate driver's license, election identification certificate, and personal identification certificate services in municipalities that enter into an agreement with the Department of Public Safety (DPS) in the same manner as counties that do so, remove the requirement that the photograph required on a driver's license be a color photograph, and authorize DPS to use an address that is in the county of a peace officer's place of employment as an acceptable alternative address for the peace officer's driver's license. The bill revises provisions relating to the sale of license information.

**House Bill 3087**  
**Effective:** 9-1-17

**House Author:** Morrison  
**Senate Sponsor:** Nichols

House Bill 3087 amends the Transportation Code to change the equipment to which certain Texas Department of Transportation lighting standards and specifications apply from highway maintenance and service equipment to highway maintenance and service vehicles, as defined by the bill.

**House Bill 3254**  
**Effective:** 1-1-18

**House Author:** Phillips  
**Senate Sponsor:** Nichols

House Bill 3254 amends the Tax Code and Transportation Code to revise and expand the conditions under which the Texas Department of Motor Vehicles (TxDMV) may deny a motor carrier registration or registration renewal and to provide for the denial by TxDMV of a supplement to a motor carrier registration application or an application to renew such a registration. The bill sets out requirements for a motor carrier to obtain a motor carrier reregistration and creates a Class A misdemeanor offense for a person who knowingly operates a commercial motor vehicle in violation of an out-of-service order issued under federal law or

## Transportation

who owns, leases, or assigns a person to drive such a vehicle. The bill further revises and updates provisions relating to federal motor carrier registration to apply to the unified carrier plan and agreement provided by federal law.

**House Bill 3272**  
**Effective:** 9-1-17

**House Author:** Wray  
**Senate Sponsor:** Rodríguez

House Bill 3272 amends the Code of Criminal Procedure and Transportation Code to prohibit a justice or municipal court from ordering the confinement of a child for the failure to appear for an offense committed by the child. The bill removes certain failures to appear and certain defaults in payment for a fine-only misdemeanor as conditions under which the Department of Public Safety (DPS) is required to revoke a driver's license. The bill authorizes DPS to cancel a driver's license or personal identification certificate if the holder paid the required fee for the license or certificate by check or credit card that was returned to DPS or not honored by the funding institution or credit card company.

**House Bill 3283**  
**Effective:** 6-1-17

**House Author:** Guillen  
**Senate Sponsor:** Zaffirini et al.

House Bill 3283 amends the Transportation Code to designate a portion of State Highway 16 in Duval County as the Al Dean Memorial Highway.

**House Bill 3359**  
**Effective:** 9-1-17

**House Author:** Cospers  
**Senate Sponsor:** Rodríguez

House Bill 3359 amends the Transportation Code to authorize the Department of Public Safety to make informational materials and videos on bone marrow donation available in a publicly accessible area of a driver's license office.

**House Bill 3376**  
**Effective:** 9-1-17

**House Author:** Holland et al.  
**Senate Sponsor:** Perry

House Bill 3376 amends the Transportation Code to authorize the Department of Public Safety to send notification of suspension, revocation, or certain other driver's license enforcement proceedings and actions by email, if requested by the recipient.

**House Bill 3536**  
**Effective:** 5-26-17

**House Author:** Ashby  
**Senate Sponsor:** Schwertner

House Bill 3536 amends the Transportation Code to designate a portion of Interstate Highway 45 in Leon County as the Sergeant Wade Daniel Wilson Memorial Highway.

**House Bill 3654**  
**Effective:** 9-1-17

**House Author:** Wray  
**Senate Sponsor:** Perry

House Bill 3654 amends the Transportation Code to define "road machinery," for purposes of statutory provisions governing vehicle equipment, as a self-propelled vehicle that was originally and permanently designed as machinery, is not designed or used primarily to transport persons or property, and is only incidentally operated on a highway.

**House Bill 3917**  
**Effective:** 6-1-17

**House Author:** Landgraf  
**Senate Sponsor:** Perry

House Bill 3917 amends the Transportation Code to designate a portion of Interstate Highway 20 in Ward County as the Trooper Billy Jack Zachary Memorial Highway.

**House Bill 3964**  
**Effective:** 6-12-17

**House Author:** Meyer et al.  
**Senate Sponsor:** Huffines

House Bill 3964 amends the Transportation Code to designate a portion of State Highway 289 in Dallas County as the Harold C. Simmons Memorial Highway.

**House Bill 4156**  
**Effective:** 9-1-17

**House Author:** Bonnen, Dennis  
**Senate Sponsor:** Kolkhorst

House Bill 4156 amends the Transportation Code to include Matagorda County among the counties in which the Texas Transportation Commission may authorize a port authority to issue permits for the movement of certain oversize or overweight vehicles and to include a specified route through Matagorda and Brazoria Counties among the routes the commission is required to designate for purposes of such a permit. The bill raises the cap on the fee collected by a port authority for such a permit from \$80 per trip to \$120 per trip.

**Senate Bill 28**  
**Effective:** 5-26-17

**Senate Author:** Creighton et al.  
**House Sponsor:** Deshotel et al.

Senate Bill 28 amends the Transportation Code to establish the ship channel improvement revolving fund as an account in the general revenue fund administered by the Texas Transportation Commission. The bill requires the commission by rule to establish a revolving loan program to use money from the fund to finance qualified projects for navigation districts.

**Senate Bill 82**  
**Effective:** 9-1-17

**Senate Author:** Nelson et al.  
**House Sponsor:** Capriglione

Senate Bill 82 amends the Transportation Code to require a contract for an improvement to a segment of the state highway system to prohibit a contractor from temporarily closing the highway on the date that an event is scheduled to be held in the City of Grapevine if the city notifies the Texas Department of Transportation and the contractor of that date.

**Senate Bill 128**  
**Effective:** 5-18-17

**Senate Author:** Garcia et al.  
**House Sponsor:** Thompson, Senfronia

Senate Bill 128 amends the Education Code and the Transportation Code to include education and training on the recognition and prevention of human trafficking in the curriculum of commercial driver's license training programs offered by public junior colleges and career schools and colleges. The bill requires the Department of Public Safety to provide informational materials regarding the recognition and prevention of human trafficking for distribution to commercial driver's license applicants.

**Senate Bill 364**  
**Effective:** 9-1-17

**Senate Author:** Kolkhorst  
**House Sponsor:** Schubert

Senate Bill 364 amends the Transportation Code to designate a portion of Alternate United States Highway 90 in Lavaca County as the Sheriff Ronnie Dodds Memorial Highway.

**Senate Bill 365**  
**Effective:** 9-1-17

**Senate Author:** Kolkhorst  
**House Sponsor:** Schubert

Senate Bill 365 amends the Transportation Code to designate a portion of State Highway 95 in Lavaca County as the Sergeant David M. Furrh Memorial Highway.

## Transportation

**Senate Bill 396**  
**Effective:** 6-9-17

**Senate Author:** Zaffirini  
**House Sponsor:** Kuempel et al.

Senate Bill 396 amends the Transportation Code to designate Business State Highway 123-B in Guadalupe County as the Texas Game Warden Teyran “Ty” Patterson Memorial Highway.

**Senate Bill 402**  
**Effective:** 9-1-17

**Senate Author:** Zaffirini et al.  
**House Sponsor:** Allen

Senate Bill 402 amends the Transportation Code to require a public transportation provider that provides services designed for people with disabilities to notify individuals eligible to use the services of their entitlement to use another provider’s service on a temporary basis.

**Senate Bill 693**  
**Effective:** 9-1-17

**Senate Author:** Garcia et al.  
**House Sponsor:** Phelan et al.

Senate Bill 693 amends the Transportation Code to require certain multifunction school activity buses and school-chartered buses to be equipped with a three-point seat belt for each passenger, including the operator. The bill repeals a provision making a school district’s compliance with the requirement to equip certain buses with such a seat belt contingent on legislative reimbursement for expenses incurred in complying with the requirement.

**Senate Bill 848**  
**Effective:** 6-9-17

**Senate Author:** Huffines  
**House Sponsor:** Romero, Jr. et al.

Senate Bill 848 amends the Education Code and Transportation Code to provide for the electronic issuance and delivery of driver education certificates, to expand the persons eligible to conduct the parent-taught driver education course, and to revise the eligibility requirements for a person conducting the course. The bill prohibits the Texas Department of Licensing and Regulation from charging a fee for the submission of proof of completion of the course or passage of examinations for a parent-taught driver education course. The bill decreases from \$25,000 to \$10,000 the amount of a corporate surety bond a driving safety course provider must hold to be issued a license.

**Senate Bill 867**  
**Effective:** 9-1-17

**Senate Author:** Seliger  
**House Sponsor:** King, Ken

Senate Bill 867 amends the Transportation Code to designate a portion of U.S. Highway 287 in Armstrong and Donley Counties as the Colonel Charles Goodnight Memorial Highway.

**Senate Bill 928**  
**Effective:** 9-1-17

**Senate Author:** Rodríguez et al.  
**House Sponsor:** Pickett et al.

Senate Bill 928 amends the Government Code to require the Texas Historical Commission to develop a Tom Lea Trail program to commemorate the life and art of Tom Lea. The bill designates certain segments of highway as the Tom Lea Trail.

**Senate Bill 975**  
**Effective:** 9-1-17

**Senate Author:** Birdwell et al.  
**House Sponsor:** Schubert et al.

Senate Bill 975 amends the Transportation Code to set out security-related requirements for a private entity operator of high-speed rail, including the implementation of federal Transportation Security Administration requirements and state requirements relating to emergency management training. The bill requires the Department of Public Safety to administer

and enforce the bill's provisions and to ensure consistency with applicable federal rules, regulations, and standards.

**Senate Bill 1001**

**Effective:** 9-1-17

**Senate Author:** Taylor, Larry et al.

**House Sponsor:** Paul et al.

Senate Bill 1001 amends the Transportation Code to create an alternative vehicle inspection procedure for a motor vehicle or trailer that is part of a commercial fleet and registered or in the process of being registered in Texas. The bill increases the maximum gross weight of a trailer, semitrailer, pole trailer, or mobile home that is exempt from compulsory inspection from 4,500 to 7,500 pounds, subjects such a vehicle to a fee at the time of registration, and provides for the disposition of the fee.

**Senate Bill 1037**

**Effective:** 9-1-17

**Senate Author:** Perry

**House Sponsor:** Lang

Senate Bill 1037 amends the Transportation Code to designate a structure on State Highway 6 in Eastland County as the Bedford-Carmichael Bridge.

**Senate Bill 1051**

**Effective:** 9-1-17

**Senate Author:** Watson

**House Sponsor:** Dutton

Senate Bill 1051 amends the Education Code to require the Texas Department of Licensing and Regulation to establish an online driver education course for deaf or hard of hearing students. The bill requires the Texas Commission of Licensing and Regulation to require a driver education school providing a driver education course to provide certain accommodations for deaf or hard of hearing students.

**Senate Bill 1062**

**Effective:** 1-1-18

**Senate Author:** Perry

**House Sponsor:** Dean

Senate Bill 1062 amends the Transportation Code to require the Texas Department of Motor Vehicles to provide for use consistent with federal regulations relating to odometer disclosure statements a secure power of attorney form and a secure reassignment form for licensed motor vehicle dealers and to establish a process to accept electronic signatures on secure documents. The bill revises provisions relating to the odometer disclosure statement required for the transfer of a motor vehicle in Texas.

**Senate Bill 1099**

**Effective:** 6-12-17

**Senate Author:** Perry

**House Sponsor:** Springer

Senate Bill 1099 amends the Transportation Code to designate the portion of U.S. Highway 84 in Garza County as the Trooper Jonathan Thomas McDonald Memorial Highway.

**Senate Bill 1102**

**Effective:** 6-1-17

**Senate Author:** Creighton

**House Sponsor:** Paddie

Senate Bill 1102 amends the Transportation Code to authorize a vehicle or combination of vehicles that is powered by an engine fueled primarily by natural gas to exceed certain vehicle weight limitations by an amount calculated using a specified formula. The bill caps the maximum gross weight of such a vehicle or combination of vehicles at 82,000 pounds.

## Transportation

### **Senate Bill 1187**

**Effective:** 6-1-17

**Senate Author:** West et al.

**House Sponsor:** Phillips

Senate Bill 1187 amends the Transportation Code to require a citation for a Class C misdemeanor offense for the operation of a motor vehicle in violation of the motor vehicle liability insurance requirement to include an affirmative indication that the peace officer was unable at the time of the alleged offense to verify financial responsibility for the vehicle. The bill prohibits the Department of Public Safety from assessing a surcharge on a driver's license based on such an offense if the person files certain satisfactory evidence.

### **Senate Bill 1291**

**Effective:** 9-1-17

**Senate Author:** Creighton

**House Sponsor:** Faircloth

Senate Bill 1291 amends the Transportation Code to revise the designated portion of State Highway 99 for which Chambers County may issue an oversize or overweight vehicle permit for the transport of cargo.

### **Senate Bill 1305**

**Effective:** 12-31-17

**Senate Author:** Nichols

**House Sponsor:** Darby

Senate Bill 1305 repeals Transportation Code provisions relating to county energy transportation reinvestment zones and their advisory boards and amends the Transportation Code to make conforming changes.

### **Senate Bill 1383**

**Effective:** 1-1-18

**Senate Author:** Perry

**House Sponsor:** King, Ken

Senate Bill 1383 amends the Transportation Code to authorize the Texas Department of Motor Vehicles to issue a permit for the movement of fluid milk by a truck-tractor and semitrailer combination with a maximum gross weight of 90,000 pounds. The bill sets out permit conditions and requirements and restricts operation under the permit to counties designated in the permit application.

### **Senate Bill 1384**

**Effective:** 6-1-17

**Senate Author:** Perry

**House Sponsor:** Burrows

Senate Bill 1384 designates Chapter 126 (S.B. 481), Acts of the 81st Legislature, Regular Session, 2009, relating to safety regulations for certain contract carriers, as the Justin Little Act.

### **Senate Bill 1522**

**Effective:** 6-15-17

**Senate Author:** Nichols

**House Sponsor:** Thompson, Ed

Senate Bill 1522 amends the Transportation Code to revise the composition of the aviation advisory committee.

### **Senate Bill 1523**

**Effective:** 6-1-17

**Senate Author:** Nichols

**House Sponsor:** Davis, Yvonne

Previous law set out powers and duties of the Texas Department of Transportation (TxDOT) regarding the safety oversight of rail fixed guideway mass transportation systems. Senate Bill 1523 amends the Transportation Code to instead create a state safety oversight program for rail fixed guideway public transportation systems, to require TxDOT to oversee all safety aspects of those systems, and to provide for the enforcement of federal and state laws on rail fixed guideway public transportation safety.

**Senate Bill 1524****Effective:** 1-1-18**Senate Author:** Nichols et al.**House Sponsor:** Morrison et al.

Senate Bill 1524 amends the Transportation Code to authorize the Texas Department of Motor Vehicles to issue an annual permit for the movement of a sealed intermodal shipping container moving in international transportation by a six-axle or seven-axle truck-tractor and semitrailer combination. The bill sets out permit conditions, requirements, and route restrictions and requires the Texas Department of Transportation to conduct a biennial study concerning vehicles operating under the permit.

**Senate Bill 1732****Effective:** 9-1-17**Senate Author:** Birdwell**House Sponsor:** Burns

Senate Bill 1732 amends the Transportation Code to designate a portion of Interstate Highway 35W in Johnson County as the Deputy Clifton Taylor Memorial Highway.

**Senate Bill 1877****Effective:** 6-15-17**Senate Author:** Perry**House Sponsor:** Wray

Senate Bill 1877 amends the Transportation Code to authorize the Texas Department of Transportation to electronically send notice of any proposed contracts for highway projects requiring competitive bids to a designated email address as an alternative to sending such notice by mail.

**Senate Bill 1952****Effective:** 9-1-17**Senate Author:** Hughes**House Sponsor:** Pickett et al.

Current law prohibits a person from engaging in business as a vehicle dealer without the appropriate dealer distinguishing numbers. Senate Bill 1952 amends the Transportation Code to establish that a domiciliary of another state who holds a dealer license and bond issued by that state is not engaging in business as a dealer by buying, selling, or exchanging at a public auction certain antique or special interest vehicles.

**Senate Bill 2006****Effective:** 6-15-17**Senate Author:** Watson**House Sponsor:** Morrison

Current law provides for the regulation of outdoor advertising by the Texas Transportation Commission in compliance with the federal Highway Beautification Act of 1965. Senate Bill 2006 amends the Transportation Code to revise statutory provisions to instead reflect the regulation of commercial signs in compliance with that act.

**Senate Bill 2075****Effective:** 9-1-17**Senate Author:** Rodríguez**House Sponsor:** Pickett

Senate Bill 2075 amends the Natural Resources Code and Transportation Code to revise certain requirements and procedures for registering or renewing the registration of a motor vehicle, trailer, semitrailer, or commercial fleet vehicle and certain procedures followed by a county assessor-collector relating to vehicle registration and the collection and disposition of associated fees. The bill changes the classification of license plates issued to certain vehicles from specialty license plates to distinguishing license plates and repeals provisions relating to the designation of a registration period by a person who owns more than one motor vehicle or trailer and relating to the calculation of additional vehicle registration fee amounts retained by a county tax assessor-collector.



**Senate Bill 2076**

**Effective:** See below

**Senate Author:** Rodríguez

**House Sponsor:** Pickett

Senate Bill 2076 amends the Tax Code and Transportation Code to revise provisions relating to vehicle titling requirements, the assignment and reassignment of a vehicle identification number by the Texas Department of Motor Vehicle (TxDMV), and the issuance of a title for trailers and semitrailers. The bill sets out the circumstances under which a motor vehicle, trailer, or semitrailer is required to have an identification number inspection and provides for the identification number inspection process and the authority of TxDMV to establish an alternative identification number inspection process. The bill revises the process by which an odometer disclosure statement is provided to comply with federal law and provisions relating to nonrepairable and salvage motor vehicles. Effective January 1, 2019, the bill revises the process for an owner or lienholder of a motor vehicle to obtain a certified copy of a lost or destroyed title. The bill's other provisions are effective September 1, 2017.

**Senate Bill 2205**

**Effective:** 9-1-17

**Senate Author:** Hancock et al.

**House Sponsor:** Geren

Senate Bill 2205 amends the Transportation Code to authorize an automated motor vehicle on which an automated driving system is installed to operate in Texas with that system engaged, regardless of whether a human operator is physically present in the vehicle. The bill prohibits a political subdivision or a state agency from imposing a franchise or other regulation related to the operation of such a vehicle or system.

**Senate Bill 2227**

**Effective:** 9-1-17

**Senate Author:** Hinojosa

**House Sponsor:** Martinez, "Mando"

Senate Bill 2227 amends the Transportation Code to raise the cap on the fee for a permit issued for the movement of oversize or overweight vehicles carrying cargo in Hidalgo County from \$80 to \$200.

## Utilities

This chapter covers legislation relating to utilities, including electric and water and sewer utilities. Legislation relating to the oil and gas industry and energy efficiency and conservation is in the **Energy Resources** chapter.

### **House Bill 294**

**Effective:** 9-1-17

**House Author:** Walle et al.

**Senate Sponsor:** Garcia

House Bill 294 amends the Water Code to require the attorney general, at the request of the Public Utility Commission of Texas or the Texas Commission on Environmental Quality, to bring suit for the appointment of a receiver to collect the assets and carry on the business of a water or sewer utility that violates a final judgment issued by a district court in certain suits brought by the attorney general.

### **House Bill 965**

**Effective:** 5-29-17

**House Author:** Springer

**Senate Sponsor:** Perry

House Bill 965 amends the Water Code to authorize a retail public utility to require the operator of a correctional facility that is operated by the Texas Department of Criminal Justice (TDCJ) or operated under contract with TDCJ and that receives retail water or sewer utility service from the utility to comply with water conservation measures adopted or implemented by the utility, with certain exceptions.

### **House Bill 1083**

**Effective:** 9-1-17

**House Author:** Perez et al.

**Senate Sponsor:** Rodríguez

House Bill 1083 amends the Water Code to authorize a regulatory authority, in establishing a utility's water rates, to authorize the utility to establish reduced rates for a minimal level of service to be provided solely to a class of elderly customers 65 years of age or older to ensure that those customers receive that level of service at more affordable rates.

### **House Bill 2369**

**Effective:** 6-15-17

**House Author:** Nevárez

**Senate Sponsor:** Lucio

House Bill 2369 amends the Water Code to prohibit a municipally owned utility that provides retail water or sewer utility service to a public school district from charging the district a fee based on the number of district students or employees in addition to the rates the utility charges the district for the service. The bill authorizes a public school district charged a fee that violates such prohibition to appeal the charge by filing a petition with the Public Utility Commission of Texas.

### **Senate Bill 559**

**Effective:** 5-23-17

**Senate Author:** Hancock

**House Sponsor:** Darby

Senate Bill 559 amends the Tax Code to clarify the miscellaneous gross receipts tax responsibility of utility companies by removing references to a utility company's physical location and place of sale and establishing that the tax is imposed on each utility company that makes a sale to an ultimate consumer in an incorporated city or town having a population of more than 1,000, regardless of the company's physical location.

## Utilities

### **Senate Bill 586**

**Effective:** 9-1-17

**Senate Author:** Perry et al.

**House Sponsor:** Geren

Senate Bill 586 amends the Utilities Code to provide for the continued support of qualifying small and rural incumbent local exchange companies through distributions from the Texas universal service fund until 2023. The bill requires the Public Utility Commission of Texas to initiate proceedings to review and evaluate the efficacy of those distributions in accomplishing their purposes and whether they should be continued or whether changes in law are necessary to accomplish those purposes.

### **Senate Bill 735**

**Effective:** 5-27-17

**Senate Author:** Hancock

**House Sponsor:** Cook et al.

Senate Bill 735 amends the Utilities Code to require the Public Utility Commission of Texas (PUC) to establish a schedule that requires certain electric utilities to make periodic filings with the PUC to modify or review base rates charged by the electric utility and to authorize an electric utility subject to that schedule to adjust its rates more than four times between base rate proceedings as a periodic rate adjustment beginning on the effective date of the schedule.

### **Senate Bill 873**

**Effective:** 6-1-17

**Senate Author:** Creighton

**House Sponsor:** Murphy

Senate Bill 873 amends the Water Code to remove the authority of a tenant, if an apartment house owner, condominium manager, manufactured home rental community owner, or other multiple use facility owner violates a rule of the Public Utility Commission of Texas (PUC) regarding submetering of utility service consumed exclusively within the tenant's dwelling unit or multiple use facility unit or nonsubmetered master metered utility costs for water and wastewater services, to recover three times the amount of any overcharge, a civil penalty equal to one month's rent, reasonable attorney's fees, and court costs from the owner or manager. Instead, if such an owner or manager violates a PUC rule regarding utility costs, the person claiming the violation may file a complaint with the PUC and, if the PUC determines that the owner or manager overcharged a complaining tenant for water or wastewater service from the retail public utility, the PUC must require the owner or manager to repay the complaining tenant the amount overcharged. The bill grants the PUC exclusive jurisdiction for violations under provisions relating to submetering and nonsubmetering for apartments and manufactured home rental communities and other multiple use facilities. The bill specifies that provisions relating to PUC submetering and nonsubmetering rules do not limit the authority of an owner, operator, or manager of an apartment house, manufactured home rental community, or multiple use facility to charge, bill for, or collect an amount that is unrelated to utility costs.

### **Senate Bill 1002**

**Effective:** 5-22-17

**Senate Author:** Hancock

**House Sponsor:** Murphy

Senate Bill 1002 amends the Utilities Code to seek to bring state law into conformity with certain generally accepted accounting principles by removing the specification that an electric utility's expense in providing pension and other postemployment benefits is an operating expense for purposes of specified periodic calculations and recordings in the electric utility's reserve account for such benefits.

**Senate Bill 1003****Effective:** 9-1-17**Senate Author:** Hancock**House Sponsor:** Paddie

Senate Bill 1003 amends the Utilities Code to remove statutory provisions relating to lifeline service provided to qualifying low income consumers from the provisions that apply to a deregulated incumbent local exchange company and may be enforced by the Public Utility Commission of Texas using specified remedies.

**Senate Bill 1145****Effective:** 5-18-17**Senate Author:** Nichols**House Sponsor:** Deshotel et al.

Senate Bill 1145 amends the Utilities Code to authorize an investor-owned electric utility that is operating solely outside of the Electric Reliability Council of Texas in areas of Texas that were included in the Southeastern Electric Reliability Council on January 1, 2005, and that elects to deploy advanced metering and meter information networks to recover reasonable and necessary costs incurred in deploying advanced metering and meter information networks. The bill subjects such an electric utility to certain Public Utility Commission of Texas (PUC) rules relating to metering and billing services. The bill requires the PUC to ensure that certain deployment plans and any related customer surcharge are not applicable to customer accounts that receive service at transmission voltage and are consistent with certain PUC rules related to advanced metering systems.

**Senate Bill 1476****Effective:** 6-15-17**Senate Author:** Seliger**House Sponsor:** King, Ken

Senate Bill 1476 amends the Utilities Code to provide for a periodic review by the Public Utility Commission of Texas of support received by certain telecommunications providers from the universal service fund under specified circumstances for purposes of determining whether such support should continue. The bill repeals the entitlement of certain providers to continued support and sets the support received by eligible providers to expire on December 31, 2023.

**Senate Bill 1842****Effective:** 9-1-17**Senate Author:** Lucio**House Sponsor:** Phelan

Senate Bill 1842 amends the Water Code to authorize a Class A utility to apply to the Texas Commission on Environmental Quality (TCEQ) for an amendment of a certificate of convenience and necessity held by certain municipal utility districts to allow the utility to have the same rights and powers under the certificate as the applicable district. The bill sets out application requirements and requires the Public Utility Commission of Texas to review whether an application is complete and, if complete, to grant the application and amend the certificate.

Senate Bill 1842 amends the Health and Safety Code to include among the entities exempt from the requirement to file a business plan for a public drinking water supply system with the executive director of TCEQ a Class A utility that has applied for or been granted an amendment of a certificate of convenience and necessity under the bill's provisions for the area in which the construction of the system will operate.

**Senate Bill 1976****Effective:** 9-1-17**Senate Author:** Whitmire**House Sponsor:** Paddie

Senate Bill 1976 amends the Utilities Code to remove the requirement for the Public Utility Commission of Texas to provide for an integrated eligibility process for customer service discounts. The bill instead establishes Health and Human Services Commission duties

## Utilities

in relation to identifying low-income customers to retail electric providers and certificated telecommunications utilities to enable those providers and utilities to offer customer service, discounts, bill payment assistance, or other methods of assistance.

## Water

This chapter covers legislation relating to the state’s water supply and related projects, including water planning, development, and conservation. Legislation relating to water and sewer utilities is in the **Utilities** chapter, and legislation relating to water districts is in the **Special Districts** chapter.

**House Bill 101**  
**Effective:** 5-23-17

**House Author:** Craddick  
**Senate Sponsor:** Seliger

House Bill 101 amends the Local Government Code to authorize the City of Midland to execute, perform, and make payments under a contract with any person for the development of a reclaimed water project and the provision of water from that project.

**House Bill 544**  
**Effective:** 5-26-17

**House Author:** Anderson, Charles “Doc” et al.  
**Senate Sponsor:** Hinojosa

House Bill 544 amends the Water Code to expand the authorized uses of money in the rural water assistance fund by the Texas Water Development Board with regard to the contracting of assistance to help rural political subdivisions obtain and use applicable financing.

**House Bill 1573**  
**Effective:** 9-1-17

**House Author:** Price  
**Senate Sponsor:** Creighton

House Bill 1573 amends the Water Code to require the Texas Water Development Board (TWDB) by rule to require water audits required of a retail public utility to be completed by a person trained to conduct water loss auditing. The bill requires the TWDB to make training on water loss auditing available without charge from the TWDB website and sets out other training provisions.

**House Bill 1648**  
**Effective:** 9-1-17

**House Author:** Price  
**Senate Sponsor:** Seliger

House Bill 1648 amends the Water Code to require the Texas Commission on Environmental Quality to require a retail public utility that provides potable water service to 3,300 or more connections to designate a person as the water conservation coordinator responsible for implementing the utility’s water conservation plan and to identify, in writing, the coordinator to the executive administrator of the Texas Water Development Board.

**House Bill 2215**  
**Effective:** 6-9-17

**House Author:** Price  
**Senate Sponsor:** Miles

House Bill 2215 amends the Water Code to update and revise provisions relating to certain dates and deadlines with regard to the state’s five-year water planning cycle and the proposal and adoption of desired future conditions for aquifers.

**House Bill 2377**  
**Effective:** Vetoed

**House Author:** Larson et al.  
**Senate Sponsor:** Perry

House Bill 2377 amends the Water Code to authorize a groundwater conservation district located over any part of a designated brackish groundwater production zone to adopt rules to govern the issuance of permits for the completion and operation of a well for the withdrawal of brackish groundwater from such a zone and to require such a district to adopt such rules if the district receives a petition from a person with a legally defined interest in groundwater in the district. The bill, among other provisions, specifies the projects for which a person may obtain a

permit under the adopted rules, requirements for the adopted rules, and the required contents for an application for a brackish groundwater production zone operating permit and provides for a technical review of an application by the Texas Water Development Board.

Governor's Reason for Veto: "House Bill 2377 sought to authorize groundwater conservation districts to implement special permitting rules relating to the completion and operation of wells for the withdrawal of brackish groundwater. The bill's permitting rules are unduly prescriptive and would create a separate and complex bureaucratic process for the permitting of brackish wells. The Texas Water Development Board already has significant authority in this area, including the ability to designate brackish groundwater production zones and to approve local water management plans. While the development of brackish water resources as a potential means of meeting our state's future water needs is important, House Bill 2377 went about it the wrong way. The next Legislature should consider a simpler and less bureaucratic way to provide greater access to brackish water."

**House Bill 2378**  
**Effective:** Vetoed

**House Author:** Larson  
**Senate Sponsor:** Perry

House Bill 2378 amends the Water Code to provide for the automatic extension of the term of a permit for the transfer of groundwater from a groundwater conservation district with respect to the associated operating permit for the production of the groundwater.

Governor's Reason for Veto: "House Bill 2378 would have essentially mandated that export permits issued by groundwater conservation districts be extended indefinitely. An indefinite permit hinders the public from participating in the decision-making of the groundwater conservation district. It does not, however, prevent the groundwater conservation district from changing the terms of the permit unilaterally, a power House Bill 2378 continues to allow these districts to exercise. Excluding the public, potentially in perpetuity, from the decisions of a groundwater conservation district will reduce transparency and inhibit the district's ability to respond to changed circumstances over time. The next Legislature should consider legislation that accomplishes the goals of House Bill 2378 without its defects."

**House Bill 2771**  
**Effective:** 9-1-17

**House Author:** Phelan et al.  
**Senate Sponsor:** Nichols

House Bill 2771 amends the Health and Safety Code and Water Code to replace the authorization for the Texas Commission on Environmental Quality (TCEQ) to award competitive grants relating to on-site wastewater treatment research with a requirement for TCEQ to do so. The bill revises the purposes for which such a grant may be awarded and restricts the use of proceeds from on-site wastewater treatment permit application processing fees to purposes relating to the award of a grant.

**House Bill 2943**  
**Effective:** Vetoed

**House Author:** Larson et al.  
**Senate Sponsor:** Perry

House Bill 2943 amends the Water Code to revise provisions relating to the use of the state water pollution control revolving fund, to require the Texas Water Development Board by rule to establish a program to promote the acquisition by eligible applicants of conservation easements, and to require certain projects financed through the revolving fund to have a demonstrable impact on water quality control.

Governor's Reason for Veto: "House Bill 2943 makes several changes to the State Water Pollution Control Revolving Fund, most of which can be administered without the statutory mandates prescribed by this legislation. Such statutory mandates are unnecessary and tie the hands of program administrators, impeding the State's ability to continue the program's positive impacts on the promotion of quality water. The bill also lengthens the allowable term of loans made by the program, thus extending the program's debt liability. Additionally, while conservation easements can serve a valid purpose, using acquisition of easements is not the best use of this particular fund."

**House Bill 3025****Effective:** Vetoed**House Author:** King, Tracy O. et al.**Senate Sponsor:** Rodríguez

House Bill 3025 amends the Occupations Code and Water Code to set out and revise provisions relating to open, uncovered, abandoned, or deteriorated wells. The bill, among other provisions, requires a groundwater conservation district to require the owner or lessee of land on which a deteriorated well is located to plug the well or repair it sufficiently to prevent water pollution and authorizes certain employees of the Bandera County River Authority and Groundwater District to cap an open, uncovered, or abandoned well or repair or plug a deteriorated well inside the district.

Governor's Reason for Veto: "House Bill 3025 would have authorized a groundwater district to determine when a landowner's well has deteriorated and to compel the landowner to repair the deteriorated well to the district's satisfaction. If the landowner does not do so within ten days, the bill authorizes the water district to enter the landowner's land, repair the well, and send the landowner the bill. This would give groundwater districts greater discretion to infringe on private property rights and impose costs on landowners. The legitimate need to repair deteriorated wells should be addressed in a way that provides more protections for landowners."

**House Bill 3618****Effective:** 9-1-17**House Author:** King, Tracy O.**Senate Sponsor:** Perry

House Bill 3618 repeals a Water Code provision that requires the Texas Commission on Environmental Quality to require that all permits for the discharge of waste within a single watershed or within a region of a single watershed contain the same expiration date.

**House Bill 3735****Effective:** 9-1-17**House Author:** Frank et al.**Senate Sponsor:** Rodríguez

House Bill 3735 amends the Water Code and Government Code to grant a holder of a water right that begins using desalinated seawater after acquiring the water right the right to expedited consideration of an application for an amendment to the water right if the amendment meets certain conditions. The bill revises and repeals provisions relating to requirements for the map or plat required to accompany a water right application and limits the factors the Texas Commission on Environmental Quality (TCEQ) may consider in determining whether a proposed appropriation of state water is detrimental to the public welfare to factors that are within the jurisdiction and expertise of TCEQ.

**House Bill 3987****Effective:** Vetoed**House Author:** Larson et al.**Senate Sponsor:** Hinojosa

House Bill 3987, the Texas State Water Investment Fund Act, amends the Water Code to require the comptroller of public accounts to establish a subaccount in the Texas Water Development Fund II state participation account to be known as the state participation account II. The bill authorizes the Texas Water Development Board to use the state participation account II to provide financial assistance for the development of a desalination or aquifer storage and recovery facility to meet existing or projected future water needs by acquiring such a facility or an ownership interest in such a facility and sets out related provisions.

Governor's Reason for Veto: "House Bill 3987 would have created a new state account to provide taxpayer funding for the acquisition and development of certain water facilities. These facilities are already eligible for state funding under the Texas Water Development Fund II state participation account, provided that they cannot be adequately funded with local resources. The purpose of that requirement is to ensure that state resources are used in an efficient manner by denying funding for local projects that already have access to sufficient financial resources. House Bill 3987 exempts desalination and aquifer facility projects from meeting this financial requirement. Additionally, because current law already authorizes



## Water

the Texas Water Development Board to provide funding for desalination and aquifer storage and recovery facilities, House Bill 3987 is largely unnecessary. The next Legislature should seek to promote desalination and aquifer projects more effectively.”

**Senate Bill 864**  
**Effective:** 9-1-17

**Senate Author:** Perry  
**House Sponsor:** King, Tracy O.

Senate Bill 864 amends the Water Code to provide for certain identification and notice of a proposed alternative source of water, other than state water, during the water right permitting process.

**Senate Bill 1009**  
**Effective:** 9-1-17

**Senate Author:** Perry  
**House Sponsor:** Larson

Senate Bill 1009 amends the Water Code to limit the contents that a groundwater conservation district may require to be included in a well permit or permit amendment application to existing statutorily prescribed contents and certain other information, as applicable under a district’s rules. The bill replaces a provision establishing that an administratively complete application requires certain applicable information with a provision making an application administratively complete if it contains such information and prohibits a district from requiring that additional information be included in an application for a determination of administrative completeness.

**Senate Bill 1430**  
**Effective:** 9-1-17

**Senate Author:** Perry et al.  
**House Sponsor:** Lucio III

Senate Bill 1430 amends the Water Code and Government Code to grant a holder of a water right that begins using desalinated seawater after acquiring the water right the right to expedited consideration of an application for an amendment to the water right if the amendment meets certain conditions.

**Senate Bill 1511**  
**Effective:** 9-1-17

**Senate Author:** Perry  
**House Sponsor:** Price

Senate Bill 1511 amends the Water Code to require the state water plan to include, with respect to projects included in the preceding state water plan that were given a high priority by the Texas Water Development Board (TWDB) for purposes of providing financial assistance from the state water implementation fund for Texas, an assessment of the extent to which the projects were implemented in the decade in which they were needed and an analysis of any impediments to the implementation of any projects that were not implemented in the decade in which they were needed. The bill includes representatives of the State Soil and Water Conservation Board as ex officio members of each regional water planning group. The bill requires a regional water planning group whose regional water plan has been approved by the TWDB and includes a water management strategy or project that ceases to be feasible to amend the plan to exclude that strategy or project and to consider amending the plan to include a feasible water management strategy or project in order to meet the need that was to be addressed by the infeasible water management strategy or project. The bill provides for the election by a regional water planning group to implement simplified water planning.

**Senate Bill 1525**  
**Effective:** Vetoed

**Senate Author:** Perry  
**House Sponsor:** Larson

Senate Bill 1525 requires the Texas Water Development Board (TWDB) to conduct a study of water needs and availability in Texas and use the results of the study to produce a comprehensive water resources map. The bill requires the TWDB, not later than December 1, 2018, to submit to

each standing committee of the legislature having primary jurisdiction over water development a report of the findings of the study and the map.

Senate Bill 1525 amends the Water Code to require the TWDB to conduct studies of aquifer storage and recovery projects identified in the state water plan or by interested persons and report the results of each study to regional water planning groups and interested persons. The bill requires the TWDB to conduct a statewide survey of the most favorable areas for aquifer storage and recovery, prepare a report that includes an overview of the survey, and, not later than December 15, 2018, submit the report to the governor, lieutenant governor, and speaker of the house of representatives.

Governor's Reason for Veto: "The Texas Water Development Board can perform the study mandated by Senate Bill 1525 with or without this legislation."

*This page intentionally left blank.*

# Vetoes by the Governor

## House Bill 61

**Effective:** Vetoed

**House Author:** Guillen et al.

**Senate Sponsor:** Uresti

House Bill 61 amends the Education Code to clarify the individuals who may make, and who must act on, a written request for video surveillance equipment to be provided to a school or campus for use in a self-contained classroom or other special education setting and to limit the classrooms or other settings in which a school or campus that receives such equipment is required to place, operate, and maintain a video camera. The bill sets out requirements for a school district or open-enrollment charter school policy relating to the placement, operation, or maintenance of such video cameras and procedures for an expedited review by the Texas Education Agency of certain district actions regarding the use of such video cameras.

House Bill 61 includes among the fourth domain of indicators of achievement used to evaluate the performance of middle and junior high school and elementary school campuses and districts that include those campuses the percentage of students formerly receiving special education services who achieved satisfactory academic performance on statewide standardized tests administered in grades three through eight. The bill also includes that percentage among the criteria used by the commissioner of education to determine which districts receive an academic distinction designation.

Governor's Reason for Veto: "I have signed House Bill 22, which reforms our public school accountability system to provide additional transparency on school performance. Multiple provisions of House Bill 61 are based on the existing accountability system, which was overhauled by House Bill 22. Additionally, parts of House Bill 61 regarding the use of video cameras in special education classrooms are already adequately addressed by Senate Bill 1398, which I have signed."

## House Bill 298

**Effective:** Vetoed

**House Author:** Larson et al.

**Senate Sponsor:** Campbell

House Bill 298 amends the Code of Criminal Procedure to entitle a parent of a deceased child to view the child's body before a justice of the peace or the medical examiner, as applicable, for the county in which the death occurred assumes control over the body; to prohibit a parent of a deceased child from viewing the body after such a justice of the peace or medical examiner assumes control over the body unless the parent first obtains the consent of the justice or examiner or a person acting on behalf of the justice or examiner; and to set out requirements applicable to the viewing of the body of a deceased child whose death is determined to be subject to an inquest.

Governor's Reason for Veto: "I have signed Senate Bill 239, authored by Senator Donna Campbell, which contains language identical to House Bill 298."

## House Bill 462

**Effective:** Vetoed

**House Author:** Dale

**Senate Sponsor:** Zaffirini

House Bill 462 amends the Government Code to revise the notice requirements relating to proposed rules by state agencies to include notifying legislative authors and sponsors of the bill that enacted the authority under which the proposed rule is to be adopted.

Governor's Reason for Veto: "Agency rulemaking is an executive branch function, not a legislative function. Transparency in rulemaking is important, but it should not come at the expense of legislative encroachment on executive branch authority. Additionally, House Bill 462 has the potential to slow down the executive rulemaking process rather than enhance it."

## Vetoes by the Governor

### House Bill 572

**Effective:** Vetoed

**House Author:** Stephenson et al.

**Senate Sponsor:** Kolkhorst

House Bill 572 amends the Agriculture Code to require the Department of Agriculture, in coordination with the Texas Commission on Environmental Quality and the Texas A&M AgriLife Extension Service, to organize pesticide waste and pesticide container collection activities statewide. The bill establishes the pesticide disposal fund for purposes of such activities.

Governor's Reason for Veto: "According to the fiscal note on House Bill 572, the program created by the bill will either result in a cost to the state budget of \$2 million over five years, or will result in the Texas Department of Agriculture raising fees to offset the cost. Neither outcome is desirable."

### House Bill 961

**Effective:** Vetoed

**House Author:** Rodriguez, Justin

**Senate Sponsor:** Seliger

House Bill 961 amends the Education Code to authorize the board of trustees of a certain junior college district, not later than the 180th day before the date of a certain trustee election, to provide by resolution that a candidate must receive a plurality of the votes cast for a position to be filled at the election. The bill makes such a resolution effective for subsequent elections until rescinded by a subsequent resolution.

Governor's Reason for Veto: "It is essential that local voters have full opportunity to determine the junior college district board members who make property tax decisions for these districts. House Bill 961 would have authorized elections for junior college district board seats to be decided by plurality vote without a runoff election. In crowded races, this would result in the election of candidates who received a small percentage of voter support. Those very same crowded races are often the ones where voter interest is highest and dissatisfaction with the incumbent is most acute. Runoff elections ensure that every seat on the board is occupied by someone who received a majority of votes in an election. These elections have important consequences for property owners and for junior colleges. They should not be treated like second-tier elections."

### House Bill 1166

**Effective:** Vetoed

**House Author:** Stephenson et al.

**Senate Sponsor:** Kolkhorst

House Bill 1166 amends the Civil Practice and Remedies Code to extend the applicability of statutory provisions relating to the limited liability of electric utilities in Harris County that allow public use of the utility's property for recreation and certain other purposes to an electric utility located in a county with a population of 550,000 or more that is adjacent to Harris County.

Governor's Reason for Veto: "I signed House Bill 931, which extends statewide the provisions of section 75.022 [sic] of the Civil Practice and Remedies Code regarding public parks in utility rights of way. Because House Bill 1166 extended those provisions only to one additional county, it was superfluous and could have caused confusion had it become law."

### House Bill 1284

**Effective:** Vetoed

**House Author:** Thompson, Senfronia

**Senate Sponsor:** Garcia

House Bill 1284 amends the Texas Electrical Safety and Licensing Act, Occupations Code, to expand the type of electrical work that falls under the scope of a journeyman lineman license and to require the Texas Department of Licensing and Regulation to accept, develop, or contract for a journeyman lineman examination that meets specified criteria.

Governor's Reason for Veto: "I vetoed this bill in 2015. The Legislature enacted the exact same bill that was previously vetoed."

**House Bill 1342**  
**Effective:** Vetoed

**House Author:** Parker et al.  
**Senate Sponsor:** Hughes

House Bill 1342 amends the Education Code to require a school district's child abuse antivictimization program to include certain annual sexual abuse prevention training and establishes district and Texas Education Agency duties relating to such training.

Governor's Reason for Veto: "I have signed Senate Bill 2039, which directs the Texas Education Agency to develop an optional curriculum regarding sexual abuse prevention for use by school districts. While both Senate Bill 2039 and House Bill 1342 seek to achieve a good purpose, Senate Bill 2039 does so in a more suitable way. By recognizing both the importance of this topic and the right of parents to opt their children out of the instruction, Senate Bill 2039 strikes the correct balance. House Bill 1342 was well-intentioned, but it lacked a provision for parental opt-out. This is inconsistent with the longstanding rule in Texas schools that parents can remove their child from 'any part of the district's human sexuality instruction.' Tex. Educ. Code 28.004(i)."

**House Bill 1406**  
**Effective:** Vetoed

**House Author:** Blanco  
**Senate Sponsor:** Hinojosa et al.

House Bill 1406 amends the Natural Resources Code to authorize the asset management division of the General Land Office to sell real property owned by the state directly to a federally recognized Indian tribe under certain conditions.

Governor's Reason for Veto: "Current law gives political subdivisions like cities and counties a preference over private buyers when the General Land Office sells land owned by the State. This practice might be justified in rare cases when there are compelling reasons to ensure that State land continues to benefit the public. In general, however, when selling land the State should seek the best financial terms for the taxpayers. Existing law's preference for political subdivisions is already questionable. House Bill 1406 sought to expand this questionable preference to Indian tribes, which are not political subdivisions of the State."

**House Bill 1426**  
**Effective:** Vetoed

**House Author:** Allen et al.  
**Senate Sponsor:** Burton et al.

House Bill 1426 amends the Code of Criminal Procedure to make a person eligible for a certificate of relief from collateral consequences if the person successfully completes a term of deferred adjudication community supervision and the judge dismisses the proceedings and discharges the person or a term of community supervision and the person's conviction is set aside. The bill prohibits the use of the applicable criminal history record information of such a person as grounds for denying, suspending, or revoking a professional or occupational license but nullifies the effect of the certificate if the appropriate licensing authority finds that the person has committed an offense that is a Class A misdemeanor or higher category of offense after receiving the certificate.

Governor's Reason for Veto: "One of the consequences of committing a crime is a criminal record. Both this session and last session, I have signed bills designed to help people with criminal records get jobs so they can lead productive lives. This is a worthy goal, but House Bill 1426 goes too far by prohibiting state licensing agencies from considering the criminal records of some who apply for a license. A license applicant's criminal background is something the licensing agency should be able to consider. If certain licensing agencies are unfairly discriminating against applicants with criminal records, that should be addressed at the agency board level or through more targeted legislation."

**House Bill 1433**  
**Effective:** Vetoed

**House Author:** Vo  
**Senate Sponsor:** Lucio

House Bill 1433 amends the Labor Code to provide for the suspension of the running of the limitations period applicable to the collection of a contribution, a penalty, or interest under

## Vetoes by the Governor

the Texas Unemployment Compensation Act pending a judicial proceeding to redetermine the liability for the contribution, penalty, or interest.

Governor's Reason for Veto: "House Bill 1433 would provide for tolling of the three-year statute of limitations on civil actions brought by the Texas Workforce Commission against employers. This could extend by many years the period during which employers face potential liability to the government. Texas employers should not face such uncertainty at the hands of government officials. If an employer is alleged to owe money to the Workforce Commission, three years provides more than enough time for the government to file suit to collect any money it may be owed."

**House Bill 1500**  
**Effective:** Vetoes

**House Author:** Giddings et al.  
**Senate Sponsor:** West

House Bill 1500 amends the Education Code to revise the domains of achievement indicators on which school districts and campuses are evaluated and the methods and standards for assigning district and campus performance ratings. The bill establishes that an overall or domain performance rating of D reflects performance that needs improvement and provides for interventions and sanctions for a district or campus assigned that rating. The bill sets out commissioner of education duties relating to the approval or denial of a campus turnaround plan.

Governor's Reason for Veto: "In 2015, the Texas Legislature prioritized parental engagement and increased transparency by developing an A through F grading system for school districts and campuses. House Bill 22, which I have signed, makes positive changes to the existing A through F system. House Bill 22 ensures students, parents, and taxpayers know how well our schools are doing. It also aligns the new grading system with Texas' sanction and intervention strategies. House Bill 1500 is based on the existing grading system and conflicts with House Bill 22."

**House Bill 1586**  
**Effective:** Vetoes

**House Author:** King, Tracy O.  
**Senate Sponsor:** Estes

House Bill 1586 amends the Texas Structural Pest Control Act, Occupations Code, to clarify the service-related activities for which a person is considered to be engaged in the business of structural pest control and is required to hold a license under the act.

Governor's Reason for Veto: "House Bill 1586 is unnecessary. Existing law gives the Texas Department of Agriculture sufficient statutory authority to regulate exterminators."

**House Bill 1764**  
**Effective:** Vetoes

**House Author:** Israel  
**Senate Sponsor:** Watson

Previous law exempted a contract totaling \$50,000 or less for the construction of an improvement or the purchase of any property from competitive bidding requirements for certain metropolitan rapid transit authorities. House Bill 1764 amends the Transportation Code to change the maximum value of such a contract to the simplified acquisition threshold as defined by federal regulations. The bill revises the computation of certain indicators used in performance audits of certain metropolitan rapid transit authorities. The bill changes the cap on the amount Austin's Capital Metropolitan Transportation Authority may spend for capital improvements from the total amount allocated for major capital expenditures in the annual budget to the total amounts allocated for major capital expenditures in the current and preceding annual budget of the authority. The bill caps the term of bonds issued by the authority at 15 years and makes such bonds payable only from revenue received on or after their issue date.

Governor's Reason for Veto: "House Bill 1764 would have reduced budget transparency and competitive bidding requirements for local transportation authorities such as Austin's Capital Metro. The bill would have raised from \$50,000 to \$150,000 the value of a contract that Capital Metro could award without competitive bidding. It would also have expanded Capital Metro's ability to go into debt."

“The legislative bill analysis for House Bill 1764 indicates that the bill was envisioned because ‘Capital Metro discovered that several sections of Chapter 451 [of the TRANSPORTATION CODE] are out of date with its current operations.’ If Capital Metro’s way of doing business violates the Transportation Code, the answer is not House Bill 1764. The answer is for Capital Metro to follow the law.”

**House Bill 1859**

**Effective:** Vetoed

**House Author:** Simmons

**Senate Sponsor:** Taylor, Van

House Bill 1859 amends the Business & Commerce Code to establish certain disclosure requirements for a merchant with regard to merchandise that is not displayed or offered to consumers primarily for lease under a rental-purchase agreement.

Governor’s Reason for Veto: “House Bill 1859 overregulates both retailers and their customers. It would require retail stores to impose elaborate and duplicative paperwork on customers who are interested in rent-to-own agreements. The bill also favors some retailers over others. Its burdensome new requirements would apply only to stores that do not specialize in rent-to-own agreements.”

**House Bill 2182**

**Effective:** Vetoed

**House Author:** Reynolds et al.

**Senate Sponsor:** Miles

House Bill 2182 amends the Local Government Code to establish that, in determining the combined tax rate of all local sales and use taxes for purposes of an election to create a county assistance district or the imposition of a sales and use tax by such a district, the following are considered to not be included in the territory of the proposed district or the area proposed to be added to the district or in the district’s territory, as applicable: rights-of-way and any area in which a county facility is located and in which no person has a place of business to which a sales tax permit has been issued.

Governor’s Reason for Veto: “House Bill 2182 could be interpreted to result in certain limited geographical areas becoming subject to a local sales tax rate above the legal limit. The two percent cap on local sales tax must never be exceeded. House Bill 2182 should have been drafted with greater clarity to exclude any possibility that sales tax above the maximum allowable rate would ever be charged.”

**House Bill 2334**

**Effective:** Vetoed

**House Author:** Oliverson et al.

**Senate Sponsor:** Garcia

House Bill 2334 amends the Flood Control and Insurance Act, Water Code, to expand the conduct that constitutes the Class C misdemeanor offense involving violating the act to include violating a rule adopted or order issued under the act in regard to a property located in a county with a population of more than 75,000.

Governor’s Reason for Veto: “House Bill 2334 would have made it a state law crime to violate flood plain rules issued by political subdivisions. It is currently a Class C Misdemeanor to violate various provisions of the Texas Water Code concerning floodplains. This bill would have given localities the ability to expand the contours of this crime merely by adopting local rules and orders. Violation of these local rules and orders is already punishable by a civil penalty. We need not create another crime, particularly one that is a moving target.”

**House Bill 2377**

**Effective:** Vetoed

**House Author:** Larson et al.

**Senate Sponsor:** Perry

House Bill 2377 amends the Water Code to authorize a groundwater conservation district located over any part of a designated brackish groundwater production zone to adopt rules to govern the issuance of permits for the completion and operation of a well for the withdrawal of brackish groundwater from such a zone and to require such a district to adopt such rules if the district receives a petition from a person with a legally defined interest in groundwater in the district. The bill, among other provisions, specifies the projects for which a person may obtain a permit under the adopted rules, requirements for the adopted rules, and the required contents



## Vetoes by the Governor

for an application for a brackish groundwater production zone operating permit and provides for a technical review of an application by the Texas Water Development Board.

Governor's Reason for Veto: "House Bill 2377 sought to authorize groundwater conservation districts to implement special permitting rules relating to the completion and operation of wells for the withdrawal of brackish groundwater. The bill's permitting rules are unduly prescriptive and would create a separate and complex bureaucratic process for the permitting of brackish wells. The Texas Water Development Board already has significant authority in this area, including the ability to designate brackish groundwater production zones and to approve local water management plans. While the development of brackish water resources as a potential means of meeting our state's future water needs is important, House Bill 2377 went about it the wrong way. The next Legislature should consider a simpler and less bureaucratic way to provide greater access to brackish water."

**House Bill 2378**  
**Effective:** Vetoed

**House Author:** Larson  
**Senate Sponsor:** Perry

House Bill 2378 amends the Water Code to provide for the automatic extension of the term of a permit for the transfer of groundwater from a groundwater conservation district with respect to the associated operating permit for the production of the groundwater.

Governor's Reason for Veto: "House Bill 2378 would have essentially mandated that export permits issued by groundwater conservation districts be extended indefinitely. An indefinite permit hinders the public from participating in the decision-making of the groundwater conservation district. It does not, however, prevent the groundwater conservation district from changing the terms of the permit unilaterally, a power House Bill 2378 continues to allow these districts to exercise. Excluding the public, potentially in perpetuity, from the decisions of a groundwater conservation district will reduce transparency and inhibit the district's ability to respond to changed circumstances over time. The next Legislature should consider legislation that accomplishes the goals of House Bill 2378 without its defects."

**House Bill 2410**  
**Effective:** Vetoed

**House Author:** Israel et al.  
**Senate Sponsor:** Zaffirini

House Bill 2410 amends the Election Code to authorize the state chair of a political party to require a runoff primary election to be conducted in a county by mail if fewer than 100 votes were cast in the county in the party's general primary election and if a runoff election is required in the county only for statewide offices or district offices filled by voters of more than one county.

Governor's Reason for Veto: "Mail-in ballot fraud is a serious problem that should be addressed by the Legislature in the upcoming special session. House Bill 2410 would have provided for mail-ballot-only elections in certain circumstances in small counties. While there is cost to taxpayers associated with holding live elections, ensuring the integrity of our electoral process is well worth it."

**House Bill 2463**  
**Effective:** Vetoed

**House Author:** Price  
**Senate Sponsor:** Hughes

House Bill 2463 amends the Government Code to require executive branch state agencies to develop and annually update a written succession plan identifying and developing mechanisms to ensure the transfer of institutional knowledge from experienced and retiring employees who are not appointed by the governor or the agency's governing body to succeeding employees. The bill requires a state agency to annually submit the plan to the state auditor and post the plan on the agency's website. The bill requires the state auditor to include certain information regarding the succession plans in the auditor's annual report on classified employee turnover.

Governor's Reason for Veto: "State agencies should be encouraged to continually consider new ideas and new perspectives in a constant effort to reduce cost and improve service for the taxpayers. While House Bill 2463 was well-intentioned, its practical effect could have been to encourage a business-as-usual culture in state government. Bureaucracies are too often inclined to resist innovation and place an outsized value on the organization's old way of doing things. State employees should be encouraged

to propose better ways to serve the taxpayers, not taught to do their job just the way their predecessor did it. Additionally, the purposes of House Bill 2463 are, in many respects, already achieved by Section 2056.0021 of the Government Code, which provides that ‘a state agency shall conduct a strategic staffing analysis and develop a workforce plan, according to guidelines developed by the state auditor, to address critical staffing and training needs of the agency, including the need for experienced employees to impart knowledge to their potential successors.’”

**House Bill 2475**  
**Effective:** Vetoed

**House Author:** Davis, Sarah  
**Senate Sponsor:** Bettencourt

House Bill 2475 amends the Tax Code to establish that an amusement service remains exclusively provided by a nonprofit corporation or association whose proceeds do not go to the benefit of an individual except as a part of the services of a purely public charity or exclusively provided by an educational, religious, law enforcement association, or charitable organization, for purposes of the sales and use tax exemption for such amusement services, if such an entity contracts with another entity not listed or described as a tax-exempt amusement service provider to provide touring Broadway productions subject to a contract with the other entity for a term of at least five years and at least five presentations each year and held at a location either owned by, or leased or licensed for a term of at least one year to, the contracting entity.

Governor’s Reason for Veto: “House Bill 2475 would have provided a special sales tax loophole for tickets to Broadway shows. As required by the constitution and by basic fairness, Broadway shows should be treated just like any other comparable event for tax purposes.”

**House Bill 2774**  
**Effective:** Vetoed

**House Author:** Phelan  
**Senate Sponsor:** Rodríguez

House Bill 2774 amends the Transportation Code to create the misdemeanor offense of installation of unsafe tires.

Governor’s Reason for Veto: “House Bill 2774 would have created a new crime for installation of faulty tires on vehicles. Texas does not need to impose new criminal penalties on people who put tires on cars. For the past two sessions, the legislature has passed several laws aimed at limiting the reach of criminal penalties and reducing the burden of criminal records. This bill goes in the opposite direction. Nobody wants bad tires on the road, but creating a new crime is not the answer to every problem.”

**House Bill 2783**  
**Effective:** Vetoed

**House Author:** Smithee  
**Senate Sponsor:** Watson et al.

House Bill 2783 amends the Government Code to authorize a court in certain actions brought under state public information law to assess costs of litigation and reasonable attorney’s fees incurred by a plaintiff to whom a governmental body voluntarily releases the requested information after filing an answer to the suit.

Governor’s Reason for Veto: “By threatening the taxpayers with attorneys’ fees, House Bill 2783 creates an incentive for requestors of public information to sue the government as quickly as possible instead of waiting for the statutorily defined public information process to play out. The stated purposes of this bill could have been achieved without giving lawyers the ability to threaten taxpayer-funded attorneys’ fees awards against governmental bodies that are just trying to follow the law.”

**House Bill 2792**  
**Effective:** Vetoed

**House Author:** González, Mary  
**Senate Sponsor:** Rodríguez

House Bill 2792 amends the Local Government Code to expand the exemption from taxes and special assessments under the Housing Authorities Law for certain multifamily residential developments. The bill revises statutory provisions relating to the appointment of housing authority commissioners.

## Vetoes by the Governor

Governor's Reason for Veto: "House Bill 2792 sought to expand the property tax exemptions currently applicable to government-subsidized housing. More property tax exemptions means more property tax burden on property owners who are not exempt."

**House Bill 2798**  
**Effective:** Vetoed

**House Author:** Farrar  
**Senate Sponsor:** Creighton

House Bill 2798 amends the Health and Safety Code to authorize Harris County to implement a pilot program to reuse any form of wastewater at a county facility for subsurface irrigation and toilet and urinal flushing.

Governor's Reason for Veto: "This legislation is not needed. Domestic wastewater reuse is already authorized under Texas law pursuant to regulations issued by the Texas Commission on Environmental Quality."

**House Bill 2943**  
**Effective:** Vetoed

**House Author:** Larson et al.  
**Senate Sponsor:** Perry

House Bill 2943 amends the Water Code to revise provisions relating to the use of the state water pollution control revolving fund, to require the Texas Water Development Board by rule to establish a program to promote the acquisition by eligible applicants of conservation easements, and to require certain projects financed through the revolving fund to have a demonstrable impact on water quality control.

Governor's Reason for Veto: "House Bill 2943 makes several changes to the State Water Pollution Control Revolving Fund, most of which can be administered without the statutory mandates prescribed by this legislation. Such statutory mandates are unnecessary and tie the hands of program administrators, impeding the State's ability to continue the program's positive impacts on the promotion of quality water. The bill also lengthens the allowable term of loans made by the program, thus extending the program's debt liability. Additionally, while conservation easements can serve a valid purpose, using acquisition of easements is not the best use of this particular fund."

**House Bill 3025**  
**Effective:** Vetoed

**House Author:** King, Tracy O. et al.  
**Senate Sponsor:** Rodríguez

House Bill 3025 amends the Occupations Code and Water Code to set out and revise provisions relating to open, uncovered, abandoned, or deteriorated wells. The bill, among other provisions, requires a groundwater conservation district to require the owner or lessee of land on which a deteriorated well is located to plug the well or repair it sufficiently to prevent water pollution and authorizes certain employees of the Bandera County River Authority and Groundwater District to cap an open, uncovered, or abandoned well or repair or plug a deteriorated well inside the district.

Governor's Reason for Veto: "House Bill 3025 would have authorized a groundwater district to determine when a landowner's well has deteriorated and to compel the landowner to repair the deteriorated well to the district's satisfaction. If the landowner does not do so within ten days, the bill authorizes the water district to enter the landowner's land, repair the well, and send the landowner the bill. This would give groundwater districts greater discretion to infringe on private property rights and impose costs on landowners. The legitimate need to repair deteriorated wells should be addressed in a way that provides more protections for landowners."

**House Bill 3055**  
**Effective:** Vetoed

**House Author:** Guillen  
**Senate Sponsor:** Lucio

House Bill 3055 amends the Election Code to authorize the county elections administrator for a county with a population of less than 1,000 to hold or be a candidate for public office if no part of the office's jurisdiction is located in the county where the person serves as the elections administrator and if any election for that office is a nonpartisan election.

Governor's Reason for Veto: "To preserve public confidence in our elections, the government employees who administer those elections must be beyond reproach. For this reason, current law prohibits county elections administrators from holding elected office. This is a good rule that separates politics from the administration of elections. It should not be changed."

**House Bill 3281**  
**Effective:** Vetoed

**House Author:** Rodriguez, Eddie  
**Senate Sponsor:** Watson

House Bill 3281 amends the Local Government Code to increase the threshold number of occupied housing units in a uniform state service region in which a certain municipality must be located for purposes of the applicability to the municipality of provisions relating to homestead preservation districts and reinvestment zones. The bill prohibits a municipality to which such provisions apply from designating a homestead preservation district if the municipality has adopted a requirement in any form that establishes a maximum sales price for a privately produced housing unit or residential building lot.

Governor's Reason for Veto: "House Bill 3281 would have extended a City of Austin program that gives special tax treatment to certain neighborhoods at the expense of other taxpayers, with the apparent goal to stymie the natural forces of the free market. Directing large amounts of property tax revenue to select city projects has the effect of increasing the tax burden on other property owners. We should not empower cities to spend taxpayer money in a futile effort to hold back the free market.

"The best way to ensure people do not lose their home because of rising property taxes is to cut property taxes. This bill does nothing to lessen the tax burden for Texans on the verge of being taxed out of their home. It merely permits the City of Austin to continue redirecting tax dollars for city-initiated redevelopment. If the City of Austin is concerned about rising taxes displacing its residents, it should reconsider its tax policies or its spending priorities."

**House Bill 3987**  
**Effective:** Vetoed

**House Author:** Larson et al.  
**Senate Sponsor:** Hinojosa

House Bill 3987, the Texas State Water Investment Fund Act, amends the Water Code to require the comptroller of public accounts to establish a subaccount in the Texas Water Development Fund II state participation account to be known as the state participation account II. The bill authorizes the Texas Water Development Board to use the state participation account II to provide financial assistance for the development of a desalination or aquifer storage and recovery facility to meet existing or projected future water needs by acquiring such a facility or an ownership interest in such a facility and sets out related provisions.

Governor's Reason for Veto: "House Bill 3987 would have created a new state account to provide taxpayer funding for the acquisition and development of certain water facilities. These facilities are already eligible for state funding under the Texas Water Development Fund II state participation account, provided that they cannot be adequately funded with local resources. The purpose of that requirement is to ensure that state resources are used in an efficient manner by denying funding for local projects that already have access to sufficient financial resources. House Bill 3987 exempts desalination and aquifer facility projects from meeting this financial requirement. Additionally, because current law already authorizes the Texas Water Development Board to provide funding for desalination and aquifer storage and recovery facilities, House Bill 3987 is largely unnecessary. The next Legislature should seek to promote desalination and aquifer projects more effectively."

**House Bill 4310**  
**Effective:** Vetoed

**House Author:** Isaac  
**Senate Sponsor:** Zaffirini

House Bill 4310 amends the Special District Local Laws Code to name the temporary board of directors of the LaSalle Municipal Utility District No. 1 and provide for the financing of district improvements and recreational facilities with assessments.

Governor's Reason for Veto: "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

## Vetoed by the Governor

### **House Bill 4311**

**Effective:** Vetoed

**House Author:** Isaac

**Senate Sponsor:** Zaffirini

House Bill 4311 amends the Special District Local Laws Code and session law to name the temporary board of directors of the LaSalle Municipal Utility District No. 2, provide for the financing of district improvements and recreational facilities with assessments, and revise the district's boundaries.

Governor's Reason for Veto: "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

### **House Bill 4312**

**Effective:** Vetoed

**House Author:** Isaac

**Senate Sponsor:** Zaffirini

House Bill 4312 amends the Special District Local Laws Code and session law to name the temporary board of directors of the LaSalle Municipal Utility District No. 3, provide for the financing of district improvements and recreational facilities with assessments, and revise the district's boundaries.

Governor's Reason for Veto: "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

### **House Bill 4313**

**Effective:** Vetoed

**House Author:** Isaac

**Senate Sponsor:** Zaffirini

House Bill 4313 amends the Special District Local Laws Code and session law to name the temporary board of directors of the LaSalle Municipal Utility District No. 4, provide for the financing of district improvements and recreational facilities with assessments, and revise the district's boundaries.

Governor's Reason for Veto: "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

### **House Bill 4314**

**Effective:** Vetoed

**House Author:** Isaac

**Senate Sponsor:** Zaffirini

House Bill 4314 amends the Special District Local Laws Code and session law to name the temporary board of directors of the LaSalle Municipal Utility District No. 5, provide for the financing of district improvements and recreational facilities with assessments, and revise the district's boundaries.

Governor's Reason for Veto: "The bill author requested a veto of this bill because he prefers the companion Senate Bill."

### **Senate Bill 1**

**Effective:** 9-1-17

**Senate Author:** Nelson

**House Sponsor:** Zerwas

Senate Bill 1, the General Appropriations Act, appropriates approximately \$216.8 billion for the FY2018-FY2019 state fiscal biennium beginning September 1, 2017. That amount includes all funding sources except interagency contracts. Of the legislatively approved amount, more than \$113.1 billion, or 52.2 percent, is derived from general revenue, both dedicated and nondedicated. Another \$71.9 billion, or 33.2 percent, represents federal funding, and \$31.8 billion, or 14.7 percent, comes from other funds. (Figures and percentages do not add up due to rounding.) The \$216.8 billion budgetary total for FY2018-FY2019 represents an increase of approximately 3.5 percent over the FY2016-FY2017 budget.

Legislative appropriations for major governmental functions and services for FY2018-FY2019 compared with appropriations for the preceding fiscal biennium are as follows: general

government receives \$6.2 billion, a decrease of 2.3 percent. Total funding for health and human services is \$79.5 billion, an increase of 3 percent. The legislature appropriates \$80.4 billion for both public and higher education, a 2.7 percent increase. The judiciary receives \$823.6 million, a 3.4 percent increase. Public safety and criminal justice receives \$12.3 billion, a decrease of approximately 1 percent. Natural resources is funded at \$4.5 billion, a 4.4 percent increase. Business and economic development is funded at \$31.8 billion, an increase of 14.8 percent. Regulatory functions are funded at \$630.6 million, a decrease of 31.5 percent. The legislature is appropriated \$387.5 million, an increase of 0.5 percent.

Pursuant to the governor's "line-item" veto authority, the governor objected to a number of items in the General Appropriations Act, Senate Bill 1, related to a total of approximately \$120 million in all funding sources. The items to which the governor objected are provisions related to appropriations for colonias initiatives, collaborative dual credit program evaluations for the Texas Education Agency and Texas Higher Education Coordinating Board, the continuation of the Legislative Lawyering Clinic in the University of Texas at Austin School of Law, the guardianship compliance project for the Office of Court Administration, safety education by the Department of Public Safety, a certain public safety grant for the Greater Houston Area, certain air quality planning by the Texas Commission on Environmental Quality, the low income vehicle repair assistance, retrofit, and accelerated vehicle retirement program, the water supply enhancement program, a study of aquifers and brackish groundwater, a bonus for retailers who sell lottery tickets, and certain unexpended balances made to the Legislative Budget Board.

#### **Senate Bill 196**

**Effective:** Vetoed

**Senate Author:** Garcia et al.

**House Sponsor:** Coleman

Senate Bill 196 amends the Education Code to require a public school, including an open-enrollment charter school, that does not have a full-time nurse, school counselor, or librarian or the equivalent of a full-time nurse, school counselor, or librarian assigned to be present at the school for a prescribed period during the same school year to provide notice of the absence to the parent of or other person standing in parental relation to each student enrolled in the school.

Governor's Reason for Veto: "Our public schools should be focused on educating students in the classroom. Senate Bill 196 detracts from that focus and imposes a needless regulatory mandate on schools."

#### **Senate Bill 570**

**Effective:** Vetoed

**Senate Author:** Rodríguez et al.

**House Sponsor:** Walle et al.

Senate Bill 570 amends the Solid Waste Disposal Act, Health and Safety Code, to set out provisions relating to the regulation of the retention, storage, transportation, disposal, processing, and reuse of used or scrap tires. The bill, among other provisions, requires a person to register annually with the Texas Commission on Environmental Quality (TCEQ) if the person is a used or scrap tire transporter or is a tire processor that is not required to register as a used or scrap tire storage site. The bill requires a transporter or tire processor who is required to register with TCEQ to provide certain financial assurance and requires TCEQ to require a transporter to submit to TCEQ an annual report on the records maintained by the transporter. The bill authorizes a used or scrap tire generator to contract for the transportation of used or scrap tires only with a registered transporter who has filed evidence of financial assurance with TCEQ. The bill makes a generator who contracts for the transportation of used or scrap tires with a transporter the generator knows to be unregistered jointly and severally liable for any civil penalty imposed on the transporter for the illegal disposal of the tires and criminally responsible for certain litter offenses involving the tires committed by the transporter.

## Vetoes by the Governor

Senate Bill 570 amends the Water Code to create offenses relating to reckless violations, and intentional or knowing violations, relating to used or scrap tires.

Governor's Reason for Veto: "Senate Bill 570 criminalizes the violation of administrative rules governing the proper disposal of tires. In order to know whether their handling of used tires is a crime or not, Texans would have to consult the Texas Register and the actions of local governments on a regular basis to ensure the rules governing tire disposal have not changed. Surely there are better ways to address the problem of old tires than by creating a new and vaguely defined crime."

### **Senate Bill 667**

**Effective:** Vetoed

**Senate Author:** Zaffirini et al.

**House Sponsor:** Smithee

Senate Bill 667 amends the Government Code to require the Office of Court Administration to establish and maintain a guardianship compliance program designed to provide additional resources and assistance, including guardianship compliance specialists, to courts that have jurisdiction over guardianship proceedings and to provide for a court's participation in that program.

Governor's Reason for Veto: "This session the Legislature passed, and I have signed, several bills that improve the guardianship system in Texas. This is an important endeavor, and I look forward to seeing the effect of these needed reforms during the interim. Senate Bill 667 would have created a large new staff of state employees to oversee local guardianship arrangements at a cost of over \$5 million a biennium. We should give the new statutory reforms a chance to work, and we should continue to look for cost-effective ways to address this challenge. The creation of a new state bureaucracy should be a last resort."

### **Senate Bill 670**

**Effective:** Vetoed

**Senate Author:** Birdwell et al.

**House Sponsor:** Price et al.

Senate Bill 670 amends the Government Code, Health and Safety Code, and Human Resources Code to require the governor to appoint the commissioner of the Department of State Health Services and the commissioner of the Department of Family and Protective Services.

Governor's Reason for Veto: "The commissioner of the Department of State Health Services is currently appointed by the executive commissioner of the Health and Human Services Commission, a gubernatorial appointee. This arrangement works well. Senate Bill 670 would have required direct gubernatorial appointment of the commissioner of DSHS. That is not needed."

### **Senate Bill 744**

**Effective:** Vetoed

**Senate Author:** Kolkhorst et al.

**House Sponsor:** Phelan et al.

Senate Bill 744 amends the Local Government Code to require a municipality that imposes a tree mitigation fee for tree removal that is necessary for development or construction on a person's property to allow that person to apply for a credit for tree planting to offset the amount of the fee.

Governor's Reason for Veto: "Cities telling landowners what they can and cannot do with the trees in their own backyard is an assault on private property rights. Senate Bill 744 appears to be a compromise bill that imposes a very minor restriction on some municipal tree ordinances. But in doing so, it gives the imprimatur of state law to the municipal micromanagement of private property, which should be abolished altogether. This bill was well-intentioned, but by the end of the legislative process it actually ended up doing more to protect cities than it did to protect the rights of property owners. I applaud the bill authors for their efforts, but I believe we can do better for private property owners in the upcoming special session."

### **Senate Bill 790**

**Effective:** Vetoed

**Senate Author:** Miles et al.

**House Sponsor:** Howard et al.

Senate Bill 790 amends the Government Code to postpone the abolishment of and expiration of statutory provisions relating to the women's health advisory committee.

Governor's Reason for Veto: "The Women's Health Advisory Committee was created last session 'to provide recommendations to [the Health and Human Services Commission] on the consolidation of women's health programs.' By law, the Committee is set to expire in September 2017. The Committee fulfilled its statutory charge after the women's health programs at HHSC were successfully consolidated under the Healthy Texas Women's Program, which launched in July of 2016. The Committee's purpose has been served, and it should be allowed to expire as was promised when it was created last session. In addition, the HHSC executive commissioner is already authorized by the Government Code to maintain advisory committees 'across all major areas of the health and human services system,' so there is no need to continue a particular legislative mandate for a committee that, by law, has achieved its legislative mandate.

"Senate Bill 790 does nothing more than extend the expiration date of a governmental committee that has already successfully completed its mission. Rather than prolong government committees beyond their expiration date, the State should focus on programs that address more clearly identifiable needs, like my call for action to address the maternal mortality rate during the special session."

**Senate Bill 813**

**Effective:** Vetoed

**Senate Author:** Hughes et al.

**House Sponsor:** Meyer

Senate Bill 813 amends the Civil Practice and Remedies Code to create a cause of action for a claimant against whom a state agency takes a regulatory action that is frivolous, unreasonable, or without foundation and who has exhausted administrative remedies.

Governor's Reason for Veto: "State agencies should be held accountable when they abuse their authority. There are many ways to accomplish that goal other than by enticing trial lawyers to sue the taxpayers for damages. Senate Bill 813 is well-intentioned, but it subjects the State to the possibility of extensive financial liability. Under the bill, taxpayer liability would be triggered any time a judge decides the State's action is 'unreasonable,' a vague and broad standard that varies with the eye of the beholder. This financial liability would be borne by the taxpayers, not by the bureaucrats who caused the problem. The bill was inspired by legitimate concerns about regulatory overreach, but exposing the State fisc to limitless jury verdicts is not the right solution."

**Senate Bill 830**

**Effective:** Vetoed

**Senate Author:** Rodríguez

**House Sponsor:** Walle

Senate Bill 830 amends the Finance Code to require a mortgage servicer to provide an annual accounting statement to the borrower of certain loans secured by a lien on residential real property and to provide for the recourse of the borrower for a mortgage servicer's failure to timely provide the statement.

Governor's Reason for Veto: "Senate Bill 830 imposes burdensome new regulatory and paperwork requirements on those who offer seller-financed mortgages. This sort of regulation could increase the price and reduce the availability of these mortgages."

**Senate Bill 1215**

**Effective:** Vetoed

**Senate Author:** Hughes

**House Sponsor:** Shine et al.

Senate Bill 1215 creates a joint interim committee to conduct a study on issues relating to construction contracts in Texas and issue a report on the study to specified legislative officers and appropriate legislative committees. The joint interim committee is abolished and the bill's provisions expire September 1, 2019.

Governor's Reason for Veto: "Senate Bill 1215 creates a joint interim committee of the Legislature to study construction contracts. The House and Senate can, and do, study topics in the interim without passage of a law. Legislation mandating legislative studies and legislative interim committees is unnecessary. The Legislature is free to study construction contracts with or without this bill."



## Vetoes by the Governor

### **Senate Bill 1444**

**Effective:** Vetoed

**Senate Author:** West

**House Sponsor:** Davis, Sarah et al.

Senate Bill 1444 amends the Family Code to require a party requesting a de novo hearing before the referring court in a child protection case to notify the relevant appointed associate judge and to require proceedings relating to such a request to be given precedence over other pending matters to the extent necessary to ensure the court reaches a decision promptly. The bill also prohibits a party from requesting a de novo hearing on a default judgment or on an agreed order and sets out provisions relating to a de novo hearing on an associate judge's proposed final order or judgment following a trial on the merits.

Governor's Reason for Veto: "Associate judges are employees of the court who do not exercise the judicial power of the State on their own. They act only pursuant to the delegated authority of an elected judge. Senate Bill 1444 makes certain judgments entered by associate judges unappealable to the elected judge overseeing the case. The bill would expand the power of unelected judges while contracting the legal options of parties who appear before them. Other aspects of Senate Bill 1444 had merit. The Legislature should reconsider them next session."

### **Senate Bill 1525**

**Effective:** Vetoed

**Senate Author:** Perry

**House Sponsor:** Larson

Senate Bill 1525 requires the Texas Water Development Board (TWDB) to conduct a study of water needs and availability in Texas and use the results of the study to produce a comprehensive water resources map. The bill requires the TWDB, not later than December 1, 2018, to submit to each standing committee of the legislature having primary jurisdiction over water development a report of the findings of the study and the map.

Senate Bill 1525 amends the Water Code to require the TWDB to conduct studies of aquifer storage and recovery projects identified in the state water plan or by interested persons and report the results of each study to regional water planning groups and interested persons. The bill requires the TWDB to conduct a statewide survey of the most favorable areas for aquifer storage and recovery, prepare a report that includes an overview of the survey, and, not later than December 15, 2018, submit the report to the governor, lieutenant governor, and speaker of the house of representatives.

Governor's Reason for Veto: "The Texas Water Development Board can perform the study mandated by Senate Bill 1525 with or without this legislation."

### **Senate Bill 1743**

**Effective:** Vetoed

**Senate Author:** Zaffirini

**House Sponsor:** Hinojosa, Gina et al.

Senate Bill 1743 amends the Education Code, Government Code, and Penal Code to abolish the Office for the Prevention of Developmental Disabilities as an independent office administratively attached to the Health and Human Services Commission, transfer the office to The University of Texas at Austin as a program, and rename the office as the Office for Healthy Children.

Governor's Reason for Veto: "The duties prescribed by Senate Bill 1743 can be performed by the Health and Human Services Commission using existing resources. Executive branch functions need not be assigned to universities."

### **Senate Bill 1912**

**Effective:** Vetoed

**Senate Author:** Zaffirini

**House Sponsor:** Hinojosa, Gina

Senate Bill 1912 amends the Health and Safety Code to authorize a court, with the permission of the commissioners court of the county in which the court is located, to establish a mental health public defender office to provide proposed patients of court-ordered mental health

services with legal representation provided by attorneys associated with that office. The bill requires the court to appoint an attorney associated with such a mental health public defender office, a public defender other than a mental health public defender, or a private attorney to represent a proposed patient in any proceeding relating to court-ordered mental health services. The bill modifies requirements relating to the delivery and filing of certain documents under the Texas Mental Health Code.

Governor's Reason for Veto: "Parts of Senate Bill 1912 are beneficial, but other parts go too far in expanding government. The law already mandates that courts appoint attorneys to represent defendants in cases where the government seeks court-ordered mental health services. Permanent new government offices dedicated to this function are unnecessary. Private attorneys are capable of handling these cases without the expense of a new county bureaucracy."

**Senate Bill 1992**

**Effective:** Vetoed

**Senate Author:** Watson

**House Sponsor:** Isaac

Current law conditions the authority of the governing board of the Texas Department of Housing and Community Affairs to allocate low income housing tax credits to more than one development in a single community in the same calendar year in certain counties on the developments being located more than two linear miles apart. Senate Bill 1992 amends the Government Code to add as an alternative condition under which such allocation is authorized the condition that the developments will serve different types of households and to exclude Travis County from the applicability of the conditions.

Governor's Reason for Veto: "Existing law governing the density of subsidized housing in large cities should remain in place, and Travis County should be subject to the same rules as Bexar, Dallas, Harris, and Tarrant counties."

*This page intentionally left blank.*

# Index to Enacted Bills and Joint Resolutions

House Bill 2 . . . . .	9	House Bill 268 . . . . .	42
House Bill 4 . . . . .	71	House Bill 271 . . . . .	145
House Bill 5 . . . . .	71	House Bill 280 . . . . .	90
House Bill 7 . . . . .	71	House Bill 281 . . . . .	207
House Bill 7 (1st C.S.) . . . . .	137	House Bill 284 . . . . .	90
House Bill 8 . . . . .	237	House Bill 294 . . . . .	283
House Bill 9 . . . . .	41	House Bill 297 . . . . .	207
House Bill 10 . . . . .	89	House Bill 298 (vetoed) . . . . .	42, 293
House Bill 13 . . . . .	89	House Bill 322 . . . . .	43
House Bill 13 (1st C.S.) . . . . .	89	House Bill 332 . . . . .	185
House Bill 21 (1st C.S.) . . . . .	183	House Bill 337 . . . . .	90
House Bill 22 . . . . .	184	House Bill 338 . . . . .	1
House Bill 25 . . . . .	57	House Bill 351 . . . . .	43
House Bill 29 . . . . .	41	House Bill 355 . . . . .	29
House Bill 30 (1st C.S.) . . . . .	9	House Bill 357 . . . . .	185
House Bill 34 . . . . .	41	House Bill 377 . . . . .	145
House Bill 45 . . . . .	72	House Bill 394 . . . . .	169
House Bill 51 . . . . .	169	House Bill 409 . . . . .	269
House Bill 53 . . . . .	23	House Bill 431 . . . . .	33
House Bill 59 . . . . .	165	House Bill 435 . . . . .	207
House Bill 61 (vetoed) . . . . .	184, 293	House Bill 441 . . . . .	185
House Bill 62 . . . . .	269	House Bill 448 . . . . .	169
House Bill 66 . . . . .	107	House Bill 451 . . . . .	131
House Bill 88 . . . . .	131	House Bill 455 . . . . .	253
House Bill 89 . . . . .	85	House Bill 457 . . . . .	165
House Bill 91 . . . . .	153	House Bill 462 (vetoed) . . . . .	237, 293
House Bill 100 . . . . .	269	House Bill 471 . . . . .	15
House Bill 101 . . . . .	287	House Bill 478 . . . . .	23
House Bill 104 . . . . .	42	House Bill 490 . . . . .	117
House Bill 108 . . . . .	131	House Bill 492 . . . . .	91
House Bill 129 . . . . .	65	House Bill 493 . . . . .	145
House Bill 136 . . . . .	185	House Bill 501 . . . . .	165
House Bill 150 . . . . .	253	House Bill 505 . . . . .	165
House Bill 156 . . . . .	185	House Bill 523 . . . . .	185
House Bill 162 . . . . .	29	House Bill 544 . . . . .	287
House Bill 208 . . . . .	90	House Bill 553 . . . . .	29
House Bill 210 . . . . .	90	House Bill 555 . . . . .	137
House Bill 214 . . . . .	33	House Bill 557 . . . . .	43
House Bill 214 (1st C.S.) . . . . .	117	House Bill 561 . . . . .	270
House Bill 215 (1st C.S.) . . . . .	90	House Bill 572 (vetoed) . . . . .	1, 294
House Bill 216 . . . . .	269	House Bill 590 . . . . .	24
House Bill 217 . . . . .	253	House Bill 594 . . . . .	137
House Bill 238 . . . . .	42	House Bill 626 . . . . .	253
House Bill 239 . . . . .	29	House Bill 630 . . . . .	165
House Bill 240 . . . . .	23	House Bill 635 . . . . .	237
House Bill 245 . . . . .	207	House Bill 639 . . . . .	186
House Bill 249 . . . . .	72	House Bill 641 . . . . .	247
House Bill 256 . . . . .	23	House Bill 651 . . . . .	215
House Bill 257 . . . . .	145	House Bill 655 . . . . .	107
House Bill 263 . . . . .	269	House Bill 657 . . . . .	186
House Bill 264 . . . . .	185	House Bill 658 . . . . .	57

## Index

House Bill 674	186	House Bill 1099	179
House Bill 678	127	House Bill 1101	255
House Bill 681	43	House Bill 1103	33
House Bill 683	44	House Bill 1106	238
House Bill 728	186	House Bill 1111	29
House Bill 755	179	House Bill 1116	85
House Bill 776	166	House Bill 1117	146
House Bill 777	254	House Bill 1128	179
House Bill 785	91	House Bill 1140	271
House Bill 789	186	House Bill 1151	57
House Bill 791	166	House Bill 1162	271
House Bill 799	33	House Bill 1166 (vetoed)	24, 294
House Bill 804	254	House Bill 1170	137
House Bill 810	91	House Bill 1178	44
House Bill 822	238	House Bill 1186	215
House Bill 834	73	House Bill 1187	117
House Bill 846	107	House Bill 1197	118
House Bill 865	146	House Bill 1204	127
House Bill 867	186	House Bill 1207	215
House Bill 871	73	House Bill 1208	215
House Bill 873	208	House Bill 1217	238
House Bill 874	153	House Bill 1221	271
House Bill 886	215	House Bill 1227	118
House Bill 890	146	House Bill 1234	33
House Bill 897	254	House Bill 1238	137
House Bill 912	270	House Bill 1247	153
House Bill 913	44	House Bill 1249	271
House Bill 919	131	House Bill 1254	238
House Bill 920	270	House Bill 1256	271
House Bill 928	73	House Bill 1257	44
House Bill 929	57	House Bill 1260	169
House Bill 931	24	House Bill 1264	34
House Bill 932	127	House Bill 1266	44
House Bill 938	270	House Bill 1278	166
House Bill 947	270	House Bill 1284 (vetoed)	153, 294
House Bill 961 (vetoed)	107, 294	House Bill 1288	138
House Bill 965	283	House Bill 1290	238
House Bill 967	215	House Bill 1296	118
House Bill 970	91	House Bill 1298	118
House Bill 979	270	House Bill 1303	271
House Bill 995	73	House Bill 1317	271
House Bill 998	166	House Bill 1331	216
House Bill 999	57	House Bill 1342 (vetoed)	187, 295
House Bill 1001	57	House Bill 1345	271
House Bill 1003	9	House Bill 1346	255
House Bill 1020	33	House Bill 1355	208
House Bill 1036	117	House Bill 1372	272
House Bill 1043	74	House Bill 1406 (vetoed)	238, 295
House Bill 1066	24	House Bill 1407	63
House Bill 1073	117	House Bill 1410	74
House Bill 1075	187	House Bill 1424	44
House Bill 1076	187	House Bill 1426 (vetoed)	30, 295
House Bill 1081	187	House Bill 1428	203
House Bill 1083	283	House Bill 1432	131

House Bill 1433 (vetoed) . . . . .	132, 295	House Bill 1631 . . . . .	216
House Bill 1434 . . . . .	272	House Bill 1638 . . . . .	108
House Bill 1439 . . . . .	216	House Bill 1642 . . . . .	92
House Bill 1440 . . . . .	216	House Bill 1643 . . . . .	209
House Bill 1442 . . . . .	45	House Bill 1644 . . . . .	239
House Bill 1445 . . . . .	216	House Bill 1645 . . . . .	188
House Bill 1448 . . . . .	216	House Bill 1646 . . . . .	147
House Bill 1449 . . . . .	179	House Bill 1648 . . . . .	287
House Bill 1455 . . . . .	216	House Bill 1655 . . . . .	147
House Bill 1456 . . . . .	132	House Bill 1657 . . . . .	154
House Bill 1463 . . . . .	24	House Bill 1661 . . . . .	58
House Bill 1468 . . . . .	91	House Bill 1664 . . . . .	216
House Bill 1469 . . . . .	187	House Bill 1691 . . . . .	272
House Bill 1470 . . . . .	179	House Bill 1697 . . . . .	92
House Bill 1472 . . . . .	108	House Bill 1698 . . . . .	154
House Bill 1480 . . . . .	34	House Bill 1699 . . . . .	272
House Bill 1481 . . . . .	67	House Bill 1701 . . . . .	10
House Bill 1483 . . . . .	272	House Bill 1704 . . . . .	25
House Bill 1486 . . . . .	91	House Bill 1709 . . . . .	217
House Bill 1492 . . . . .	10	House Bill 1716 . . . . .	217
House Bill 1494 . . . . .	255	House Bill 1724 . . . . .	170
House Bill 1495 . . . . .	74	House Bill 1727 . . . . .	45
House Bill 1500 (vetoed) . . . . .	188, 296	House Bill 1729 . . . . .	45
House Bill 1501 . . . . .	74	House Bill 1730 . . . . .	1
House Bill 1503 . . . . .	208	House Bill 1735 . . . . .	58
House Bill 1507 . . . . .	45	House Bill 1761 . . . . .	34
House Bill 1508 . . . . .	153	House Bill 1764 (vetoed) . . . . .	272, 296
House Bill 1510 . . . . .	63	House Bill 1771 . . . . .	209
House Bill 1512 . . . . .	180	House Bill 1774 . . . . .	119
House Bill 1521 . . . . .	75	House Bill 1780 . . . . .	209
House Bill 1526 . . . . .	208	House Bill 1787 . . . . .	92
House Bill 1542 . . . . .	75	House Bill 1790 . . . . .	273
House Bill 1543 . . . . .	92	House Bill 1791 . . . . .	273
House Bill 1545 . . . . .	208	House Bill 1793 . . . . .	273
House Bill 1549 . . . . .	75	House Bill 1794 . . . . .	93
House Bill 1553 . . . . .	188	House Bill 1808 . . . . .	45
House Bill 1555 . . . . .	5	House Bill 1810 . . . . .	46
House Bill 1556 . . . . .	75	House Bill 1814 . . . . .	173
House Bill 1559 . . . . .	118	House Bill 1816 . . . . .	63
House Bill 1569 . . . . .	188	House Bill 1818 . . . . .	247
House Bill 1570 . . . . .	208	House Bill 1819 . . . . .	46
House Bill 1571 . . . . .	65	House Bill 1823 . . . . .	273
House Bill 1573 . . . . .	287	House Bill 1829 . . . . .	239
House Bill 1584 . . . . .	67	House Bill 1859 (vetoed) . . . . .	15, 297
House Bill 1586 (vetoed) . . . . .	154, 296	House Bill 1860 . . . . .	147
House Bill 1593 . . . . .	188	House Bill 1861 . . . . .	166
House Bill 1600 . . . . .	92	House Bill 1866 . . . . .	46
House Bill 1606 . . . . .	146	House Bill 1877 . . . . .	173
House Bill 1608 . . . . .	75	House Bill 1884 . . . . .	46
House Bill 1612 . . . . .	5	House Bill 1886 . . . . .	188
House Bill 1619 . . . . .	67	House Bill 1891 . . . . .	170
House Bill 1625 . . . . .	67	House Bill 1896 . . . . .	255
House Bill 1629 . . . . .	92	House Bill 1904 . . . . .	34
House Bill 1630 . . . . .	146	House Bill 1905 . . . . .	147

## Index

House Bill 1913	108	House Bill 2119	134
House Bill 1917	93	House Bill 2121	25
House Bill 1920	247	House Bill 2124	76
House Bill 1921	247	House Bill 2126	256
House Bill 1930	10	House Bill 2130	189
House Bill 1934	147	House Bill 2134	217
House Bill 1935	46	House Bill 2157	58
House Bill 1944	119	House Bill 2174	1
House Bill 1946	217	House Bill 2180	248
House Bill 1948	15	House Bill 2182 (vetoed)	256, 297
House Bill 1956	273	House Bill 2194	108
House Bill 1959	273	House Bill 2207	173
House Bill 1962	217	House Bill 2214	93
House Bill 1963	217	House Bill 2215	287
House Bill 1974	173	House Bill 2220	218
House Bill 1978	154	House Bill 2223	108
House Bill 1982	217	House Bill 2228	256
House Bill 1983	132	House Bill 2252	68
House Bill 1989	132	House Bill 2263	189
House Bill 1990	132	House Bill 2271	173
House Bill 1995	25	House Bill 2275	155
House Bill 2004	55	House Bill 2277	256
House Bill 2007	147	House Bill 2279	155
House Bill 2008	15	House Bill 2285	109
House Bill 2009	148	House Bill 2299	5
House Bill 2010	189	House Bill 2306	209
House Bill 2015	58	House Bill 2319	274
House Bill 2019	180	House Bill 2323	58
House Bill 2025	93	House Bill 2324	59
House Bill 2027	16	House Bill 2332	218
House Bill 2029	1	House Bill 2334 (vetoed)	119, 297
House Bill 2039	189	House Bill 2339	16
House Bill 2040	138	House Bill 2358	218
House Bill 2048	76	House Bill 2359	25
House Bill 2053	132	House Bill 2369	283
House Bill 2056	133	House Bill 2377 (vetoed)	287, 297
House Bill 2059	46	House Bill 2378 (vetoed)	288, 298
House Bill 2060	133	House Bill 2379	94
House Bill 2061	133	House Bill 2386	68
House Bill 2062	93	House Bill 2410 (vetoed)	59, 298
House Bill 2064	217	House Bill 2413	167
House Bill 2065	274	House Bill 2425	94
House Bill 2067	256	House Bill 2431	109
House Bill 2070	154	House Bill 2437	120
House Bill 2079	239	House Bill 2442	190
House Bill 2082	133	House Bill 2443	134
House Bill 2087	189	House Bill 2445	257
House Bill 2095	154	House Bill 2463 (vetoed)	239, 298
House Bill 2097	5	House Bill 2466	94
House Bill 2101	5	House Bill 2475 (vetoed)	257, 299
House Bill 2111	133	House Bill 2486	148
House Bill 2112	133	House Bill 2492	120
House Bill 2113	155	House Bill 2501	120
House Bill 2115	148	House Bill 2504	218

House Bill 2523	94	House Bill 2819	109
House Bill 2529	47	House Bill 2823	16
House Bill 2533	68	House Bill 2825	219
House Bill 2537	190	House Bill 2837	59
House Bill 2542	120	House Bill 2848	76
House Bill 2546	134	House Bill 2849	76
House Bill 2552	47	House Bill 2856	16
House Bill 2557	274	House Bill 2875	34
House Bill 2559	59	House Bill 2880	48
House Bill 2561	248	House Bill 2881	219
House Bill 2565	218	House Bill 2886	26
House Bill 2566	218	House Bill 2888	30
House Bill 2567	2	House Bill 2891	26
House Bill 2578	155	House Bill 2895	109
House Bill 2579	16	House Bill 2904	95
House Bill 2580	16	House Bill 2908	48
House Bill 2582	68	House Bill 2912	219
House Bill 2588	65	House Bill 2927	77
House Bill 2590	94	House Bill 2928	10
House Bill 2610	218	House Bill 2931	48
House Bill 2612	25	House Bill 2933	148
House Bill 2615	155	House Bill 2937	109
House Bill 2619	209	House Bill 2938	219
House Bill 2639	63	House Bill 2943 (vetoed)	288, 300
House Bill 2646	274	House Bill 2949	17
House Bill 2647	10	House Bill 2950	248
House Bill 2654	138	House Bill 2964	17
House Bill 2662	68	House Bill 2968	275
House Bill 2663	274	House Bill 2985	139
House Bill 2671	48	House Bill 2987	219
House Bill 2675	274	House Bill 2989	258
House Bill 2687	218	House Bill 2994	110
House Bill 2700	275	House Bill 2995	95
House Bill 2703	76	House Bill 2999	258
House Bill 2725	138	House Bill 3003	6
House Bill 2729	190	House Bill 3016	48
House Bill 2738	156	House Bill 3018	121
House Bill 2739	156	House Bill 3019	48
House Bill 2761	148	House Bill 3021	85
House Bill 2762	138	House Bill 3024	190
House Bill 2765	156	House Bill 3025 (vetoed)	289, 300
House Bill 2771	288	House Bill 3029	156
House Bill 2774 (vetoed)	275, 299	House Bill 3042	210
House Bill 2776	26	House Bill 3045	258
House Bill 2783 (vetoed)	26, 299	House Bill 3046	258
House Bill 2788	218	House Bill 3047	167
House Bill 2790	190	House Bill 3049	157
House Bill 2792 (vetoed)	180, 299	House Bill 3050	275
House Bill 2798 (vetoed)	69, 300	House Bill 3051	49
House Bill 2803	219	House Bill 3052	77
House Bill 2804	95	House Bill 3055 (vetoed)	59, 300
House Bill 2812	210	House Bill 3056	203
House Bill 2817	2	House Bill 3063	2
House Bill 2818	156	House Bill 3066	148



## Index

House Bill 3069	35	House Bill 3398	96
House Bill 3075	190	House Bill 3402	240
House Bill 3078	248	House Bill 3423	240
House Bill 3083	110	House Bill 3433	55
House Bill 3087	275	House Bill 3442	220
House Bill 3101	6	House Bill 3453	139
House Bill 3103	258	House Bill 3470	139
House Bill 3107	167	House Bill 3481	35
House Bill 3125	157	House Bill 3484	259
House Bill 3130	30	House Bill 3488	17
House Bill 3131	157	House Bill 3492	167
House Bill 3136	220	House Bill 3496	122
House Bill 3147	49	House Bill 3504	220
House Bill 3152	95	House Bill 3521	149
House Bill 3157	191	House Bill 3526	191
House Bill 3158	203	House Bill 3535	170
House Bill 3165	49	House Bill 3536	276
House Bill 3167	35	House Bill 3537	170
House Bill 3173	220	House Bill 3563	192
House Bill 3177	69	House Bill 3564	96
House Bill 3178	220	House Bill 3567	149
House Bill 3185	220	House Bill 3574	180
House Bill 3198	65	House Bill 3576	96
House Bill 3215	17	House Bill 3593	192
House Bill 3218	121	House Bill 3618	289
House Bill 3220	121	House Bill 3632	192
House Bill 3223	210	House Bill 3647	210
House Bill 3227	2	House Bill 3649	77
House Bill 3232	258	House Bill 3654	276
House Bill 3237	49	House Bill 3675	96
House Bill 3243	157	House Bill 3690	49
House Bill 3254	275	House Bill 3705	128
House Bill 3257	157	House Bill 3706	192
House Bill 3270	191	House Bill 3726	65
House Bill 3272	276	House Bill 3727	139
House Bill 3275	239	House Bill 3735	289
House Bill 3276	121	House Bill 3765	11
House Bill 3281 (vetoed)	139, 301	House Bill 3781	171
House Bill 3283	276	House Bill 3783	221
House Bill 3287	6	House Bill 3784	210
House Bill 3292	95	House Bill 3803	122
House Bill 3294	55	House Bill 3808	158
House Bill 3295	96	House Bill 3810	240
House Bill 3296	158	House Bill 3845	77
House Bill 3321	35	House Bill 3849	11
House Bill 3329	158	House Bill 3859	78
House Bill 3338	77	House Bill 3872	49
House Bill 3342	17	House Bill 3879	180
House Bill 3349	191	House Bill 3903	59
House Bill 3356	26	House Bill 3907	158
House Bill 3359	276	House Bill 3917	276
House Bill 3376	276	House Bill 3921	18
House Bill 3389	259	House Bill 3934	97
House Bill 3391	35	House Bill 3952	2

House Bill 3954	97	House Bill 4324	224
House Bill 3964	277	House Bill 4325	224
House Bill 3976	203	House Bill 4331	225
House Bill 3987 (vetoed)	289, 301	House Bill 4333	225
House Bill 3992	3	House Bill 4334	225
House Bill 4002	259	House Bill 4335	225
House Bill 4007	158	House Bill 4340	225
House Bill 4029	259	House Bill 4341	225
House Bill 4032	35	House Bill 4345	225
House Bill 4034	60	House Bill 4347	225
House Bill 4035	204	House Joint Resolution 21	260
House Bill 4038	259	House Joint Resolution 37	18
House Bill 4042	6	House Joint Resolution 100	159
House Bill 4054	259	Senate Bill 1 (line-item veto)	11, 302
House Bill 4056	97	Senate Bill 4	140
House Bill 4094	78	Senate Bill 5	60
House Bill 4102	50	Senate Bill 5 (1st C.S.)	60
House Bill 4104	36	Senate Bill 6 (1st C.S.)	140
House Bill 4114	140	Senate Bill 7	192
House Bill 4147	36	Senate Bill 8	97
House Bill 4156	277	Senate Bill 11	78
House Bill 4181	69	Senate Bill 11 (1st C.S.)	98
House Bill 4187	260	Senate Bill 12	211
House Bill 4268	221	Senate Bill 15	260
House Bill 4270	221	Senate Bill 16	211
House Bill 4272	221	Senate Bill 17 (1st C.S.)	99
House Bill 4275	221	Senate Bill 20 (1st C.S.)	248
House Bill 4276	110	Senate Bill 21	240
House Bill 4277	221	Senate Bill 22	193
House Bill 4279	221	Senate Bill 24	27
House Bill 4280	128	Senate Bill 27	149
House Bill 4281	36	Senate Bill 28	277
House Bill 4283	222	Senate Bill 30	211
House Bill 4284	36	Senate Bill 36	174
House Bill 4285	222	Senate Bill 39	174
House Bill 4287	222	Senate Bill 40	36
House Bill 4289	222	Senate Bill 42	37
House Bill 4290	222	Senate Bill 43	37
House Bill 4291	222	Senate Bill 44	60
House Bill 4292	222	Senate Bill 46	37
House Bill 4297	223	Senate Bill 47	37
House Bill 4298	223	Senate Bill 49	149
House Bill 4300	97	Senate Bill 55	204
House Bill 4301	223	Senate Bill 59	66
House Bill 4303	223	Senate Bill 60 (1st C.S.)	249
House Bill 4309	223	Senate Bill 73	240
House Bill 4310 (vetoed)	223, 301	Senate Bill 74	99
House Bill 4311 (vetoed)	223, 302	Senate Bill 77	79
House Bill 4312 (vetoed)	223, 302	Senate Bill 78	241
House Bill 4313 (vetoed)	224, 302	Senate Bill 79	167
House Bill 4314 (vetoed)	224, 302	Senate Bill 81	241
House Bill 4315	224	Senate Bill 82	277
House Bill 4320	224	Senate Bill 102	149
House Bill 4321	224	Senate Bill 128	277

## Index

Senate Bill 132	12	Senate Bill 413	51
Senate Bill 160	193	Senate Bill 416	241
Senate Bill 179	193	Senate Bill 417	122
Senate Bill 190	79	Senate Bill 436	194
Senate Bill 195	193	Senate Bill 440	261
Senate Bill 196 (vetoed)	193, 303	Senate Bill 441	149
Senate Bill 203	79	Senate Bill 463	194
Senate Bill 208	159	Senate Bill 468	141
Senate Bill 213	80	Senate Bill 489	194
Senate Bill 227	50	Senate Bill 490	194
Senate Bill 239	50	Senate Bill 491	111
Senate Bill 248	225	Senate Bill 492	141
Senate Bill 252	85	Senate Bill 495	80
Senate Bill 253	12	Senate Bill 497	80
Senate Bill 255	86	Senate Bill 499	175
Senate Bill 256	50	Senate Bill 500	204
Senate Bill 257	80	Senate Bill 507	122
Senate Bill 259	38	Senate Bill 510	168
Senate Bill 261	86	Senate Bill 511	175
Senate Bill 262	86	Senate Bill 524	51
Senate Bill 263	211	Senate Bill 526	241
Senate Bill 276	194	Senate Bill 527	51
Senate Bill 277	260	Senate Bill 528	242
Senate Bill 286	110	Senate Bill 532	242
Senate Bill 291	50	Senate Bill 533	86
Senate Bill 292	99	Senate Bill 537	111
Senate Bill 295	141	Senate Bill 539	80
Senate Bill 297	211	Senate Bill 544	150
Senate Bill 298	12	Senate Bill 546	99
Senate Bill 301	249	Senate Bill 547	100
Senate Bill 302	249	Senate Bill 549	159
Senate Bill 303	250	Senate Bill 550	261
Senate Bill 304	250	Senate Bill 554	226
Senate Bill 312	250	Senate Bill 559	283
Senate Bill 313	250	Senate Bill 560	18
Senate Bill 314	251	Senate Bill 561	123
Senate Bill 315	251	Senate Bill 564	168
Senate Bill 317	251	Senate Bill 570 (vetoed)	69, 303
Senate Bill 319	251	Senate Bill 573	171
Senate Bill 320	226	Senate Bill 578	150
Senate Bill 321	226	Senate Bill 579	195
Senate Bill 323	51	Senate Bill 584	100
Senate Bill 331	110	Senate Bill 586	284
Senate Bill 341	27	Senate Bill 587	195
Senate Bill 343	51	Senate Bill 588	150
Senate Bill 344	99	Senate Bill 589	160
Senate Bill 345	261	Senate Bill 591	150
Senate Bill 347	168	Senate Bill 593	180
Senate Bill 364	277	Senate Bill 594	261
Senate Bill 365	277	Senate Bill 613	100
Senate Bill 371	6	Senate Bill 617	175
Senate Bill 377	111	Senate Bill 622	141
Senate Bill 396	278	Senate Bill 625	226
Senate Bill 402	278	Senate Bill 631	51

Senate Bill 634 . . . . .	111	Senate Bill 869 . . . . .	176
Senate Bill 654 . . . . .	100	Senate Bill 873 . . . . .	284
Senate Bill 667 (vetoed) . . . . .	175, 304	Senate Bill 877 . . . . .	134
Senate Bill 670 (vetoed) . . . . .	100, 304	Senate Bill 879 . . . . .	81
Senate Bill 671 . . . . .	195	Senate Bill 881 . . . . .	227
Senate Bill 674 . . . . .	160	Senate Bill 887 . . . . .	112
Senate Bill 679 . . . . .	160	Senate Bill 894 . . . . .	101
Senate Bill 680 . . . . .	123	Senate Bill 904 . . . . .	227
Senate Bill 686 . . . . .	261	Senate Bill 905 . . . . .	227
Senate Bill 693 . . . . .	278	Senate Bill 914 . . . . .	227
Senate Bill 705 . . . . .	168	Senate Bill 919 . . . . .	101
Senate Bill 706 . . . . .	242	Senate Bill 920 . . . . .	181
Senate Bill 712 . . . . .	81	Senate Bill 922 . . . . .	101
Senate Bill 714 . . . . .	18	Senate Bill 924 . . . . .	102
Senate Bill 718 . . . . .	123	Senate Bill 928 . . . . .	278
Senate Bill 719 . . . . .	111	Senate Bill 929 . . . . .	262
Senate Bill 720 . . . . .	171	Senate Bill 942 . . . . .	262
Senate Bill 721 . . . . .	160	Senate Bill 944 . . . . .	27
Senate Bill 725 . . . . .	195	Senate Bill 945 . . . . .	263
Senate Bill 726 . . . . .	226	Senate Bill 948 . . . . .	81
Senate Bill 731 . . . . .	262	Senate Bill 952 . . . . .	181
Senate Bill 735 . . . . .	284	Senate Bill 957 . . . . .	61
Senate Bill 736 . . . . .	242	Senate Bill 964 . . . . .	227
Senate Bill 738 . . . . .	81	Senate Bill 966 . . . . .	52
Senate Bill 744 (vetoed) . . . . .	141, 304	Senate Bill 968 . . . . .	112
Senate Bill 745 . . . . .	262	Senate Bill 969 . . . . .	112
Senate Bill 748 . . . . .	195	Senate Bill 975 . . . . .	278
Senate Bill 749 . . . . .	226	Senate Bill 976 . . . . .	228
Senate Bill 751 . . . . .	150	Senate Bill 977 . . . . .	13
Senate Bill 752 . . . . .	61	Senate Bill 988 . . . . .	142
Senate Bill 754 . . . . .	196	Senate Bill 998 . . . . .	52
Senate Bill 758 . . . . .	142	Senate Bill 999 . . . . .	81
Senate Bill 762 . . . . .	51	Senate Bill 1001 . . . . .	279
Senate Bill 763 . . . . .	242	Senate Bill 1002 . . . . .	284
Senate Bill 769 . . . . .	151	Senate Bill 1003 . . . . .	285
Senate Bill 790 (vetoed) . . . . .	101, 304	Senate Bill 1004 . . . . .	142
Senate Bill 799 . . . . .	262	Senate Bill 1005 . . . . .	197
Senate Bill 801 . . . . .	196	Senate Bill 1009 . . . . .	290
Senate Bill 802 . . . . .	112	Senate Bill 1012 . . . . .	124
Senate Bill 805 . . . . .	151	Senate Bill 1014 . . . . .	228
Senate Bill 807 . . . . .	18	Senate Bill 1015 . . . . .	142
Senate Bill 810 . . . . .	196	Senate Bill 1016 . . . . .	176
Senate Bill 813 (vetoed) . . . . .	27, 305	Senate Bill 1021 . . . . .	102
Senate Bill 814 . . . . .	227	Senate Bill 1023 . . . . .	168
Senate Bill 825 . . . . .	197	Senate Bill 1024 . . . . .	212
Senate Bill 826 . . . . .	197	Senate Bill 1033 . . . . .	113
Senate Bill 830 (vetoed) . . . . .	18, 305	Senate Bill 1037 . . . . .	279
Senate Bill 840 . . . . .	212	Senate Bill 1045 . . . . .	70
Senate Bill 843 . . . . .	52	Senate Bill 1047 . . . . .	263
Senate Bill 848 . . . . .	278	Senate Bill 1049 . . . . .	102
Senate Bill 854 . . . . .	63	Senate Bill 1051 . . . . .	279
Senate Bill 864 . . . . .	290	Senate Bill 1052 . . . . .	19
Senate Bill 865 . . . . .	227	Senate Bill 1062 . . . . .	279
Senate Bill 867 . . . . .	278	Senate Bill 1063 . . . . .	81

## Index

Senate Bill 1066 . . . . .	113	Senate Bill 1246 . . . . .	38
Senate Bill 1070 . . . . .	124	Senate Bill 1248 . . . . .	142
Senate Bill 1073 . . . . .	124	Senate Bill 1249 . . . . .	28
Senate Bill 1076 . . . . .	124	Senate Bill 1250 . . . . .	52
Senate Bill 1083 . . . . .	263	Senate Bill 1253 . . . . .	212
Senate Bill 1085 . . . . .	228	Senate Bill 1260 . . . . .	228
Senate Bill 1086 . . . . .	263	Senate Bill 1261 . . . . .	229
Senate Bill 1089 . . . . .	160	Senate Bill 1264 . . . . .	38
Senate Bill 1091 . . . . .	113	Senate Bill 1286 . . . . .	264
Senate Bill 1095 . . . . .	263	Senate Bill 1289 . . . . .	87
Senate Bill 1096 . . . . .	176	Senate Bill 1290 . . . . .	212
Senate Bill 1098 . . . . .	243	Senate Bill 1291 . . . . .	280
Senate Bill 1099 . . . . .	279	Senate Bill 1298 . . . . .	38
Senate Bill 1102 . . . . .	279	Senate Bill 1300 . . . . .	103
Senate Bill 1105 . . . . .	13	Senate Bill 1304 . . . . .	128
Senate Bill 1107 . . . . .	102	Senate Bill 1305 . . . . .	280
Senate Bill 1109 . . . . .	61	Senate Bill 1314 . . . . .	128
Senate Bill 1118 . . . . .	228	Senate Bill 1318 . . . . .	198
Senate Bill 1119 . . . . .	113	Senate Bill 1326 . . . . .	53
Senate Bill 1120 . . . . .	264	Senate Bill 1329 . . . . .	38
Senate Bill 1123 . . . . .	113	Senate Bill 1330 . . . . .	70
Senate Bill 1124 . . . . .	243	Senate Bill 1343 . . . . .	19
Senate Bill 1129 . . . . .	228	Senate Bill 1345 . . . . .	265
Senate Bill 1131 . . . . .	228	Senate Bill 1349 . . . . .	243
Senate Bill 1133 . . . . .	264	Senate Bill 1353 . . . . .	198
Senate Bill 1136 . . . . .	264	Senate Bill 1361 . . . . .	229
Senate Bill 1138 . . . . .	212	Senate Bill 1365 . . . . .	265
Senate Bill 1145 . . . . .	285	Senate Bill 1367 . . . . .	114
Senate Bill 1148 . . . . .	161	Senate Bill 1371 . . . . .	151
Senate Bill 1152 . . . . .	197	Senate Bill 1381 . . . . .	19
Senate Bill 1153 . . . . .	197	Senate Bill 1383 . . . . .	280
Senate Bill 1158 . . . . .	103	Senate Bill 1384 . . . . .	280
Senate Bill 1171 . . . . .	125	Senate Bill 1390 . . . . .	265
Senate Bill 1172 . . . . .	3	Senate Bill 1395 . . . . .	229
Senate Bill 1176 . . . . .	7	Senate Bill 1398 . . . . .	198
Senate Bill 1177 . . . . .	197	Senate Bill 1400 . . . . .	19
Senate Bill 1179 . . . . .	87	Senate Bill 1401 . . . . .	20
Senate Bill 1187 . . . . .	280	Senate Bill 1402 . . . . .	20
Senate Bill 1193 . . . . .	176	Senate Bill 1403 . . . . .	20
Senate Bill 1196 . . . . .	28	Senate Bill 1404 . . . . .	198
Senate Bill 1198 . . . . .	228	Senate Bill 1406 . . . . .	125
Senate Bill 1199 . . . . .	161	Senate Bill 1422 . . . . .	66
Senate Bill 1203 . . . . .	52	Senate Bill 1430 . . . . .	290
Senate Bill 1205 . . . . .	243	Senate Bill 1440 . . . . .	168
Senate Bill 1214 . . . . .	52	Senate Bill 1444 (vetoed) . . . . .	82, 306
Senate Bill 1215 (vetoed) . . . . .	19, 305	Senate Bill 1446 . . . . .	243
Senate Bill 1220 . . . . .	82	Senate Bill 1450 . . . . .	125
Senate Bill 1221 . . . . .	264	Senate Bill 1459 . . . . .	3
Senate Bill 1229 . . . . .	70	Senate Bill 1462 . . . . .	103
Senate Bill 1232 . . . . .	52	Senate Bill 1465 . . . . .	266
Senate Bill 1233 . . . . .	38	Senate Bill 1476 . . . . .	285
Senate Bill 1237 . . . . .	82	Senate Bill 1479 . . . . .	229
Senate Bill 1238 . . . . .	181	Senate Bill 1480 . . . . .	198
Senate Bill 1242 . . . . .	82	Senate Bill 1488 . . . . .	243

Senate Bill 1489 . . . . .	229	Senate Bill 1767 . . . . .	266
Senate Bill 1490 . . . . .	125	Senate Bill 1780 . . . . .	143
Senate Bill 1492 . . . . .	126	Senate Bill 1781 . . . . .	114
Senate Bill 1494 . . . . .	134	Senate Bill 1782 . . . . .	114
Senate Bill 1501 . . . . .	161	Senate Bill 1784 . . . . .	199
Senate Bill 1502 . . . . .	161	Senate Bill 1799 . . . . .	115
Senate Bill 1503 . . . . .	161	Senate Bill 1805 . . . . .	213
Senate Bill 1511 . . . . .	290	Senate Bill 1806 . . . . .	83
Senate Bill 1516 . . . . .	162	Senate Bill 1813 . . . . .	115
Senate Bill 1517 . . . . .	20	Senate Bill 1831 . . . . .	13
Senate Bill 1518 . . . . .	21	Senate Bill 1837 . . . . .	200
Senate Bill 1519 . . . . .	7	Senate Bill 1839 . . . . .	200
Senate Bill 1522 . . . . .	280	Senate Bill 1842 . . . . .	285
Senate Bill 1523 . . . . .	280	Senate Bill 1843 . . . . .	200
Senate Bill 1524 . . . . .	281	Senate Bill 1849 . . . . .	213
Senate Bill 1525 (vetoed) . . . . .	290, 306	Senate Bill 1864 . . . . .	230
Senate Bill 1526 . . . . .	229	Senate Bill 1871 . . . . .	66
Senate Bill 1533 . . . . .	103	Senate Bill 1873 . . . . .	200
Senate Bill 1538 . . . . .	126	Senate Bill 1877 . . . . .	281
Senate Bill 1541 . . . . .	66	Senate Bill 1878 . . . . .	143
Senate Bill 1548 . . . . .	128	Senate Bill 1882 . . . . .	201
Senate Bill 1553 . . . . .	199	Senate Bill 1893 . . . . .	39
Senate Bill 1557 . . . . .	266	Senate Bill 1895 . . . . .	134
Senate Bill 1559 . . . . .	176	Senate Bill 1901 . . . . .	201
Senate Bill 1565 . . . . .	103	Senate Bill 1910 . . . . .	244
Senate Bill 1566 . . . . .	199	Senate Bill 1911 . . . . .	39
Senate Bill 1571 . . . . .	82	Senate Bill 1912 (vetoed) . . . . .	39, 306
Senate Bill 1576 . . . . .	30	Senate Bill 1913 . . . . .	53
Senate Bill 1584 . . . . .	31	Senate Bill 1932 . . . . .	162
Senate Bill 1599 . . . . .	103	Senate Bill 1936 . . . . .	151
Senate Bill 1625 . . . . .	162	Senate Bill 1944 . . . . .	152
Senate Bill 1630 . . . . .	104	Senate Bill 1952 . . . . .	281
Senate Bill 1633 . . . . .	162	Senate Bill 1954 . . . . .	206
Senate Bill 1649 . . . . .	53	Senate Bill 1955 . . . . .	181
Senate Bill 1663 . . . . .	205	Senate Bill 1963 . . . . .	201
Senate Bill 1664 . . . . .	205	Senate Bill 1965 . . . . .	83
Senate Bill 1665 . . . . .	205	Senate Bill 1968 . . . . .	152
Senate Bill 1667 . . . . .	70	Senate Bill 1969 . . . . .	162
Senate Bill 1676 . . . . .	151	Senate Bill 1976 . . . . .	285
Senate Bill 1677 . . . . .	151	Senate Bill 1987 . . . . .	230
Senate Bill 1679 . . . . .	151	Senate Bill 1992 (vetoed) . . . . .	182, 307
Senate Bill 1680 . . . . .	104	Senate Bill 2006 . . . . .	281
Senate Bill 1693 . . . . .	104	Senate Bill 2014 . . . . .	230
Senate Bill 1705 . . . . .	83	Senate Bill 2027 . . . . .	135
Senate Bill 1709 . . . . .	177	Senate Bill 2039 . . . . .	201
Senate Bill 1710 . . . . .	177	Senate Bill 2053 . . . . .	39
Senate Bill 1727 . . . . .	230	Senate Bill 2056 . . . . .	266
Senate Bill 1731 . . . . .	244	Senate Bill 2065 . . . . .	162
Senate Bill 1732 . . . . .	281	Senate Bill 2068 . . . . .	231
Senate Bill 1735 . . . . .	205	Senate Bill 2075 . . . . .	281
Senate Bill 1743 (vetoed) . . . . .	104, 306	Senate Bill 2076 . . . . .	282
Senate Bill 1748 . . . . .	55	Senate Bill 2080 . . . . .	201
Senate Bill 1758 . . . . .	83	Senate Bill 2082 . . . . .	115
Senate Bill 1764 . . . . .	177	Senate Bill 2084 . . . . .	202

## Index

Senate Bill 2087 . . . . .	126
Senate Bill 2105 . . . . .	135
Senate Bill 2117 . . . . .	105
Senate Bill 2118 . . . . .	115
Senate Bill 2141 . . . . .	202
Senate Bill 2150 . . . . .	177
Senate Bill 2166 . . . . .	267
Senate Bill 2174 . . . . .	40
Senate Bill 2186 . . . . .	231
Senate Bill 2190 . . . . .	206
Senate Bill 2205 . . . . .	282
Senate Bill 2212 . . . . .	163
Senate Bill 2227 . . . . .	282
Senate Bill 2242 . . . . .	267
Senate Bill 2243 . . . . .	231
Senate Bill 2244 . . . . .	231
Senate Bill 2245 . . . . .	232
Senate Bill 2252 . . . . .	232
Senate Bill 2253 . . . . .	232
Senate Bill 2255 . . . . .	129
Senate Bill 2262 . . . . .	232
Senate Bill 2263 . . . . .	232
Senate Bill 2267 . . . . .	232
Senate Bill 2268 . . . . .	232
Senate Bill 2271 . . . . .	232
Senate Bill 2273 . . . . .	232
Senate Bill 2274 . . . . .	233
Senate Bill 2275 . . . . .	233
Senate Bill 2276 . . . . .	233
Senate Bill 2277 . . . . .	233
Senate Bill 2280 . . . . .	233
Senate Bill 2282 . . . . .	233
Senate Bill 2283 . . . . .	143
Senate Bill 2284 . . . . .	233
Senate Bill 2285 . . . . .	233
Senate Bill 2286 . . . . .	233
Senate Bill 2287 . . . . .	234
Senate Bill 2290 . . . . .	234
Senate Bill 2292 . . . . .	234
Senate Bill 2295 . . . . .	234
Senate Bill 2296 . . . . .	234
Senate Bill 2297 . . . . .	234
Senate Bill 2298 . . . . .	234
Senate Bill 2299 . . . . .	235
Senate Joint Resolution 1 . . . . .	267
Senate Joint Resolution 2 . . . . .	245
Senate Joint Resolution 6 . . . . .	40
Senate Joint Resolution 34 . . . . .	245
Senate Joint Resolution 38 . . . . .	245
Senate Joint Resolution 60 . . . . .	21